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Economy and Environment, Development Management

Planning Committee

Report of Head of Planning, Engineering and Transportation on 02-Mar-2017

Plans List Item Number: 1.

Reason for bringing to committee: Major Development

Location: LAND OFF, ST LAWRENCE WAY, DARLASTON, WS10 8UZ

Proposal: CONSTRUCTION OF 8 HOUSES AND 15 FLATS.

Application Number: 16/1347
Applicant: Walsall Housing Group with
Thomas Vale C
Agent: Steve Faizey
Application Type: Full Application

Case Officer: Mike Brereton
Ward: Darlaston South
Expired Date: 21-Dec-2016
Time Extension Expiry: 10-Mar-2017

Recommendation Summary: Grant permission subject to conditions and a Planning Obligation



Application and Site Details

The application site is an area of open land (approximately 0.36ha) previously occupied by two blocks of high rise flats which were demolished in 2004. The site fronts the section of St Lawrence Way which contains bus shelters with the bus interchange and Asda supermarket further to the north-east. The site contains an existing vehicular access through the centre of the site serving flats fronting Pinfold Street and known as Wesleys Fold (simple utilitarian two storey flats with pitched roofs and plain facing brickwork). This access is owned by the applicant (Walsall Housing Group) and provides a right of way to Accord Housing Association (owners of Wesleys Fold). The submitted Design and Access Statement explains this access and right of way would be retained and improved by way of re-surfacing and provision of new footpaths. A rear access strip serving properties along King Edward Street is also shown to be retained. Asda is a large single storey clad building and the nearby row of commercial properties along Pinfold Street are a mix of two and three storey properties with pitched roofs and are mostly rendered. Properties along King Edward Street are traditional two storey semi detached houses with pitched roofs, bay windows to front, stone banding detail and fascia boards with timber detailing.

The site is also bounded by the Darlaston Town Centre boundary along the north-east and south-east sections and contains an existing electricity sub-station to the north which is to be retained in its current position.

This application proposes the erection of 23 dwellings including 15 x one bedroom three storey flats in an L-shaped building located to the east of the site between the access road and St Lawrence Way, with 18 parking spaces within a secure parking court plus 350m² outdoor amenity space. 8 two bedroom two storey houses are proposed on the western section of the site fronting the existing access road along with a total of 16 parking spaces, with 2 parking spaces for each plot and rear garden sizes of between 60m² and 100m². A further 5 parking spaces are also provided along the eastern part of the access road to serve the proposed houses and flats.

This application is supported by:

- **Design and Access Statement** – Explains the site will deliver an appropriate mix of housing in the form of affordable housing units for rent through Walsall Housing Group of a contemporary design. A total of 8 electric vehicle charging points are proposed within the site as recommended by the submitted Air Quality Assessment.
- **Pre-development Tree Survey** – Explains 7 trees and part of an existing hedge would be removed along with details to protect retained trees during construction. Recommends tree works should be undertaken outside of the bird nesting season and states there are no trees with moderate to high potential for bat roosts and that limited shade to the site occurs from existing trees.
- **Preliminary Ecological Survey** – Explains the site does not have a nature conservation designation and nearest site is Moorcroft Wood 1.28km to south-west. Habitats within the site are not considered to be of wider benefit but the site does support nesting birds. Recommends habitats for nesting birds be retained where possible, enhanced or created.
- **Air Quality Assessment** – Explains the site meets the criteria for Type 1 mitigation (Electric Vehicle Charging Points) as set out in the West Midlands Low Emissions Town and Cities Programme 'Good Practice Air Quality Planning Guidance' May 2014. Recommends a number of measures during construction to minimise impacts of dust and fine particles.

- **Environmental Noise Survey and Assessment** – Explains the site is subject to noise from road traffic and bus stop at St Lawrence Way and recommends specific glazing and ventilator requirements to reduce noise impacts.
- **Coal Mining Risk Assessment** – Explains that unrecorded shallow mining has occurred in the area and drilling and grouting is required to stabilise the site for development.
- **Ground Contamination Report** – Explains that stabilising works are required to shallow mines. Recommends measures including provision of new topsoil for residential gardens due to existing ground contaminants.
- **Site Waste Management Plan** – Explains how construction waste will be managed.
- **Energy Efficiency Statement** – Explains energy efficiency will be achieved through a fabric first approach.

Relevant Planning History

03/2487/FL/W6 - OUTLINE: Demolition of two Multi-story Blocks of Flats To erect two storey OAP flats for rented accommodation for WHG Darlaston Housing Trust. GSC 07/04/2004.

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
- Take account of the different roles and character of different areas, promoting the vitality of our main urban areas
- Encourage the effective use of land by reusing land that has previously been developed

Key provisions of the NPPF relevant in this case:

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

On **planning conditions** the NPPF says:

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

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

Local Policy

Black Country Core Strategy

- CSP2: Development Outside the Growth Network
- CSP4: Place Making
- DEL1: Infrastructure Provision
- HOU2: Housing Density, Type and Accessibility
- HOU3: Delivering Affordable Housing
- ENV2: Historic Character and Local Distinctiveness
- ENV3: Design Quality
- ENV5: Flood Risk, Sustainable Drainage Systems and Urban Heat Island
- ENV7: Renewable Energy
- ENV8: Air Quality
- WM5: Resource Management and New Development

Unitary Development Plan

- GP2: Environmental Protection
- GP3: Planning Obligations
- ENV10: Pollution
- ENV13: Development Near Power Lines, Substations and Transformers
- ENV14: Development of Derelict and Previously-Developed Sites
- ENV18: Existing Woodlands, Trees and Hedgerows
- 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
- LC1: Urban Open Spaces
- DA5: Housing Developments

Emerging Site Allocation Document

No objections have been received during the consultation period for the emerging allocation of the application site for housing (under site reference HO315) and weight can be given to the following emerging policies:

- HC1: Land allocated for new housing development
- HC3: Affordable Housing and Housing for People with Special Needs

Supplementary Planning Document

Open Space

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

Affordable Housing

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

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
- DW2 Safe and Welcoming Places
- DW3 Character
- DW4 Continuity
- DW10 Well Designed Sustainable Buildings
- 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

Consultations (*Officer comments in italics*)

Area Partnership – None received.

Centro – None received.

Coal Authority – No objection subject to condition regarding submission and implementation of a scheme for remedial works.

Clean and Green – Existing bin collection arrangements to Wesleys Fold should remain unaffected.

Community Safety Team - None received.

Drainage – No objection subject to conditions regarding surface water, finished floor levels and notes to applicant regarding investigation of foul pipework and new connections to sewage system.

Ecology – No objection subject to condition regarding protection of nesting birds.

Fire Authority – No objection subject to access to water supplies (*can be added as note to applicant*).

Greenspace Services – None received. An open space contribution of £21,483.00 would be required on the basis of the Council's published Open Space SPD.

Housing Strategy – No objection subject to provision of 25% on-site affordable rent units in the form of 6 x 2 bedroom houses.

Housing Standards – No objection.

Highways – No objection subject to conditions regarding laying out of parking spaces, cycle store and other highways improvements.

Environmental Health - None received.

Landscaping Team – No objection subject to condition regarding landscaping scheme.

National Grid – No objection on the basis that no apparatus would be affected by the proposal.

Planning Policy – No objection subject to provision of 25% on-site affordable housing and contribution towards off-site open space.

Police – No objection subject to condition regarding Secure by Design.

Pollution Control – No objection subject to conditions regarding noise, contaminated land and management of construction.

Public Lighting – None received.

Severn Trent – No objection subject to a drainage condition (*a note to applicant can be included regarding sewers*).

Strategic Regeneration Framework – None received.

Tree Officer – Verbally stated no significant issues with proposal.

Western Power – None received.

Public Participation Responses

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

- Proposals overshadow my house;
- Proposals result in overlooking and block light to gardens;
- Proposals block rear access to gardens;
- Proposals may remove part of access road; and
- What happens to existing access to Wesleys Fold and how would existing spaces be managed to restrict their use to existing occupiers only.

Determining Issues

- Principle of Development
- Design, Layout and Character of Area
- Amenity of Nearby Residents and Occupiers of Development
- Ecology
- Highways
- Local Finance Considerations
- Planning Obligations
- Conclusion

Observations

Principle of Development

The previous residential use of the site was two high rise blocks of flats which the applicant explains were demolished in 2004. The Council's emerging Site Allocation Document allocates the site for housing development (reference HO315). The development would bring a previously developed site back into use, contributing to the vitality of the adjacent District Centre in accordance with UDP Policies DA5, H3 and ENV14. The principle of proposed residential development is considered acceptable subject to all other matters being considered acceptable.

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Design, Layout and Character of Area

Design and Layout

The proposed two storey houses are of simple design brick and tile construction with pitched roofs and include pitched gable features to plots 1 and 8, providing a 'book-end' appearance which is considered reflects the character of the area and helps to create a strong identity within the application site itself. The houses would be in four groups of semi-detached houses on the land to the west, fronting and accessed via the existing vehicle access. Vehicle parking is located to the front of houses (with the exception of spaces to the side of plot 7) with private garden areas to rear.

The proposed three storey flats are also of a simple modern design with pitched roofs and include balconies at upper floors and considered to reflect the mixed character of the area. The flats would be located on the parcel of land to the east of and served by the existing access and would be accessed from two core entrance lobbies via pedestrian access points off St Lawrence Way and the secure rear parking court. Further parking spaces serving flats would also be located along the east side of existing vehicle access with amenity space located along the boundary with St Lawrence Way and existing public open space on the corner of Pinfold Street. The flats would provide an active frontage to both St Lawrence Way and within the site, providing a positive contribution to the street scene as well as adding passive surveillance in the location.

The overall proposed layout is considered to make good use of the site utilising the existing access and broadly reflects the position of the now demolished high rise flats at the site. Emerging Policy HC1 of the Site Allocation Document expects the site to achieve a density of at least 35 dwellings per hectare. The proposed 23 dwellings would equate to a density of 76 dwellings per hectare and this high density is considered appropriate for this site due to its urban location adjoining Darlaston District Centre and the adjacent public transport interchange.

Whilst neighbours concerns the development would block existing rear access to King Edward Street rear gardens and may remove part of the access road through the site is noted. The submitted plans show retention of both of these accesses.

The submitted materials of grey concrete roof tiles, red facing brickwork (and contrasting Staffordshire Blue coloured brick banding), off-white render and dark blue cladding (to flats only) are considered would reflect the character of the area. A condition should be included on any permission to require the use of the approved materials to ensure satisfactory appearance of development. The submitted plans show an enclosed bin store finished with close boarded fence to front and steel railings at rear serving the flats. It is considered to reflect other boundary treatment and is acceptable. A condition should be included to ensure the bin store is provided prior to first occupation of the flats to ensure satisfactory functioning of the development.

BCCS Policy ENV7 encourages the use of on-site renewable energy measures for major development schemes. The applicant has explained that a 'fabric first' approach will be taken instead which demonstrates energy consumption savings in excess of 10% and this is considered to meet the spirit of the policy and is acceptable in this instance.

Security

The Police confirm the area has high crime including burglary, assault / drug related crime and robbery and car crime and Secure by Design accreditation should be achieved to ensure the safety and security of the development and its future occupiers. The development incorporates a number of security measures including 1.8m high close boarded fence with

0.3m trellis to rear gardens of the houses, 2.1m high railings to the rear and side of the flats along with automatic sliding gate to provide a secure parking area.

A secure 'anti-climb' lockable cycle store is also proposed within the flats parking area which is considered acceptable. It is recognised that bin stores would preferably be situated in a secured area within the site due to potential anti-social behaviour and crime. However, on balance the need for refuse lorry to have access for bin collection on their return from Wesleys Fold, with a level of natural surveillance offered from the houses opposite and from occupiers of the development accessing the adjoining additional parking spaces, it is considered acceptable in this instance. A condition should be included on any permission to seek approval of details for lighting within the development, including the bin and cycle stores to ensure the safety and security of development.

A condition should also be included to ensure the development incorporates the remaining Secure by Design measures as recommended by the Police. Overall, the design solutions are considered acceptable to secure the development and help to minimise crime and anti-social behaviour whilst providing a level of natural surveillance appropriate for this location.

Amenity of Nearby Residents and Occupiers of Development

A separation distance of 28m to 33m between rear facing habitable windows in the proposed houses and the King Edward Street houses rear facing habitable windows would exceed the Council's guidance in its design SPD. A King Edward Street neighbours concern the development would result in overlooking, overshadowing and loss of light is noted. The separation set out above, is considered on balance, when combined with the proposed two storey height of houses and similar ground level the development would not result in any significant additional loss of light, overlooking or shadowing.

Over 25m separation would also exist between proposed flats habitable room windows and the nearest neighbour houses at No.85-86 Pinfold Street. These distances, when combined with existing mature planting along the southern boundary, are considered acceptable to minimise any potential overlooking and loss of privacy, whilst meeting the minimum separation distance of 24m in Designing Walsall SPD Appendix D. The end gable of proposed flats which includes upper floor habitable windows serving kitchen / living areas (plots 20 and 23) is located 10m away from the rear boundary of outdoor amenity space serving No.85-86 Pinfold Street. Whilst this may potentially result in overlooking / perceived overlooking, it is considered on balance that the presence of mature planting along this part of the boundary to interrupt views, the position of the flats at right angles to these gardens and a distance of 25m to the outdoor space directly at the rear of No.85-86 (considered to be the primary outdoor area used in residential settings) is considered helps to minimise impacts on this neighbours amenity and is acceptable in this instance.

The proposed house garden sizes would be between 60m² - 100m² and the total amenity space serving the flats would be 350m² equating to 23m² per flat. The recommended minimum amenity space for flats is 20m² each for communal space and for houses it is 68m². It is recognised that much of the proposed amenity space for flats is to the front of the site with a lack of privacy or is covered with mature planting offering minimal useable space and the applicant explains the inclusion of balconies along with access to nearby parks and open spaces (Owen Memorial Park to the north is less than 150m away and Victoria Park at 300m away) warrants a reduced on-site provision of amenity space in this instance. On balance, the inclusion of balconies and proximity to nearby public amenity space is considered acceptable in this instance and meets the aims of Appendix D, Designing Walsall SPD.

UDP Policy ENV13 encourages development to be located away from existing substations for reasons of visual amenity and noise to occupiers. The submitted noise survey does not

refer to any issues of noise arising from the existing sub-station and concludes the majority of noise is from vehicles along St Lawrence Way. The report recommends a 2m high close-boarded fence to Plot 1 to help minimise noise along with appropriate noise mitigating ventilation and glazing in the development itself. This can be included as a condition on any planning permission to safeguard the amenity of occupiers of the development. Whilst it is recognised the existing sub-station is in a prominent location within the development it is considered, on balance, that the layout of development has made the best use of the site given the constraints and bringing a previously developed site forward which helps to deliver new housing, in line with the governments drive for new houses, outweighs any harm to visual amenity of occupiers of the development in this instance.

The application site is within an area of poor air quality with the proposal including 3 electric vehicle charging points within the development is welcomed and encourages the use of more environmentally friendly modes of transport whilst conforming with the West Midlands Good Practice Air Quality Planning Guidance (2014). Conditions should be included on any permission in line with Pollution Control's recommendations.

Ecology

The submitted ecological survey concludes existing habitats within the application site have the potential to support nesting birds. Conditions should be included on any permission to ensure that during the construction period works avoid the nesting seasons (usually February to September) or to require the carrying out of a survey to identify nesting birds.

Highways

A total of 34 parking spaces are proposed for the 23 dwellings which equates to a provision of 148%. The site is also considered to be in a sustainable location with access to nearby facilities and public transport and the level of parking provision is considered acceptable. The existing access road is to be retained and upgraded to include footways and a raised pedestrian crossing feature introduced to slow traffic and improve accessibility. Nearby Wesley's Fold neighbours concerns how parking within the development would be controlled to avoid use of parking spaces serving Wesley's Fold are noted. 148% parking is proposed within the development along with a secure vehicle parking area for flats, is considered sufficient to meet the needs of the development. Any further management of parking between the two sites is a matter between the applicant and Accord Housing.

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 23 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.

Planning Obligations

Affordable Housing - Under the terms of policies DEL1 and HOU3 of the BCCS and Affordable Housing SPD the proposal triggers the need for provision of affordable housing. Provision of 25% would equate to the need for 6 units. The application is made by Walsall Housing Group (WHG) who state all units will be "affordable rent" to be provided by WHG a Registered Provider. The proposed affordable housing provision at 100% is well above the policy requirement for 25% provision and the Council's Housing Strategy officer is fully supportive of the level of provision proposed. Notwithstanding the applicants comments, 25% on-site affordable housing provision in the form of 6 of the 8 proposed houses is still recommended to be secured as part of the Section 106 Agreement to ensure they are retained in perpetuity to comply with the Council's policies.

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

"My independent appraisal results in a Residual Land Value based on the proposed development scheme of 23 dwellings, as detailed above, in the negative sum of - £55,000.00. Accordingly, I have concluded that, on the basis of the provision of the Section 106 Contribution of £21,483.00 for Open Space in accordance with Policy, the proposed the proposed scheme is not viable as at the date of this report."

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

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

Conclusion

The proposal has been assessed, taking neighbours objections into account, and on balance the development is considered would not result in any significant additional impacts to neighbours amenity and would bring forward a previously developed site for positive re-development which would retain the existing accesses serving the site, and to rear serving residents at King Edward Street and would delivering affordable homes to the local area and is considered acceptable in this instance.

Positive and proactive working with the applicant

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

Recommendation: Grant permission subject to conditions and a Planning Obligation

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

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

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

- Application Form. Deposited 21/09/2016
- Design and Access Statement. Amended deposited 20/10/2016
- Location Plan. Deposited 21/09/2016
- Site Plan (15039/2C). Amended deposited 14/02/2017
- Site Layout Plan (15039/4D). Amended deposited 14/02/2017
- Computer Generated Images (15039/CGI/15A). Deposited 21/09/2016

- Plans Plots 1 and 2 (15039/5A). Deposited 21/09/2016
- Plans Plots 3 and 4 (15039/6A). Deposited 21/09/2016
- Plans Plots 5 and 6 (15039/7A). Deposited 21/09/2016
- Plans Plots 7 and 8 (15039/8A). Deposited 21/09/2016
- Flat Plans (15039/9). Deposited 21/09/2016
- Site Logistics Plan. Deposited 20/01/2017
- Schedule of Materials (15039 Opt B). Deposited 20/01/2017
- Elevations Plots 1&2 (15039/10A). Deposited 21/09/2016
- Elevations Plots 3&4 (15039/11A). Deposited 21/09/2016
- Elevations Plots 5&6 (15039/12A). Deposited 21/09/2016
- Elevations Plots 7&8 (15039/13A). Deposited 21/09/2016
- Elevations Plots 9-23 (15039/14). Deposited 21/09/2016
- Amenity Space Assessment. Deposited 20/10/2016
- Affordable Housing Statement. Deposited 20/10/2016
- Ground Investigation Report (M3144B July 2016). Deposited 06/10/2016
- Landscape Schedule. Amended deposited 19/12/2016
- Landscaping Plan (ADL170 Rev B). Amended deposited 19/12/2016
- Drainage Strategy (100 Rev P4). Amended deposited 19/12/2016
- SAP Calculations. Deposited 23/01/2017
- Topographical Survey (16079). Deposited 21/09/2016
- Vehicle Tracking (101 Rev P1). Deposited 21/09/2016
- Environmental Noise Survey & Assessment (16906-1 22/05/2016). Deposited 21/09/2016
- Coal Mining Risk Assessment (J16119/01). Deposited 20/10/2016
- Site Waste Management Plan (Rev 0 – 19/01/2017). Deposited 20/01/2017
- Air Quality Assessment (124246 AQA 1v1 12/09/2016). Deposited 21/09/2016
- Pre-development Tree Survey (Nov 2016). Amended deposited 19/12/2016
- Preliminary Ecological Appraisal (04 May 2016). Deposited 21/09/2016

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

3b. The Construction Management Plan shall be fully implemented upon commencement of any works and shall be maintained until the site construction works are completed.

3c. Vibration levels during ground stabilisation/piling works shall not exceed the Low Probability of Adverse Comment, as prescribed within British Standard BS6472-1:2008 'Guide to evaluation of human exposure to vibration in buildings – vibration sources other than blasting'.

Reason: To protect existing local amenity.

4i). Prior to built development commencing a 'Remediation Statement' setting out details of remedial measures to deal with the identified and potential hazards of any land contamination and/or ground gas present on the site and a timetable for their implementation shall be submitted to and agreed in writing by the Local Planning Authority. (see Note for Applicant CL2)

4ii) The remedial measures as set out in the 'Remediation Statement' required by part i) of this condition shall be implemented in accordance with the agreed timetable.

4iii) If during the undertaking of remedial works or the construction of the approved development unexpected ground contamination not identified by the site investigation is encountered, development shall cease until the 'Remediation Statement' required by part i) of this condition has been amended to address any additional remedial or mitigation works required and agreed in writing by the Local Planning Authority.

4iv) A validation report confirming the details of the measures implemented together with substantiating information and justification of any changes from the agreed remedial arrangements shall be submitted to and accepted in writing by the Local Planning Authority prior to the development being brought into use. (see Note for Applicant CL3)

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

5a. Prior to commencement of development a scheme of remedial works for the coal mining features and hazards shall be submitted to and approved in writing by the Local Planning Authority.

5b. The approved remedial works shall be fully implemented.

Reason: To ensure safe development of the site.

6a. Prior to commencement of development a surface water drainage scheme for the site, based on sustainable drainage principles shall be submitted to and approved in writing by the Local Planning Authority. The drainage strategy shall include:

- The surface water drainage system to accommodate the surface water run-off generated up to and including the 1:100 year + 30 % climate change critical storm, based upon the submission of drainage calculations;
- Details to show the outflow from the site is limited to the maximum allowable rate, i.e. greenfield site run-off (5l/s);
- Subject to detailed design, on-site storage will be provided by way of cellular storage and permeable paving on private drives;
- Responsibility for the future maintenance of drainage features

6b. The scheme shall be fully implemented in accordance with the approved details prior to completion of the development.

Reason: To prevent the risk of pluvial inundation and to ensure the efficient workings of the drainage system and future maintenance.

7a. Prior to commencement of development details shall be submitted to and approved in writing by the Local Planning Authority for the lighting of the development, including illumination of the approved bin and cycle stores.

7b. Prior to first occupation of the development the approved lighting scheme shall be fully implemented and thereafter retained.

Reason: To ensure satisfactory functioning of the development and in the interest of safety and security of occupiers of the development.

8a. Prior to first occupation of the development a total of 8 electric vehicle charging points shall be installed to serve the houses (one charging point within each plot) and a total of 2 electric vehicle charging points shall be installed to serve the flats to be provided within the secure parking area in line with the details set out in the submitted Air Quality Assessment.

8b. The electric vehicle charging points shall thereafter be retained.

Reason: In the interest of Air Quality and in accordance with the NPPF and UDP Policy ENV10 and to conform with West Midlands Good Practice Air Quality Planning Guidance (2014).

9a. Prior to first occupation of the flats within the development the cycle store as shown on the submitted 'Site Layout' plan reference 15039/4D shall be fully constructed and made available.

9b. 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.

10a. Prior to first occupation of the flats within the development the bin store as shown on the submitted 'Site Layout' plan reference 15039/4D shall be fully constructed and made available.

10b. The bin store shall thereafter be retained.

Reason: To ensure satisfactory functioning of the development.

11a. Prior to the first occupation of any dwelling on the development, all access ways, parking and vehicle manoeuvring areas serving that dwelling shall be fully consolidated, hard surfaced and suitably drained and in respect of the flatted element the parking bays clearly demarcated on the ground.

11b. These areas shall thereafter be retained and used for no other purpose.

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

12. Prior to the development first coming into use, the existing bellmouth access point on St Lawrence Way shall be modified and upgraded to incorporate a tactile pedestrian crossing, full engineering details of which shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority and the works shall be fully implemented in accordance with approved details.

Reason: To improve accessibility to the development in accordance with UDP Policy T1, T8, BCCS TRAN4 and highway safety.

13a. Prior to the installation of any glazing and ventilation in the dwellings hereby approved, written confirmation shall be provided to the Local Planning Authority that any glazing and ventilation of the dwellings is to be installed with due regard to Report No 16906-1, 22nd May 2016, by noise.co.uk Ltd.

13b. Prior to first occupation of any of the approved dwellings the Applicant shall provide a written Validation Report that demonstrates the agreed acoustic mitigation measures have been installed.

Reason: To safeguard the amenity of occupiers of the development.

14. The development shall be carried out in accordance with the details as shown on the submitted Site Logistics Plan.

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

15a. Site clearance and dismantling works shall be undertaken outside the bird nesting season (usually between mid February and September inclusive) unless the site has been surveyed for nesting birds by a qualified and experienced ecologist to ensure no birds are present.

15b. Should any nesting birds be discovered, clearance works shall cease and not recommence until the young have fledged.

Reason: To safeguard protected species.

16a. The development shall be constructed using the following approved materials:

- Forterra Worcestershire Red Multi brick in facing brickwork
- Staffordshire Blue contrast brick for banding details
- Off white render (to flats only)
- Hardieplank Evening Blue Cladding (to flats only)
- White UPVC windows and fascia to houses
- Grey (RAL 7016) windows and fascias to flats
- Black UPVC rainwater goods
- Russell Grampian Interlocking Concrete Tile Slate Grey

16b. The development shall thereafter be retained as such.

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

17. Finished floor levels shall be set no lower than 150mm above adjacent ground levels and higher if practicable.

Reason: To protect the development from overland water flow.

18. All planted areas shall be maintained for a period of 5 years from the full completion of the scheme. Within this period, any trees shrub or plant which dies, becomes seriously diseased, damaged or is removed shall be replaced with a tree, shrub or plant of the same size and same species as that originally required to be planted, unless otherwise agreed in writing with the Local Planning Authority.

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

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

Reason: To ensure the safety and security of the development and its occupiers.

20. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), or succeeding Orders, no additional side facing windows or doors, other than as shown on the deposited plans, shall be installed in any part of this development.

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

Notes to applicant:

Secure by Design

<http://www.securedbydesign.com/pdfs/SBDNewHomes2014.pdf>

a. All ground floor windows and any accessible windows should have at least one pane of 6.8mm laminated glass. This includes French doors and patio doors and should improve the standard of security to the more vulnerable ground floor windows. The frontages and accessible windows of the houses need to have defensible planting under the windows. This can be created by dense low level shrubbery which should be around 1m in depth. This will assist in stopping Unauthorised persons gaining access to vulnerable windows and make it more difficult for persons to peer in through window or have access to the locking mechanisms. The defensible space should overlap the whole length of the window at least. Low level dense shrubbery is the preferred method to create this barrier with a mature height of no more than 1m and should be suitable for the light and soil environment at its location.

I recommended the developer to be made aware of and fit the PAS 24:2012 doors. Where euro profile cylinder locks are proposed in doors, shutters etc. consideration should be given to the ever Increasing trend in lock snapping as a means of forcing entry to a building. To reduce such risk a minimum standard of TS-007 3 star rated cylinders with Secure By Design and Sold Secure Diamond Standard certification should be used instead of the standard 1 Star cylinder. Also where thumb turn locks are to be installed considerations should be given to the use of the 'BY Pass' method of entry by offenders. There are thumb locks on the market that cannot be 'by passed' such as the ASB Thumb turn 3 star cylinders or the Ultion Locks.

Garage doors must be certificated to one of the following standards - Loss Prevention Certification Board standard LPS1175 security rating 1 or WCL 2 BR 1

Most properties are attacked from the rear therefore perimeter security needs to be effective in order to protect the most vulnerable area. I would recommend 2.1m on all rear perimeter walls/fences and should be erected so that the smooth face is always facing outwards so that the frame cannot be used as a climbing aide. This can include 300mm anti-climb (Criss Cross) trellis topping. The trellis should not be of a robust construction as this will create a climbing aid, rather than create a topping that will break, crack, and create noise if climbed, as intended. Where concrete post and panels are to be used the fence panels need to be secured together using galvanised metal straps, so that the panels cannot be lifted by offenders as a means of entry. 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. The fencing needs to be treated wood with guarantee life span of 25yrs.

All side entry gates should be the same height (2.1m) and be key lockable from both sides, they should be positioned flush with the front of the building line which this development appears to have covered. Their design and construction should not provide climbing aides to offenders. The perimeter wall or fence needs to be located as near to the front of the building as possible but should not butt up next to a fence or wall of differing height forming a step

ladder. This development has 900MM railing butting up to the gates and fence panels creating this climbing aid. I therefore recommend a section of the railing is removed approx. 1-5m from the fence line and is replaced with hedging to create the barrier between properties.

No Lead or metal should be used on the ground floor, this includes outside taps to the front of properties as the West Midlands is suffering high levels of metal theft where possible lead substitute products should be used.

All properties should have a suitable intruder alarm, with a siren box front and back, and should have dual or quad technology sensors and auto dialler function. A fixed spur is acceptable.

Secured by Design states the safest place to park a vehicle is in a locked driveway in front of the vehicle owner's property. Vehicles need to be parked in a position whereby they can clearly be seen by the owner from their property which also includes being able to see their garage. To deter car crime it is important to ensure that all parking places have good natural surveillance and are overlooked by windows from the buildings they serve which this development does cover. It will also be important not to allow plantings to obstruct views and as a general recommendation, where good visibility is needed, shrubs should be selected to have a mature growth height no higher than 1 metre, and trees should have no foliage below 2 metres, thereby allowing a 1 metre clear field of vision.

On any communal entry to the apartments I recommend they are to be fitted with an access control system. This may be a proximity access control system, a door entry phone system and electronic lock release or a combination of these to discourage casual intrusion by non-residents; this should involve CCTV coverage to the flats. Entrance and exit doors and frames to the block should be of a robust vandal resistant material, with vandal resistant viewing panels. Entrances should be well lit both internally and externally.

DAD UK Ltd DAD009 letter boxes can be either wall mounted or sunk into the walls during construction.

Cycle Store - The security anchor for the bike must be certified to Sold Secure Silver standard or LPS 1175 issue 7:2010 SR1 and be securely fixed to the concrete foundation in accordance with manufacturers specifications.

Protected Species

Feral pigeons are protected and destruction of nests could only take place on the grounds of public health or public safety.

Fire Authority

Adequate provision should be made available for access to water supplies.

Severn Trent Water

Severn Trent Water advise that there is a public sewer located within this site. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent. You are advised to contact Severn Trent Water to discuss the proposals. Severn Trent will seek to assist in obtaining a solution which protects both the public sewer and the building. Please note, when submitting a Building Regulations application, the building control officer is required to check the sewer maps supplied by Severn Trent and advise them of any proposals located over or within 3 meters of a public sewer. Under the provisions of Building Regulations 2000 Part H4, Severn Trent can direct the building control officer to refuse building regulations approval.

Please note if you wish to respond to this email please send it to net.dev.west@severntrent.co.uk where we will look to respond within 10 working days. Alternately you can call the office on 01902 793851.

If your query is regarding drainage proposals, please email to the aforementioned email address and mark for the attention of Rhiannon Thomas (Planning Liaison Technician).

