



Development Management - Planning Committee
Report of Head of Planning, Engineering and Transportation, Economy and
Environment Directorate on 1st December 2016

Contents Sheet

Item No	Page No	Application Number	Site Address	Proposal	Recommendation
1	1	16/1233	LAND AT DAW END SCHOOL, FLOYDS LANE, RUSHALL, WALSALL, WS4 1LF	ERECTION OF 63 DWELLINGS, REVISED ACCESS AND ASSOCIATED INFRASTRUCTUR E.	GRANT PERMISSION SUBJECT TO CONDITIONS AND A S111 AGREEMENT TO SECURE A S106 AGREEMENT TO SECURE PROVISION FOR AFFORDABLE HOUSING AND URBAN OPEN SPACE.
2	17	16/1514	FORMER HARVESTIME BAKERY, HOLLYHEDGE LANE, WALSALL, WS2 8RB	OUTLINE PLANNING APPLICATION FOR THE DEMOLITION OF ALL BUILDINGS AT THE FORMER HARVESTIME BAKERY SITE AND THE ERECTION OF UP TO 80 RESIDENTIAL UNITS WITH ALL MATTERS RESERVED EXCEPT MEANS OF ACCESS (RE- SUBMISSION OF 15/0385/OL).	GRANT PERMISSION SUBJECT TO CONDITIONS

3	43	15/1266	FORMER ABBERLEY HOTEL, 27-31, BESCOT ROAD, WALSALL, WS2 9AD	CHANGE OF USE FROM HOTEL (USE CLASS C1) TO 32-BEDROOMS FOR MORE THAN 6 UNRELATED PEOPLE LIVING IN A PROPERTY SHARING BASIC FACILITIES (SUI GENERIS USE) INCLUDING ASSOCIATED WORKS TO CAR PARK AND LANDSCAPING.	GRANT PERMISSION SUBJECT TO CONDITIONS
4	61	16/1576	ROSE HILL GARDENS COMMUNITY CENTRE, ROSE HILL GARDENS, WILLENHALL, WV13 2AR	CHANGE OF USE OF THE FORMER ROSE HILL YOUTH CENTRE TO A DAY NURSERY AND DEVELOPMENT OF A NEW 10 SPACE CAR PARK	GRANT PERMISSION SUBJECT TO CONDITIONS AND NO NEW MATERIAL OBJECTIONS FROM CONSULTEES
5	75	16/0518	ALDRIDGE SCHOOL A SCIENCE COLLEGE, TYNINGS LANE, ALDRIDGE, WALSALL, WS9 0BG	OUTLINE PLANNING PERMISSION FOR THE ERECTION OF 3 NO. DWELLINGS WITH ACCESS DETAILS TO BE CONSIDERED, AND ALL OTHER MATTERS RESERVED.	GRANT PERMISSION SUBJECT TO CONDITIONS

6	93	16/1097	ALDRIDGE SCHOOL - SITE A, BOSTY LANE, ALDRIDGE, WS9 0QG	OUTLINE PLANNING PERMISSION FOR THE ERECTION OF 4 NO. DWELLINGS WITH ACCESS DETAILS TO BE CONSIDERED, AND ALL OTHER MATTERS RESERVED	GRANT PERMISSION SUBJECT TO CONDITIONS
7	111	16/1057	REAR 454, SUTTON ROAD, WALSALL, WS5 3AZ	RETROSPECTIVE: RETENTION OF DETACHED HOUSE INCLUDING OMISSION OF PREVIOUS APPROVED INTEGRAL GARAGE.	GRANT PERMISSION SUBJECT TO CONDITIONS
8	121	16/0905	35 , WOOD LANE, WILLENHALL, WV12 5NE	SUBDIVISION OF DWELLING HOUSE TO 5NO. APARTMENTS.	GRANT SUBJECT TO CONDITIONS AND NO NEW MATERIAL CONSIDERATIONS RAISED BY CONSULTEES.
9	131	16/1535	SPRINGSIDE, 2 SPRING LANE, PELSALL, WALSALL, WS4 1AZ	CHANGE OF USE OF 3 LIVING UNITS WITHIN THE SOUTH WEST WING FROM C3 DWELLING HOUSE TO C2 RESIDENTIAL INSTITUTION.	GRANT PERMISSION SUBJECT TO CONDITIONS
10	139	16/0201	7, BRADFORD LANE, WALSALL	CONVERSION OF EXISTING PROPERTY INTO 6NO. APARTMENTS	GRANT PERMISSION SUBJECT TO CONDITIONS