Highways

If waste and recycling is to be undertaken by Walsall Waste Management, then the access road shall be constructed to a specification capable of accommodating a 26tonne refuse vehicle.

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

The applicant will be expected to either enter into an agreement under S278 of the Highways Act 1980 with the Highway Authority or obtain a Road Opening Permit from the Highway Authority for all works within the existing public highway. For further advice please contact Highway Development Control Team on 01922 655927.

Drainage

There would appear to be problems and failures within the foul pipework leading to foul manhole 2 (6505), and the Applicant and Severn Trent Water should peruse the CCTV survey and agree / undertake remediation works to ensure that this pipework is in a fit and proper state to convey foul flows prior to development commencing. Any new connections into the existing public sewerage system will be subject to Section 106 approvals from Severn Trent Water.

Contaminated Land

Notes for Applicant – Contaminated Land

CL1

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

CL2

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

CL3

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



Planning Committee

Report of Head of Planning, Engineering and Transportation on 02-Mar-2017

Plans List Item Number: 2.

Reason for bringing to committee: Major application

Location: BROWNHILLS MARKET, SILVER STREET, BROWNHILLS, WALSALL, WS8 6ER

Proposal: RESERVED MATTERS TO OUTLINE PLANNING PERMISSION 14/0771/OL FOR 32 RESIDENTIAL UNITS INCLUDING APPEARANCE, LAYOUT, LANDSCAPING AND SCALE.

Application Number: 16/1132
Applicant: Walsall Housing Group
Agent: BM3 Architecture Ltd
Application Type: Reserved Matters (Major)

Case Officer: Devinder Matharu
Ward: Brownhills
Expired Date: 24-Nov-2016
Time Extension Expiry:

Recommendation Summary: That reserved matters permission is granted subject to no new material planning considerations and subject to the following conditions



Application and Site Details

The application is a Reserved Matters application which seeks the erection of 32 dwellings on the former Brownhills Market site on Silver Street. Matters relating to appearance, layout, landscaping and scale are to be considered as means of access was approved under the outline permission 14/0771/OL.

The houses would be a mixture of two and three storeys high with plots 4, 9, 10, 17 to 20 being three storeys high (10.2m) and the remainder two storeys high (7.3m).

The housing layout would include:

- a row of eight terrace properties fronting Pier Street
- Seven pairs of semi detached properties along the south western frontage of Silver Street
- A detached property fronting Silver Street at the junction of Silver Street to the south
- A row of three linked detached properties fronting the southern side of Silver Street.
- A cul de sac between plots 10 and 17 to provide two pairs of semi detached properties to the rear of plots 9 and 10 and two plots to the rear of plots 17 to 20.

Houses would have parking in the form of frontage parking and rear parking in the case of plots 25 to 32. Plots 2 and 4 would have a garage space.

The houses would be constructed out of brick and tile. Boundary treatments would include brick walls and low level fencing along the frontages and close board fencing between plots. Of the 32 plots 26 have rear gardens below 12m in length and 22 plots have total amenity areas of below 68 square metres.

A landscaping plan has been submitted illustrating landscaping within the site.

A Design and Access Statement has been submitted which states:

- Brownhills is located on the edge of Cannock Chase an area of outstanding natural beauty and on the opposite side of the A5 is Brownhills Common
- Shire Oak Park, approximately 0.9 miles (1.4 km) from the town centre. Holland Park, on the edge of the Common, has a skate park and multi-sports area.
- The South the site is bound by Silver Street and Wyrley and Essington canal. The North East of the site is bound by the Senior Community Centre and the Methodist Church and to the North West is Tesco Brownhills market is located on the north side of Silver Street; the street is positioned 90 degrees to the High Street extending in length for approximately 149m with a right turn at the end resulting in the street running parallel to both the Wyrley and Essington Canal and the High Street.
- The North West of the site fronts the Tesco car park.
- The development will be accessed by the existing road network, Silver Street. There is a pedestrian access to the site from Piers Street.
- The proposal will provide 32 new dwellings for market sale, which have been designed in accordance with Secure by Design
- The houses are a mix of semi-detached units and terraced units.
- There is a mixture of 2 storey and 3 storey dwellings.
- The total number of car parking spaces is 55 discouraging residents to park on street and street parking will be used temporarily by visitors.
- A perimeter block layout has been designed with frontage onto Silver Street to the South West and South East, and Pier Street to the North West. The South Eastern aspect fronts the canal, while Pier Street has no vehicular access.
- A further access cul de sac is required to maximise the development potential.
- The cul de sac arrangement is designed to prevent people using them as rat runs.
- Both sections of Silver Street allow direct access for car parking. On the South East section, car parking is positioned discretely at the side of the dwelling so units can be brought close to the street frontage to match the earlier phases of the development. This also assists with the overlooking distances, garden sizes and density.
- On the South West section, the dwellings are back to avoid the drainage easement.

- A more continuous terrace results with forecourt parking. It also helps create a continuous frontage to the canal, provide better views for potential residents and more surveillance for the open space.
- The terrace along Pier Street provides well needed surveillance to this section of the street.
- Due to the building heights of the existing surrounding dwellings and other buildings, it was felt that 2 storey dwellings was appropriate with some 3 storey dwellings fronting Silver Street to match what is currently being constructed on the opposite side of the road.
- The scale in the area varies, as in relatively close proximity there are the 2 tower blocks and the new development has also 4 storey apartment blocks, 3, 2 and single storey housing.
- A red / brown multi brick has been chosen for the main facing material for the houses, with some corbelling detailing to add interest.
- All windows to the houses will be uPVC grey colour (RAL colour TBC).
- All doors and windows will comply with Secured by Design. Front doors will include full height glazed panels to the side where possible.
- Roof tiles will be dark grey.
- Boundary railings to the dwellings (where indicated in the boundary plan D160) will be black polyester powder coated with heavy duty metal posts utilised to demarcate the pedestrian entrance.
- Some of the units fronting Silver Street are split into two levels to benefit from the views of the open space
- Due to some of the rear gardens being relatively small, it was felt that it was appropriate to have some additional space for these properties. This was resolved by having a large terrace at 1st floor level, which will offer residents options depending on the time of day. This space due to the set back from the road will still provide plenty of privacy.
- The concept for the appearance was to provide a contemporary solution that produced a distinctive character with its own identity. This approach follows the design of the earlier phases of the adjacent site.
- The scheme will establish a new character.
- The structure of the landscape is largely dictated by the existing infrastructure with Silver Street and Pier Street
- Proposals along Silver Street will present a formal avenue tree planting with native hedgerow planting and 900mm high steel railings.
- Where the housing line is stepped back low ornamental planting will create a privacy buffer adjacent to the threshold of the dwelling
- Proposals have been created to strengthen the existing ecology of the area to encourage local people to engage with their natural environment.

On both sides of the street are double yellow lines on the public highway and a public footpath. The site is covered in hard standing and with two access points from Silver Street. On the opposite side of the street fronting the canal is a parcel of open space with a number of deciduous trees with concrete post and railings approximately a metre high.

To the east of the site is a Methodist Church, a single storey building with a steep gable roof and dormers facing the site and to the north east a Senior Citizen's Centre, a single storey building with an asymmetrical roof. The boundary between the two sites consists of a brick wall and a brick wall with fencing on top. To the north west of the site is Pier Street, a pedestrian street that provides a pedestrian link from the High Street to Silver Street and the Canal. The other side of Pier Street is the car park to Tesco's.

On the opposite side of the southern side of Silver Street a new residential development is being constructed by Walsall Housing Group that was approved under planning reference 14/0767/FL.

Relevant Policies

National Planning Policy Framework (NPPF)

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

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

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

Key provisions of the NPPF relevant in this case:

4: Promoting Sustainable Transport

35. Plans should protect and exploit opportunities for the use of sustainable transport modes

39. If setting parking standards for residential LPA's should also take into account: accessibility, the type and mix of the use, availability of public transport, levels of car ownership and the need to reduce the use of high emission vehicles.

6: Delivering a Wide Choice of High Quality Homes

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

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

7: Requiring Good Design

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

58. Policies should set out the quality of development that will be expected of an area, including:

- Will function well and add to the overall quality of an area
- Establish a strong sense of place
- Optimise the potential of the site to accommodate development
- Respond to local character and history and reflect the identity of local surroundings and materials
- Create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion
- Are visually attractive as a result of good architecture and appropriate landscaping

60. It is proper to seek to promote or reinforce local distinctiveness

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

11. Conserving and enhancing the natural environment

118. opportunities to incorporate biodiversity in and around developments should be encouraged.

On **planning conditions** the NPPF says:

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

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

- CSP3: Environmental Infrastructure
- CSP4: Place Making
- CSP5: Transport Strategy
- ENV1 Nature Conservation
- ENV2: Historic Character and Local Distinctiveness
- ENV3: Design Quality
- ENV4 Canals
- ENV5 Flood Risk, Sustainable Drainage Systems and Urban Heat Island
- ENV7 Renewable Energy
- ENV8 Air Quality
- 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
- WM5 Resource Management and New Development

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
- GP3: Planning Obligations
- 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
- T1: Helping People to Get Around
- T4: The Highway Network
- T7: Car Parking
- T8: Walking
- T9: Cycling
- T10: Accessibility Standards – General
- T13: Parking Provision for Cars, Cycles and Taxis

- LC1 Urban open space
- LC8: Local Community Facilities
- LC9: Canals

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;

- DW1: Sustainability
- DW2: Safe & 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

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.

Conserving Walsall's Natural Environment SPD

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

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

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

Supplementary Planning Document for Affordable Housing

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

Supplementary Planning Document Urban Open Space

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

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

Relevant Planning History

14/0692/ND – Screening opinion for residential development of Silver Court and Market sites
- Environmental Impact Assessment not required.

14/ /0771/OL- Land at Silver Court - Application for outline planning permission for up to 40 residential units with means of access included (all other matters reserved). Granted subject to conditions 15 April 2015.

14/1856/FL - Land at Silver Court – Removal of conditions 7a and 7b as these conditions are repeated by conditions 19a and 19b. Also removal of conditions 14a and 14b which will be addressed through the implementation of the related approval notice. Granted subject to conditions 12/06/2015.

14/0767/FL- Land at Silver Court Full planning application for 157 residential dwellings with car parking, new estate roads, public open space, canal side park and associated infrastructure. Granted subject to conditions 03/12/2014

14/0771/OL- Land at Silver Court – Amendment to Planning conditions 6a, 10a, 11, and 13b- Granted subject to conditions 2015-06-12.

04/2567/PD/E2 Silver Court Gardens and High Street Prior Approval Of Pre-Determination On Demolition Two Four Blocks Of Flats And Maisonettes 66 - 83, 84 - 101 Silver Court Gardens. Demolition approved 20014.

Consultations

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

Strategic Policy – No objection but comments on retaining links with the town centre and enhancing landscaping within the site.

Pollution Control – No objection subject to conditions to safeguard the amenity of the proposal with respect to noise, dust, debris and contaminated land.

Environmental Health – No objection

Police Architectural Officer – No objection subject to Secure by Design.

Coal Authority – No objection subject to coal standing advice.

Natural England – The site is located 6km from Cannock Chase Special Area of Conservation, the scale of housing within this 15km zone of influence is likely to increase in visitor numbers. The proposal is likely to have a significant effect and measures to avoid the likelihood of significant effect from arising and an appropriate assessment of the effects of the development are required. Standard advice regarding protected species is recommended. Comments are also made about landscape and biodiversity enhancements and sites of special scientific interest.

Environmental Health – No objection

Housing Strategy Officer – No requirement for affordable housing.

Public Rights of Way Officer – No objection subject to note for applicant.

Environment Agency – No objection

Built Conservation Officer – No objection

Canal and Rivers Trust – Amended plans are required to address landscaping adjacent to the canal and barriers to prevent vehicles entering the canal corridor. They also make comments on lighting and drainage.

Drainage – No objection but subject to securing drainage details as per condition 8 of 14/0771/OL.

Arboricultural Officer – No objection

Representations

One letter from a business has been received supporting the proposal on the following grounds:

- Pleased to hear about proposed plans
- Welcome more housing and residents to Brownhills
- Brownhills town centre left out for years affecting local businesses and housing estates
- New housing on Silver Court helped business
- Boost sales
- When will construction start
- Completion date for works
- Show home queries to donate home furnishings

Cllr Craddock has raised the following issues:

- Bend in the road at the canal looks sharper than it is
- There should be no changes made to the highway
- Campaigning for a shallower turn not a steeper one
- Provisional plan to close Silver Street to no through traffic
- Highways to insist this is maintained as a one-way street and traffic flows unimpeded
- Both sides of the road designated with yellow lines
- There is insufficient provision for housing and visitors concerns as to where they will overspill.

The consultation period expires 9th March 2017.

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

Determining Issues

- Principle of the Development
- Appearance
- Scale
- Layout
- Landscaping
- Provision for Urban Open Space
- Provision for Affordable housing
- Impact upon neighbouring occupiers
- Impact upon potential occupiers
- Impact upon the canal
- Drainage
- Parking and Access
- Local Finance Considerations

Observations

Principle of the Development

The principle of residential development has been accepted through the granting of outline planning permission under 14/0771/OL and full permission under 14/0767. The site is within a sustainable location within the Brownhills District Centre. The principle of new residential development in this sustainable location adjacent to other new residential development is considered acceptable.

Appearance

The proposed houses would have an active street frontage where houses would front Pier Street and Silver Street. The proposed dwellings have a modern appearance which is reflective of the type of houses already being constructed at Silver Court to the south of the application site. The brick and tile finish would be reflective of materials used in existing buildings along Silver Street and Pier Street and the main High Street. It is considered that the appearance of the development is acceptable.

Scale

The scale of the proposed development includes a mixture of two storey and three storey development and this mixture is prominent along Silver Street which breaks up the street frontage and adds character and definition. Plot 4 is located to the southern end of Silver Street and on the opposite side of the street under planning reference 14/0767/FL houses are currently being built. This three storey plot on the corner would mimic the three storey plot on the opposite side of the road and would balance out either side of the street. Plot 10 and 17 are located either side of the cul de sac, the three storey element here would add character to the development by creating a focal point of taller development.

The scale of the proposed dwellings is considered appropriate in this context and is acceptable.

Layout

The layout provides a street frontage to Pier Street and Silver Street whilst also creating a cul de sac type layout to provide housing towards the rear of the site. Houses have direct street frontages with secure private rear gardens. Whilst some limited landscaping has been proposed to the frontages there are also areas of hard standing to provide parking. The proposed houses along the western and south western side of Silver Street would be set back to provide frontage parking, whereas the proposed dwellings fronting Pier Street and the southern side of Silver Street would be positioned almost at back of pavement. This provides surveillance to Pier Street where currently it is limited.

There are 26 of the 32 plots which have rear gardens below the recommended 12m length and 22 plots have total amenity areas of below 68 square metres. Given the sub standard garden sizes it is considered permitted development rights should be removed for extensions and out building to ensure residents still have adequate amenity space. The proximity to the canal and wider amenity spaces and centre of Brownhills will also offer alternative amenity benefits for future occupiers.

The proposal retains pedestrian links to the High Street via Pier Street and Silver Street, which would allow potential occupiers to walk into the town centre to access local facilities. The Police Architectural Liaison Officer has no objection subject to Secure by Design; this can be included as a planning condition.

Natural England states that the site is located 6km from Cannock Chase Special Area of Conservation; the scale of housing within this 15km zone of influence is likely to increase in visitor numbers. The proposal is likely to have a significant effect and measures to avoid the likelihood of significant effect from arising and an appropriate assessment of the effects of the development are required. This will be updated at supplementary paper.

Pollution Control have recommended that the conditions previously recommended (5, 10 and 11 of 14/0771/OL) to address land contamination and noise/dust/debris management during the construction phase are included within this permission. The applicant can be made aware of these conditions in the decision notice.

The Coal Authority have advised that standard coal authority response is attached to any decision.

Landscaping

A landscaping plan has been submitted which highlights planting within the scheme. Both the Landscape Officer and Arboricultural Officer have advised that the submitted landscape plan lacks detail and does not provide all the information sought in condition 7a of outline

planning permission 14/0771/OL. On this basis, the landscaping aspect of this scheme is not approved and condition 7a would remain until all details as per this condition have been submitted and approved in writing.

Natural England have made comments about landscape and biodiversity enhancements and sites of special scientific interest stating features should be incorporated to enhance local distinctiveness and character and features to enhance local wildlife. They also state that the standard advice regarding protected species is attached. To provide foraging bats in the vicinity with habitat details of bat boxes for plots 1 to 10 and 17 to 32 shall be sought. Measures can be secured by appropriate conditions.

Provision for Urban Open Space

The requirement for provision towards urban open space was considered under the earlier outline permission where Committee resolved not to collect any contribution given the viability of the scheme put forward by the developer.

Provision for Affordable Housing

Provision for Affordable Housing has already been secured through condition 4 of outline planning permission 14/0771/OL and condition 11 of planning permission 14/0767.

Impact upon neighbouring occupiers

The proposed development would be adjacent the Methodist Church and Senior Citizen's Centre. Both of these buildings are set off the boundary with the application site. The proposed houses adjacent these parts of the site are set off the boundary and two storeys. It is considered that the proposed development is unlikely to have a significant harm to the amenities of the users of these adjacent buildings.

On the opposite side of Pier Street is the Tesco car park, it is unlikely that the proposed development would impact upon this neighbouring occupier, pedestrian access from the site is available to the car park and the superstore via Pier Street which will be retained allowing residents access to local facilities.

Plot 4 has a frontage facing the southern side of Silver Street and plots 1 to 3 also front the southern side of Silver Street. Whilst plots 1 to 3 are two storeys, plot 4 is a three storey property. On the opposite side of Silver Street towards the south are some of the residential properties constructed under 14/0767. Whilst these properties face the application site and have side facing windows overlooking Silver Street, it is considered that the proposal would not unduly result in overlooking or loss of amenity between the two sites or between the plots as any views would be interrupted by boundary treatments and street furniture.

Impact upon potential occupiers

The site is opposite the canal where some of the units fronting Silver Street are split into two levels and have a terrace at first floor to benefit from the views of the open space and canal given that the majority of the proposed units fail to achieve the Council's recommended amenity space standards.

The proposal fails to achieve the Council's recommended space and separation distances in several instances. In the case of the distance between the rear of plots 1 to 3 and rear of plots 11 to 14, there is a shortfall of 3.5m, the rear of plot 15 to the rear of plot 19 the habitable room separation distance falls short by 0.7m, the habitable room side elevation of plot 4 to the blank side of plot 3 falls short by 1m, and the rear habitable room elevation of plot 24 to the blank side of plot 25 falling short by 0.7m. On balance, it is considered the relative shortfall of these residential standards would not unduly harm the amenities of the potential occupiers in terms of loss of amenity, overlooking and loss of privacy.

Impact upon the canal

On the opposite side of Silver Street is the Wryley and Essington Canal. The proposed houses would provide an active frontage adjacent to the canal and enhance the setting and appearance of the canal.

The Canal and Rivers Trust have requested amended plans to address landscaping adjacent to the canal and details of barriers to prevent vehicles entering the canal corridor. Comments on amended plans submitted to address this will be updated on the supplementary paper.

The Canal & River Trust also make comments on lighting and drainage and make reference to conditions on the outline permission 14/0771/OL. These details will be secured by conditions on the outline permission.

Drainage

Planning condition 8 of outline planning permission 14/0771/OL requires drainage details to be provided. This condition is still relevant and the developer will need to ensure drainage details under this outline permission are submitted and approved in writing prior to any works commencing on site. A condition is already included on the outline permission to secure the details

Parking and Access

The application is for Reserved Matters for 32 two, three and four bedroom dwellings with a new shared surface adoptable access road on the site of the former market place following the previous outline consent.

As part of the original TA for the wider development including Phase 1 Silver Court, three scenarios for the future operation of Silver Street have been assessed to leave the Silver Street one-way as it operates presently, part reduction of the one-way operation and introducing a section of two-way operation on Silver Street and to close Silver Street to through traffic.

Briefly, all three options considered show little detrimental impact on the 'Miners' roundabout during the am peak traffic hours. All three scenarios do not have any significant detrimental impact on the operation of Silver Street and the Miner's roundabout. The Silver Street/High Street junction has also been tested none of the options create capacity issues at the junction.

Option 1, to leave the Silver Street one-way as it operates presently, was decided the best and economical scenario with minimum impact.

A package of traffic calming measures on Silver Street to slow traffic are to be introduced, including measures at the tightened bend near the canal and crossing point at Pier Street, to slow traffic along the one-way street.

Silver Street currently has double yellow parking restrictions to control indiscriminate parking. 61 parking spaces for the 32 dwellings is proposed which equates to a level provision of 191%. This is considered acceptable on the basis that site is in a District Centre location.

In response to the objections regarding the highway status and maintenance, highway alignment, parking restrictions and parking provision the Highway Officer is satisfied the proposals would not have significant transport impacts and that necessary highway improvements can be achieved and planning conditions are proposed to secure these works. The parking provision is adequate to serve the needs of the development as stated above.

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 32 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 agent has addressed some of the issues with the scheme and put forward a justification in the Design and Access Statement with regards to appearance, scale, layout and landscape. On balance the proposals are considered acceptable given the justification.

Recommendation: That reserved matters permission is granted subject to no new material planning considerations and 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. The development shall only be carried out in accordance with the following plans:

- drawing number D1006/J submitted on 31 January
- drawing number D1161/A submitted on 18 January 2017
- street elevation F submitted on 18 January 2017
- drawing number D102/A house type 3B2 submitted on 18 January 2017
- drawing number D108/A house type 3B4 submitted on 18 January 2017
- drawing number D1200/C submitted on 18 January 2017
- drawing number D1202 submitted on 18 January 2017
- drawing number D104/A house type 3BS submitted on 18 January 2017
- drawing number D105/A house type 4B submitted on 18 January 2017
- drawing number D100/A house type 2B submitted on 18 January 2017
- drawing number D101/A house type 2B1 submitted on 18 January 2017
- drawing number D107/A house type 3B4s submitted on 18 January 2017

Reason: To define the permission

3a. Notwithstanding drawing number D1006/J submitted on 31 January 2017 and prior to commencement of development a revised site layout plan shall be submitted to and approved in writing by the Local Planning Authority, showing:-

- i) the access and parking to Plot 10 and Plot 17 moved off the radii of the estate road junction,
- ii) an Autotrack drawing demonstrating that a 16 metre long articulated HGV can safely and satisfactorily negotiate the tightened bend on Silver Street,

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

Reason: In the interests of highway safety and to ensure the satisfactory operation of the development in accordance with UDP Policy GP2, T1, T6, T8 T10, T11 and T12, Black Country Core Strategy TRAN4 and Manual for Streets.

4a. Prior to commencement of the development, a highway Stopping Up under Section 247 of the Town and Country Planning Act 1990 shall be confirmed by the Government Office for the extinguishment of any existing public highway within the development site that is no longer necessary and to enable the development to proceed. All associated costs to be met by the applicant.

Reason: To allow the approved development to be undertaken and to meet the necessary statutory highway stopping up requirements.

5a. Prior to the commencement of the development, full engineering details of the following highway infrastructure and adoptable highway works shall be submitted to the Local Planning Authority for technical approval, including:-

i) The new estate road and realignment of Silver Street, together with all footways and footpaths, including layout, alignments, widths and levels, together with all necessary drainage arrangements and run off calculations, which shall comply with any plans approved under the planning consent.

ii) Appropriate traffic calming measures on Silver Street to be agreed in advance with the Highway Authority, including Table Platforms features at the bend on Silver Street and on Silver Street at the end of Pier Street and possibly a carriageway narrowing feature south of the Kirkside Grove junction,

iii) A Street Lighting Design lighting in agreement in writing with Walsall Council's Street lighting partner Amey,

iv) Appropriate signage and line marking details to indicate the one-way operation of Silver Street,

v) The new vehicle access points onto existing public highways and the reinstatement back to full kerb height of any redundant vehicle access points.

vi) Appropriate vehicle restraint measures at the bend on Silver Street to prevent errant vehicles from entering the canal and measures to prevent parking on the verge between Silver Street and the canal.

vii) A stage 1/2 Road Safety Audit of all highway works.

5b. Prior to the first occupation of any dwelling on the development the highway infrastructure and adoptable highway works required under Condition 2(a) above shall be fully implemented in accordance with the approved details and to the satisfaction of the Highway Authority.

Reason: In the interests of highway safety and to ensure the satisfactory operation of the development in accordance with UDP Policy GP2, T1, T6, T8 T10, T11 and T12, Black Country Core Strategy TRAN4 and Manual for Streets.

6a. Prior to the commencement of the development, a construction methodology statement shall be submitted to and approved by the Local Planning Authority detailing where parking and turning facilities for site operatives and construction deliveries will be provided during the period of construction.

6b. This provision shall be retained during construction in accordance with the approved details.

Reason: In the interests of minimising the potential for disruption to the free flow of traffic on the public highway and in the interests of highway safety during the period of construction.

7a. Prior to the commencement of 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.

7b. 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.

8a. If bats or evidence of bats are found during these operations:

1. bats should not be handled or touched and the vicinity of the roost shall be immediately reinstated.
2. no further destructive works shall be carried out to the building until the need for Natural England licence has been established.
3. within one week of finding bats or evidence of bats, a written report by the supervising ecologist shall be submitted for the approval in writing of the Local Planning Authority, recording what was found, and proposing appropriate mitigation measures, including a timetable for their implementation

8b. work on the building shall only continue in accordance with the approved mitigation measures and on the approved timetable and/or in accordance with the terms of any Natural England licence issued

Reason: to conserve local bat populations.

9a. Prior to the commencement of development above damp proof level, details of bat boxes including the design and exact position to be installed on plots 1 to 10 consecutive and plots 17 to 32 consecutive shall be submitted to and approved in writing by the Local Planning Authority.

9b. The approved location of the bat boxes shall be installed prior to the occupation of any of the dwellings within the scheme and retained as such.

Reason: In the interests of providing habitats for foraging bats and to provide protection.

10a. Notwithstanding drawing number D1300/B entitled planting plan, and prior to the commencement of the development above damp proof course revised details of landscaping including the following matters shall be submitted and approved in writing by the local planning authority.

- Preparation of land for planting including need for decompaction.
- Specification and depths of topsoil/ subsoil/ growing medium and any mulches.
- Specifications for all planting to include: full latin plant names to include genus and cultivar.
- Locations and full specifications of all hard landscaping/ lighting and drainage. (Drainage must be carried out to sustainable urban drainage systems principles.)
- Any phasing.
- Tree planting and staking details which should be ideally shown as standard detail(s)
- Boundary treatments: height, size, type and specifications to any fencing, gates walls or barriers along perimeter or which are designed to protect interior areas on the site.
- Levels of existing and proposed features to be shown with the same design

Before any part of the development is brought into use a 5 year management plan shall be submitted to the Local Planning Authority and approved in writing. The management plan shall be carried out to an accepted methodology and provide full details of:

- How the ornamental landscape schemes will be maintained through the establishment period and managed thereafter.

Provision for the replacement of any plant which dies, becomes diseased or damaged.

- Details of routine maintenance such as pruning/ litter picking/ cutting/ watering in dry period/ weeding.

The landscape scheme shall be managed in accordance with the approved management plan unless otherwise approved in writing by the Local Planning Authority.

10b. The approved landscaping shall be implemented within 12 months of the completion of the development.

10c. All planting shall be maintained for a period of 5 years from the full completion of the scheme. Within this period any trees, shrubs or plants which dies, becomes seriously diseased, damaged or is removed shall be replaced with a tree, shrub or plant of the same or greater size and same species as that originally required to be planted.

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

11. Within 12 months of the completion of the last dwelling on the development, a new controlled pedestrian crossing across High Street, in a position to be agreed with the Council's Road Safety Team, shall be installed and commissioned, the full costs of which are to be borne by the applicant.

Reason: To improve accessibility and connectivity to the site and the wider highway network, in accordance with Policy GP2, T1, T6, T8, T10, T11 and T12, Black Country Core Strategy TRAN4 and Manual for Streets.

12a. Prior to the first occupation of any dwelling on the development, all car parking areas, vehicle hard standing areas and access ways serving that dwelling shall be full consolidated, hard surfaced and drained so that surface water from the area does not discharge onto the public highway or into any highway drain and brought into use.

12b. These areas shall thereafter be retained and used for no other purpose.

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

13. Prior the first occupation of any dwelling on the development, the measures and commitments contained with the submitted BWB Residential Travel Plan shall be fully implemented and the said measures and commitments shall thereafter be monitored, reviewed and the targets adjusted accordingly in accordance with the plan.

Reason: To encourage to use of sustainable travel and to reduce the reliance on motor cars in accordance with UDP Policy T10 and Black Country Core Strategy TRAN2.

14. The boundary treatments as shown on drawing number D1006/J submitted on 31 January 2017 and drawing number D1161/A submitted on 18 January 2017 shall be erected prior to the occupation of any of the proposed houses and in accordance with the approved details and retained and maintained at all times.

Reason: Necessary in the visual amenities of the area and to protect the amenities of the proposed residential occupiers.

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

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

Notes for applicant

1. Planning conditions 4a, 5, 6a, and 8a of planning permission 14/0771/OL are still relevant and will need to be discharged prior to the commencement of development.
2. Condition 11 of planning permission 14/0771/OL shall remain in perpetuity throughout the life of the permission and shall be adhered to as stated.

3. There are new proposed pathways within the proposed landscaped areas alongside the Wyrley and Essington Canal which have not been put forward as adopted highway to be included within a Section 38 Agreement, or as public rights of way included within a Public Path Creation Agreement. It is recommended that the applicant clearly signs the status of these proposed paths and lodges a Deposition in accordance with S31(6) of the Highways Act 1980 to clearly define that there is no intention to dedicate these as public rights of way. Contact the Public Rights of Way officer on 01922 654673 to discuss this.
4. The applicant/developer is advised to contact 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".
5. Where rear gated access is proposed the alley way between properties needs to be gated as close to the front building line as possible with a 2.1m gate, key lockable from both sides e.g. between plots 6-7.
6. 1. The applicant will be expected to enter in agreements under S38/ S278 of the Highways Act 1980 in respect of all adoptable works and works within the public highway.
7. 2. 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 02-Mar-2017

Plans List Item Number: 3.

Reason for bringing to committee: Call in by Councillor S Coughlan on grounds of delicate judgement.