11	151	15/0753/FL	MOORFIELD BUNGALOW, CARTBRIDGE LANE, RUSHALL, WALSALL, WS4 1SB	DEMOLITION OF PART OF EXISTING BUNGALOW TO CREATE A TWO STOREY FOUR BEDROOM DWELLING WITH INTEGRAL GARAGE. AS WELL AS ENLARGEMENT OF RETAINED SECTION OF BUNGALOW, INSTALLATION OF DORMERS, A NEW CHIMNEY AND A DETACHED GARAGE.	REFUSE
12	163	16/0706	36 , KNIGHTS HILL, ALDRIDGE, WS9 0TG	SINGLE STOREY EXTENSION TO FRONT OF PROPERTY AND GARAGE CONVERSION	GRANT OF PERMISSION SUBJECT TO CONDITIONS.



Economy and Environment, Development Management

Planning Committee

Report of Head of Planning, Engineering and Transportation on 01-Dec-2016

Plans List Item Number: 1.

Reason for bringing to committee: Major application

Location: LAND AT DAW END SCHOOL, FLOYDS LANE, RUSHALL, WALSALL, WS4 1LF

Proposal: ERECTION OF 63 DWELLINGS, REVISED ACCESS AND ASSOCIATED INFRASTRUCTURE.

Application Number: 16/1233

Applicant: Seddon Construction Limited

Agent: Cushman & Wakefield

Application Type: Full Application (Major)