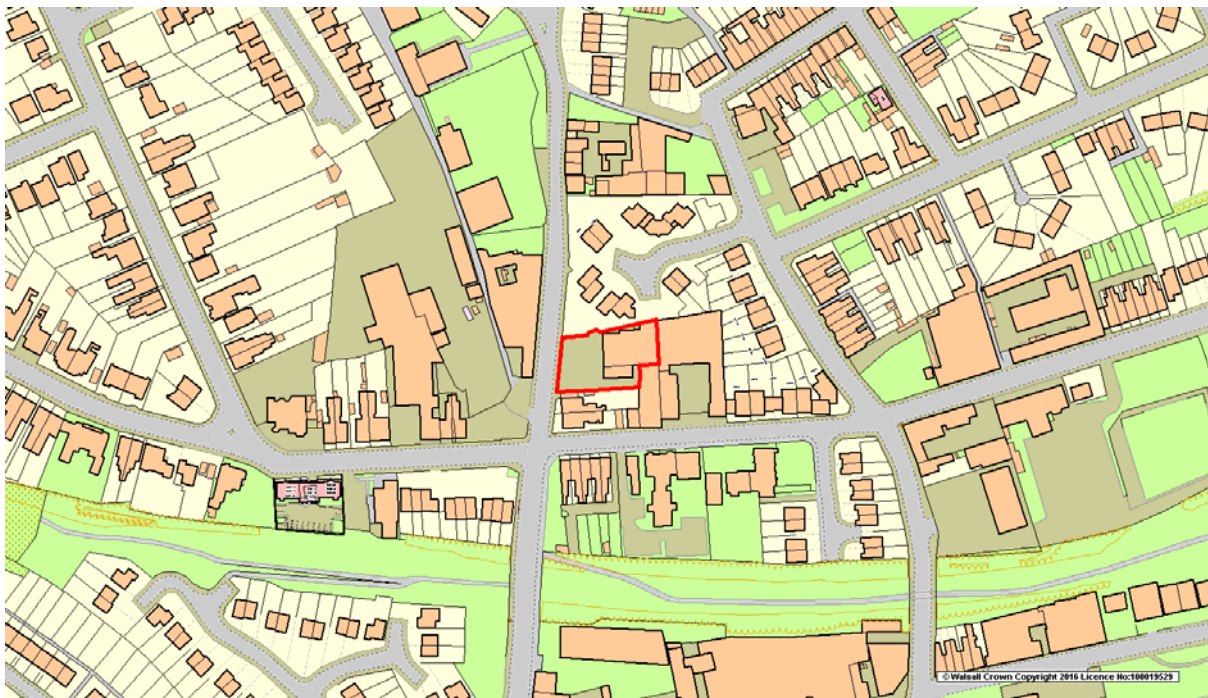
Location: KEAN BUILDING AND FIRE PROTECTION SERVICES LTD, 39-43 TEMPLE BAR, WILLENHALL, WV13 1SQ

Proposal: FIRST FLOOR SIDE AND REAR EXTENSION

Application Number: 16/1215
Applicant: Mr Keith Park
Agent: Mr Thomas O'Neill
Application Type: Full Application

Case Officer: Stuart Crossen
Ward: Willenhall South
Expired Date: 26-Oct-2016
Time Extension Expiry:

Recommendation Summary: Refuse



The Application and Site Details

The application relates to existing commercial premises in Temple Bar, Willenhall. The application proposes to replace an existing single storey side projection to an office with a two storey extension to provide 102m² additional office space.

There are residential properties that bound the site in Leveson Street, Thompson Street and Templars Walk, to the east in Temple Bar is Jackdaw manufacturing and commercial properties are on the opposite side of the road. The site is approximately 160m to the north of Willenhall District Centre.

The proposal includes a flat roof and would mirror the existing design, windows are proposed on the front and rear elevations to the offices with a single side window to serve a corridor. The key measurements are:

14.8 metres deep

7.8m wide (the width of the existing side projection)

The same depth as the main building

6.5 metres high (the same as the existing building)

There is a protected lime tree along the boundary to number 44 Temple Bar the neighbouring house to the proposal. The protected tree is within the boundary of number 44 and the canopy spreads over half the width of the existing building. The proposal would be 1 metre from the shared boundary which is defined by a 1.5 metre high wall and 500mm fence above. The proposal would extend 7 metres along the shared boundary.

The frontage has space to park 13 cars.

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:

- 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 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

- CSP1: The Growth Network
- CSP3: Environmental Infrastructure
- CSP4: Place Making
- CSP5: Transport Strategy
- EMP1: 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
- ENV1: Nature Conservation
- ENV2: Historic Character and Local Distinctiveness
- ENV3: Design Quality

Unitary Development Plan

- GP2: Environmental Protection
- ENV10: Pollution
- ENV18: Existing Woodlands, Trees and Hedgerows
- ENV32: Design and Development Proposals
- ENV33: Landscape Design
- ENV35: Appearance of Commercial Buildings
- JP7: Use of Land and Buildings in Other Employment Areas
- JP8: Bad Neighbour Industrial Uses
- 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
- Survey standards
 - NE4
- The natural environment and new development
 - NE5
 - NE6

- Development with the potential to affect trees, woodlands and hedgerows
 - NE7
 - NE8
 - NE9
 - NE10

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

Consultations

Highways – No objection subject to parking area being hard surfaced and drained.

Trees – Objections on the grounds of the potential loss of a protected tree

Pollution Control – No objections

Environmental Health – No objections

Public Participation Responses

The neighbour at number 45 has objected on the grounds the proposed would cause overlooking.

Determining Issues

- Design and Character of the Area
- Amenity of Neighbours
- Protected Trees
- Parking

Observations

Design and Character of the Area

The design with flat roof would integrate well with the original building. Provided the development does not impact on the protected tree (considered below) there would be little detrimental impact on the character of the area.

Amenity of Neighbours

The proposed two storey extension would be 1 metre from the shared garden boundary to number 44 to the North. This relationship is acceptable in so far as there would not be a significant loss of light to the garden area or windows of number 44. However the excessive height and close proximity of the proposed extension would result in an overbearing impact having a significant impact on the amenities of the occupier of number 44. It is recognised that the protected tree screens the blank wall from number 44, but the close proximity of the extension to the tree could result in the loss of the tree so this potential mitigation cannot be relied upon.

The extension would be 12 metres away from the rear windows of number 44. The front facing windows would not directly face these windows and it is considered would not result in overlooking to this nearest house.

Protected Trees

There is a mature Lime tree in the rear garden of 44 Temple Bar, which is protected by TPO 8 of 1985, the crown of which considerably overhangs the application site. The Tree Officer considers that it appears in good condition although this is based on a visual inspection from the front of the application site only. No visible faults or defects were noted and leaf colour, leaf size and extension growth all appeared normal for the species. It is prominent in the locality and is easily viewed from several locations around the application site. It fulfils all the criteria for inclusion in a Tree Preservation Order and its formal protection is justified.

The proposal indicates a first floor extension in the area where the crown overhangs the site. It extends to the south boundary in line with the ground floor and would result in the removal of a significant amount of leaf bearing material, and the creation of large wounds in order to allow the construction of the extension and to maintain sufficient clearance between the crown and the building. This is significantly detrimental to the long-term health and condition of the tree and may result in premature decline. The loss of the tree is considered unacceptable and although solutions have been suggested such as a reduced size extension no amendments have been provided.

The tree is not in the applicant's ownership or control. If approved the applicant would have the right to reduce the canopy to facilitate the extension and potentially damage roots whilst improving the foundations. These works could result in the tree falling and causing damage or injury which would make the Council liable for compensation and possibly the applicant.

Notwithstanding the above concerns, if members are minded to approve the scheme, officers recommend that the applicant enters a section 106 agreement with the Council for a replacement tree.

Parking

The development looks to extend the premises by adding a further 100sqm of office space on the first floor taking the gross floor area to 550 sqm.

In terms of UDP T13 parking policy the extension requires an additional 4 parking spaces based upon 1 space per 30sqm. No additional parking is proposed over and above the existing 13 marked spaces. However, there is adequate space within the car parking area to park additional vehicles in a managed arrangement if required and there are double yellow parking restrictions along both sides of Temple Bar to control indiscriminate parking on the highway.

On balance, the Highway Authority considers the development will not have severe transportation implications and is acceptable in accordance with NPPF para 32.

Recommendation: Refuse

1. The proposed first floor extension would be in the area where the protected Lime Tree crown overhangs the site and would result in the removal of a significant amount of leaf bearing material, and the creation of large wounds in order to allow the construction of the extension and to maintain sufficient clearance between the crown and the building. The proposal would result in significant detrimental impact to the long-term health and condition of the tree considered likely to result in premature decline. For these reasons the proposal is contrary to the National Planning Policy Framework in particular paragraph 118, the Black Country Core Strategy policy ENV2 and Walsall's saved Unitary Development Plan, in particular policies GP2,

ENV18 and ENV32, and the Supplementary Planning Document, Conserving Walsall's Natural Environment policies NE7 and NE8.

2. The loss of the protected Lime Tree would result in the proposed 6.5 metre high predominantly blank side elevation, within 1 metre of the shared boundary to number 44, having an unacceptable overbearing impact on the rear garden area of this house. For these reasons the proposal is contrary to the National Planning Policy Framework in particular paragraphs 56, 57, 58 and 64, the Black Country Core Strategy policy ENV2 and Walsall's saved Unitary Development Plan, in particular policy ENV32, and the Supplementary Planning Document, Designing Walsall DW3.



Planning Committee

Report of Head of Planning, Engineering and Transportation on 02-Mar-2017

Plans List Item Number: 4.

Reason for bringing to committee: Called in by Councillor Hughes on the grounds that the proposal would impact on the amenity of neighbours and the surrounding area.

Location: 188C, CHESTER ROAD, STREETLY, SUTTON COLDFIELD, B74 3NA

Proposal: PROVISION OF NEW EXTRACT EQUIPMENT, INSTALLATION OF NEW SHOP FRONT, AND PROPOSED REVISION TO OPENING HOURS.

Application Number: 16/1849
Applicant: Mr Xenophos Joannou
Agent: PMDG Architects
Application Type: Full Application

Case Officer: Stuart Crossen
Ward: Streetly
Expired Date: 31-Jan-2017
Time Extension Expiry:

Recommendation Summary: Grant Permission Subject to Conditions



Application and Site Details

The application proposes to extend the opening hours of an existing takeaway called the Picnic Basket with improved extraction.

The application site is in the Streetly local centre at the end of a row of shops with parking to the front. Next to the application property is a takeaway, betting shop, hair dressers, off licence, double glazing outlet and Tesco Express.

The submitted block plan illustrates the relationship to adjoining premises.

The proposal includes a new shop front and twin extraction flues to be located at the rear of the property colour coded brown and which would extend a metre above the roof ridge.

The application has been submitted with a design and access statement which states the following relevant points:

- The new shopfront would remove the existing door recess
- The flue would have the appropriate noise attenuation and odour control equipment
- The existing step up from the front would be replaced with a ramp

Number 188B is the adjoining unit, a balti takeaway with dining above. On the other side is a modern flat development.

Relevant Planning History

15/0132/FL - Retention of hot food takeaway (A5 use) with ancillary dining facilities at 188C CHESTER ROAD, SUTTON COLDFIELD, B74 3NA - Granted Subject to restricted hours condition.

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

Key provisions of the NPPF relevant in this case:

- ***NPPF 1 - Building a strong, competitive economy***
- ***NPPF 7 - Requiring good design***
- ***NPPF 8 - Promoting healthy communities***

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
CSP2: Development Outside the Growth Network
CSP3: Environmental Infrastructure
CEN2: Hierarchy of Centres
CEN5: District and Local Centres
CEN6: Meeting Local Needs for Shopping and Services
CEN8: Car Parking in Centres
ENV2: Historic Character and Local Distinctiveness
ENV3: Design Quality
ENV8: Air 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
ENV10: Pollution
ENV32: Design and Development Proposals
S1: Definition of Town Centre Uses
S2: The Hierarchy of Centres
S3: Integration of Developments into Centres
S5: The Local Centres
S6: Meeting Local Needs
S8: Housing in Town Centres
S10: Hot Food Take-Aways, Restaurants and Other A3 (Food and Drink) Outlets5
T7 : Car Parking
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 SPD (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;
DW3 – Character

Consultations

Transportation – No objections

Environmental Health – No objections

Pollution Control – No objections

Public Participation Responses

Four objections have been received on the following grounds:

Noise

Smell/odour

Increase traffic

Not enough parking and difficult shared access with Hunters Court (adjacent flats)

Indiscriminate parking in the footpath would prevent disabled people access and hinder buses.

A photo has been submitted illustrating a van parked on the verge and footpath on the other side of Chester Road to the proposal.

Litter

Proposed flue conflict with existing bin storage location (amended plans now proposed the flue to be at the rear)

Anti-social behaviour

Too many hot food takeaways

Refused a takeaway near here before.

A petition objecting to the proposal on the grounds detailed below has been submitted signed by 511 people.

Parking and traffic

Odour and noise

Litter

Anti-social behaviour

Proliferation of takeaways

Takeaway refused in the centre previously

Councillor Hughes has also highlighted issues of anti-social behaviour and litter issues here with the support of the Area Manager.

Determining Issues

- Principle of Development
- Design and Character of the Area
- Amenity of Neighbours
- Parking and Access
- Anti-social Behaviour

Observations

Principle of Development

The site is within Streetly Local Centre with residential properties adjacent and in close proximity to the application site. Policy S10 of the UDP indicates that hot food take-aways can be supported in established local centres where certain criteria below are met.

Adjoining the application site, number 188B, there is an existing hot food take-away; there are no policies within the Black Country Core Strategy or the Unitary Development Plan that limits the number of take-aways in an established centre.

On balance, the continued use of the premises would preserve the vitality and viability of Streetly Local Centre. The proposed take-away would provide a choice for local customers.

Design and Character of the Area

The proposed flue would be located to the rear of the building and front street level is unlikely to be a significant addition due to the depth of the building and 1 metre proposed projection. Houses to the rear would see the flue but the proposed brown finish is considered acceptable in the context of the existing development in the local centre and would not result in any significant harm to the character of the area which is defined by similar uses.

Amenity of Neighbours

The application site is within the local centre and the activity of the local centre is part of the established character of the area. This context would be a reasonable consideration for occupiers of the flats when choosing to live there.

The adjacent flats to the site are also within the local centre and policy S8 recognises that the acceptable level of residential amenity may not be the same as that expected in suburban locations which would have been a determining issue of the original permission for these flats.

Pollution Control Officers have recommended a condition for details of the flue discharge height as a condition. Due to the potential visual impact of an increase flue height amended plans have been submitted to illustrate the appearance. Further details requested relating to noise mitigation odour extraction and abatement can be controlled through condition. Pollution Control Officers consider that these conditions are sufficient to ensure the development does not result in unacceptable impact on neighbouring amenity.

Environmental Health Officers have raised no objections to the scheme, support the recommendation of Pollution Control and would enforce the requirements of the Food Safety and Hygiene (England) Regulations 2013 and relevant European Community Regulations and Health and Safety at Work etc. Act 1974.

The proposed opening hours are less than are recommended in UDP policy S10 which states where nearby dwellings are likely to be affected the Council will usually impose a condition requiring the premises to close at 23.00 hours Monday to Friday and 23.30 hours

on Saturdays. The proposed opening hours are less than the policy can allow and considered to be reasonable in the context of the existing local centre.

For the above reasons the proposal is considered acceptable not to result in any significant loss of amenity for nearby residents.

Objection has been raised about litter in the area. Because in this instance the takeaway fronts the parking area and access to the side is needed for the commercial bin, a condition can be attached to ensure that a bin is made available for customers inside the shop.

Parking and Access

The extended opening hours to 21:00hrs are outside the traffic peak period and when some of the local shops will be closed freeing up additional parking spaces in the immediate locality. There are double yellow parking restrictions around the signal junction and for considerable distances along Chester Road, Bridle Lane and Manor Road to control any indiscriminate parking on the highway.

There is a shared parking area for 6 cars on the forecourt area and access is via a shared access with the adjacent Care Home/Retirement Village. There is also a large car parking fronting the neighbouring Tesco Express and hairdressers.

The Highway Authority is not aware of any specific parking issues at this locality and on balance, the Highway Authority considers the development will not have severe transportation implications and is acceptable in accordance with NPPF paragraph 32.

The photo submitted illustrating a car parked on a footpath is noted, however as this occurred across the road it is considered unlikely to be as a result of any lack of parking to the front of the shops within the local centre. The other highway concerns raised have not been expressed by Highway officers who have no objections to the scheme.

Anti-Social Behaviour

It is considered that the extension of the opening hours or by improving hot food facilities the proposal is unlikely to result in any significant incidents of anti-social behaviour than is already the case and would not be sufficient reason to refuse planning permission in this instance.

Other issues raised through consultation:

The objection received referring to another takeaway included no details of the location or when the application was made. The case officer has searched the history of this row of building and has not been able to identify the application referred to. In any case each application is determined on its own merits.

Positive and Proactive Working with the Applicant:

Officers have spoken and met with the applicant's and their agent setting out concerns regarding the proposed design, massing and impacts to neighbours. The applicant has provided amended plans although these plans do not address the main concerns and consequently the current proposal is recommended for refusal. Officers have confirmed this to the applicants.

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 (1833 01) received 07/12/16

Site plan (1833 02) received 07/12/16

Amended existing elevation and floor plans (1833 03) received 07/12/16

Amended proposed elevation and floor plans (1833 04) received 13/02/17

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

3 (a). Prior to commencement details shall be submitted confirming that hot-food cooking points shall be served by extract-ventilation systems, with extracted gases and fumes passing through filtration and odour mitigation systems that meet requirements specified in the Department for Environment, Food and Rural Affairs publication 'Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems', of which are to be approved in writing by the Local Planning Authority

3 (b). The approved details shall be fully implemented prior to the use commencing, and shall be retained thereafter.

3 (c). The approved extract-ventilation and odour control systems shall be cleaned, maintained and serviced in accordance with manufacturers' and/or installers' recommendations.

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

4. The flue hereby approved to serve extraction from commercial hot-food cooking points shall terminate at least 1 metre above the building roof ridge level.

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

5. Where extract-ventilation flues and associated fan and motor units are attached to any wall or other structural building elements, appropriate vibration isolation mounting systems shall be used and ductwork shall be de-coupled from fans and motor units.

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

6. Noise from the extraction system shall be designed and operated to achieve a Noise Rating of NR 40 dB one metre from the window of any habitable room between 11.00 pm and 07.00 am. Validation to the local planning authority to this effect shall be provided before the development is brought into use.

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

7 (a). Windows to kitchens and serving areas shall be kept closed when food is being prepared or served.

7 (b). Doors to kitchens and serving areas shall be kept closed except when used for ingress and egress.

Reason: to ensure noise and fumes do not affect nearby residential premises and to comply with policy GP2 of Walsall's Unitary Development Plan.

8. The grease trap, odour extraction plant, associated filters and motors hereby approved shall be maintained and serviced in accordance with the manufacturer's and supplier's recommendations.

Reason: to ensure drains do not get blocked, and noise and fumes do not affect nearby residential premises and to comply with policy GP2 of Walsall's Unitary Development Plan.

9. A litter bin shall be made available to customers during all opening hours of the takeaway within the customer serving area.

Reason: To ensure the satisfactory operation of the development and to safeguard the amenities of the area to comply with UDP policy GP2 and ENV32.

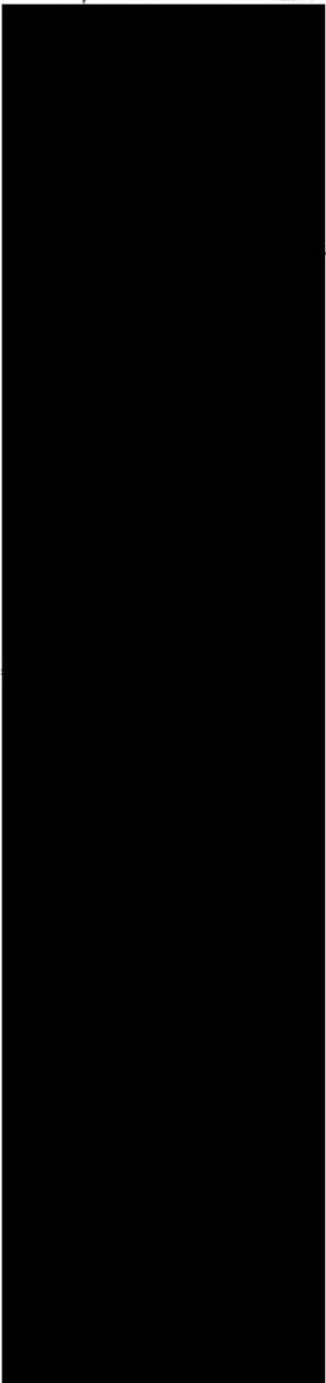
10. The premises shall not be open to customers, or for deliveries, outside the hours of 0800 to 2100 daily.

Reason: To safeguard the amenities of the locality and to comply with UDP policy S10

NAME

ADDRESS

SIGNATURE



5, HUNTERS COURT B74 3QX
 41, HUNTERS COURT B74 3QX
 11 HUNTERS COURT B74 3QX
 11 HUNTERS COURT B74 3QX
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 44 HUNTERS COURT
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46 HUNTER COURT
 34 Hunter Court
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 30 Hunters Court
 10 Hunters Court
 15, HUNTERS COURT
 45 Bridle Lane
 8 Langham Green, B74 3PS
 24 HUNTERS COURT B74 3QX
 2 Hunters Court
 6 HUNTERS COURT
 22 Hunters Court
 31 " "
 37 HUNTERS COURT



10 5
17/11/2011





Planning Committee

Report of Head of Planning, Engineering and Transportation on 02-Mar-2017

Plans List Item Number: 5.

Reason for bringing to committee: Delicate Judgement and significant community interest

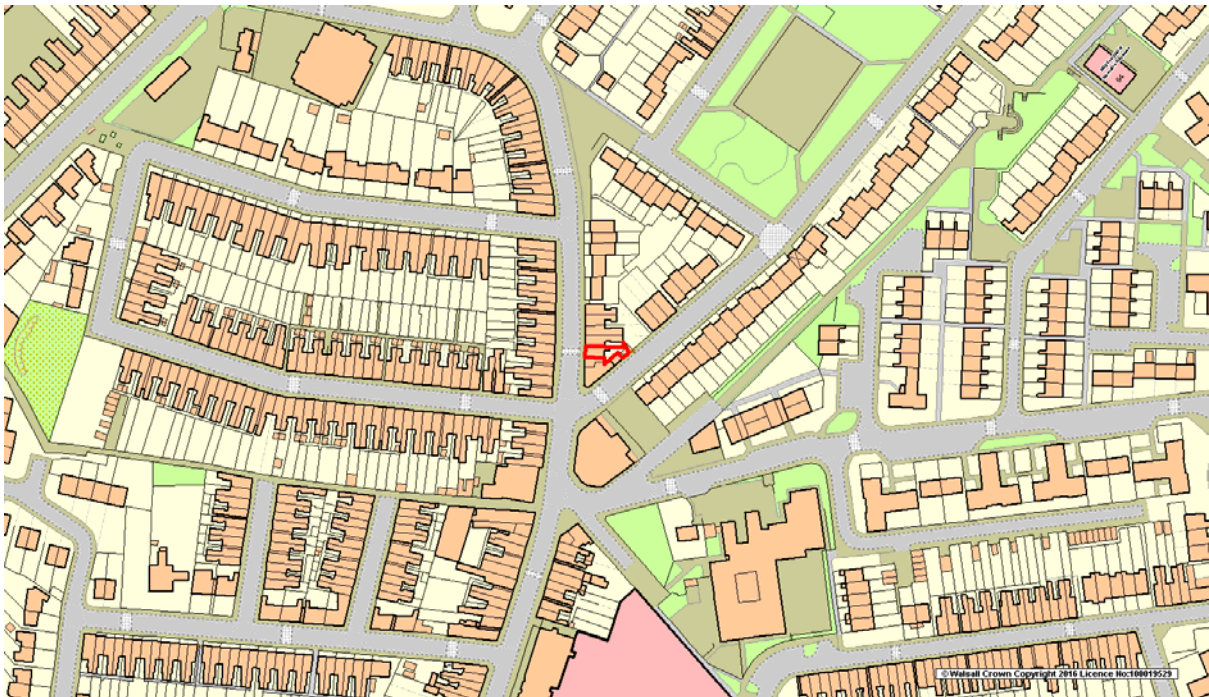
Location: 65, MILTON STREET, WALSALL, WS1 4JT

Proposal: CHANGE OF USE TO HOT FOOD TAKEAWAY (A5 USE CLASS) AND NEW VENTILATION DUCT.

Application Number: 16/1820
Applicant: Mr Eran Ali
Agent: Mr Anthony Spruce
Application Type: Full Application

Case Officer: Karon Hulse
Ward: Palfrey
Expired Date: 19-Jan-2017
Time Extension Expiry:

Recommendation Summary: Grant Permission Subject to Conditions



Application and Site Details

This application seeks consent for a change of use from an existing mobile telephone repair shop to a hot food takeaway (A5 use) of the ground floor of 65 Milton Street, Walsall which has a rear access onto Rutter Street.

The proposal would provide a customer waiting area, counter and food preparation area. The details include the installation of an extraction duct on the rear elevation facing Rutter Street which terminates 1.2 m's above the eaves (2 m's below the ridge line of the building).

The proposed opening hours are between 1200noon to 10.00pm on all days (including bank holidays).

The application site is within a row of 6 Victorian back of pavement houses within the Palfrey Local Centre. Within this local centre there is a selection of hot food takeaways including one next door but one on the corner of Rutter Street and Milton Street which serves fish and chips, kebabs and pizzas. The opposite corner of Milton Street and Rutter Street is another fish, chip, pizza and kebab take away. There is an Asian sweets shop, pizza delivery takeaway shop further along Milton Street within 85 metres of the application site and several mini markets and the Bradford Arms public house.

The upper floors mostly appear to be in residential use.

There is a public car park on Rutter Street (13 spaces)

The application site does not have any of its own off-street parking although there is on street parking immediately in front of no 65, the remainder of Milton Street in controlled and restricted with double yellow lines.

There is residential on both sides at no 63 and 67 which both have rear access Rutter Street.

Relevant Planning History

None

Relevant Planning Policy Summary

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

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

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

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

- 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

- Support town centres and a town centre first approach for retail, leisure, commercial, office, tourism, cultural, and community uses

Key provisions of the NPPF relevant in this case:

- ***NPPF 1 - Building a strong, competitive economy***
- ***NPPF 2 - Ensuring the vitality of town centres***
- ***NPPF 4 - Promoting sustainable transport***
- ***NPPF 7 - Requiring good design***
- ***NPPF 8 - Promoting healthy communities***

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

- CSP1: The Growth Network
- CSP4: Place Making
- CSP5: Transport Strategy
- CEN1: The Importance of the Black Country Centres for the Regeneration EMP1: Providing for Economic Growth Strategy
- CEN2: Hierarchy of Centres
- CEN5: District and Local Centres
- CEN6: Meeting Local Needs for Shopping and Services
- TRAN1: Priorities for the Development of the Transport Network
- TRAN2: Managing Transport Impacts of New Development
- ENV2: Historic Character and Local Distinctiveness
- ENV3: Design Quality

Unitary Development Plan

- GP2: Environmental Protection
- ENV10: Pollution
- ENV32: Design and Development Proposals
- ENV35 (Appearance of Commercial Buildings)
- S2: The Hierarchy of Centres
- S5: The Local Centres
- S10: Hot Food Take-Aways, Restaurants and Other A3 (Food and Drink) Outlets5
- T7 - Car Parking
- T10: Accessibility Standards – General
- T13: Parking Provision for Cars, Cycles and Taxis

Supplementary Planning Document

Designing Walsall

- DW1 Sustainability
- DW2 Safe and Welcoming Places

- DW3 Character

Shop Front SPD

- SF6: Advertisements
- SF7: Illumination

Walsall Site Allocation Document (Emerging)

- Policy SLC1: Local Centres

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

Consultations

Transportation – no objections

Pollution Control – no objection subject to conditions regarding ventilation equipment

Environmental Health – no objection subject to conditions regarding ventilation equipment

Public Participation Responses

There have been 12 representations received: four objecting to the proposals, a petition containing 50 signatures objecting and eight in support.

OBJECTIONS

- Excessive noise from the extractor vent.
- Lack of parking
- increase in litter
- there is many A5 in close vicinity
- negative impact on us who live here
- traffic increase
- negative impact on obesity in the area
- loitering and ASB.
- property next to residential properties
- effect quality of life.
- noise from the ventilation system

PETITION – 50 signatures objecting on the grounds of litter, vermin, gangs, music playing at inappropriate hours, smell and parking issues.

SUPPORT

- There is a need as often overcrowding in nearby takeaways this will offer another option.
- Offers a new food option.
- bring new food to our community.
- different style of food.
- better choice for food

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

Determining Issues

- Principle/Design
- Highways
- Residential amenity
- Conclusion

Observations

Principle/Design - The site is within the Palfrey local centre. The proposed use of a hot food takeaway is an acceptable centre use and will accord with UDP policy S5 and the emerging SAD policy SLC1. The Council has no policy basis to refuse the application because other hot food takeaways exist in the area.

The new shop front is acceptable and reflects others in the local centre. The change of use to hot food takeaway will simply continue the existing commercial character of this local centre. It will sustain, enhance and encourage its vitality and viability by concentrating activities of retail, service and leisure sectors in such locations.

It is important that noise from the proposed activities at the application site do not impact on neighbouring premises, in particular those residents who adjoin the site and which could be adversely affected by noise particularly late at night.

The applicants propose opening hours between 12.00noon to 10.00pm on all days which complies with UDP policy S10 (to close at 23.00 hours Monday to Friday and 23.30 hours on Saturdays with Sunday opening being considered on its own merits). It is recognised that residents living within Local Centres can expect a reduced level of amenity because of the mix of commercial uses and residential compared to those who live in a suburban residential area. As the premises is located in the Palfrey Local Centre, it is considered that the proposed opening hours would not have an adverse impact upon the neighbouring properties.

The proposed take-away would provide choice for local customers and in principle is acceptable, subject to an assessment of other potential issues such as the impact on the amenities of nearby residential occupiers

As such and on balance there are no objections on policy grounds and the principle of the use is acceptable.

Highways - This is an application for a change of use to an A5 hot food takeaway use in a local centre. The proposal does not provide any off street-car parking, however there is public car parking in Rutter Street and there is limited on street parking available immediately in front of the premises on Milton Street. It is anticipated the majority of visits to this and adjacent shops will be made by foot from the surrounding residential areas or made as linked trips with other shops in the local centre. The proposed size of the shop is unlikely to result in an increased volume of traffic, cause traffic flow problems or affect public transport above the existing situation.

There are no objections from the transportation officer.

Residential Amenity - Any potential conflict between the two elements: residential and hot food takeaway, can be mitigated by the requirement for noise insulation. Additional details were requested regarding the specification of proposed extraction system. The submitted details are considered to be acceptable, subject to a number of conditions to minimise impacts on the amenity to occupants nearby and should include control of grease, odours, noise and vibration from the proposed extraction equipment in line with recommendations of Pollution Control and Environmental Health, which includes the extraction flue, terminating at least 1 metre above the ridge of the building to help disperse odour and noise.

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

There is a small private open amenity space at the rear of the application site which gains access from off Rutter Street. This is similar to the general character of this local centre, as such the existing relationship between the application site and surrounding premises is reflective of the area generally.

There is no evidence to suggest a takeaway at this location would result in any increased levels of anti-social behaviour. Without clear evidence, it is considered it would not be a sustainable reason for refusal that could easily be mitigated with CCTV required by condition.

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

The proposed opening hours are considered acceptable given the sites location within a local centre and accords with the recommended hours for such uses in UDP Policy S10. A condition can be included to this effect.

There is an existing large flue on the rear of the nearby fish and chip shop on the corner of Milton Street and Rutter Street, this visually harms the appearance of this area and can be clearly seen from public areas. The appearance of the proposed flue can be mitigated against through careful use of materials, in this instance requiring it to be powder coated in a colour to reflect the external appearance of the existing building would reduce its appearance.

Conclusion

It is considered that, on balance, the proposed change of use being within the Palfrey local centre, the proposed hot food takeaway is an acceptable centre use and accords with UDP policy S5 and the emerging SAD policy SLC1. The proposed opening hours comply with UDP policy S10 and would not have an adverse impact upon the neighbouring properties. The proposed size of the shop is unlikely to result in an increased volume of traffic, cause traffic flow problems or affect public transport above the existing situation. Furthermore, it would not result in any significant additional impacts on neighbours or nearby occupier's amenity over and above any that arises from existing commercial uses due to the location within the local centre. Overall, taking into account the comments received, testing the proposal against national and local policies, it is considered the proposal would contribute to the vitality and viability of this local centre.

RECOMMENDATION: Grant Permission Subject to Conditions

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

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

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

- Location plan, existing and proposed plans received 25/11/16

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).

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

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

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

4a. Prior to commencement of any part of the development, details of drainage plans for the disposal of foul and surface water flows, system to control grease, oil and fat discharges to drainage/sewerage systems shall be submitted to and agreed in writing with the Local Planning Authority

4b. Prior to the development first coming into use, the approved details shall be fully implemented

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

5a. Prior to the commencement of the development hereby approved, details of the Hot-food cooking points shall be served by extract-ventilation systems, with extracted gases and fumes passing through filtration and odour mitigation systems that meet requirements specified in the Department for Environment, Food and Rural Affairs publication '**Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems**', shall be submitted to and approved in writing by the Local Planning Authority.

5b. Prior to the development first coming into use, the approved details shall be fully implemented

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

6a. Notwithstanding the details submitted and prior to the commencement of the hereby approved use, a validation report confirming that noise from the extraction system, including motors and fans, is designed and operated to achieve a Noise-Rating of below NR 40 one metre from the window of any habitable room shall be submitted to and approved in writing by the Local Planning Authority.

6b. The agreed details shall be fully implemented in accordance with the validation report.

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

7a. Notwithstanding the details submitted and prior to the commencement of the hereby approved use, the following details shall be submitted to and approved in writing by the Local Planning Authority. Noise between the proposed activity and adjoining residential premises shall achieve a minimum air sound reduction, R_w , of 60 decibels.

7b. The agreed Sound Reduction details shall be fully implemented in accordance prior to the first use of the take away.

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

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

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

9. The proposed use shall only be open during 12.00 hours to 22.00 hours Monday to Sunday and including Bank Holidays.

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

10. Notwithstanding the details submitted and prior to the commencement of the hereby approved use, where extract-ventilation flues and associated fan and motor units are attached to any wall or other structural building elements, appropriate vibration isolation mounting systems shall be used and ductwork shall be de-coupled from fans and motor units.

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

11. Windows in the kitchen and serving area shall be kept closed when hot-food cooking and preparation is taking place.

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

12. External doors to the kitchen and serving areas shall only be used for ingress and egress purposes shall be a self-closing door system and shall not be propped open during operational hours and otherwise shall be kept closed when hot-food cooking and preparation is taking place.

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

13. The entrance door to the retail shop area shall be a self-closing door system and shall not be propped open during operational hours.

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

Note for Applicant - Any approved extract-ventilation and odour control systems shall be cleaned, maintained and serviced in accordance with manufacturers' and/or installers' recommendations.

Note for Applicant – Any fat/oil/grease trap shall be installed within the drainage system to protect the drains from any discharges shall be cleaned, maintained and serviced in accordance with manufacturers' and/or installers' recommendations thereafter.

Petition raising an objection against application number 16/1820. Use of hot food takeaway and new ventilation duct within the Palfrey Area:

I am signing to raise my concerns and disbelief to yet another take-way wanting to open within Palfrey. There is currently a lot of issues with existing shops built within the residential area this issues include, litter, vermin, out of area gangs, horning, music playing at inappropriate hours, unwanted smells, parking issues..... the list is endless.

Name	Address	Signature
	155 Rutter St - Palfrey	
	" "	
	155 RUTTER STREET. PALFREY	
	155 rutter street Palfrey - Walsall	
	143 RUTTER ST PALFREY	
	143 RUTTER ST PALFREY	
	" " "	
	143 RUTTER ST PALFREY	
	" " "	
	143 RUTTER ST WALSALL	
	139 Rutter St. Palfrey ^{walsall}	
	139 Rutter St. Walsall.	
	100 RUTTER ST.	
	"	
	"	
	"	
	"	
	R135, Rutter st	



Economy and Environment, Development Management

Planning Committee

Report of Head of Planning, Engineering and Transportation on 02-Mar-2017

Plans List Item Number: 6.

Reason for bringing to committee: Significant Community Interest

Location: FOLEY SERVICE STATION, 1, BEACON HILL, ALDRIDGE, WALSALL, WALSALL, WS9 0RH

Proposal: REMOVAL OF CONDITION 19 OF 13/0637/FL TO ALLOW 24 HOUR 7 DAYS A WEEK OPERATION OF THE FUEL PUMPS, SERVICE SHOP AND AIR/WATER FACILITY.

Application Number: 16/0237
Applicant: BP Oil (UK) Ltd
Agent: RAPLEYS LLP
Application Type: Full Application

Case Officer: Stuart Crossen
Ward: Streetly
Expired Date: 13-Apr-2016
Time Extension Expiry:

Recommendation Summary: Grant Permission Subject to Conditions



Application and Site Details

This application seeks a variation of condition 19 of planning permission 13/0637/FL to allow the site to operate 24 hour a day, 7 days a week.

Planning permission 13/0637/FL granted subject to conditions in July 2014 was for the redevelopment of this existing petrol filling station with a new sales building, canopy, fuel pumps, fuel tanks, boundary treatments, with associated hard and soft landscaping and ancillary arrangements to the forecourt following demolition of existing petrol filling station.

Condition 19 of the permission is as follows:

19. The fuel pumps, service shop and air/water facility shall only be open for business between the hours of 06.00 and 23.00 Monday to Sunday.

Reason: To safeguard the amenities of neighbouring occupiers.

These amended hours were negotiated during the course of the previous application which originally proposed 24 hour use seven days a week.

The petrol station is location on the corner of Beacon Hill and Aldridge Road, facing a road traffic island. To the west of the site is an electric sub-station with houses along the southern side Beacon Hill. Aldridge Road is to the south with houses both sides of the road. The Foley Arms Public House is directly opposite across the traffic island. On the other two sides of the island and to the rear of the site are open fields which are part of the Green Belt. There are accesses to the premises from both Beacon Road and Aldridge Road. There is a large grassed verge directly in front of the petrol station with the traffic island, traffic arms and verges opposite all grassed. A high voltage transmission overhead line runs directly above the site. Streetly Local Centre is 1.8km away with the nearest local shops along Blackwood Road 1.3km away.

Relevant Planning History

03/2148/FL/E2 Proposed re –development of petrol service station. Granted subject to conditions 16/02/2004. Opening hours of shop and ATM conditioned 0600 to 2300.

04/0566/FL/E2 – Revision of (03/2148/FL/E2) re-development of existing petrol service station. Granted subject to conditions 10/5/04. Opening hours of shop and ATM conditioned 0600 to 2300.

08/1220/FL - Installation of one free standing ATM pod. Granted subject to conditions 17/09/2008.

13/0637/FL - Foley Service Station,1 Beacon Hill- Redevelopment of existing petrol filling station to include the provision of a new sales building, canopy, fuel pumps, fuel tanks, boundary treatments, with associated hard and soft landscaping and ancillary arrangements to the forecourt following demolition of existing petrol filling station – GSC 02/07/14

Relevant Planning Policy Summary

National Planning Policy Framework (NPPF)

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

environmental terms, and it emphasises a “*presumption in favour of sustainable development*”.

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

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

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 4 - Promoting sustainable transport***
- ***NPPF 7 - Requiring good design***
- ***NPPF 8 - Promoting healthy communities***
- ***NPPF 9 - Protecting Green Belt Land***
- ***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

Local Policy

Black Country Core Strategy

The relevant key policies are:

- CSP4: Place Making
- EMP1: Providing for Economic Growth
- CEN1: The Importance of the Black Country Centres for the Regeneration Strategy
- CEN3: Growth in the Strategic Centres
- CEN6: Meeting Local Needs for Shopping and Services
- 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 and Local Distinctiveness
- ENV3: Design Quality

Unitary Development Plan

- GP2: Environmental Protection
- ENV3: Detailed Evaluation of Proposals within the Green Belt
- ENV10: Pollution
- ENV11: Light Pollution
- ENV14: Development of Derelict and Previously-Developed Sites
- ENV18: Existing Woodlands, Trees and Hedgerows
- ENV32: Design and Development Proposals

- ENV33: Landscape Design
- ENV40: Conservation, Protection and Use of Water Resources
- S1: Definition of Town Centre Uses
- S2: The Hierarchy of Centres
- S5: The Local Centres
- S6: Meeting Local Needs
- S7: Out-of-Centre and Edge-of-Centre Developments
- S12: Petrol Filling Station Shops
- S15: Banking and Cashpoint Facilities
- T7 - Car Parking
- 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 NPPF policy. The relevant SPD's are:

Designing Walsall SPD

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

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

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

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

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

Other relevant documents:

Guidance Notes for the Reduction of Obtrusive Light

Table 2 – Obtrusive Light Limitations for Exterior Lighting Installations – General Observers

Environmental Zone	Sky Glow ULR		Light Intrusion (into Windows) Ev [lux] (2) Pre- curfew	Luminaire Intensity I [candelas] (3) Post- curfew		Building Luminance Pre-curfew (4) Average, L [cd/m2]
	[Max %](1)	Post- curfew				
E0	0	0	0	0	0	0
E1	0	2	0 (1*)	2,500	0	0
E2	2.5	5	1	7,500	500	5
E3	5.0	10	2	10,000	1,000	10
E4	15	25	5	25,000	2,500	25

ULR = Upward Light Ratio of the Installation is the maximum permitted percentage of luminaire flux that goes directly into the sky.

Ev = Vertical Illuminance in Lux - measured flat on the glazing at the centre of the window.

I = Light Intensity in Candelas (cd)

L = Luminance in Candelas per Square Metre (cd/m2)

Curfew = the time after which stricter requirements (for the control of obtrusive light) will apply; often a condition of use of lighting applied by the local planning authority. If not otherwise stated - 23.00hrs is suggested.

*** = Permitted only from Public road lighting installations**

Consultations

Pollution Control– The noise report is inconclusive and a 1 year temporary permission is suggested.

Environmental Health – Support a 1 year temporary permission to assess amenity impact.

Police – Crime prevention measures required. At this location between the current operating hours between 7am and 11pm there have been 32 incident reports.

Public Participation Responses

5 objections have been received on the following grounds:

Would encourage undesirable activity

Noise

Existing crime issues at night

Existing noise from service deliveries

Staff speak to customer through speaker systems

Loud music from cars

Noise exiting the service station up Sutton Road

Impact on property value

Lack of sleep

More rubbish

Recommendations from residents that no alcohol is served outside the existing hours and pay at pump only.

A three page petition has been received with 73 signatures from 41 households objecting on the grounds of noise, litter and disturbance.

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

Determining Issues

Neighbouring Amenity

The following issues were previously considered and the proposed variation does not impact on those considerations:

- Principle of use
- Impact on Local Centre
- Land contamination
- Impact upon visual amenity
- Impact on surrounding occupiers
- Impact on community safety
- Car parking, manoeuvring and access arrangements

Observations

Neighbouring Amenity

Application 13/0637/FL balanced the previous unrestricted 24 hour use of the premises against the proposed extensions and the scheme was amended to restrict the hours of operation to between 06.00 and 23.00 hours only. Although this previous unrestricted use is recognised it must also be balanced against the need to protect neighbouring amenity as there are houses as close as 5 metres from the site.

The National Planning Practice Guidance identifies the potential for sleep disturbance and diminished quality of life that can result from noise. It also advises that decisions should aim to identify and protect areas of tranquillity which have remained relatively undisturbed by noise and are prized for their recreational and amenity value. It seeks that the planning system should do everything it can to support sustainable economic growth, but also prevent existing development from contributing to an unacceptable risk from noise pollution.

Pollution Control Officers consider that the noise report is not conclusive and summarise their comments as follows:

- Granting planning permission allows for an additional noise burden on neighbouring residences during the night-time.
- In practical terms, the behaviour of patrons with respect to noise they generate and to some extent its nature is beyond the direct control of the proprietor of the filling station.
- The intensity of use of the filling station is similarly beyond the direct control of the proprietor and it is reasonable to expect there will be some variability from day to day or week to week.
- Whilst forecourt noise could not be disaggregated from traffic noise for the evening and daytime, it is likely this will change for the night-time when traffic flows invariably subside.
- Forecourt noise has a likelihood of being audible within properties at night.
- A highly simplistic approach has been taken to predicting noise levels at neighbouring facades, though this is dependent on forecourt usage.
- No account has been taken of the character of noise sources in the report or the issue of amplified music/other sounds associated with vehicle stereo systems.
- The number of maximum ("peak") noise level occurrences above WHO criteria thresholds is not fully accounted for. It is noted that maximum levels occur in excess of 85 dB(A).
- By using 15 minute and 1 minute sampling durations the true regularity of noise levels exceeding WHO maximum level criteria is in part masked.
- No repeat/check survey has been carried out to corroborate the survey findings.
- No consideration has been given to tanker and/or store deliveries (or prohibition thereof) during the night-time.
- No consideration has been given to the possible use of plant and equipment associated with the shop/store during the night-time and whether or not this poses any additional/tangible noise burden (e.g. HVAC, chilling, refrigeration etc. equipment).
- No consideration has been given to the periodic use of air compressors used for tyre inflation purposes (or any other equipment – such as car vacuums), if available.

Pollution Control conclude that if committee is minded to approve the scheme a temporary permission is recommended for 12 months over which time it is feasible to better assess whether significant or other adverse effects arise. Additionally, they consider it would be sensible to prohibit fuel and store deliveries during night-time hours, and to restrict car parking adjacent to neighbouring residences during this time.

The case officer considers that this temporary approach would be a better method to assess noise amenity concerns rather than further survey work which is likely to be inconclusive. A further restriction can also be placed on the parking area of the forecourt near to number 1a Aldridge Road to restrict their hours of use in the interests of the amenities of occupiers of 1a.

The lighting details approved as part of discharge of conditions application 14/1642/DOC are considered acceptable for a 24 hour use provided a safeguarding condition is attached to restrict the luminance between the hours of 23.00 and 0700 in accordance with the recommendations of the Guidance Notes for the Reduction of Obtrusive Light document.

The police comments, the four neighbour objections and the 3 page petition received indicate that there has been crime at the site, however in the previous twelve months this has peaked between 7pm and 8pm with fewer instances reported towards the end of the opening hours. There is no conclusive evidence to assume the proposal would result in crime, the 24 hour opening would aid visual surveillance of the site and a 1year temporary permission would be an opportunity to review such issues over an agreed period.

An objection has been raised about the potential increase in litter. Although it can be assumed that increasing the hours would result in more sales and potential litter, the application site does have bins and management of litter at times outside of the peak hours would be more easily managed and considered not sufficient reason to refuse a planning application.

The objection about existing tannoy noise has been noted, condition 27 states that: *No public address facility, tannoy system, radio, electrical or electronic sound production or amplification system or similar device, which could be audible beyond the boundary of the site, shall be installed internal or external to any building or structure.* The agent has been reminded of this and this issue can be reinforced with an appropriate condition.

Recommendations from residents about restricting the hours that alcohol can be sold is noted, however alcohol licensing legislation would control any issues from the sale of alcohol and licensing hours. This is not a material planning consideration.

Recommendations from residents that only pay at pump facility should be operable are noted, however this would reduce the visual surveillance and security of the site which is considered would be to the benefit of the scheme as a whole.

Other issues

Objections raised regarding the potential impact on property values is not a determining issues of a planning application and has not been considered.

Conditions

Since the original permission there have been case law updates and some conditions would no longer be relevant, some have been discharged and some need to be amended to reflect the opening hour's change. The conditions have been updated to reflect this.

Positive and proactive working with the applicant

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

RECOMMENDATION: Grant Permission Subject to Conditions

1. This permission is for a limited period which will expire in 12 months from the date of this decision when the 24 hour opening shall cease and the fuel pumps, service shop and air/water facility shall only be open for business between the hours of 06.00 and 23.00 Monday to Sunday.

Reason: To safeguard neighbouring amenity and to comply with UDP policies GP2 and ENV10

2. The long-term monitoring and maintenance plan part of the approved remediation strategy of planning permission 13/0637/FL and verification report of condition discharge application 15/0821/DOC shall be implemented as approved.

Reason: To ensure that the agreed remediation strategy is implemented to protect controlled waters receptors.

3. The approved scheme of underground tank(s) which included liquid tight fibreglass containment tank chambers, double skinned tanks, interstitial space monitored using class 1 leak detection, protective pipework and wet stock management procedures by 3rd party monitoring service, as was submitted and approved as part of condition discharge application 14/1221/DOC shall be maintained in accordance with the approved scheme.

Reason: To ensure protection of the quality of controlled waters receptors.

4. The approved drainage layout (14978-42B) as submitted as part of conditions discharge application 14/1221/DOC scheme shall be retained and maintained as approved.

Reason: To protect the quality of controlled waters in the local area and to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution.

5a. No infiltration of surface water drainage into the ground or groundwater is permitted other than for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. Any details shall first be submitted to and approved in writing by the Local Planning Authority.

5b. The development shall be carried out in accordance with the approval details and maintained.

Reason: To protect the quality of controlled waters receptors in the local area.

6. The approved boundary details 14/1642/DOC to 5 Beacon Hill of planning permission 13/0637/FL shall be retained at all times.

Reason: In the interests of visual amenity and protecting the amenity of neighbouring occupiers.

7. The appearance of the development shall be retained in accordance with the materials details approved as part of conditions discharge application 14/1221/DOC.

Reason: To ensure the satisfactory appearance of the development

8a. The provision of at least 1 cycle stand for the use of staff or customers located in convenient location near the store entrance shall be retained in accordance with the approved details of conditions discharge application 14/1642/DOC.

8b. The signing and lining and the one-way access arrangement and cycle stand facility shall be retained.

Reason: In the interests of highway safety and to encourage sustainable travel.

9. The approved planting scheme submitted as part of conditions discharge application 14/1778/DOC shall be implemented before the development is brought into use and retained until 02/07/19 and managed in accordance with the approved management details.

Reason: To ensure the satisfactory appearance of the development and protect wildlife.

10a. The floodlighting and/or security lighting development shall be retained and maintained in accordance with the approved details submitted as part of discharge of conditions application 14/1642/DOC.

10b. Between the hours of 00.00 and 07.00 the maximum light intrusion of any illumination located at the application site to any habitable window of a neighbouring house shall not exceed 1Ev (Lux) (2)

10c. The operation of any floodlighting and non-motion sensor operated security lighting shall be confined to those times when the site is open for business in accordance with the terms of condition 1 above and zoning times approved under discharge of conditions application 14/1642/DOC.

Reason: To safeguard the amenities of the area and to comply with UDP policy ENV11.

11. The litter bins approved as part of conditions discharge application 14/1642/DOC shall be available during opening hours and retained.

Reason: In the interests of visual amenity and to comply with UDP policy ENV32.

12. The approved CCTV details submitted and approved as part of conditions discharge application 14/1221/DOC and shall be retained in working order.

Reason: In the interests of security and preserving residential amenity.

13a. Between the hours of 06.00 and 23.00 Monday to Sunday the parking and vehicle manoeuvring areas shown on the approved plan submitted as part of planning application 13/0637/FL shall be retained and used for no other purpose.

13b. Between the hours of 23.00 and 06.00 Monday to Sunday the parking areas along the boundary to number 1a Aldridge Road shall be cordoned off and not in use.

Reason: To ensure the satisfactory operation of the development and to safeguard the amenities of neighbours in accordance with UDP policy GP2 and ENV10.

14a. Fixed plant, machinery and equipment designed, selected and installed to achieve in combination a Noise Rating of NR 35 or less at 1 metre from the façades of bedroom windows at residential premises between the hours 23.00 and 07.00 as approved by conditions discharge application 15/0821/DOC.

14b. The fixed plant, machinery and equipment shall continue to be operated at the standards.

Reason: To protect the amenity of neighbouring occupiers in accordance with UDP policy GP2 and ENV10.

15. All deliveries with the exception of fuel shall only take place between the hours of 07.00 to 21.00 Monday to Sunday.

Reason: To safeguard the amenities of neighbouring occupiers.

16. There shall be no provision of vacuum, car wash, jet wash or hand washing facilities.

Reason: To define the permission.

17. 12 months from the date of this permission when the 24 hour opening shall cease there shall be no lighting of display signs between the hours of 00.00 and 06.00.

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

18. The shop shall be used for the sale of convenience goods. It shall not be used for the sale of comparison goods except for the ancillary sale of goods for motorists (such as engine oils, de-icer, car care products and maps). The premises shall not be used, in whole or in part, as a post office or pharmacy.

Reason: To ensure retail facilities which have a role in serving the wider community are provided and retained in existing centres.

19. The site and buildings shall remain in single occupation and shall not be subdivided to form two or more units in separate occupation. If at any time the petrol filling station ceases trading, the associated shop shall also cease trading.

Reason: In the interests of avoiding harm to the vitality and viability of existing centres.

20. There shall be no increase in the size of the sales area shown on the approved plans.

Reason: In the interests of avoiding harm to the vitality and viability of existing centres.

21. No public address facility, tannoy system, radio, electrical or electronic sound production or amplification system or similar device, which could be audible beyond the boundary of the site, shall be installed internal or external to any building or structure.

Reason: To protect the amenity of neighbouring occupiers and to comply with UDP policy ENV10.

22. The noise from the site shall meet the limits set out in the World Health Organisation Guidelines for Community Noise to avoid annoyance and sleep disturbance.

Reason: To protect the amenity of neighbouring occupiers and to comply with UDP policy ENV10.

23. Waste collection shall only take place between the hours of 07.00 and 19.00 Monday to Sunday.

Reason: To safeguard the amenities of neighbouring occupiers.



Economy and Environment, Development Management

Planning Committee

Report of Head of Planning, Engineering and Transportation on 02-Mar-2017

Plans List Item Number: 7.

Reason for bringing to committee: Significant Community Interest

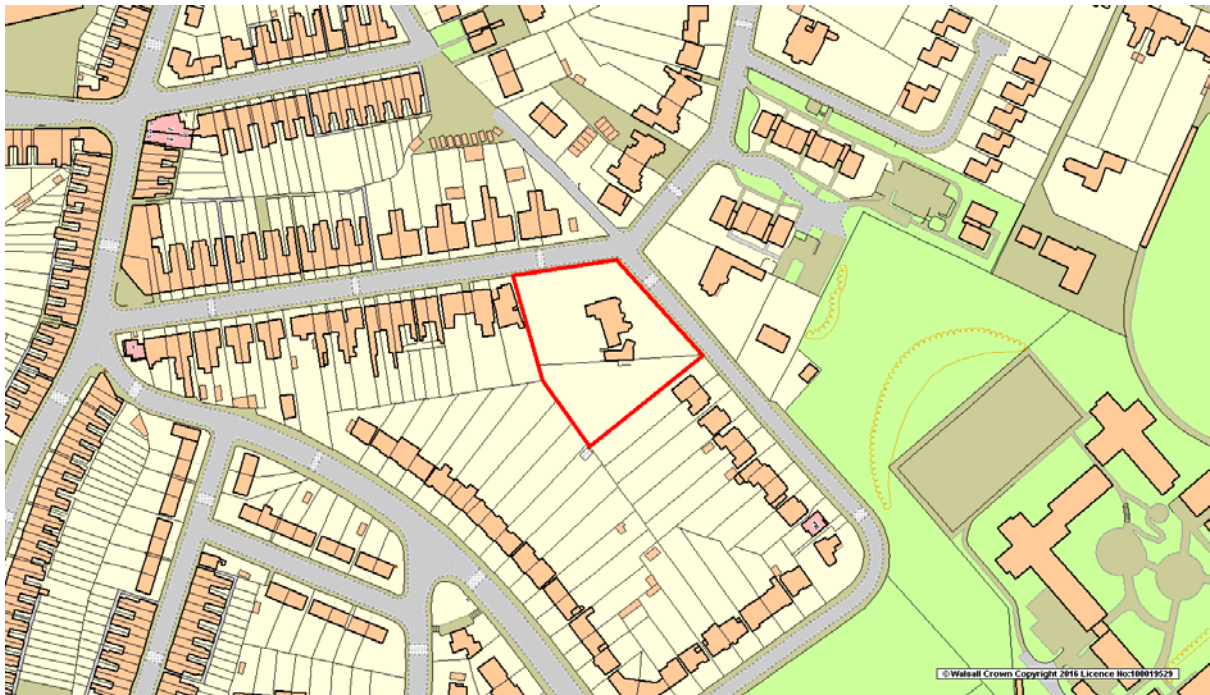
Location: THE HAWTHORNS, HIGHGATE DRIVE, WALSALL, WS1 3JW

Proposal: ERECTION OF 5 DWELLINGS.

Application Number: 16/0919
Applicant: Waseem Rasab
Agent: Mrs Janet Hodson
Application Type: Full Application

Case Officer: Mike Brereton
Ward: St Matthews
Expired Date: 09-Nov-2016
Time Extension Expiry: 28-Feb-2017

Recommendation Summary: Grant Permission Subject to Conditions



Application and Site Details

This application is being reported to members of the Planning Committee due to a total of 4 objections from nearby residents and an objection from the Tree Officer. Delicate judgement is required.

The application site contains a Locally Listed Building The Hawthorns, an early Victorian detached 2 storey villa with bay windows to front, two storey and single storey wing extensions to the south and three storeys to the rear and north facing side elevations. The brickwork of the house has been painted white and original windows, doors and cills have been replaced by UPVC fixtures. The Hawthorns is said to be one of the first properties to be built in the Highgate area and therefore plays an important role in the local area.

The application site slopes upwards from west to east along the Highgate Road boundary and from north to the south with an overall drop in levels of 3m across the site. The site is divided by a brick wall into a garden related to the villa and a triangular area of land that may have been used as garden but which is currently an uneven and unmaintained area of rough land. A 1.7m to 2m high original brick wall, surrounds the site on all boundaries, including the adjacent rear gardens of 48 Highgate Road and 6 Highgate Drive.

The application site is located on the western corner of the junction of Highgate Drive and Highgate Road and this application proposes:

- 1 x three bedroom and 2 x four bedroom two storey detached houses with integral garages fronting Highgate Road, flat roof bay windows and timber detailed pitched gable features to front with rear gardens between 60m² to 100m² each;
- 2 x four bedroom two storey houses with attached garages to the south of The Hawthorns with hipped roof, vertical brick detail above windows and stone banding features with garden sizes of around 300m² each;
- Creation of new vehicle access off Highgate Road to serve new driveway to front of proposed houses;
- Re-location of existing vehicle access off Highgate Drive further along the eastern boundary to accommodate new shared driveway serving The Hawthorns and new houses to the south and nearest to No.6 Highgate Drive;
- Demolition of retaining walls within the application site and re-use of materials to repair and reinstate boundary wall; and
- Demolition of single storey detached barn and garage serving the Hawthorns and re-use of materials to build retaining wall at this section.

Parking for at least three vehicles per plot would be provided in the form of garages and parking to the front of proposed Highgate Road houses and to the front and side of the 2 x proposed houses to the south. The proposed 5 new houses (site area of 0.36ha), with the retention of The Hawthorns, equates to 17 dwellings per hectare. For comparison, the density per hectare on adjoining sites at Highgate Drive and Highgate Road is between 17 to 20 dwellings per hectare.

The site also contains 51 protected trees mostly situated along the east, south and west boundaries. This application proposes to remove 15 protected trees. The submitted Arboricultural report explains that 11 (U Class) trees are to be removed due to poor condition and a further 4 (B and C Class Trees) are to be removed to facilitate development. The report also explains that the site is overgrown with ivy which has extended up into the tree canopies and is proposed to be removed as part of this application.

Highgate Road character is mostly defined by traditional detached and terraced Victorian style two storey houses. Key characteristics are pitched roofs, bay windows, stone banding, detailing around windows plus examples of timber detailing to canopies and gables. Larger detached houses are opposite the application site occupying similar corner plots, being a mix of modern design with pitched front gable feature and traditional 1930s semi-rural style houses. To the south of the application site, Highgate Drive is characterised by later, more modern two storey semi-detached houses with bay window features, pitched gable features

and a mix of pitched and hipped roofs.

The following documents have been submitted alongside the application:

Ivy Management Programme – Explains how the ivy within the site will be treated and removed.

Arboricultural Report Method Statement – Concludes the proposed removal of trees would not have any detrimental impacts on tree cover within the site.

Arboricultural Report Implication Assessment – Sets out method of working to protect trees.

Bat and Bird Survey – Concludes there are bird nesting opportunities within the ivy on the site and that there is a low risk of roosting bats, but the site provides an important role for ‘commuting’ bats.

Heritage Impact Assessment – Concludes there would be no noticeable impacts on surrounding heritage assets.

Design and Access Statement – Explains the application site and its context and appropriate planning policy.

Protected Species Report – Explains the application site has the potential for small mammals, amphibians and reptiles and sets out recommendations for protection during works.

Ground Investigation Report – concludes there are no elevated concentrations of contaminants within the site and there is a low risk of contamination to controlled water sources.

Relevant Planning History

15/0392/TE - Time Extension for 09/0585/FL - Conversion and extension of The Hawthorns to provide 9 apartments, a new build block of 3 apartments and a single detached dwelling. Currently undetermined.

09/0585/FL - Conversion and extension of The Hawthorns to provide 9 apartments, a new build block of 3 apartments and a single detached dwelling. GSC 12/04/2010

08/1393/FL – conversion of existing building to 9 apartments (including extensions) and new building to create 3 apartments and one new house.- Refused 17 December 2008 for reasons of poor design, impact on 48 Highgate Road, lack of provision for satisfactory access and bin stores, failure to ensure protection for TPO trees and inadequate bat survey, and failure to agree 106 contribution requirements.

07/2760/FL/W6- erection of new block and conversion of existing house to provide 12 flats, and one detached dwelling, withdrawn 16th September 2008.