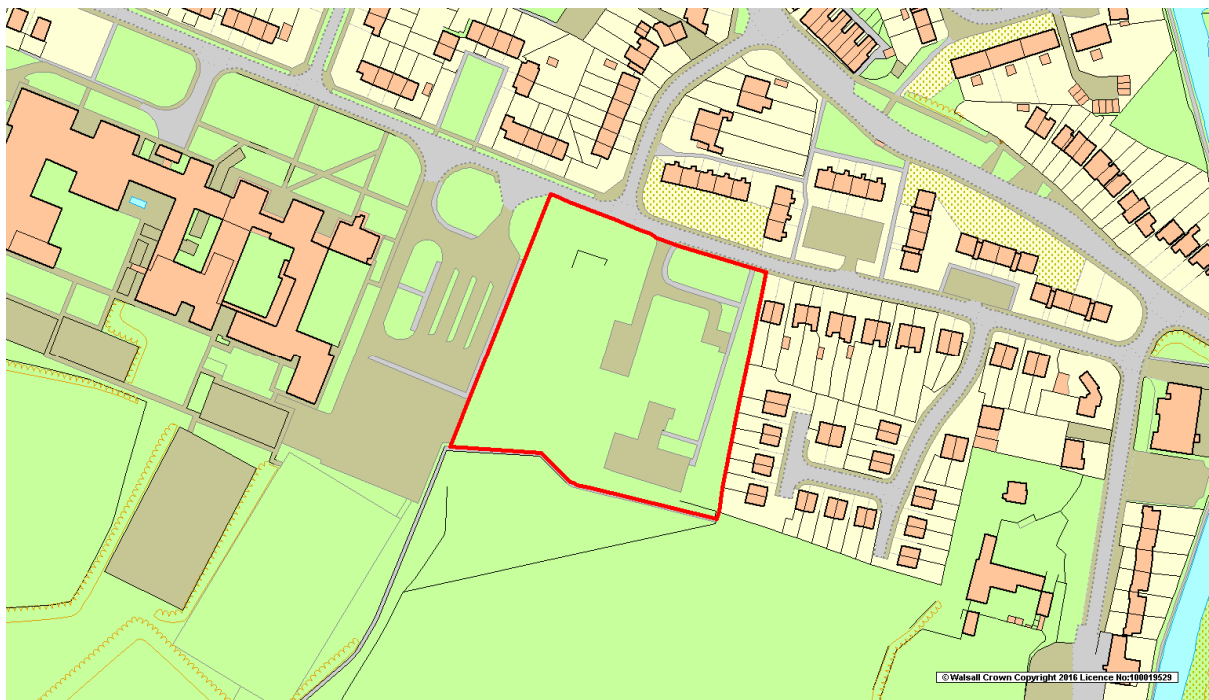
Case Officer: Alison Ives

Ward: Rushall-Sheffield

Expired Date: 05-Dec-2016

Time Extension Expiry:

Recommendation Summary: Grant permission subject to conditions and a S111 Agreement to secure a S106 Agreement to secure provision for affordable housing and urban open space.



Officers Report

Site Description and Proposals

The proposal is for the erection of 63 dwellings on the site of the former Daw End School, Floyds Lane. The proposed dwellings comprise 29 x 2 bed houses, 10 x 3 bed houses and 24 x 1 and 2 bed flats providing 100% rented tenure to be managed and developed by Accord Housing.

All buildings have been demolished and the site is relatively level with established trees predominantly along the site frontage and other clusters along the side and rear boundaries. The original access remains in place and some hard surfacing (former school playground) at the rear. There is a community centre with large car park to the west with a public footpath (ALD 29) running between the sites and continuing beyond the site in a southerly direction. Sheffield United FC premises are located behind the community centre and there are fields currently used for grazing behind the application site. The football premises and grazing land are within the Green Belt and partly designated a Site of Importance for Nature Conservation (SINC). The rear site boundary is defined by palisade fencing. Properties in Floyds Lane and Orchard Grove adjoin the eastern boundary with many gardens screened by existing trees. There are houses, bungalows and flats opposite and adjacent to the site.

The layout introduces a new cul-de-sac in broadly the same location as the original school access on Floyds Lane with new housing fronting Floyds Lane and King George Crescent on either side of the access and other housing fronting the new cul-de-sac which extends to rear and to the west and incorporates a footpath link to the existing public right of way. The proposed three storey apartment block is located at the rear corner of the site with parking courtyard in front and amenity spaces on two sides of the building.

The proposed houses are two storeys high with modern appearance in terms of window and door design. They feature pitched roofs and a flat roof canopy above the front door and some brick band detailing. The proposed apartment block is three storeys high and features 8 apartments per floor with 12 x 1 bed and 12 x 2 bed units. There are two staircase areas within the building with access at front and rear. Twelve of the apartments feature balconies (6m² each) and the remainder have Juliet balconies. Similar window and detailing is proposed as the houses and a shallow pitch roof.

There are 91 parking spaces including 4 visitor spaces throughout the development which equates to 144% parking or 1.4 spaces per dwelling. Some of the houses have two spaces and there is 1 space per apartment. A communal bin store for the apartments is located at the front of the car park.

The site is currently owned by the Council.

The application is supported by the following documents:

- Design & Access Statement
- Planning Statement
- Affordable Housing Statement
- Flood Risk Assessment & Drainage Strategy
- Geo-Environmental Assessment prepared
- Tree Survey
- Preliminary Ecological Appraisal Report
- Transport Assessment
- Travel Plan

Relevant policies

National Planning Policy Framework (NPPF)

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

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

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

Key provisions of the NPPF relevant in this case:

- ***NPPF 4 - Promoting sustainable transport***
- ***NPPF 6 - Delivering a wide choice of high quality homes***
- ***NPPF 7 - Requiring good design***
- ***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
- DEL1: Infrastructure Provision
- DEL2: Managing the Balance Between Employment Land and Housing
- HOU1: Delivering Sustainable Housing Growth
- HOU2: Housing Density, Type and Accessibility
- HOU3: Delivering Affordable Housing
- TRAN1: Priorities for the Development of the Transport Network
- TRAN2: Managing Transport Impacts of New Development
- TRAN4: Creating Coherent Networks for Cycling and for Walking
- TRAN5: Influencing the Demand for Travel and Travel Choices
- ENV1: Nature Conservation
- ENV2: Historic Character and Local Distinctiveness
- ENV3: Design Quality