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

Key provisions of the NPPF relevant in this case:

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

- CSP2: Development Outside the Growth Network
- CSP3: Environmental Infrastructure
- CSP4: Place Making
- HOU2: Housing Density, Type and Accessibility
- ENV1: Nature Conservation
- ENV2: Historic Character and Local Distinctiveness
- ENV3: Design Quality
- ENV5: Flood Risk, Sustainable Drainage Systems and Urban Heat Island

Unitary Development Plan

- GP2: Environmental Protection
- ENV18: Existing Woodlands, Trees and Hedgerows
- ENV23: Nature Conservation and New Development
- ENV27: Buildings of Historic or Architectural Interest
- ENV28: The 'Local List' of Buildings of Historic or Architectural Interest
- ENV32: Design and Development Proposals
- ENV33: Landscape Design
- H3: Windfall Sites on Previously Developed Land and Conversion of Existing Buildings
- T7 - Car Parking
- T13: Parking Provision for Cars, Cycles and Taxis

Emerging Site Allocation Document

No objections have been received during the consultation period for the emerging allocation of the application site for housing (under site reference HO211) and weight can be given to the following emerging policy:

- HC1: Land allocated for new housing development

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
- DW2 Safe and Welcoming Places
- DW3 Character
- DW4 Continuity
- DW10 Well Designed Sustainable Buildings
- Appendix D

Policies are available to view online.

Consultations (*Officer comments in italics*)

Archaeology Officer – No objection.

Clean and Green - No comments received.

Community Safety Team – No objection subject to incorporating security measures.

Conservation Officer – No objection subject to conditions regarding materials and works to The Hawthorns and original boundary wall.

Ecology – No objection subject to conditions to include bat boxes within the development and to ensure caution is taken regarding potential nesting birds.

Fire Service – No objection subject to access to water supplies and emergency vehicle access.

Highways – No objection subject to conditions regarding laying out of parking and vehicle access.

Planning Policy – No objection.

Police – No objection subject to meeting Secure by Design measures.

RSPB - No comments received.

Severn Trent Water – No comments received (*a standard drainage condition can be included*).

Tree Officer – Objects due to proposed relationship between protected trees and proposed new houses which has the potential to place future pressure of removal or heavy pruning of trees to the detriment of the visual amenity of the area.

Walsall Civic Society – No comments received.

Western Power – No comments received.

Public Participation Responses

4 objections received from nearby neighbours on the following grounds:

- Proximity of development would result in loss of light to kitchen, utility, toilets and bedroom;
- Overbearing and over-development;
- Houses could be converted into House in Multiple Occupation, flats or studios;
- Increased parking / traffic issues;
- The Hawthorns likely to be converted into apartments;
- Destruction of Locally Listed Building;
- Removal of protected trees and enforcement of replacement planting;
- Destruction of wildlife;
- Design of development out of keeping with character of area;
- Reduction of boundary wall;
- Disruption during and post-construction; and
- Invasion of privacy to garden at rear.

Neighbours also submitted copies of objections for previous applications at the site and it should be noted these cannot be taken into account in the determination of this current application.

Determining Issues

- Non-Designated Heritage Asset
- Principle of the Development
- Design and Character of Area
- Amenity of Neighbours and Occupiers of the Development
- Ecology
- Trees
- Highways
- Conclusion
- Local Finance Considerations

Observations

Non-Designated Heritage Asset

The Hawthorns is a locally listed building. The Hawthorns and its grounds are considered to be of local historic and architectural interest and as such is a non-designated heritage asset. The NPPF sets out tests that must be applied in assessing the significance of a heritage asset and any harm arising from new development (Paragraphs 126 – 141).

The submitted heritage impact statement does not include an assessment of the significance, or harm to The Hawthorns and its status as a locally listed building. It does explain that the original boundary wall is to be retained as it plays an important role in the overall setting of the application site and contributes to the wider character of the area. The overall appearance of The Hawthorns has deteriorated over the years largely due to the introduction of unsympathetic UPVC windows and painted exterior and the boundary wall requires repair and removal of overgrown ivy.

The submitted details for the repair and reinstatement of the boundary wall and removal of ivy from the whole site is considered would provide positive benefits to the site itself and to the wider area. The permission in 2010 included improvements to The Hawthorns, including replacement timber windows, and it is considered this should be included as a condition on any new permission at the site to offset any harm arising from the development and to re-instate features which reflect those used in the original villa to help re-enforce the importance and stature of this non-designated heritage asset within the setting of new development. On this basis, and taking account of the proposed overall layout which retains clear views through to The Hawthorns ensuring its prominence, it is considered on balance the development would result in 'less than substantial harm'.

Where there is 'less than substantial harm' to a heritage asset the NPPF (paragraph 134) states such harm should be weighed against benefits of the proposal. In this instance it is considered on balance that improvements to The Hawthorns, the boundary wall and removal of ivy along with bringing rough land forward for new houses (in line with the emerging site allocation) outweighs such harm and is acceptable in this instance.

A condition removing permitted development rights to the 5 new houses for Part 1 (Development Within the Curtilage of a Dwellinghouse) and Part 2 (Minor Operations) should be included to ensure these houses retain a satisfactory appearance within the setting of the Locally Listed Building whilst remaining subservient to The Hawthorns. This would also help to safeguard the amenities of adjoining neighbours and to ensure retention of adequate outdoor amenity space and level of amenity to occupiers of the development itself.

Neighbours objected on the grounds of a reduction to the boundary wall and the destruction of The Hawthorns. Whilst it is recognised the proposal includes demolition of a detached outbuilding along with creation of new vehicle access points in the boundary wall along Highgate Road, the proposed layout has been designed around the retention of The Hawthorns along with repair and improvements to the remaining boundary wall. The Hawthorns and its boundary wall are considered play an important role in the overall scheme and a further condition should be included removing permitted development rights under Schedule 2 Part 11 (Heritage and Demolition) to ensure their retention. This is considered to address neighbours concern regarding the destruction of the Hawthorns.

Principle of the Development

The proposed development would provide a total of 5 new houses on garden land (an area of uneven, overgrown land) within a large plot surrounding an existing house. UDP Policy H3 supports the reuse of such sites, subject to the provisions of other policies.

The site gained permission in 2010 for residential development and whilst the Core Strategy 2011 and NPPF 2012 have since been adopted, it is considered the policy basis has not changed to any degree that would result in opposition to the principle of residential development in this location. Furthermore, the nearby area is made up of existing residential dwellings and the Council's emerging Site Allocation Document allocates the site for new residential development (reference HO211). The principle of development is considered acceptable subject to meeting all other policy requirements.

Neighbours objected to the development on the grounds that The Hawthorns along with the proposed houses could be turned into flats or used as a House in Multiple Occupation. Whilst this does not form part of the current proposal these residential uses may be acceptable in principle, subject to meeting other policy requirements.

Design and Character of Area

The proposal locates three detached houses fronting Highgate Road between 5m to 8m back from the back of the pavement. Whilst this contrast to the local pattern, the setback would mitigate potential impacts to a side ground floor habitable kitchen / dining window at 48 Highgate Road and provide parking for the houses. These three houses would be 8.4m high with an 83m² footprint and include design features reflecting the Victorian houses in this location including bay windows, timber detailed pitched gable features and front stone detailing. It is considered this helps integrate the development into its setting whilst minimises any potential harm to the character of the area. The house heights are stepped to correspond with the rising ground levels from West to East whilst designed to avoid an overly dominant appearance and to respect the overall height of adjoining neighbour No.48.

The two houses to south nearest No.6 Highgate Drive have a larger footprint of around 117m² and would be 7.2m high. These houses have been designed with hipped roofs, vertical brick detail above windows and stone banding features which is considered acceptable. These houses would be located further within the site and largely screened from public vantage points by the retained Hawthorns building and existing mature boundary trees. Conditions can be included on any permission regarding materials in all proposed houses in line with the Conservation Officer recommendations.

Corner plots at the junction between Highgate Road, Highgate Drive and Follyhouse Lane all occupy large plots and The Hawthorns occupies a significantly larger plot with development retaining The Hawthorns as the dominant feature within the site, including a large rear garden area. It is considered acceptable and broadly reflects the nearby pattern of development and character of the area. The proposal also provides a similar layout to the 2010 permission.

The submitted site plan does not clearly show how fences and pedestrian access gates to the side of the proposed houses would be positioned and designed to secure each plot whilst minimising potential crime (for example ensuring they are flush with the front elevation) and lacks details of a proposed vehicle access gate at the Highgate Drive entrance. A condition can be included to require submission of a detailed boundary treatment plan to address this. The Landscape Officer recommended condition regarding landscaping is noted and on balance, whilst the sensitive nature of the site is recognised regarding protected trees, the Government's drive to minimise use of conditions when combined with proposed use of conditions to help protect the trees and small development size is considered to be unnecessary in this instance.

Neighbours objections that the development would be overbearing and over-development of the plot and would be out of keeping with the character of area are noted. It is considered the proposed site density of 17 dwellings per hectare reflects the character of the area which is between 17 and 20 dwellings per hectare on adjoining sites. As set out above, it is also considered the use of stepped roof heights utilising ground level changes along Highgate Road, when combined with their set-back position reduces the dominance to No.48 and the street scene and the overall layout is considered provides an acceptable amount of development. In addition, the design reflects the local vernacular whilst not providing a pastiche appearance and considered to be in keeping with the character of the area.

Amenity of Neighbours and Occupiers of the Development

The 3 detached houses fronting Highgate Road do not include any side facing habitable windows and have been set back from the back of the footway. House Type A1 has been designed with a cut-in rear section to mitigate impacts on an existing ground floor side facing habitable kitchen window and first floor rear facing habitable bedroom window at No.48. The development would not breach the 45 degree code to any of 48's nearest habitable windows and it is considered the houses would not result in any significant additional impacts on neighbours amenity regarding loss of light or shadowing. The proposed layout is also considered would provide a satisfactory level of amenity to occupiers of the proposed houses whilst meeting the aims of the Designing Walsall SPD.

House Type D1 includes a first floor side facing bedroom window and may result in overlooking / perceived overlooking to the rear amenity area of No.6. A further rear window to the same bedroom is proposed and it is considered the side facing window should be conditioned to be obscure glazed. When combined with existing mature boundary trees this would help to minimise impacts on this neighbour's amenity.

The two proposed houses with the grounds of The Hawthorns would not breach the 45 degree code to any of the nearest habitable windows at No.6. It is considered the houses would not result in any significant additional impacts on this neighbour's amenity regarding loss of light or shadowing. The proposed outdoor amenity space to House Type D2 is mostly located to the side alongside the boundary with Highgate Drive and whilst it is recognised mature trees along the boundary will result in areas of the garden being in shade, it is considered the overall size of garden at 300m² exceeds the Council's design guidance and would provide useable outdoor space. A condition should be included replacing the hoop topped steel fence with a close boarded fence along the depth of the garden amenity space to provide privacy to the occupiers of House Type D2 when using the outdoor amenity area. The proposed layout is considered would provide a satisfactory level of amenity to occupiers of these two proposed houses and meets the aims of the Designing Walsall SPD.

Neighbours objections regarding disruption occurring during and post-construction, loss of privacy to garden at rear (Delves Road) and loss of light to a kitchen, utility, toilets and bedroom at an adjoining neighbours property are noted. The current layout would not result in any significant additional impacts to neighbours amenity regarding loss of light and privacy. Construction periods do bring a degree of disturbance to neighbours, although, it is recognised that these do not extend for long periods and it is considered insufficient to refuse the application for this reason alone. There is no evidence to substantiate, the residential use of the site is likely to result in any significant additional impacts to neighbours' amenity above and beyond the existing residential use to be able to sustain a reason for refusal. A 12m distance between the nearest proposed house type D1 and the rear garden boundaries of Delves Road houses, when combined with existing mature boundary trees plus a further 50m distance to the rear patio areas of Delves Road houses (considered to be the primary area used for outdoor amenity), this is considered to minimise any potential loss of privacy and considered acceptable in this instance.

Ecology

Neighbours objected on the grounds that the development would result in the destruction of wildlife. The submitted bat survey recommends installation of bat boxes built into the south facing rear gable wall apexes of house Type A1 and D1 for warmth and proximity to trees, which are likely to be used by commuting bats. This can be required by condition. The bat survey also refers to the potential for nesting birds in the ivy on the site. A further condition should be included to ensure appropriate steps are taken during construction and clearance of the ivy to avoid impacts on nesting birds by avoiding the February to September nesting seasons, or require an additional survey to identify nesting birds. Whilst the submitted bat survey concludes there is no evidence of bats roosting and the site offers low potential for bat roosts, It recommends a method of working during construction, plus use of downlights to illuminate the development, safeguarding any potential bats. This should be included as a condition on any permission.

The submitted Protected Species Survey includes a number of recommendations relating to non-protected species and should be included as a condition on any permission due to the sites 'commuting' role to other species..

Trees

The Tree Officer has objected to the application on the grounds that House Types D1 and D2 are positioned in close proximity to protected trees which has the potential to result in pressure from future occupiers of the development to remove trees due to swaying and shading. The objection also relates to the lack of details of service runs for foul and surface water run-off to assess the impact on existing tree stock.

Plot D2 has been moved further south-west away from boundary trees along Highgate Drive. This provides a larger outdoor amenity space to serve the plot D2 with the aim of protecting the long-term retention of these trees which provide an important level of visual amenity to the street scene and wider area. The submitted details show the removal of some of the trees within the site (15 in total). The submitted arboricultural report explains that 11 (U Class) trees should be removed regardless of development due to their poor condition along with a further 4 (B and C Class Trees) to facilitate development.

On balance, the proposed removal of trees (particularly the large number in poor condition) and proposed removal of ivy from the site, including its growth up to tree canopies, when combined with the current layout, helps provide additional light into the site along with a greater amount of useable amenity space to occupiers, minimising potential future pressure on tree felling. Furthermore, permitted development rights are proposed to be removed from

the new houses to prevent erection of outbuildings and extensions which may otherwise have the potential to result in impacts on trees.

An undetermined application (15/0392/TE), time extension of the 2010 permission (09/0585/FL), was submitted prior to the removal of the time extensions from the legislation, a decision will need to be made as to the legality of this application. Whilst this is a separate matter, it should be noted the current proposal has a similar layout to the 2010 permission. The 2010 permission included tree protection conditions during construction and it is considered on balance, with the potential for the 2010 permission to still be implementable, the conditions as recommended in the submitted arboricultural report and any relevant 2010 tree protection conditions should be included on any new permission.

Neighbours objected to the removal of protected trees and request the enforcement of replacement planting. Tree removal has been considered above to be acceptable, particularly due to the poor condition of much of the trees to be removed. Replacement planting has the potential to further reduce the amount of light and useable amenity space serving the dwellings and on balance, it is considered replacement planting is not necessary in this instance.

Highways

Neighbours objected to the potential for increased parking and traffic issues as a result of the development. The proposed development provides vehicle parking for at least 3 vehicles per plot which meets the requirements of UDP Policy T13 and is considered would not have severe transportation implications and is acceptable in accordance with the NPPF. The Highways Authority recommended condition regarding highways improvements outside of the application site boundary relate to works that can be carried out under separate legislation is therefore considered should be included as a note to applicant.

Neighbours also objected to the development on the grounds that The Hawthorns along with the proposed houses could be turned into flats or used as a House in Multiple Occupation. Whilst the principle of these forms of residential uses may be acceptable in planning policy terms, it is recognised these within the site may result in increased vehicle parking. A condition could be included on any permission to remove permitted development rights to The Hawthorns and the new houses for Schedule 2 Part 3 (changes of use) to ensure sufficient parking is provided to serve the development and in the interest of highways safety.

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 5 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.

Conclusion

The neighbours objections have been taken into account and on balance, the proposed development is considered would not result in any significant additional impacts on neighbours amenity and would reflect the character of the area whilst retaining, and making positive improvements to The Hawthorns and its boundary wall. Furthermore, any additional impacts on protected trees at the site can be minimised through protective measures during works and removal of permitted development rights at the new houses. The development is also similar to the permission at this site in 2010 and on balance, is considered acceptable.

Positive and Proactive working with the applicant

Officers have spoken with the applicant's agent and in response to concerns raised regarding design, layout and amenity, 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 documents and plans: -

- Application Form. Deposited 22/06/2016
- Location Plan. Deposited 22/06/2016
- Design and Access Statement. Deposited 22/06/2016
- Ivy Management Programme. Deposited 20/12/2016
- Arboricultural Report Method Statement (5th June 2016). Deposited 22/06/2016
- Ground Investigation Report (16th June 2016). Deposited 22/06/2016
- Bird and Bat Survey (16th June 2016). Deposited 22/06/2016
- Coal Mining Details. Deposited 22/06/2016
- Protected Species Survey (16th June 2016). Deposited 22/06/2016
- Heritage Statement. Deposited 15/09/2016
- Site Plan Wall Repairs (JMD 464 07). Amended deposited 20/01/2017
- Site Plan Proposed Layout (JMD 464 06). Amended deposited 20/01/2017
- House Types D1 (JMD 464 12). Amended deposited 20/01/2017
- House Types D2 (JMD 464 11). Amended deposited 20/01/2017
- House Types B (JMD 464 09). Amended deposited 20/01/2017
- House Types A1 (JMD 464 08). Amended deposited 20/01/2017
- House Types C (JMD 464 10). Amended deposited 20/01/2017
- Street Elevation (JMD 464 03). Amended deposited 20/01/2017
- Survey (JMD 464 04). Amended deposited 07/10/2016
- Demolition Plan (JMD 464 05). Deposited 20/01/2017

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

3a. Prior to commencement of development drainage plans for the disposal of foul and surface water flows, including service runs, shall be submitted to and approved in writing by the Local Planning Authority.

3b. Prior to first occupation, the scheme shall be implemented in accordance with the approved details and thereafter retained as such.

Reason: To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem, to minimise the risk of pollution and to safeguard existing root protection areas to trees within the site.

4a. Prior to the commencement of development and immediately after the completion of the necessary tree surgery work, protective fencing shall be erected on site. This fencing shall be fit for purpose (including any necessary ground protection) in full accordance with the requirements of BS 5837:2012 and positioned as shown in the submitted Tree Protection Plan and accompanying Method Statement.

4b. The fencing shall comprise of a 2.4m high scaffold framework supporting exterior grade plywood with a minimum thickness of 20mm. Uprights shall be placed at centres not exceeding 1.5m.

4c. Signs shall be attached to the protective fencing to indicate the root protection area is a construction exclusion zone setting out the procedure for entering the area as shown in the submitted Method Statement.

4d. The protective fencing shall remain in place during all construction works.

Reason: To preserve and enhance the visual amenities of the locality in accordance with Policy ENV18 of the Walsall UDP 2005.

5a. Notwithstanding the approved plans and before the commencement of development, the following must be submitted to and approved in writing by the Local Planning Authority:

- Samples of materials to be used in the walls and roofs of the new dwellings;
- Cross section plans showing the details of the proposed windows of the new dwellings, the thickness of the glazing units, their material, and colour;
- Details of rainwater goods, their material and colour;
- Details of all external joinery and fenestration surrounds for the new dwellings;
- Plans illustrating the eaves detailing of the new dwellings;
- Details of all external pipework, vents and flues, their material, colour, location and projection from the facade
- A sample panel showing the type and gauge of pointing of the external brickwork to be used in the construction of the walls of the new buildings;
- Plans showing a cross section of the proposed hardwood timber framed windows to be placed in The Hawthorns building, the thickness of the glazing unit, external finish and recess from the brickwork
- Plans showing the proposed replication of the entrance coping stone next to the new pedestrian entrance along Highgate Road as per the schedule of works;
- Confirmation of where the existing coping stone in front of The Hawthorns will be relocated to; and
- Details of the proposed pedestrian and vehicular gates, their material, colour, and appearance.

5b. The works shall subsequently be fully undertaken in accordance with the approved details and retained as such and the proposed works to the boundary walls and installation of timber windows to The Hawthorns shall be undertaken and completed prior to the first occupancy of the hereby approved dwellings.

5c. All pointing, re-pointing and mortar beds to existing boundary walls shall be undertaken using NHL3.5 lime mortar at a ratio of 1 part lime to 3 parts sand.

5d. The method of pointing and bedding of new and existing masonry for the boundary walls shall be as follows:

- All raking out of old mortar shall be by hand;
- All new pointing shall be given a flush finish (not weather struck); and
- All pointing shall be pat finished and not smoothed by tooling.

5e. Any walls to be demolished shall be taken down by hand (no power driven mechanical tools to be used), the bricks and coping stones are then to be cleaned and reused in the reconstruction of the boundary wall and the making good of the wall to The Hawthorns.

Reason: To ensure the special character of the locally listed heritage asset is preserved and enhanced and to ensure the full benefits to the historic environment are realised.

6a. Notwithstanding the submitted Site Plan Proposed Layout (JMD 464 06) and prior to the commencement of any part of the development a detailed boundary treatment plan shall be submitted to and approved in writing by the Local Planning Authority showing:

- i. how fences and gates to the side of the proposed houses would be positioned and designed to secure each plot and to minimise potential crime (for example ensuring they are flush with the front elevation of houses);
- ii. details of a vehicle access gate to Highgate Drive entrance; and
- iii. to provide a 1.8m high close boarded fence with 0.3m trellis on top secured together using galvanised metal straps along the proposed vehicle access and adjoining the proposed outdoor amenity space serving house type D2.

6b. The development shall be carried out fully in accordance with the approved details and thereafter retained as such.

Reason: In the interest of safety and security of occupiers of the development and to provide an acceptable level of amenity to occupiers in accordance with the NPPF and UDP Policy GP2.

7a. Prior to the first occupation of any dwelling on the development hereby approved, all access ways, parking spaces and vehicle manoeuvring areas serving the dwellings shall be fully consolidated, hard surfaced and drained so that surface water run-off from these areas does not discharge onto the highway or into any highway drain.

7b. 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.

8a. Site clearance, demolition and dismantling works shall be undertaken outside the bird nesting season (usually between mid February and September inclusive) unless the site has been surveyed for nesting birds by a qualified and experienced ecologist to ensure no birds are present.

8b. Should any nesting birds be discovered, clearance works shall cease and not recommence until the young have fledged.

Reason: To safeguard protected species.

9. Prior to any new vehicle access point first coming into use, a vehicle footway crossing to align with the new access shall be installed in accordance with the Council's footway crossing specification SD11/8 dated January 2008 and to the satisfaction of the Highway Authority. All works within the public highway shall be in accordance with all statutory requirements.

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.

10a. Site clearance, demolition and dismantling works shall be undertaken outside the bird nesting season (usually between mid February and September inclusive) unless the site has been surveyed for nesting birds by a qualified and experienced ecologist to ensure no birds are present.

10b. Should any nesting birds be discovered, clearance works shall cease and not recommence until the young have fledged.

Reason: To safeguard protected species.

11a. The approved tree works shall be carried out in line with BS3998: 2010 (Recommendations for Tree Works) and carried out by an arboricultural contractor with suitable qualifications and insurance.

11b. The site and associated development shall be monitored during tree works and construction of development in accordance with with item 6.3 of BS5837: 2012 and the details set out in the submitted Arboricultural Method Statement & Tree Protection Plan.

11c. Where it is necessary to undertake operations within the root protection area the potential for damage can be avoided by adopting the precautionary measures detailed in BS 5837 (2012). The primary method of protecting root zones is fencing around them.

11d. There shall be no alterations in the ground level and no compaction of the soil within root protection areas.

11e. There shall be no tipping or storage of materials within the protection area.

11f. The mixing of cement / concrete or other contaminants shall take place within the material storage area on the main drive as depicted on the submitted tree protection plan. Care shall also be taken to prevent contamination from any spillages.

11g. There shall be no burning of waste material at site.

11h. In the event that roots exceeding 50mm are uncovered during excavation of footings they shall be carefully retained by hand digging around them and wrapping with Hessian cloth. Should roots need to be cut back this shall be carried out by qualified arboricultural persons.

11i. The proposed vehicle access shall be constructed using a 'no dig' approach. This will require the use of a cellular confinement system to support the weight of the driveway:

- i. Level existing ground by filling any pot holes or dips in the ground with sharp sand.
- ii. Cover the area of the construction with a ground stabilising fabric such as Tensar or similar.
- iii. The cellular system should be pegged in place and then filled with washed type 1 angular road stone.
- iv. The final surface treatment can be added when the cellular system is full with road stone.
- v. The final surface treatment is recommended to be porous tarmac to permit sufficient exchange of gasses and allow moisture to penetrate the root zone.

11j. The applicant shall give written notice to the Local Planning Authority 5 days prior to carrying out the approved tree works and any operations that present a particular risk to trees (e.g. demolition within or close to a Root Protection Area, excavations within or close to a RPA, piling, craneage).

11k. In this condition a "retained tree" is an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) below shall have effect until the expiration of 5 years from the date of the first occupation of the development for its permitted use:

- i. No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be pruned in any manner, be it branches, stems or roots, other than in accordance

with the approved plans and particulars. All tree works shall be carried out in accordance with BS3998.

- ii. If any retained tree is cut down, uprooted, destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority
- iii. Prior to the commencement of works on site and after the installation of the tree protection in accordance with the approved details, the Council's arboricultural officer shall be notified to allow a full inspection of the protection measures.

Reason: To preserve and enhance the visual amenities of the locality in accordance with Policy ENV18 of the Walsall UDP 2005.

12a. A pile and beam foundation system shall be utilised for House Types D1 and D2 which incorporates a ventilated air space between the underside of the slab and the existing soil surface. The use of specialist irrigation incorporating rain water run-off from roofs will greatly help the survival of tree roots.

12b. As there will be a need to install piles within the root protection area the smallest practical size of pile should be used as this will reduce the possibility of striking major tree roots and will utilise a smaller size of rig to install the piles. Either a sleeved bored pile or a screw pile to reduce the impact upon tree roots.

12c. Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bund compound shall be at least equivalent to the capacity of the tank plus 10%. If there is a multiple tankage, the compound shall be at least equivalent to the largest tank, or the combined capacity of the interconnected tanks plus 10%. All filling points, vents, gauges and sight glasses shall be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipe-work shall be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets shall be detailed to discharge downwards into the bund.

Reason: To preserve and enhance the visual amenities of the locality in accordance with Policy ENV18 of the Walsall UDP 2005.

13. The development shall be carried out in accordance with the method of working relating to bats.

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

Reason: To safeguard protected species.

14a. A brick bat box shall be incorporated into the gable apex of the southern elevation of House Type A1 and D1 and thereafter retained as such. The bat box shall be located at over 2.5m from ground and shall not be positioned directly above any doors or windows.

14b. The entrance to the bat boxes shall be kept clear from obstructions at all times.

Reason: To conserve local bat populations.

15. There shall be no direct illumination of the new bat roosting opportunities. Lighting around the site shall only be by low wattage down lights at low level to provide security and safety lighting for the dwellings and service area. This lighting shall be set no higher than the head height of the ground floor windows and shall minimise the possible disturbance to bats in this area. Any security lighting shall use PIR's to ensure they turn off automatically once the movement has ceased.

Reason: To conserve local bat populations.

16a. The hedgerow and trees should be retained, where practicable and protected during works in accordance with BS5837:2012 'Trees in relation to construction' for the purposes of ensuring that potential bird nesting habitat and sheltering habitat for other notable species such as amphibians and reptiles as well as potentially valuable connective corridors through the landscape are maintained.

16b. Keep the garden mown to a short sward length of less than 10cm to deter small mammals, reptiles and amphibians from seeking shelter or foraging on site. The site should be maintained this way up to and during works. Should any non-protected species be found, they should be moved by hand to an area of refuge.

16c. Any works to the brick walls along the site boundary including the smaller section of wall adjoining the west site boundary should be dismantled by hand with due diligence and stored off-site or on raised pallets to discourage any sheltering notable/protected species.

16d. The builders' compound shall be located at least 5m from vegetation and all storage must be on pallets to avoid the possibility of amphibians or reptiles using these areas for shelter.

16e. Should any protected species be discovered before or during the works, Ecolocation or the local office of Natural England should be contacted for advice.

16f. Any fences which form part of the gardens of new properties should contain a 13cm x 13cm gap in one or more place along the base or within the gravel boards to ensure good connectivity between gardens allowing for use and movement through the site by foraging hedgehogs.

16g. Nest boxes for a range of birds shall be provided on site within existing or new trees to maintain and enhance the existing breeding possibilities. Such nesting facilities should be sited away from roads, erected on any suitable trees and facing away from prevailing wind and rain.

Reason: To safeguard nature conservation and in accordance with the NPPF, BCCS Policy ENV1 and NE1 of the Conserving Walsall Natural Environment SPD.

17. Each new vehicular access point shall provide 2.4m x 3.4m pedestrian visibility splays, measured from the centre of each access at the back of the highway, within which no planting or structures exceeding 600mm in height above footway levels shall be permitted at any time.

Reason: To provide adequate inter-visibility at the proposed remodelled access points in the interests of highway safety and UDP Policy GP2.

18. The proposed first floor side facing bedroom window in House Type D1 as shown on 'House Types D1 (JMD 464 12)' shall be obscure glazed to Pilkington (or equivalent) privacy level 4 and any opening parts to be more than 1.7m higher than the floor level of the rooms they serve and must be retained as such.

Reason: To safeguard the amenities of the neighbours and to comply with policy GP2 of Walsall's Unitary Development Plan.

19. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), or succeeding Orders, no additional side facing windows or doors, other than as shown on the deposited plans, shall be installed in any part of this development.

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

20. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), or succeeding Orders, the following provisions shall not apply to any part of this development:

- Schedule 2, Part 1 (Development within the curtilage of a dwellinghouse)
- Schedule 2, Part 2 (Minor Operations)
- Schedule 2, Part 11 (Heritage and Demolition)
- Schedule 2 Part 3 (Changes of Use)

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

Reason: To safeguard the amenities of the occupiers of adjoining premises and of occupiers within the development, to ensure satisfactory appearance of development, to ensure satisfactory provision of parking within the site and in the interest of highways safety, and to ensure the retention of heritage assets which play an important role in the overall scheme and to the visual amenity of the wider area. To comply with the NPPF and UDP policies ENV27, ENV28, ENV32, GP2 and T13 of Walsall's Unitary Development Plan.

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

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

Reason: To ensure the safety and security of the development and its occupiers.

Notes for the Applicant:

Permitted Development

For the purposes of condition 20, the following classes of development have been removed from the development:

Schedule 2, Part 1 (Development within the curtilage of a dwellinghouse)

- Class A - The enlargement, improvement or other alteration of a dwellinghouse
- Class B – additions etc to the roof of a dwellinghouse
- Class C – other alterations to the roof of a dwellinghouse
- Class D – porches
- Class E – buildings etc incidental to the enjoyment of a dwellinghouse
- Class F – hard surfaces incidental to the enjoyment of a dwellinghouse
- Class G – chimneys, flues etc on a dwellinghouse
- Class H – microwave antenna on a dwellinghouse

Schedule 2, Part 2 (Minor Operations)

- Class A – gates, fences, walls etc
- Class B – means of access to a highway
- Class C – exterior painting
- Class D – electrical outlet for recharging vehicles
- Class E – electrical upstand for recharging vehicles
- Class F – closed circuit television cameras

Schedule 2, Part 11 (Heritage and Demolition)

- Class B – demolition of buildings

Schedule 2 Part 3 (Changes of Use)

- Class L – small HMOs to dwellinghouses and vice versa

Highways

1. Prior to the new shared vehicular access point on Highgate Drive first coming into use, full engineering details of the following works within the highway should be submitted to and

approved in writing by the Local Planning Authority in consultation with the Highway Authority;-

i) the permanent closure of the existing redundant footway crossing near the junction of Highgate Road and its replacement with a pair tactile pedestrian crossings across the junction,

ii) the existing speed hump at the new access point either relocated or modified accordingly,

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

2. 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.

3. The applicant will be expected to either enter into an agreement under S278 of the Highways Act 1980 with the Highway Authority or obtain a Road Opening Permit from the Highway Authority for all works within the existing public highway. For further advice please contact Highway Development Control Team on 01922 655927.

Method of Working - Bats

There is no evidence of bats using the buildings as a place of shelter but it is possible that individual bats may use the possible temporary roosting sites under the ridge and hip tiles at different times of year. If planning permission is granted for the demolition of the building then the method of work must be followed because of the evidence of bats using the building as a place of shelter. Because of this possibility a method of working should be put in place when there are contractors on site. This would cover work to the roof or demolition where there was access for bats.

The common species of bats that are likely to roost in buildings of this nature and are evidenced from the regional records, are crevice dwelling bats, such as the Common Pipistrelle. These bats are small and can use accesses as little as 50mm x 20mm. when found in buildings they appear no bigger than a thumb and have dark brown fur.

It is common to find bat droppings in places used by bats. These are small and often confused with mouse droppings. It is possible to distinguish between them as mouse droppings are hard whereas bat droppings, being only insect remains, crumble when rubbed between the fingers.

The other species of bat that may possibly be found on site is the Brown Long Eared bat. These are a medium sized bat, larger than a Pipistrelle with very long ears that meet in the centre of the head. These bats may be found in crevices in the brickwork, behind ridge boards or in splits in the larger roof timbers.

- When tiles are removed they should be lifted away from the roof and not slid or twisted to avoid injuring any bats roosting beneath the tiles.
- Ridge tiles should be lifted without sliding so as to avoid injuring any bats roosting beneath them.
- If a bat is found under a roof tile or ridge tile, the tile should be carefully replaced and work in that area stopped until such time as a licensed bat worker can attend the site.
- The bat can then be removed to a place of safety until such time that it can be released at night.
- The demolition of any part of the building where bats could potentially roost should be by hand. This includes the removal of roof tiles, ridge tiles, soffits, gutter fascia boards and hanging tiles. If a bat is found the work should be stopped immediately and a bat worker called to come and deal with the bat. The bat should not be handled except by a licensed bat worker. Any bats found will be taken into care for release on site later dependent upon the time and weather.
- Bats discovered during the winter period will be taken into care, feed and kept healthy until they can be released on site in the Spring.
- Bats will not be released on site until evening temperatures are consistently above 6 degrees celsius, at least three nights, the wind is light, and there is no rain.

- Bats taken into care over the winter will be released to the new roost opportunities in Spring if they are available using the same release criteria as above.

Legislation concerning bats.

The Wildlife and Countryside Act 1981 (WCA) protects bats and their roosts in England, Scotland and Wales. Some parts have been amended by the Countryside and Rights of Way Act 2000 (CRoW) which applies only in England and Wales, and by the Nature Conservation (Scotland) Act 2004 which applies in Scotland.

The Conservation of Habitats and Species Regulations 2010 (better known as the Habitats Regulations) implements the Council Directive on the Conservation of Natural Habitats and of Wild Fauna and Flora. All bats are listed as 'European protected species of animals'.

It is an offence for any person to:

- Deliberately capture, injure or kill a bat.
- Intentionally or recklessly disturb bats, where that disturbance may significantly affect the ability of those bats to survive, breed, rear or nurture their young, or is likely to significantly affect the local distribution or abundance of any bat species, whether in a roost or not.
- Damage or destroy a place of shelter (roost) of a bat, be that a resting or breeding place.
- Possess a bat, whole or in part, alive or dead.
- Intentionally or recklessly obstruct access to a roost.
- Sell or offer for sale or exchange whole or parts of bats, alive or dead.

The fine for committing an offence is £5,000 per bat. If a bat is found on site, work should stop in the area where the bat was found and the contractor should contact the Bat Consultant.

Secure by Design

Information can be found at <http://www.securedbydesign.com/pdfs/SBDNewHomes2014.pdf>

I recommend the developer seeks the accreditation on the full scheme:

All ground floor windows and any accessible windows should have at least one pane of 6.8mm laminated glass. This includes French doors and patio doors and should improve the standard of security to the more vulnerable ground floor windows. The frontages and accessible windows of the houses need to have defensible planting under the windows. This can be created by dense low level shrubbery which should be around 1m in depth. This will assist in stopping Unauthorised persons gaining access to vulnerable windows and make it more difficult for persons to peer in through window or have access to the locking mechanisms. The defensible space should overlap the whole length of the window at least. Low level dense shrubbery is the preferred method to create this barrier with a mature height of no more than 1m and should be suitable for the light and soil environment at its location.

I recommended the developer to be made aware of and fit the PAS 24:2012 doors. Where euro profile cylinder locks are proposed in doors, shutters etc. consideration should be given to the ever Increasing trend in lock snapping as a means of forcing entry to a building. To reduce such risk a minimum standard of TS-007 3 star rated cylinders with Secure By Design and Sold Secure Diamond Standard certification should be used instead of the standard 1 Star cylinder. Also where thumb turn locks are to be installed considerations should be given to the use of the 'BY Pass' method of entry by offenders. There are thumb locks on the market that cannot be 'by passed' such as the ASB Thumb turn 3 star cylinders or the Ultion Locks.

Garage doors must be certificated to one of the following standards - Loss Prevention Certification Board standard LPS1175 security rating 1 or WCL 2 BR 1

Most properties are attacked from the rear therefore perimeter security needs to be effective in order to protect the most vulnerable area. I would recommend 2.1m on all rear perimeter walls/fences and should be erected so that the smooth face is always facing outwards so that the frame cannot be used as a climbing aide. This can include 300mm anti-climb (Criss

Cross) trellis topping. The trellis should not be of a robust construction as this will create a climbing aid, rather than create a topping that will break, crack, and create noise if climbed, as intended. Where concrete post and panels are to be used the fence panels need to be secured together using galvanised metal straps, so that the panels cannot be lifted by offenders as a means of entry. 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. Any fencing used needs to be treated wood with guarantee life span of 25yrs.

All side entry gates should be the same height (2.1m) and be key lockable from both sides, they should be positioned flush with the front of the building line. Their design and construction should not provide climbing aides to offenders. The perimeter wall or fence needs to be located as near to the front of the building as possible but should not butt up next to a fence or wall of differing height forming a step ladder.

No Lead or metal should be used on the ground floor, this includes outside taps to the front of properties as the West Midlands is suffering high levels of metal theft where possible lead substitute products should be used.

All properties should have a suitable intruder alarm, with a siren box front and back, and should have dual or quad technology sensors and auto dialler function.

Secured by Design states the safest place to park a vehicle is in a locked driveway in front of the vehicle owner's property. Vehicles need to be parked in a position whereby they can clearly be seen by the owner from their property which also includes being able to see their garage. To deter car crime it is important to ensure that all parking places have good natural surveillance and are overlooked by windows from the buildings they serve which this development does cover. It will also be important not to allow plantings to obstruct views and as a general recommendation, where good visibility is needed, shrubs should be selected to have a mature growth height no higher than 1 metre, and trees should have no foliage below 2 metres, thereby allowing a 1 metre clear field of vision.

Where sheds/cycle storage are to be supplied considerations should be given to the new Secured by Design Shed. The shed is made of TPR; an award-winning alternative to concrete that is manufactured using waste diverted from landfill, having a low carbon footprint. It has been Successfully tested to LPS1175 Issue 7: 2010 SR1 Specification for testing and classifying the burglary resistance of building components, strong points and security enclosures. It can be manufactured to any size and is ideal for scooters and cycles not just as a shed. This has a guaranteed maintenance free 80 year life span therefore would not be added cost replacing or repairing this for residents.

Due to the isolated nature of the properties and the lack of view from the road, a vehicle gate be considered to the Highgate drive entrance to the site (an electric side sliding gate would work best here).

Adequate lighting within the site to ensure personal security when entering and leaving properties and also to allow clear vision when accessing utility storage etc.



Planning Committee

Report of Head of Planning, Engineering and Transportation on 02-Mar-2017

Plans List Item Number: 8.

Reason for bringing to committee: Significant Community Interest

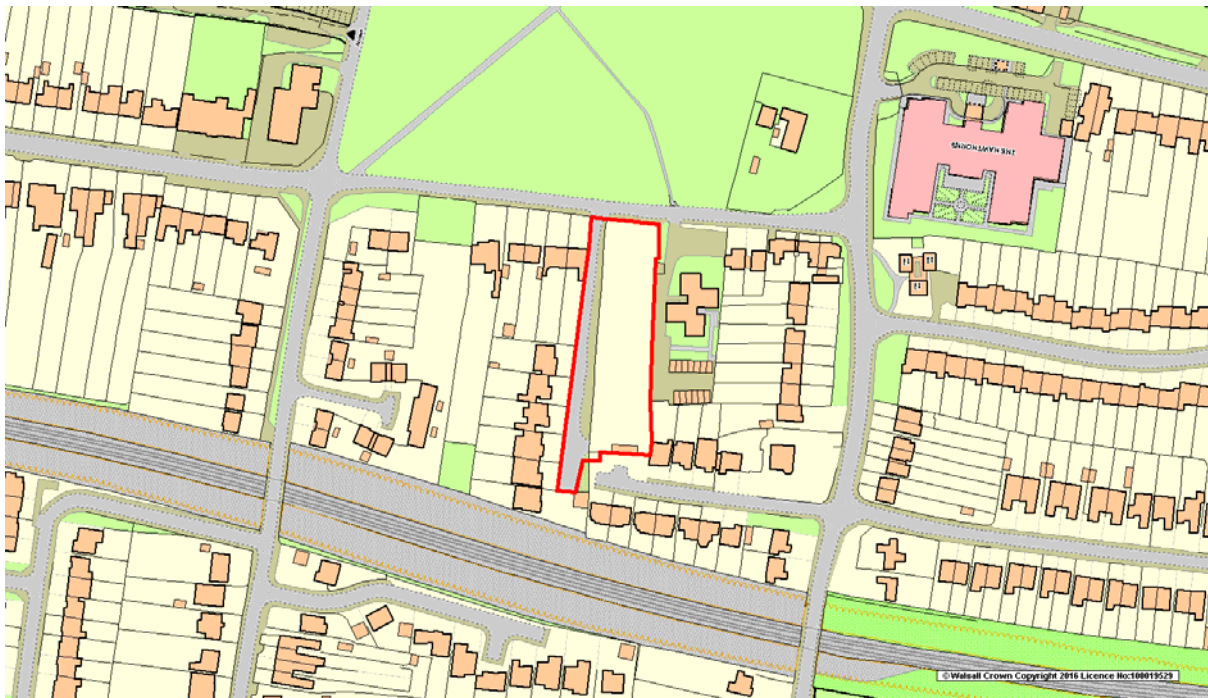
Location: 47 PORTLAND ROAD, ALDRIDGE, WS9 8NU

Proposal: CONSTRUCTION OF 8NO DWELLINGS AND ASSOCIATED EXTERNAL WORKS, CAR PARKING AND LANDSCAPING.

Application Number: 16/1793
Applicant: Owl Homes Limited
Agent: Oakley Architects Ltd
Application Type: Full Application

Case Officer: Barbara Toy
Ward: Aldridge Central And South
Expired Date: 22-Mar-2017
Time Extension Expiry:

Recommendation Summary: Grant Permission Subject to Conditions



Application and Site Details

The site comprises vacant land formerly occupied by a detached house, situated at the junction of Portland Road and Portland Avenue within Aldridge Conservation Area. The site faces The Croft area of open space. There 14 mature Sycamore, Lime and Ash trees on the site along the boundary with Portland Avenue that are protected under Tree Preservation Order 18/1982. The site is within walking distance of Aldridge District Centre. There is a combination of bungalows, two storey houses and three storey flats (Church View) surrounding the site in Portland Road, Portland Avenue and Sandra Close. Portland Avenue is an unadopted cul-de-sac. There is a boundary wall between the site and Church View flats and 7 Sandra Close which returns at the end of Portland Avenue.

This application is a revised scheme for the erection of 8 detached dwellings, following a previous outline consent in 2015 for 8 detached houses with access, layout and scale considered. This is a full application rather than reserved matters as the layout of the scheme has minor revisions from the outline consent.

The overall layout with two detached houses facing Portland Road and six houses to the rear facing Portland Avenue would remain as the outline approval with minor changes to the exact positioning of the houses to the rear to amend the side entry positions, a change of house type on plot 5, plot 4 would be handed and a change of footprint of plot 8. The driveway detailing has also been amended on some plots to avoid the protected trees and the root protection areas of these trees.

Plot 1 would be a 5 bed 3 storey detached house with the second floor accommodation within the roof space with gable roofs over the second floor windows to front and rear. The house would be set back from the road between 12 -13m in line with the adjoining house at 45 Portland Road and has an integral garage and front driveway parking off Portland Road. The house would have a maximum hipped roof height of 9.6m.

Plot 2 would comprise a 5 bed 3 storey detached house set on the corner of Portland Avenue in line with the frontage of 45 Portland Road. Whilst the front driveway parking would be accessed off Portland Road the integral garage would be accessed off Portland Avenue. The house would have an unusual footprint in order to address both street frontages, effectively creating a double hipped roof maximum height of 9.6m.

Plots 3 and 4 would face Portland Avenue and be the same design, creating 5 bed (and study) 2½ storey houses with integral garages and two dormer windows to the frontage. The property would have a front to back gable roof with a maximum height of 9.6m.

Plot 5 would face Portland Avenue and create a 5 bed 2½storey house with integral garage and 2 dormer windows to the frontage. The house would have a front to back gable roof with a maximum height of 9.6m.

Plots 6 and 7 would face Portland Avenue and create 2 storey 4 bed detached houses with integral garage. The houses would have a front to back gable roof with a maximum height of 9m.

Plot 8 would also face Portland Avenue and create a 2 storey 4 bed house with integral garage set back at the side. The house would have a front to back gable roof with a maximum height of 9m.

Each of the 6 houses off Portland Avenue would be set back a minimum of 8m from the roadway, set behind the row of retained TPO trees. Portland Avenue would remain unadopted with its existing surfacing along the majority of its length, to ensure no

disturbance to the TPO trees, two speed humps would be added, one in the centre of the driveway and one close to the junction with Portland Road with tarmac surfacing up to Portland Road, in line with comments from Transportation on the outline consent.

Plots 1, 2, 3, 4, 6 and 7 would be constructed from a red brick with a grey slate roof tiles whilst plots 5 and 8 would be a different red brick and a mixed russet roof tile. All brickwork would be a traditional stretcher bond with a buff mortar with all windows aluminium in a dark grey colour, all doors will have a timber frame and composite oak brown finish door and all the garage doors steel. All rainwater goods would be aluminium and all the roof lights would be a Velux conservation roof window, flush with the roof tiles. These details have been amended during the course of the application following advice from the conservation officer.

The revised layout allows for retention of all 14 of the protected trees on the site. The garden sizes on the houses would vary from 82sqm to 120sqm.

The site area is 0.33 hectares which equates to a density of 24 dwellings per hectare.

Supporting Statement – This makes an assessment of the existing site and its context, the planning history and details of the development proposals.

Relevant Planning History

BC36249P/C – Erection of 4 Bungalows & 3 Storey Block of 9 Flats – GSC 07/10/92

BC58595P/C – Residential development of 3 storey block of flats and four bungalows – GSC 05/09/01.

BC64851P/C – Conservation Area Consent: Demolition of existing two storey detached house in conservation area in preparation for a residential development – Consent Granted 22/11/01.

04/0876/FL/E4 – Erection of 22 apartments in 2 blocks – Refused 15/07/04. Allowed on appeal 17/01/05. This shows two blocks of apartments, a four storey block at the front and two storey block at the rear. As the development was commenced in January 2010 this permission can still be implemented.

14/0493/TR – Remove growth and lower limbs and reduce crown of Sycamore and Ash trees – Granted 22/05/14.

14/1205/OL - Outline application for residential development of 7 detached dwellings (access, layout and scale to be determined) – GSC 13/12/14.

15/0180/OL, outline application for the erection of 8 detached houses, access, layout and scale determined – GSC 01/05/15

Relevant Planning Policy Summary

National Planning Policy Framework (NPPF)

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

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

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

Key provisions of the NPPF relevant in this case:

- ***NPPF1. Delivering sustainable development***
- ***NPPF4: Promoting Sustainable Transport***
- ***NPPF6: Delivering a Wide Choice of High Quality Homes***
- ***NPPF7: Requiring Good Design***
- ***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. Costs imposed on developments should pay careful attention to viability and take account of market conditions.

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

The Development Plan

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

Local Policy

The Black Country Core Strategy (BCCS) (2011)

- CSP2: Development Outside the Growth Network
- CSP4: Place Making
- HOU2: Housing Density, Type and Accessibility
- TRAN1: Priorities for the Development of the Transport Network
- TRAN2: Managing Transport Impacts of New Development
- ENV2: Historic Character and Local Distinctiveness
- ENV3: Design Quality
- DEL1: Infrastructure Provision

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

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

- GP2: Environmental Protection

- ENV10: Pollution
- ENV14: Development of Derelict and Previously-Developed Sites
- ENV18: Existing Woodlands, Trees and Hedgerows
- ENV23: Nature Conservation and New Development
- ENV29: Conservation Areas
- ENV32: Design and Development Proposals
- ENV33: Landscape Design
- H3: Windfall Sites on Previously Developed Land and Conversion of Existing Buildings
- T7 - Car Parking
- T13: Parking Provision for Cars, Cycles and Taxis

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

Supplementary Planning Documents (SPD)

Designing Walsall SPD

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

Conserving Walsall's Natural Environment SPD

- NE7
- N8
- N9
- N10

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

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

Consultations

Transportation – No objections subject to conditions to secure visibility splays on Portland Road and to secure the surfacing of Portland Avenue, in line with the previous outline consent. The proposals would comply with policy T13 for parking spaces for each plot. The proposed scheme is considered less intensive than the previous scheme for 22 flats and whilst Portland Avenue is sub standard in terms of highway design refuse and delivery vehicles already access the Portland Avenue to the existing properties. It is considered that the proposals would not have severe transportation implications and is acceptable in accordance with paragraph 32 of the NPPF.

Conservation Officer – No objections to the amended plans and submitted details.

Landscape Officer – No objections.

Tree Officer – No objections. The scheme would allow for the retention of the 14 protected trees. It is considered that the proposals would have no greater impact on protected trees

than the previous permission. Tree protection measures highlighted in the updated tree survey should be secured by recommended conditions.

Public Participation Response

Three letters of objection have been received on the original submission together with a letter from Staffordshire Badger Conservation Group.

These are summarised as follows:

- Badgers may be present on site as they visit neighbouring gardens
- Despite comments on previous application no ecological survey has been submitted to assess badger activity and mitigation measures incorporated if required
- Badgers have been seen on site
- Site management measures will be required to address badgers
- Plots 1 and 2 are too high, whilst previous flats were high they were stepped back.
- Plot 2 has side facing windows overlooking 45 Portland Road, house and patio area having and adverse impact on privacy
- Front dormer windows on Plots 3, 4 and 5 are inconsiderate, will over look garden of No 45, loss of privacy, velux roof lights should be used instead
- Due to the size of the houses and number of bedrooms consider that 3 parking spaces (1 garage and 2 driveway spaces) is insufficient causing parking in Portland Avenue, which is not wide enough for this
- Increased noise to No 45 Portland Road from increased traffic in Portland Avenue.
- Portland Road already has a parking issue
- Two trees in the front garden of 7 Sandra Close have not been considered, they will be too close to plot 8, happy for them to be removed, but at the applicant's expense.
- Will the existing boundary wall that is in poor condition be rebuilt?
- Can the TPO tree adjoining 7 Sandra Close be pruned?
- Glad someone might actually develop the site it has sat vacant for too long
- Concern that access to existing properties in Portland Avenue be maintained at all times during construction.
- Portland Avenue already has flooding problems at times of heavy rain, concerns that the existing gully would not be able to cope once the Avenue is properly surfaced.
- Portland Avenue is unadopted, will its status change if it is going to be surfaced? Will the new owners also be responsible for the upkeep as current residents?
- Are traffic calming humps really necessary?
- The existing telegraph pole is not included on the drawings, this is essential to the existing residents
- Existing turning area for use by No 5 Portland Avenue when reversing out of the drive will become the driveway of plot 8 which will cause a problem for No 5. This area is designated as a turning head for use by all residents
- Hope that builders will contact residents before work starts to finalise outstanding issues.

Four further letter of objection received from three of the original objectors and one new objector to the amended application summarised as follows:

- Not against development of the site but object to the loss of privacy to existing residents.
- Plot 2 will be less than 7m from the side of 45 Portland Road
- Plot 2 would have 9-10 w-side facing windows which will invade the privacy of No 45.
- 2 windows will look directly into landing
- 3 windows will look directly into or down on downstairs toilet, causing loss of privacy and light
- 2 windows will overlook patio of No 45, loss of privacy
- Plot 2 should be redesigned with windows facing front and rear only

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- Windows on the previous flat scheme faced front and rear
- Front dormer windows to plot 3, 4 and 5 will over look garden of 45, velux rooflights would suffice
- Increased volume of traffic entering and leaving Portland Avenue, more than doubling the existing properties and traffic, why can't the avenue be tarmacked as the previous approval?
- Noise and disturbance from additional traffic within the unsurfaced Portland Avenue
- Tarmac would deaden and absorb noise and prevent mud splashing up the side wall of 45
- Speed bumps appear pointless and will inconvenience existing elderly residents
- Concerns about the future responsibility and maintenance of Portland Avenue.
- Parking and congestion already and issue on Portland Road from shoppers, school traffic as well as buses any additional parking on Portland Road is an accident waiting to happen.
- Parking will be an issue, insufficient parking for the new houses will lead to parking in the avenue and arguments between neighbours
- Really want the land to be built on but done with consideration to existing residents.
- What lighting will be on the site?
- Will the trees be maintained prior to completion of the development?
- What steps will be taken to prevent damage to the existing boundary wall or is the wall to be replaced?
- The existing aged drainage system will be subjected to impact of increased traffic in the existing roadway, as an unadopted road it was never meant to serve the degree of traffic now anticipated.
- No change to previous comments
- It would have been beneficial if the applicant had met with residents prior to the application to discuss concerns.

The public consultation on the amended plans expired on 23rd February 2017, any late comments will be reported in the Supplementary Paper at Committee.

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

Determining Issues

- Principle of development
- Layout and Design
- Impact on the character and amenity of the Conservation Area
- Impact on Surrounding Occupiers
- Access and Parking
- Trees and Ecology
- Local Finance Considerations

Observations

Principle of development

The original dwelling was demolished in 2001 following the grant of permission. There is a current planning permission for the erection of 22 apartments in two large four storey buildings on the site (04/0876/FL/E4) and more recently outline permission for the erection of 8 dwellings (15/0180/OL). The principle of residential development on the site is already established. The applicant's fallback position would be to complete the approved apartment development.

The density of the scheme is 24 dwellings per hectare which is considered acceptable and characteristic of the surrounding pattern of development.

Redevelopment for new housing on this previously developed site in a sustainable urban location is in accordance with the NPPF and BCCS and local development plan policies. The site has also remained vacant for a number of years and could be considered to detract from the area whereby the proposed development for housing is welcomed.

Layout and Design

The overall layout and design of the development follows that of the outline approval in 2015 with minor alterations to the positioning of some of the plots facing Portland Avenue and the footprint and house type of 3 plots. The layout shows two properties fronting Portland Road and the remaining 6 properties facing Portland Avenue with a clear definition between public and private spaces. The layout achieves adequate rear garden spaces in excess of 68m² per dwelling in accordance with Council guidelines.

The layout also accommodates driveways for each house to provide for off-street parking. Although the driveways are between the retained TPO trees the tree officer does not raise any objections. The canopy of the trees is well above the proposed height of the houses so there will not be significant overshadowing. Details of proposed bat boxes in the new buildings and trees have been submitted in line with earlier permissions and a condition is recommended to secure this.

The scale of the buildings follows that of the outline consent which shows that the height of the proposed dwellings is lower than the approved apartment scheme and more in keeping with the scale of surrounding houses. Although the proposed dwellings facing Portland Road are taller than Church View flats or 43/45 Portland Road the scale of the proposed dwellings is not overly dominant given the separation between the existing and proposed properties. The details of the appearance of the houses has been amended since submission in line with comments made by the conservation officer and are now considered appropriate for its position within the conservation area.

Objectors have raised concerns about drainage and flooding. The applicant has already submitted details to discharge the drainage condition on the outline consent which have been agreed by Severn Trent Water, a condition is therefore recommended to ensure compliance with the approved details. The approved drawings show no use of the existing drains within Portland Avenue.

The design and layout is considered appropriate. The retention of the existing protected trees is considered a key element in ensuring that the development blends with the character of the area.

Impact on the character and amenity of the Conservation Area

The proposal would bring forward development on a site that has been vacant since 2001 when the original house was demolished. The previously approved development has stalled but trenches have been dug out and protective metal fencing installed around the edge of the site which detracts from the Aldridge Conservation Area. The proposal for detached houses is more in keeping than the approved apartment scheme and would therefore benefit the character and amenity of the conservation area.

Specific details of the design and materials of the properties have been amended since submission on the advice of the conservation officer to ensure the best possible development to ensure that the properties have no adverse impact on the character or appearance of the conservation area.

Appropriate conditions are recommended to remove permitted development rights for the properties to ensure control over any development within the conservation area, to maintain an appropriate level of amenity to the occupiers of the new and existing homes and to maintain 3 off street parking spaces for each property.

Impact on Surrounding Occupiers

Only the front part of Church View flats has windows in the gable facing the site and this faces the gable of plot 1 so there is no significant overlooking. There is also almost 12m between the building and garden boundary of plot 1. A blank gable wall on the Church View flats faces the rear of plot 3 with a separation of 13m in compliance with Appendix D of Designing Walsall.

There is 10m between the rear of plot 8 and the side gable wall of 7 Sandra Close which is below the 13m recommended guidelines. There are no habitable room windows in the gable wall of 7 Sandra Close and although there is a single storey conservatory extension at the rear, it is considered that the existing boundary wall and tree close to the boundary would mask full views of No 7. On this basis it is considered that the proposals would not cause significant harm to the outlook, daylight or privacy of 7 Sandra Close.

The existing boundary wall to the site adjoining Sandra Close/plot 8 is in poor condition, a condition is recommended to control appropriate repair or replacement boundary treatment. This addresses the neighbour concerns.

There are bungalows opposite the site on Portland Avenue at least 20m away on the opposite side of the highway. Despite being below the recommended 24m this is an acceptable distance and is similar to the relationship between properties in Sandra Close nearby and should not have a significant impact on the outlook, daylight or privacy of residents. The TPO trees provide additional screening to some of the bungalows opposite.

The adjacent property 45 Portland Road has two storey side extensions that abut the highway in Portland Avenue, beyond the extension is a row of high conifers along the boundary of their garden and the avenue. There are only two small non-habitable obscure glazed windows in the extended gable. The occupiers of 45 have raised an objection to the number of side facing windows and their proximity to their side gable causing overlooking and loss of privacy to both their house and garden. Whilst the windows on the side elevation of plot 2 serve habitable rooms, with the closest sitting just over 6m from the side gable of No 45, Portland Avenue sits between the two houses and the side gable of 45 has only two small windows to a landing and downstairs toilet, both non habitable rooms. It is considered that the proposals would not have a significant impact on the outlook, daylight or privacy of the occupiers of No 45. The proposed dwellings are no nearer to the gable wall and garden of 45 Portland Road than the approved outline consent.

Whilst the 6m separation is significantly below the 13m required by Appendix D of Designing Walsall between habitable windows and a blank gable, each of the rooms would have additional windows to allow appropriate natural light to the rooms.

Plots 3 and 4 would face the rear garden of No 45 with an approx 12m separation. The boundary between the garden and the avenue comprises fencing with conifer hedging above and this together with the TPO trees would provide sufficient screening to avoid any overlooking or loss of privacy to the rear garden and patio area of No 45.

A condition to restrict construction hours to protect amenities is recommended.

The relationship between the proposals and the surrounding properties is considered acceptable.

Access and Parking

Each house would have an integral single garage and driveway parking for at least 2 further cars, providing 3 off street parking spaces in compliance with policy T13.

Minor amendments have been made to the layout to ensure appropriate visibility splays at the junction of Portland Avenue and the driveways to plots 1 and 2 onto Portland Road. The driveways for plots 1 and 2 would utilise the existing dropped kerbs from the original house on the plot.

The width of Portland Avenue would be unaffected by the proposals and the road would remain unadopted. The unadopted access is owned by the applicant and the existing occupiers utilise this access. Only the two new speed humps and a small section at the junction with Portland Road would be tarmacked, the remainder would remain as the existing surface to ensure that there is no adverse impact on the protected trees along its length. The access and turning facilities proposed remain as the previous approval for 22 flats and the outline consent for 8 houses.

Whilst the objectors have raised issues about increased traffic, congestion and parking in Portland Avenue and Portland Road the proposals would fully comply with policy T13 in terms of parking provision. The number of proposed dwellings does not trigger the need for any traffic impact assessment and the additional dwellings will not create a significant amount of additional traffic or on street parking that would have a significant adverse impact on highway safety in the surrounding highways. It is also considered that the proposals would not have a greater impact on highway safety than the approved apartment scheme.

The objectors have raised concerns about the future maintenance of Portland Avenue, the avenue is within the ownership of the applicant who has been made aware of the concerns of the residents. However this is a civil matter between the residents and the applicant.

A construction traffic methodology plan has been submitted in line with recommendations on the outline consent given the private access is shared with existing residents.

Trees and Ecology

Full landscaping plans have been submitted and are considered appropriate for the location a condition is recommended to ensure implementation.

The proposal allows for the retention of the remaining TPO trees and the Tree Officer has no objections to the proposals. These trees are an important part of the character of the site and the conservation area, the location of the buildings and driveways has been designed to ensure their retention. Tree protection measures are required and a condition is recommended to secure this. Permitted development is also recommended to be removed to prevent conversion of the garages or extension of driveways that could impact on the protected trees.

This amended layout would have no greater impact on the trees than the previous outline approval or the approval for the 22 apartments. The tree canopies are very high and are therefore less likely to cause overshadowing of the proposed dwellings. The potential impact of parking over tree roots can be addressed by specific construction methods to be secured by condition as identified in the Updated Tree Survey.

The trees are to remain so wildlife using these trees will remain and new gardens offer opportunity for new habitats.

The Staffordshire Badger Conservation Group are concerned that badgers have been seen on site and adequate survey and mitigation measures should be provided if required. A Badger Survey was provided with the previous outline application and found no evidence of badger setts or that badgers are present on site. No mitigation measures are required.

In line with a condition on the outline consent details of new bat roosts in the trees and dwellings have been submitted and considered acceptable. A condition is recommended to ensure their implementation.

Local Financial Considerations

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

This application proposes 8 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.

Positive and Proactive working with the applicant

The scheme has been amended and additional information submitted during the course of the application in order to respond to comments made by the Conservation Officer and Transportation. In light of the submitted details officers are able to support 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 and documents: -

Site Location Plan Drawing 201622 02 submitted 22nd November 2016

Site Plan Drawing 201622 01C submitted 26th January 2017

House Type H1 Drawing 201622 10A submitted 22nd November 2016

House Type H1 Elevations Drawing 201622 11A submitted 22nd November 2016

House Type H2 Drawing 201622 12A submitted 22nd November 2016

House Type H2 Elevations Drawing 201622 13 submitted 22nd November 2016

House Type H3 & H4 Drawing 201622 14A submitted 22nd November 2016

House Type H3 & H4 Elevations Drawing 201622 15 submitted 22nd November 2016

House Type H5 Drawing 201622 16A submitted 22nd November 2016

House Type H5 Elevations Drawing 201622 17 submitted 22nd November 2016

House Type H6 & H7 Drawing 201622 18A submitted 22nd November 2016

House Type H6 & H7 Elevations Drawing 201622 19A submitted 22nd November 2016

House Type H8 Drawing 201622 20A submitted 22nd November 2016

House Type H8 Elevations Drawing 201622 21 submitted 22nd November 2016
Street Elevations Drawing 201622 25A submitted 22nd November 2016
Perspective from Portland Avenue Drawing 201622 27A submitted 22nd November 2016
Perspective from Portland Road Drawing 201622 26A submitted 22nd November 2016
Landscaping Drawing ADL177 submitted 22nd November 2016
Topographical Survey Drawing 16160 submitted 22nd November 2016
Facing Materials Schedule submitted 3rd February 2017
Construction Methodology Statement submitted 26th January 2017
Garage Door and Conservation Roof Window detail submitted 3rd February 2017
Supporting Statement submitted 22nd 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 surface water and sewage disposal for the site shall be undertaken in accordance with drawing no: 100 rev P1 and developer enquiry for the site (reference WT25343) showing foul water to be discharging to the 225mm diameter combined water sewer in Portland Road which is acceptable and permeability testing has confirmed that soakaways are suitable with surface water from the rear of the new properties to individual soakaways and surface water from the driveways and the front properties into the sub-base of the porous paving which will infiltrate into the sub-soil underneath and thereafter retained as such.

Reason: To ensure the development is provided with satisfactory means of drainage and to reduce the risk of flooding and pollution. Drainage is below ground infrastructure that needs to be resolved before construction of any new dwellings is commenced.

4. The development shall be completed in accordance with the Facing Materials Schedule submitted on 3rd February 2017.

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

5. The development shall be implemented in accordance with the Construction Methodology Statement submitted on 26th January 2017.

Reason: To ensure the safe and satisfactory operation of the development during construction due to the sensitive nature of the site near to Aldridge District Centre, a local church and school.

6. No structure or planting exceeding 600mm in height above footway and carriageway levels respectively shall be permitted at any time within the 2.4m x 3.4m pedestrian visibility splays at each access point onto Portland Road and within the 2.4m x 43m visibility splay at the Portland Avenue junction, as shown on the submitted plan 01C dated 8th August 2016.

Reason: To ensure adequate pedestrian/vehicle inter-visibility at the access points and at the Portland Avenue junction, in the interest of highway safety and in accordance with UDP policy GP2.

7a. Prior to the first occupation of any new dwelling on the development, all vehicle hard standing/parking areas serving that dwelling shall be fully consolidated, hard surfaced, drained so that surface water does not discharge onto the public highway or into any highway drain and brought into use.

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

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

8. Prior to the first occupation of Plots H3 to H8 on the development, the initial section of the private access road known as Portland Avenue shall be fully hard surfaced, drained so that surface water does not discharge onto the public highway or into any highway drain and the proposed speed control measures fully installed, in accordance with the details shown on the submitted plan 01C submitted on 26th January 2017.

Reason: To ensure the satisfactory completion and operation of the development and to prevent loose bound surface material on the majority of Portland Avenue being deposited on the public highway, in the interests of highway safety.

9. The bat boxes within the new buildings and within the existing trees identified on drawing 201622 01C submitted on 26th January 2017 shall be implemented before the first occupation of any of the houses within the development and shall be retained free of obstruction thereafter.

Reason: To conserve local bat populations.

10a. The landscaping of the site shall be implemented in accordance with drawing ADL177 (Acceber Design Ltd) submitted on 22nd November 2016 prior to the first occupation of any of the houses within the development and be retained as such.

10b. All planted areas shall be maintained for a period of 5 years from the full completion of the scheme. Within this period any tree(s), shrubs or plant which die, becomes seriously diseased, damaged or is removed shall be replaced with a tree, shrub or plant of the same or greater size and same species as that originally required to be planted.

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

11a. Prior to the first occupation of any of the approved dwellings full details of all boundary treatment, including the retention of the existing boundary wall adjacent to plot 8/Sandra Close shall be submitted to and approved in writing by the local planning authority.

11b. The development shall be completed in accordance with the approved details and retained thereafter.

Reason: To ensure the satisfactory appearance of the development within the Aldridge Conservation Area and to secure the site.

12. Prior to the first occupation of any of the approved dwellings full details of any proposed external lighting to be installed on the site shall be submitted to and approved in writing by the Local Planning Authority. Any details of external lighting approved by the Local Planning Authority shall be installed fully in accordance with the approved details and retained as such.

Reason: To safeguard the visual amenities of the area.

13. None of the existing trees on the site shall be lopped, felled or root pruned without the prior consent in writing of the Local Planning Authority. The development shall be implemented in accordance with the approved tree protection and construction methodology measures as identified in the approved Updated Tree Survey prepared by Paul Dickinson & Associates (February 2015) in accordance with the recommendations of BS5837:2012 and maintained throughout the development.

Reason: To safeguard the trees in the Conservation Area on site.

14. During demolition, site preparation and building operations no storage of materials, equipment or waste, nor passage of vehicles, nor lighting of fires shall take place beneath the canopy of any tree to be retained.

Reason: To safeguard the trees in the Conservation Area on site.

15. Notwithstanding the provisions of the Town and Country (General Permitted Development) Order 2015 or succeeding Orders, the dwellings hereby permitted shall not be altered or enlarged to deprive them of an existing garage, drive or parking area as approved.

Reason: To ensure the satisfactory provision of off-street parking.

16. 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, no enlargements, additions or other alterations and no fencing gates or walls as defined by Classes A to F of Part 1 and Class A of Part 2 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 preserving and enhancing the character of the Aldridge Conservation Area and the amenity of occupiers of adjacent dwellings.

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

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

Reason: To protect the amenities of surrounding occupiers.



Planning Committee

Report of Head of Planning, Engineering and Transportation on 02-Mar-2017

Plans List Item Number: 9.

Reason for bringing to committee: Council owned land

Location: BLOXWICH HIGH STREET & GARDENS, BLOXWICH, WALSALL, WS3 3LA

Proposal: INSTALLATION OF 4 ART FEATURES:-

- 1) INDUSTRY PRESS - BLOXWICH PARK
- 2) STILT WALKER - CLOCK GARDENS
- 3) MUSICAL ICON PIECE - PROMENADE GARDENS
- 4) INTERPRETATION PANEL ADJ 1 CHURCH STREET AND 100 PAW PRINTS ON PAVEMENT OUTSIDE 1 CHURCH STREET AND OUTSIDE NOS. 172-182 HIGH STREET

Application Number: 16/1775

Applicant: Creative Development Team

Agent:

Application Type: Full Application

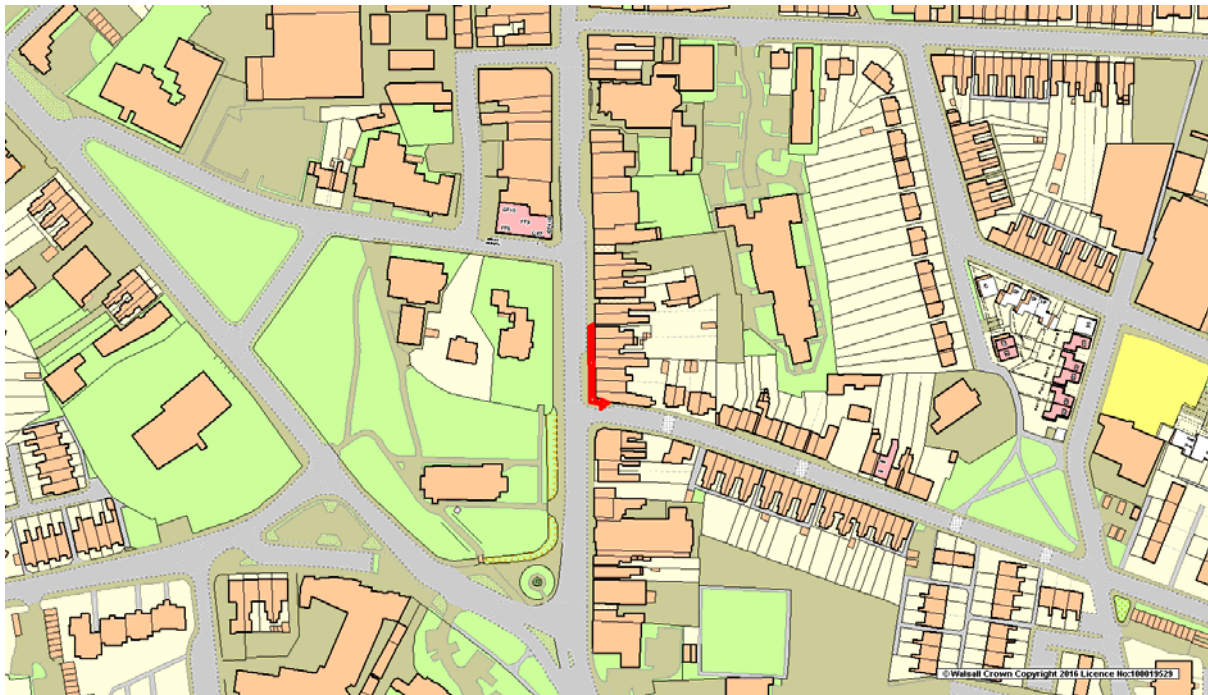
Case Officer: Devinder Matharu

Ward: Bloxwich East, Bloxwich West

Expired Date: 09-Feb-2017

Time Extension Expiry: 06-Mar-2017

Recommendation Summary:



Application and Site Details

The application proposes the installation of 4 art features at various sites within Bloxwich Park Conservation Area and Bloxwich High Street Conservation Area comprising the following:

1) **Industry Press** to be positioned within Bloxwich Park to the northern end adjacent The Green. The steel cast press is reclaimed and would sit on a 2m by 2m base measuring 2.5m high and 1.8m in width. A work figure would be mounted on to the base measuring be 1.85m high. The head and arms of the figure would be bronze and would be attached to the apron which would be galvanised steel. On the side of the press instructions for use of the press would be attached consisting of laser cut letters onto steel. The base would be finished with granite cobbled and secured by threaded bolts which will be resin anchored into the concrete pad with washers at the base.

2) **Stilt Walker** to be positioned within Clock Gardens to the southern end opposite Promenade Gardens. The stilt walker would be 4.8m high and made out of galvanised steel with subtle tones of cream, red and gold to imply change of tone which will be undertaken in a staining method. The legs will be hollow to support the upper torso. These will be welded to a steel plate which will be resin fixed to the concrete pad foundation specified in the technical calculations. The base would be finished with granite cobbled and secured by threaded bolts which will be resin anchored into the concrete pad with washers at the base. An interpretation panel cut with text measuring 2.5m by 0.6m would also be installed.

3) **Musical Icon Piece** to be positioned within Promenade Gardens approximately 23m from the northern entrance to the park opposite Clock Gardens. The art work consists of the head profile of Noddy Holder and Rob Halford which would be attached to a support column measuring 25mm wide. The head figures would project out from the support column by 0.5m each to allow people to stand behind. The width of the Noddy profile would be 480mm and 600mm wide and the external finish would be brightened. The width of the Rob Halfords profile would be 600mm and 950mm high and the external finish would be blackened. The support column and art work would sit on a 1m by 0.7m base and would measure 2.3m high and 1m wide. The structure would be fabricated from a steel plate then toned into profiles. The head height of the art pieces is set at 1600mm at eye level. The base would be finished with granite cobbled and secured by threaded bolts which will be resin anchored into the concrete pad with washers at the base.

4) **Interpretation Panel adjacent 1 Church Street and 100 Paw Prints** on pavement outside 1 Church Street and outside nos. 172-182 High Street. The interpretation panel would be a free standing sign measuring 0.6m by 1.3m mounted on a steel column and in total would be 2m high. The sign would be galvanised then coloured in red, white and blue. The base would be 0.6m wide. The information sheet states the paw prints would be stained with brick stain and also states the prints will be stained with paint, Dyebrick Charcoal. The prints would measure 0.2m by 0.2m and installed with sponge and stencil. The prints would extend from outside 1 Church Road outside the front of 172 to 182 High Street. This is an interpretation of the escaped lion from Pat Collins fayre.

Bloxwich Park, Promenade Gardens and Clock Gardens are located to the northern end of Bloxwich High Street. The gardens are within the district centre boundary and provide a green space within the heart of the district.

To the north of Bloxwich Park is The Green a cul-de-sac serving two high rise blocks. To the south of the park is Bloxwich Primary School. The park forms the boundary with the High Street to the east, Wolverhampton Street to the south, Sandbank to the west and Bell Lane

to the north west. On the opposite side of High Street are Clock Gardens and Promenade Gardens.

Clock Gardens is a triangular shaped parcel of land to the northern part of the High Street. The gardens sit parallel to the High Street and Park Road. To the north of the site is Lichfield Road. There is an access point to the north of the gardens off Lichfield Road. To the northern part of the gardens is a clock tower. Black railings with gold sphere top approximately 1.5m high form the boundary around the gardens.

Promenade Gardens is a rectangular shaped parcel of land to the south of Clock Gardens. The gardens sit parallel to the High Street to the west and Park Road to the East. There are two pedestrian access points to the gardens from the north and south. In the middle of the gardens is a fountain feature. Black railings with gold sphere top approximately 1.5m high form the boundary around the gardens.

The following documents have been submitted with the application:

Structural design calculations which gives the structural calculations for each art installation.

Bloxwich heritage project statement which states Bloxwich Heritage project commission is installing four sculptural pieces located in Bloxwich to celebrate Bloxwich's unique history and heritage. The document also outlines all consultation undertaken.

The Bloxwich Heritage Trail which states:

- To celebrate the musical heritage of Bloxwich specifically of Noddy Holder lead singer of Slade and Rob Halford lead singer of Judas Priest.
- The importance of representing Pat Collins fayre. The design needs to be iconic and simple and tall. The stilt walker would be 5m tall and the steel coloured subtly to reflect circus outfit, the legs would be striped.
- To represent the recent loss of industry. The reclaimed press and will visually demonstrate the power of past manufacturing.
- The escaped lion. This was a regular feature of the Pat Collins fayre. A lion named Leo escaped the compound and found its way in Church Street. A steel column adjacent the wall of 192 Church Street with a set of footprints stained into the paving along High Street.

Relevant Policies

National Planning Policy Framework (NPPF)

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

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

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

Key provisions of the NPPF relevant in this case:

7: Requiring Good Design

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

58. Policies should set out the quality of development that will be expected of an area, including:

- Will function well and add to the overall quality of an area
- Establish a strong sense of place
- Optimise the potential of the site to accommodate development
- Respond to local character and history and reflect the identity of local surroundings and materials
- Create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion
- Are visually attractive as a result of good architecture and appropriate landscaping

60. It is, proper to seek to promote or reinforce local distinctiveness

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

11. Conserving and enhancing the natural environment

118. opportunities to incorporate biodiversity in and around developments should be encouraged.

On **planning conditions** the NPPF says:

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

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
- CEN1 The Importance of the Black Country Centres for the Regeneration Strategy
- CEN2 Hierarchy of Centres
- CEN3 Growth in the Strategic Centres
- CEN4 Regeneration of Town Centres
- CEN5 District and Local Centres

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
- ENV11: Light Pollution

- ENV14: Development of Derelict and Previously-Developed Sites
- ENV18: Existing Woodlands, Trees and Hedgerows
- ENV23: Nature Conservation and New Development
- ENV29: Conservation Areas
- ENV32: Design and Development Proposals
- ENV33: Landscape Design
- ENV34: Public Art
- ENV40: Conservation, Protection and Use of Water Resources
- S1: Definition of town centres
- S2: The hierarchy of centres
- S4: The town and district centres
- T4: The Highway Network
- T7: Car Parking
- T8: Walking
- T9: Cycling
- T13: Parking Provision for Cars, Cycles and Taxis
- BX1: Primary Shopping Area
- BX3: Conservation Areas
- BX4: Urban Open Spaces
- BX5: Environmental Improvements
- BX6: Development/ Investment Opportunities

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

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.

Conserving Walsall's Natural Environment SPD

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

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

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

Other Policy

Conservation Principles Policies and Guidance for the Sustainable Management of the Historic Environment: English Heritage (2008)

Historic environment Good practice Advice Notes 2, and 3

Bloxwich Conservation Area Management Plan

Heritage at risk Register 2016

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

Relevant Planning History

None

Consultations

Transportation – No objection subject to a planning condition requiring full details of the materials to be used for the interpretation panel and paw prints are submitted.

Pollution Control – No objection

Environmental Health – No objection

Public Rights of Way Officer – No objection to the proposed development as there are no recorded public rights of way which cross or adjoin the application site and no proposed new public rights of way proposed. There are therefore no public rights of way requirements and conditions.

Conservation Officer – No objection

Structural Engineer - The design calculations for the artworks are satisfactory.

Representations

None

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

Determining Issues

- Design
- Impact upon the Conservation Area
- Structural Stability
- Impact upon neighbouring occupiers
- Drainage
- Parking and Access

Observations

Design

The proposed art work designs have been selected by the artist and applicant by undergoing consultation with local residents. The art works would celebrate Bloxwich's unique industrial, musical and showmen history and heritage.

The proposed design of the stilt walker represents the showmen heritage of Bloxwich in particular the Pat Collins fayres enjoyed in Bloxwich. The stilt walker is 4.8m high as traditionally that is how they are known to be and would have a torso with long legs and shown to be in striped outfit to reflect a circus outfit. The art work would include a hat in the hand of the walker. The design of the stilt walker would be galvanised with subtle colour tones to define the outfit of the stilt walker would be considered acceptable. The artist has advised the subtle tones would be cream, red and gold and undertaken in a staining method, examples have been provided on other art works undertaken by the artist on his web site.

It is considered these colours are considered acceptable as they would not detract from the visual amenities of the wider character and Conservation area. The design of the stilt walker is considered acceptable.

The design of the work person adjacent the work press represents a traditional industrial worker with the head and arms of the worker being constructed in bronze with the apron being galvanised. The worker would have a flat cap hat and would be seen wearing an apron with rolled up shirt sleeves and gloves on. One hand would rest on the press machine and the other would be holding industrial pickers. The industrial press is a reclaimed piece of machinery that will be installed on site and will visually demonstrate the power of past manufacturing. The designs of the industrial worker along with the machine press are considered acceptable.

The musical icon piece would consist of a support column with two head profiles extending out either side from this support column so that members of the public can emulate their icon. The head profiles would be of Noddy Holder, lead singer of Slade and Rob Halford lead singer from Judas Priest. The head profiles would include icon details from these musical stars which would include Noddy's hat with circles and chops and Rob's hat, glasses and studded leather jacket. The design profiles would ideally represent these two musical icons as such the design is considered acceptable.

The interpretation panel would be positioned adjacent to 1 Church Street and would be coloured to respect the play bill in red, white and blue. The design of this panel would be simple and is considered acceptable.

The lion paw prints along the High Street which would be installed in brick stain is considered acceptable.

Impact upon the conservation area

The proposed works are within two conservation areas, Bloxwich Park Conservation Area, and Bloxwich High Street Conservation Area. The Bloxwich High Street Conservation Area has an 'at risk' status which is a material consideration in the determination of this scheme.

The sculptures are evidenced by positive community consultation and historic research and will assist in generating more discussion regarding Bloxwich's heritage, which is currently failing due to the conservation area having an 'at risk' status. The proposed sculptures are positioned appropriately and will allow the sculptures to be appreciated within the townscape and will add interest to the street scene, without causing detriment to the character and appearance of the area.

The proposal would cause 'less than substantial' harm to the character and appearance of the conservation areas. Pursuant to Paragraph 134, where there is 'less than substantial' harm, the benefits of the development should be weighed against the harm, including their optimum use.

The main harm caused to the conservation areas is predominantly to the aesthetic value by the introduction of new focal points as part of a heritage trail. The sculptures however have quite strong public benefits in that they introduce a heritage trail and will hopefully go some way in reducing the 'at risk' status of the conservation area. On balance the benefits to heritage presented as a result of this scheme outweigh any harm caused.

Structural Stability

The art works bases would be secured by threaded bolts which will be resin anchored into the concrete pad with washers at the base and finished with cobbled granite. The Structural Engineer has advised that the design calculations for the structural stability of the artworks are satisfactory.

Pollution Control has no objections regarding the ground conditions.

Impact upon neighbouring occupiers

In the case of the Stilt Walker the art work would be seen from nearby residential properties and commercial properties' along Park Road. It is considered that the view of the stilt walker would not have a detrimental impact upon the visual amenities of these nearby residential and commercial properties sufficient to warrant refusal of the scheme.

With regards to the press art work, whilst this would be visible from the residential flats to the north of the site, it is considered that the proposal would not have a significant visual impact upon resident's amenities sufficient to warrant refusal of the scheme.

The proposed musical icon piece would also be visible from nearby residential and commercial properties along Park Road. It is considered that the view of the musical icons piece would not have a detrimental impact upon the visual amenities of these nearby residential and commercial properties sufficient to warrant refusal of the scheme.

The interpretation panel from nearby residential and commercial properties along High Street. It is considered that the view of the interpretation panel would not have a detrimental impact upon the visual amenities of these nearby residential and commercial properties sufficient to warrant refusal of the scheme.

Drainage

The proposed art works would be fixed to the ground on flat surfaces so as not to impact upon surface run off. There are drainage channels and natural ground around the art works to assist with natural drainage.

Parking and Access

Transportation have no objection subject to a planning condition requiring full details of the materials to be used for the interpretation panel and paw prints to address a potential concern regarding the how the footprints would be painted or stained as well as the location of the panel board on the highway.

The proposals have no impact on parking or highway access.

Positive and proactive statement

The applicant's engaged in pre-application discussions prior to the submission of the planning application.

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

- Location plan entitled public art sculpture 1 industry press submitted on 16 December 2016.
- Block plan entitled industry press No1 submitted on 16 December 2016.
- Bloxwich heritage hotspot press man sculpture piece 1 submitted on 16 December 2016

- Location plan entitled public art sculptures stilt walker 3 musical icon piece submitted on 16 December 2016.
- Block plan entitled musical icon piece No3 submitted on 16 December 2016.
- Block plan entitled stilt walker No2 submitted on 16 December 2016.
- Bloxwich heritage hotspot stilt walker sculpture piece 2 submitted on 16 December 2016
- Bloxwich heritage hotspot musical icons sculpture piece 3 submitted on 16 December 2016
- musical icons sculpture piece No 3 side view with dimensions submitted on 16 December 2016
- drawing musical icons sculpture submitted on 16 December 2016
- Location plan entitled escaped lion interpretation panel public art sculpture No 4 submitted on 16 December 2016.
- Block plan entitled escaped lion interpretation panel freestanding No 4 submitted on 16 December 2016.
- Bloxwich heritage hotspot escaped lion piece 4 submitted on 16 December 2016 plan
- structural design calculations for the stilt walker, the Bloxwich heritage trail submitted on 16 December 2016.
- Bloxwich Heritage Project submitted 18 November 2016
- The Bloxwich Heritage Trail submitted 18 November 2016

Reason: To define the permission

3a. Notwithstanding the Bloxwich heritage hotspot escaped lion piece 4 submitted on 16 December 2016 plan and prior to the installation of the interpretation panel and paw prints full details of the method and materials of the lion paw prints shall be submitted to and approved in writing by the Local Planning Authority in accordance with the Highway Authority.

3b. The development shall be carried out in accordance with the agreed details and the art work shall be installed and maintained at all times.

Reason: In the interests of highway safety.

4. The subtle colour tones of the stilt walker shall be cream, red and gold as clarified in writing on 15th December 2017 and in accordance with the Bloxwich heritage hotspot stilt walker sculpture piece 2 submitted on 16 December 2016. The development shall be carried out in accordance with these agreed details and the art work shall be installed and maintained at all times.

Reason: In visual amenities of the Conservation Area and character of the area.

Notes for applicant

The applicant will be expected to obtain all necessary consents from the Highway Authority prior to the installation of the artwork on and within the public highway. For further advice please contact Highway Development Control Team on 01922 655927.



Planning Committee

Report of Head of Planning, Engineering and Transportation on 02-Mar-2017

Plans List Item Number: 10.

Reason for bringing to committee: Significant community interest.

Location: 6, IVATT CLOSE, RUSHALL, WALSALL, WS4 1EY

Proposal: PART TWO/PART SINGLE STOREY SIDE & REAR EXTENSIONS

Application Number: 16/1841
Applicant: Mr Mark Beddow
Agent: Alexander Crook
Application Type: Full Application

Case Officer: Jenny Townsend
Ward: Rushall-Shelfield
Expired Date: 31-Jan-2017
Time Extension Expiry: 06-Mar-2017

Recommendation Summary: Grant Permission Subject to Conditions



Application and Site Details

This application is for a two storey extension to the side and a part two, part single storey extension to the rear of a terraced house that would enlarge the existing kitchen and garage at ground floor and one of the existing bedrooms at first floor and add a 4th bedroom.

The application site is in a residential area at the end of a cul-de-sac of similar styled houses, including a block of garages nearby. The application house is in a terrace of 3 houses and has a porch at the front which has a sloping roof that is continued over the front window as a canopy. The main roof is a gable shape and on the rear there is a conservatory which is to be replaced by the proposed extension.

The application proposes to extend 4.7m in front of the existing garage (which is 2.7 metres wide) to create a carport and for the proposed new bedroom above this and part of the existing garage. The front of the extension would be set back 4.3 metres from the front of the existing house with a gable roof over that would be 1.2 metres lower than the ridge of the existing roof. The front of the carport would be open and a window to the new bedroom is proposed at the front facing onto the cul-de-sac.

At the rear the proposed two storey extension would project 3.6 metres beyond the existing two storey part of the house and would be 5.9 metres wide. The side of the two storey extension would be set in 1.8 metres from the boundary with number 7 Ivatt Close, the adjoining house. This area is to be in-filled by a single storey extension the same depth (3.6 metres) that would have a lean-to roof between 2.3 and 3.4 metres high sloping away from the boundary. Two rooflights are proposed in this roofslope.

On the rear double doors to the enlarged kitchen are proposed at ground floor with a window to the new bedroom and a window to the enlarged bedroom above.

No windows are proposed in either of the side elevations.

Number 7 has a conservatory approximately 3 metres deep across the whole of the rear elevation and a bedroom window at first floor closest to the boundary.

Number 5 Ivatt Close is to the west of the application house and is positioned at right angles to number 6. There is a triangular area between the houses, half of which is a parking area belonging to number 6.

The rear garden of the application house is larger than the garden of the other two houses in the block as land has been purchased from the houses at the rear which has been incorporated into the garden of number 6.

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

05/2096/FL/H6 - Conservatory and porch. Granted Subject to Conditions 07/12/05.

Consultation Replies

Transportation – No objections subject to a condition relating to parking.

Representations

Two letters and one email have been received from neighbours objecting to the proposal on the following grounds:

- Invasive and will overlook their property leading to a significant invasion of privacy as they have large bi-fold doors on the rear;

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- Negative impact on the resale value of their house;
- Too large and out of proportion with neighbouring properties and gardens;
- Will overshadow the garden causing loss of afternoon sun;
- Loss of light and sun to rear lounge and bedroom;
- Height and proximity of extension to their property will create a feeling of being hemmed in and affect the enjoyment of their home and garden;
- Loss of privacy;
- Recent garden land purchase gives them an unfair advantage to extend their house; Loss of outlook.

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

Determining Issues

- Design of Extension and Character of Area
- Amenity of Nearby Residents
- Parking

Observations

Design of Extension and Character of Area

The design of the extension is compatible with the existing house and the set back and lower ridge height are considered keep the extension subservient to the existing house.

The position of the house in the corner of the cul-de-sac and the large set back to the front of the extension are considered not to harm the appearance of the house or the character of the area.

Amenity of Nearby Residents

The proposed extension would be set back from the front of number 5 and whilst there is a new bedroom window on the front elevation, the angle between the new windows and the front windows of number 5 would be acute and is considered would prevent overlooking between the two houses. The existing front windows of the application house are already closer to the front windows of number 5 than the extension would be.

The side elevation of the two storey rear extension would be set in 1.8 metres from the boundary with number 7 and would comply with the 45 degree code measured from the quarter point of the bedroom window belonging to number 7. This code is used to assess impact on light and outlook of neighbours.

At ground floor the single storey extension would be the same length as the existing conservatory and would comply with the 45 degree code measured from the mid- point of the rear elevation of the conservatory belonging to number 7. The rear of the extension would project approximately 0.6 metres beyond the rear of the conservatory at number 7.

The rear of the proposed extension would be in the same position as the rear of the existing conservatory with approximately 27 metres separation to the rear ground floor extension belonging to number 12 Station Road. This would exceed the minimum 24 metres required by policy to protect the privacy, outlook and amenity of facing neighbours.

With regards to the neighbours' comments, devaluation of property is not a material planning matter that can be taken into account when assessing planning applications; the new first floor rear windows would be beyond the rear of the adjoining houses and as such are considered would have little impact on the privacy of the rear rooms of these houses; the bedroom window to the enlarged bedroom would be in the same position in relation to the

boundary with number 7 as the existing bedroom window and on balance is considered would not significantly worsen the existing situation with regards to overlooking and loss of privacy; the application house garden is larger than the gardens of the neighbours due to a land purchase. Planning applications have to be assessed on the situation that exists at the time of the application whether the opportunity to make a similar land purchase was available to neighbouring properties or not. In any case this is not a material planning consideration. All other comments have been addressed in the above observations.

Parking

The application proposes an increase in the number of bedrooms from 3 to 4. There are presently 2 parking spaces which are to be retained. In terms of UDP T13 parking policy there is a requirement for 4 bedroom dwellings to have 3 parking spaces and therefore in policy terms there is a shortfall of 1 space.

Taking into account the location of the site is at the end of a quiet residential cul-de-sac and that there is a relatively large highway turning/parking area which is currently utilised for on street parking, on balance the Highway Authority considers that an objection on the grounds of the lack of a single additional parking space alone would be difficult to defend should the applicant make an Appeal. The Highway Authority consider that the development will not have severe transportation implications under the paragraph 32 of NPPF.

Positive and Proactive working with the applicant

Approve

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

RECOMMENDATION: Grant 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 deposited 6 December 2016;
Block plan deposited 6 December 2016;
Existing elevations drawing S2 deposited 6 December 2016;
Existing floor plans drawing S1 deposited 6 December 2016;
Proposed elevations drawing P4 deposited 6 December 2016;
Proposed floor plans drawing P3 deposited 6 December 2016;

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

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

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

4: Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, or succeeding Orders, no side facing windows or doors, other than as shown on the deposited plans, shall be installed in any part of this development.

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

5: The proposed garage and undercroft parking space shall thereafter be retained and used for no other purpose.

Reason: To ensure adequate off street parking is retained in accordance with UDP policy GP2, T7 and T13.

Notes for Applicant

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

2. The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to The Coal Authority on 0345 762 6848. It should also be noted that this site may lie in an area where a current licence exists for underground coal mining.

Further information is also available on The Coal Authority website at:
www.gov.uk/government/organisations/the-coal-authority

Property specific summary information on past, current and future coal mining activity can be obtained from: www.groundstability.com



Planning Committee

Report of Head of Planning, Engineering and Transportation on 02-Mar-2017

Plans List Item Number: 11.

Reason for bringing to committee: Called in by Councillor Martin on the grounds the application should be aired at committee.

Location: 25, WOODLANDS AVENUE, WALSALL, WS5 3LN

Proposal: DEMOLISH EXISTING HOUSE AND BUILD NEW SIX BEDROOM HOUSE.

Application Number: 15/0932/FULL

Applicant: Mr & Mrs Singh and Kaur

Agent: Rachel Webber

Application Type: Full Application

Case Officer: Stuart Crossen

Ward: Paddock

Expired Date: 13-Aug-2015

Time Extension Expiry:

Recommendation Summary: Refuse Permission



Status

On the day of the 2nd February planning committee a speaker against the application asked for a deferment of the application due to personal circumstances. In the interests of fairness the Chair of Planning Committee agreed to defer the application for one cycle.

Councillor Martin has contacted officers since the previous committee meeting requesting policy information on new builds from Strategic Planning Policy and confirmed that the owner of 25 Woodlands explained his reason for wanting a new build - modern 21st century property to fully incorporate methods to reduce carbon footprint, he also highlighted 37 Skip Lane which raises questions of inconsistency the reason for her request for new build policy.

Councillor Martin had planned to speak at planning committee to clarify her points above. Unfortunately because the application was withdrawn she may not be able to attend this meeting.

To clarify Councillor Martins request on the Councils policy on new builds, officers have responded confirming each application site has its own unique characteristics and constraints and each planning application is assessed in a consistent manner irrespective of where the application is within the Borough. The relevant policies for this application are listed below in the report.

To clarify Councillor Martin's comments regarding 37 Skip Lane. The Council refused the planning application for a new dwelling due to; excessive width, utilitarian design, unbalanced appearance, lack of positive design cues, loss of light and outlook to neighbouring habitable windows because of excessive length and height and failed to provide evidence for an impact on protected species. The applicant submitted a revised planning application that then overcame the Council's reasons for refusal.

Application and Site Details

This application proposes a replacement 6 bedroom detached house arranged over three floors with a front projecting garage.

The existing traditionally styled house has a low eaves design and is set back from the road by 22 metres. Woodlands Avenue is a residential road with large traditional designed houses on large spacious plots which are set back from the highway at this turning island, by between 18 and 110 metres. The agent has confirmed the height to be 9.01 metres which is taller than neighbouring house number 23 by 2 metres. The plot is 22m wide across the front elevation of the existing garage, which is approximately where the house would be.

The front elevation design includes a large hipped projection, large projecting first floor blank hipped roof projection with proposed ground floor double garage projecting 3.6 metres further forwards, a central gable projection with entrance, with black metal front balustrades to the first floor landing windows above, 2 front dormer windows, and a central gable projection with entrance.

The rear design at first floor includes three Juliet balconies, rear two storey projection with hipped roof, flat roof single storey rear projections, two rear facing gable dormers and a roof light in the main roof.

Secondary habitable side elevation windows are proposed facing the shared boundary to numbers 25a and 27. Also proposed on this elevation is a side access door to the house and side roller shutter door to the garage. Oak electrically operated garage doors are proposed

facing the boundary to number 23, 15 metres away. A front bedroom window faces number 23 at an angle of 45 degrees, with a separation distance of 16 metres to number 23's front bedroom windows.

The key measurements of the proposed house are:
15.5 metres deep near to the boundary with number 23
20 metres deep two storey along the boundary to number 25a
29.3 metres deep single storey along the boundary to number 25a
5.7 metres high to the main roof eaves
9.3 metres high to the main roof ridge
20 metres wide house
3.15 metres high to the garage roof eaves
6.4 metres high to the garage roof ridge.
1.5 metres from the boundary to number 23
Between 1.6m and 5.6m from the boundary to number 25a

The front elevation would be 16 metres from the rear elevation of number 23 a two storey house measuring 6.5 metres high which has primary rear facing first floor bedroom windows, and would be to the side of an existing flat single storey rear extension at number 23, which the rear of the proposed house would project 4.2 metres beyond. The proposed house would be built 1100mm from the shared boundary defined by established planting.

The front elevation of number 25a the other neighbouring house would be 16 metres from the rear elevation of the proposal.

A third bat report has been received which concludes that no bats have been found but makes recommendations which can be conditioned.

A design and access statement has been submitted which states that there are no two houses the same with varying styles, materials and heights along both sides of the road. It is also stated that walls and gates are common.

Relevant Planning History

03/1847/FL/H4 - 25,WOODLANDS AVENUE,WALSALL,WEST MIDLANDS,WS5 3LN - Two storey rear extension including garage, pool basement – Refused on 20/11/03 for the following reason:

1. The local planning authority consider the size and design of the extension would be over-large and out of character with the existing house and the surrounding area, and the extension would have an over-dominating impact on the adjoining house number 23. The proposal would therefore be contrary to Walsall's Unitary Development Plan, in particular Policy H4(c).

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 SPD (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.

Conserving Walsall's Natural Environment SPD

It is considered in this case that the relevant provisions of Designing Walsall and Conserving Walsall's Natural Environment Supplementary Planning Documents are consistent with the NPPF.

5 Year Housing Supply

The Council's Strategic Housing Land Availability Assessment (SHLAA) (April 2016) demonstrates that the Council has a 5 year supply of housing sites in the Borough in accordance with the provisions of the NPPF.

Consultations

Transportation – No objections subject to a condition requiring the driveway and hardstanding areas to be fully consolidated, hard surfaced and drained to prevent water run off on to the highway prior to first occupation.

Trees – No objections subject to the retention of the oak tree in the garden.

Pollution Control – No objections

Severn Trent – No objections subject to drainage condition

Police – No objections, recommendations made which can be conditioned including; Windows, doors, roof lights, defensible space for front ground floor windows, new boundary fencing, rear access gates and intruder alarm.

Strategic Planning Policy – No objections subject to conditions to mitigate for potential unrecorded bat roosts.

Public Participation Responses

Six objections have been received on the following grounds:

Balconies to the front would result in overlooking,

3 storey's would result in overlooking and loss of privacy.

Boundary treatment out of character and contrary to freehold.

Impact on existing drainage infrastructure and water pressure.

Loss of trees

Loss of privacy and light to number 23 due to the proximity, loss of boundary planting, inclusion of balconies, location of windows, size of proposal and loss of trees.

Loss of view

Parking

Waste and refuse management

Impact on existing water table.

Previous scheme with similar issues refused.

Boundary is disputed

No active frontage could increase crime

Occupants currently park vans on the road causing obstruction.

Determining Issues

- Design and Character of the Area
- Neighbouring Amenity
- Drainage
- Access and parking
- Security
- Trees
- Bats
- Conclusion

Observations

Design & Character of the Area

The excessive depth, width and mass of the proposed house would give a cramped appearance by introducing a building that fills the width of the majority of the plot which would not reflect the spacious character of Woodlands Avenue, with large houses sat with space around them and between neighbouring houses.

A common characteristic of the houses in Woodlands Avenue is that they are traditionally styled with hipped roofs and key focal feature gables. The design does not reflect any other traditional styled houses in the Woodlands Avenue and the following proposed features are particularly unusual:

- The proposed four competing hipped roof and gable projections
- Large first floor blank projection
- Excessive depth, width and height of the proposed double garage at the front of the house
- Central gable projection with large entrance and black metal balustrades to first floor front windows
- Large front dormer windows

As submitted the proposal represents a failed opportunity for creating a high quality development in an area defined by such properties due to the combination too many elements, set out above, that all serve to compete without providing a clearly defined design, which collectively results in a new house having the appearance of a property significantly extended. The opportunity would be missed to create a new large house which could not satisfactorily be achieved through extending the existing house which this contrived design would have the appearance of. For these reasons the proposal would result in significant harm to the character of the area.

Siting and Impact on Neighbouring Amenity

The location of the new house would have a significant impact on the amenities enjoyed by occupiers of number 23 in relation to an existing single storey rear extension and their garden area by way of an overbearing impact, loss of light and overlooking.

Although it is recognised that the existing house is set back from number 23, the proposal would be closer to the boundary and significantly deeper. The proposed first floor front bedroom windows would also face the bedroom windows of number 23 creating overlooking and does not meet the Councils minimum separation standards of 24 metres.

The existing roof is higher than the neighbouring roof by 2.5 metres, the proposal would be built closer to the neighbouring boundary and would be deeper and wider. The existing low roof design is considered to lessen the visual impact of the existing high roof. For these reasons the proposed design with higher eaves and a tall roof would, due to its proximity just 1.5 metres from the shared boundary, have an overbearing impact on the rear windows and garden area of number 23, resulting in a significant impact on the occupiers amenity and would be out of character with the level of private amenity afforded to residents here.

Whilst the applicant has not confirmed, that it is their intention to live in the existing house while they build the new one, there is the potential for this to happen given the positioning of the new house. There is the risk that without a Section 106 in place to define clearly when the original house is removed, the retention of the existing house and the construction of the proposed house together would further exacerbate the concerns that the impact of the mass of the built form would together have a much greater impact on neighbours amenity.

Application number 03/1847/FL/H4 was for A large 7.5 metre high, 19.8 metre wide two storey rear extension to the existing house in a similar location to the currently proposed house which would have had a similar relationship to number 23 as this application proposes. The application was refused in 2003 due to being over large, out of character and having an over-dominant impact on number 23. These are issues which this current proposed house also raises and does not satisfactorily address.

Drainage

Concerns regarding drainage and water pressure have been considered. Severn Trent has no objections to the proposed house which is considered acceptable regarding drainage, subject to seeing drainage plans for prior approval which can be achieved via a pre-commencement condition.

Access and parking

The Highways Officer has no objection subject to a condition requiring the driveway and hardstanding areas to be fully consolidated, hard surfaced and drained to prevent water run off on to the highway prior to first occupation.

Whether the occupant's park vans on the highway causing an obstruction is not a material consideration of this planning application.

The application site is considered large enough to provide sufficient space for the level of waste management required for a house.

Security

In the interests of security as recommended by the Police Architectural Liaison Officer and in accordance with UDP policy ENV32 the development can be conditioned to meet secure by design which can include;

Windows, doors, roof lights, defensible space for front ground floor windows, new boundary fencing, rear access gates and intruder alarm.

Trees

It is not clear from the submission whether the Oak tree in the rear garden is to remain. The Tree Officer considers that the tree is of sufficient merit to be retained and has recommended conditions for its protection and retention.

Bats

The final bat report was done outside of the main bat roosting season and does not accord with other recent survey work in Woodlands Avenue, also there were parts of the roof which were not accessible and could provide potential for a bat roost. For this reason it is considered that the bat report and scheme in relation to protected bat species can be supported provided a pre-cautionary approach is taken through conditions which require care to be taken during demolition in the presence of a bat specialist, how to proceed if bats are found, the inclusion of bat roosting features in the new development, which can be secured and agreed via planning conditions and details of a landscape planting scheme is submitted (which should include the retention of the Oak tree), approved and fully implemented prior to occupation.

Other issues raised through consultation:

The boundary treatment has been omitted from the scheme.

A loss of view cannot be protected through planning.

Whilst there is a boundary dispute, the area disputed does not affect the location of the proposed house and considered a civil matter between interested parties.

Conclusions

It is recognised that the application site has the potential for a larger home, however the scale and mass of what has been submitted is considered to be at odds with the surrounding development and would result in unacceptable impact on neighbouring amenity.

It should be noted that the Council has demonstrated a 5 year supply of housing sites in the Borough. Whilst additional sites may still be brought forward for consideration for housing development (windfall sites) to help in providing much needed additional housing stock, less weight should be applied to poorly designed schemes that have impacts to neighbouring amenity on the basis that the Council already has sufficient land to meet the projected housing needs of the Borough. In this instance the proposal for the reasons outlined above is considered to represent poor design.

Positive and Proactive Working with the Applicant:

Officers have spoken and met with the applicant's and their agent setting out concerns regarding the proposed design, massing and impacts to neighbours. The applicant has provided amended plans although these plans do not address the main concerns and consequently the current proposal is recommended for refusal. Officers have confirmed this to the applicants. The case officer has also highlighted concerns about the dimensions in previous letters to the agent, who has confirmed their accuracy. The case officer has also requested details about at what point the original house would be demolished, but no information has been received on this point.

RECOMMENDATION: Refuse

1. The excessive depth, width, mass height and design of the proposed house would result in a cramped appearance at odds with the spacious character of Woodlands Avenue which combined with the unusual contrived design does not reflect any other traditional styled and proportioned houses in the Woodlands Avenue due to the following unusual features:

- The proposed four competing hipped roof and gable projections
- Large first floor blank front projection
- Excessive depth, width and height of the proposed double garage at the front of the house
- Central gable projection with large entrance and black metal balustrades to first floor front windows
- Large front dormer windows

As such the proposal would result in a cramped appearance and unusual design which would be unduly prominent resulting in significant harm to the character of the area contrary to the National Planning Policy Framework in particular paragraphs 56, 57, 58 and 64, the Black Country Core Strategy policy ENV2 and Walsall's saved Unitary Development Plan, in particular policy ENV32, and the Supplementary Planning Document, Designing Walsall DW3.

2. The design of the house with higher eaves and a high roof ridge just 1.5 metres from the shared boundary to number 23 would have a significant overbearing impact on the rear windows and garden area of number 23 and would result in potential overlooking from the proposed first floor front bedroom windows which would face the bedroom windows of number 23 and do not meet the Council's minimum separation standards of 24 metres contrary to the National Planning Policy Framework in particular paragraphs 56, 57, 58 and 64, the Black Country Core Strategy policy ENV2 and Walsall's saved Unitary Development Plan, in particular policies GP2 and ENV32, and the Supplementary Planning Document, Designing Walsall DW3 and appendix D.

3. The proposal would have an overbearing impact on the amenities enjoyed by occupiers of number 25A due to the orientation of the proposal to the South of this house and its excessive depth and height along the shared boundary contrary to the National Planning Policy Framework in particular paragraphs 56, 57, 58 and 64, the Black Country Core Strategy policy ENV2 and Walsall's saved Unitary Development Plan, in particular policies

GP2 and ENV32, and the Supplementary Planning Document, Designing Walsall DW3 and appendix D.

4. The application fails to demonstrate the order of demolition and construction of the existing and proposed houses to ensure there would not be significant harm to the character of the area due to potential;

- backland development in an area defined by development fronting the street;
- overbearing impact on the amenities of the neighbouring occupier at number 23;

This is because the development could potentially result in both buildings being present either temporarily or permanently. For these reasons the proposal would be contrary to the National Planning Policy Framework in particular paragraphs 56, 57, 58 and 64, the Black Country Core Strategy policy ENV2 and Walsall's saved Unitary Development Plan, in particular policies GP2 and ENV32, and the Supplementary Planning Document, Designing Walsall DW3 and appendix D.



Planning Committee

Report of Head of Planning, Engineering and Transportation on 02-Mar-2017

Plans List Item Number: 12.

Reason for bringing to committee: Councillor Call in by Councillor Hughes for the following reason; it is appropriate for this application to be debated and decided by committee given the specific restrictions associated with this site

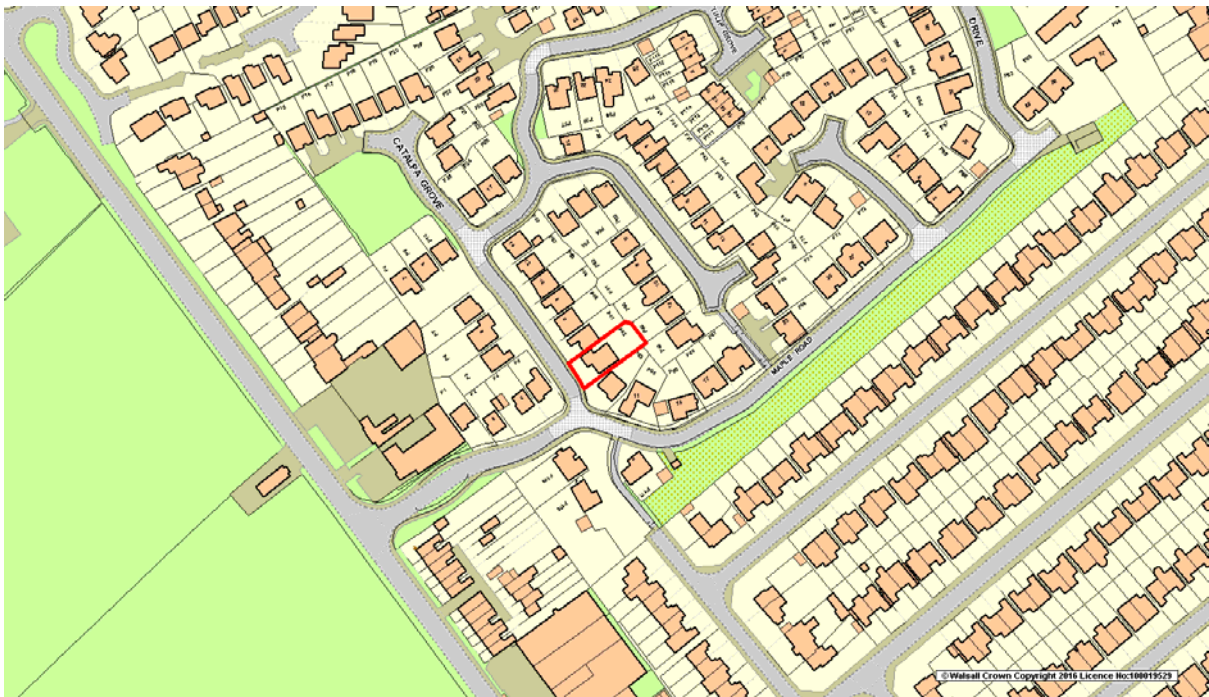
Location: 2, BLUE CEDAR DRIVE, STREETLY, SUTTON COLDFIELD, B74 2AE

Proposal: FIRST FLOOR FRONT GABLE EXTENSION OVER GARAGE AND SINGLE STOREY SIDE EXTENSION.

Application Number: 17/0077
Applicant: Mr Harjit S. Kang
Agent: Mr Ron Oliver
Application Type: Full Application

Case Officer: Stuart Crossen
Ward: Streetly
Expired Date: 16-Mar-2017
Time Extension Expiry:

Recommendation Summary: Refuse



Application and Site Details

The site is near to the corner of Field Maple Road and Blue Cedar Drive, with views of the house when entering the estate, which are predominantly two storey detached houses of traditional styles and designs with mock Tudor features.

The property is a detached two storey four bedroom house with a single storey double garage with gable roof projecting forward on the left hand side of the frontage and a large gable feature to the right hand side of the frontage with gable roof to the ridge of the main roof.

No 9 Field Maple Road is a smaller house type than 2 Blue Cedar Drive but also has a gable feature to the left (smaller than no.2) with a garage to the side of the house.

No 4 Blue Cedar Drive is a similar design but with a hipped main roof and hipped roof front projecting garage with a similar but smaller front projecting front gable features to the right.

The application is a resubmission of a refused application and proposes a first floor gable extension above the front projecting garage to provide an additional bedroom with en-suite. The first floor extension would be the full width of the existing garage (5.4m). The gable roof would extend 500mm lower than the ridge line of the main house, with similar eaves height and design to the existing gable to the right hand side of the property.

A single storey side extension is also proposed to the side of the main house projecting no further back than the main rear elevation and no close to number 4 than the existing garage of the application house. This extension would enlarge the lounge and proposes no side elevation windows.

Although there are no other double gable designs on this part of Blue Cedar Drive there are existing double gable designs elsewhere on this estate. Where this is the case the second gable is significantly smaller or single storey, to ensure the main feature gable is the focal point. This characteristic is common in traditional mock Tudor house designs which the houses of this estate are replicating.

The garage and driveway parking would be unaffected by the proposals.

Relevant Planning History

13/1008/FL - 15 KATSURA CLOSE First floor front extension above garage.



Refused 11/09/13 for the following reason:

1. The design of the proposal would not integrate with the original design of the house because the gable would be similar to the original feature gable and would project further forward competing with the original feature gable focal point, a characteristic of this traditional style of house. The proposed gable would become dominant within the street scene and have a poor visual relationship with the neighbouring traditional styled houses having a significant detrimental impact on the character of the area.

16/0622 - 2, BLUE CEDAR DRIVE- First floor front gable extension over garage and single storey side extension. Refused 02/09/16 for the following reasons:

1. The design of the proposal would not integrate with the original design of the house because of the following design features:

- the gable is of a similar size to the original feature gable and would project further forward competing with the original feature gable focal point, a characteristic of this traditional style of house;
- The proposed gable would be lower than the original roof and partly to the side of the main roof which would mean the main roof side gable would be visible to the side of the proposal.

The accumulative impact of these design features would also have a poor visual relationship with the neighbouring traditional styled houses having a significant impact on the character of the area. The development would therefore be contrary to the National Planning Policy Framework in particular paragraphs 56, 57, 58, 64, 109, 186 and 187, the Black Country Core Strategy policies HOU2 and ENV2 and Walsall's saved Unitary Development Plan, in particular policies GP2 and ENV32, and the Supplementary Planning Document, Designing Walsall.

2. The proximity and height of the proposed extension over the garage would result in a loss of light and overbearing impact on the ground floor front lounge window of number 4 and would not accord with the Council's 45 degree code. The development would therefore be contrary to the National Planning Policy Framework in particular paragraphs 56, 57, 58, 64, 109, 186 and 187, the Black Country Core Strategy policies HOU2 and ENV2 and Walsall's saved Unitary Development Plan, in particular policies GP2 and ENV32, and the Supplementary Planning Document, Designing Walsall.

3. The application has failed demonstrated whether or not the development would compromise existing ground gas protection measures which would potentially be detrimental to the amenity of occupiers. The development would therefore be contrary to the National Planning Policy Framework in particular paragraphs 56, 186 and 187 and Walsall's saved Unitary Development Plan, in particular policies GP2 and ENV14, and the Supplementary Planning Document, Designing Walsall.

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:

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

Key provisions of the NPPF relevant in this case:

4: Promoting Sustainable Transport

35. Plans should protect and exploit opportunities for the use of sustainable transport modes

39. If setting parking standards for residential LPA's should also take into account: accessibility, the type and mix of the use, availability of public transport, levels of car ownership and the need to reduce the use of high emission vehicles.

7: Requiring Good Design

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

58. Policies should set out the quality of development that will be expected of an area, including:

- Will function well and add to the overall quality of an area
- Establish a strong sense of place
- Optimise the potential of the site to accommodate development
- Respond to local character and history and reflect the identity of local surroundings and materials
- Create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion
- Are visually attractive as a result of good architecture and appropriate landscaping

59. Consider using design codes where they could help deliver high quality outcomes. Design policies should avoid unnecessary prescription or detail and should concentrate on guiding the overall scale, density, massing, height, landscape, layout, materials and access of new development in relation to neighbouring buildings and the local area more generally.

60. Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles.

60. It is, proper to seek to promote or reinforce local distinctiveness

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 obligations and conditions** the NPPF says:

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

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

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

Costs imposed on developments should pay careful attention to viability and take account of market conditions.

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

The Development Plan

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

The Black Country Core Strategy (BCCS)

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

The key planning policies include ENV2 and ENV 3

It is considered in this case that the relevant provisions of the BCCS are consistent with the NPPF

Walsall's Unitary Development Plan (UDP)

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

GP2: Environmental Protection

The Council will expect all developments to make a positive contribution to the quality of the environment and will not permit development which would have an unacceptable adverse impact on the environment. Considerations to be taken into account in the assessment of development proposals include:

I. Visual appearance.

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

VII. The adequacy of the access, and parking.

ENV14: Development of Derelict and Previously-Developed Sites

(c) Where either the site or adjoining land is found to have been occupied or underlain by uses or activities which may have:

I. contaminated the site;

II. affected the stability of the site; or

III. led to the generation of landfill gas;

the application must also be accompanied by a site investigation report which identifies the hazards actually present on the site, assesses the level of risk for the proposed development and sets out a strategy and timescale for dealing with them as part of the proposed development.

ENV32: Design and Development Proposals.

(a) Poorly designed development or proposals which fail to properly take account of the context or surroundings will not be permitted. This policy will be applied to all development.

(b) When assessing the quality of design of any development proposal the Council will use some or all of the following criteria:-

The appearance of the proposed development.

-The height, proportion, scale, and mass of proposed buildings / structures.

-The materials proposed for buildings, external spaces and means of enclosure.

-The integration and co-ordination of buildings and external space.

-The visual relationship of the proposed development with adjacent areas, the street and the character of the surrounding neighbourhood.

-The effect on the local character of the area.

-The proposed vehicular and pedestrian circulation patterns.

-The integration of existing natural and built features of value.

-The maintenance requirements of the development.

T7: Car Parking

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

T13: Parking Provision

1, 2 and 3 bedroom houses 2 spaces per unit

4 bedroom houses and above 3 spaces per unit

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

Supplementary Planning Document (SPD)

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

Designing Walsall (Feb 2008) refers to the development respecting massing, scale and rhythm of adjacent buildings, plots sizes and built density will relate to their local context , privacy and aspect distances between buildings must ensure all occupants have a satisfactory level of amenity, whilst reflecting the emerging and existing character of the area, ground floor activity and natural surveillance will be maximised, a clear definition between private and public realm and building frontage to overlook the public realm, common building lines along road frontages must be maintained with buildings have a clear relationship with their neighbours and new development should make a positive contribution to creating a comfortable, adaptable and sustainable built environment.

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 Designing Walsall Supplementary Planning Document are consistent with the NPPF.

Consultations

Pollution Control – Object because no details have been provided for ground gas protection

Public Participation Responses

1 objection has been received on the following grounds:

Impact on ground gas measures

Impact on drainage

Would unbalance the design and would not be compatible with neighbouring houses

Contrary to the 45 degree rule to ground floor living room and first floor bedroom

Loss of outlook

Result in additional parking requirements

Determining Issues

- Ground Gas
- Design and Character of the Area
- Neighbouring Amenity
- Access and parking

Observations

Ground Gas

Pollution Control is concerned that given the history of the site the agent/applicant is unaware of the substantial amount of ground gas protection measures on site and incorporated into the dwellings. No information has been supplied regarding the current measures in the property or those for the proposed extensions.

The residential development is situated on a former sand quarry that has been backfilled with waste materials. Investigation of this site prior to redevelopment identified the presence of methane in concentrations above the lower explosive level.

Reclamation of the land included the installation of a site wide ground gas management system intended to collect and disperse gas to atmosphere.

In addition all dwellings and structures forming part of the development have been constructed with integral protection measures included as part of the design. In most cases these measures comprise under foundation ventilation arrangements linked to "air bricks" in the outside walls of buildings. Additionally the floor slabs have been constructed with a high specification gas impermeable membrane installed under the floor screed. This membrane is continuous with the damp proof membrane and crosses the cavity wall to seal structure.

In order to facilitate development it is necessary for Pollution Control officers to be confident that applicant understands the implications of making adaptations to buildings and the construction of new structures in relation to ground gas protection measures.

The agent has been advised of the above requirements but no information has been submitted. In the absence of sufficient information Pollution Control Officers recommend that the application is refused.

The proposal for the above reasons does not overcome reason 3 of planning refusal 16/0622/FL.

Design and Character of the Area

The proposed gable would be the full width of the existing double garage and would create a forward projecting two storey gable 5.4m wide, similar size to the original gable feature on the main house. The extension is considered to dominate the frontage of the house and the street as it is in a prominent position visible to those entering the estate. The design would compete with and take the focus away from the original feature gable design of the house. The proposal would not integrate with the original house and would have a poor visual relationship with the neighbouring houses having a significant impact on the character of the area. An identical extension has been refused at a nearby house. The applicant appealed with the Planning Inspectorate upholding the Council's reason for refusal. This proposal has the same impacts as the nearby house and consequently is being recommended for refusal for the same reasons.

The proposal for the above reasons does not overcome reason 1 of planning refusal 16/0622/FL.

Amenity of Nearby Residents

The proposal would be nearest to number 4 and could result in some loss of light to the side elevation window. However this window serves a non-habitable room and would not significantly impact on the amenities enjoyed by occupiers of this house.

The nearest front elevation bedroom window at number 4 would be set away from the proposal on higher ground, however the proximity and height of the proposal would still result in an overbearing impact and result in significant loss of light to the ground floor lounge window which is a main habitable room. The proposal also breaches the Council's 45 degree code in respect of this window.

The proposal for the above reasons does not overcome reason 2 of planning refusal 16/0622/FL.

An objection has been raised regarding drainage. The proposed works would not raise any significant concerns and such matters are addressed through other legislation.

Parking

The proposed parking accords with the Council's parking standards and would be acceptable.

Positive and Proactive Working with the Applicant:

The case officer has raised their concerns with the agent regarding the design, 45 degree code and ground gas issues. The agent has chosen not to amend the design and considers that the ground gas issues can be mitigated through condition.

RECOMMENDATION: Refuse

1. The design of the proposal would not integrate with the original design of the house because of the following design features:

- the gable is of a similar size to the original feature gable and would project further forward competing with the original feature gable focal point, a characteristic of this traditional style of house;
- The main roof side gable would be visible to the side of the proposal and integrates poorly.

The cumulative impact of these design features would also have a poor visual relationship with the neighbouring traditional styled houses having a significant impact on the character of the area. The development would therefore be contrary to the National Planning Policy Framework in particular paragraphs 56, 57, 58, 64, 109, 186 and 187, the Black Country Core Strategy policies HOU2 and ENV2 and Walsall's saved Unitary Development Plan, in particular policies GP2 and ENV32, and the Supplementary Planning Document, Designing Walsall.

2. The proximity and height of the proposed extension over the garage would result in a loss of light and overbearing impact on the ground floor front lounge window of number 4 and would not accord with the Council's 45 degree code. The development would therefore be contrary to the National Planning Policy Framework in particular paragraphs 56, 57, 58, 64, 109, 186 and 187, the Black Country Core Strategy policies HOU2 and ENV2 and Walsall's saved Unitary Development Plan, in particular policies GP2 and ENV32, and the Supplementary Planning Document, Designing Walsall.

3. The application has failed demonstrated whether or not the development would compromise existing ground gas protection measures which would potentially be detrimental to the amenity of occupiers. The development would therefore be contrary to the National Planning Policy Framework in particular paragraphs 56, 186 and 187 and Walsall's saved Unitary Development Plan, in particular policies GP2 and ENV14, and the Supplementary Planning Document, Designing Walsall.