- ENV5: Flood Risk, Sustainable Drainage Systems and Urban Heat Island
- ENV6: Open Space, Sport and Recreation
- ENV7: Renewable Energy
- ENV8: Air Quality
- WM5: Resource Management and New Development

Unitary Development Plan

- GP2: Environmental Protection
- GP3: Planning Obligations
- ENV1: The Boundary of the Green Belt
- ENV10: 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
- T10: Accessibility Standards – General
- T13: Parking Provision for Cars, Cycles and Taxis
- LC1: Urban Open Spaces
- LC6: Sports Pitches
- LC8: Local Community Facilities

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

Open space, sport and recreation

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

Affordable Housing

- AH1: Quality of Affordable Housing
- AH2: Tenure Type and Size
- AH3: Abnormal Development Costs
- AH4: Provision Location
- AH5: Off Site Provision

Policies are available to view online:

Relevant Planning History

None relevant as all previous applications relate to the former school premises.

Consultation Replies

Ecology – The site directly adjoins the Park Lime Pits Site of Importance for Nature Conservation. Although the ecological appraisal mentions the Park Lime Pits Local Nature Reserve, it does not mention the SINC. Landscaping along the boundary should be designed to discourage tipping over the boundary, and to retain and enhance the integrity of the boundary hedge, especially on the section next to the two individual houses that are shown to lie alongside the boundary. It is noted that the detailed site layout drawing refers to existing trees and hedgerow along the boundary to be pruned and cut back: this comment raises concern in the absence of a detailed landscape drawing and an explicit assessment of the potential impact of the development on the SINC. The tree officers have also raised the importance of achieving separation between the trees and the nearest building to take account of future growth, minimise the impact of current and future shading issues, and retaining the boundary trees as cover for foraging bats. The recommendation in section 4.2 of the ecological appraisal that disturbance to birds during the nesting season should be avoided by limiting the removal of hedges or shrubs to outside of the nesting season or be preceded by a close inspection. This can be ensured by condition.

Environmental Health – No objections.

Fire Service - No objections subject to suitable access to water supplies and access for emergency vehicles.

Highways – No objections subject to conditions. A minor revision to the layout is suggested to provide a continuous segregated footway on the southern side of the cul-de-sac which will be secured by a condition.

Landscape – No objections subject to a condition to secure landscaping. Prefer the trees across the frontage are retained. There is no mention of SUDS but surface water drainage should be addressed.

Local Access Forum (Ramblers) – No objections. The site adjoins Public Right of Way ALD 29, (Floyd's Lane to Harpur Road - via WAL54). The proposals are unlikely to impact on the footpath itself and the fact that the new estate will have access to this route is a policy we have been advocating for some time. Obviously there will be more traffic in the area around the vehicular access point on the site and pedestrians will have to be aware of this, especially since the site is in close proximity to a nearby school. The LAF would like to be sure on the correct route of ALD 29 since it may come into more frequent use in the future and it's line has been disputed in the past.

Police – No objection subject to implementation of crime prevention measures – conditions are suggested.

Policy – No objections in principle. Residential development of the site is welcome in principle and is supported by the allocation in the emerging Site Allocation Document. Although the total number of dwellings is greater than envisaged by the SAD, this is the result of the inclusion of the apartment block. It is noted that the proposal is intended to comprise 100% affordable housing for a registered provider. A S106 Agreement is required to secure a contribution towards open space and to secure at least 25% affordable housing.

Pollution – No objections subject to conditions recommended to safeguard the amenity of the properties with respect to noise and to prevent or minimise environmental impact during the course of building works.

Severn Trent Water – No objections subject to securing drainage details. A note for applicant regarding a public sewer is recommended.

Tree Officer – Objects. The proposals result in loss of all trees on site which are of moderate arboricultural value with good public visual amenity and there is insufficient space for any meaningful replacement tree planting.

Representations

There are 13 objections to the proposals predominantly from residents of Orchard Close which are summarised as follows:

- Removal of trees on the frontage
- Prefer removal of tree adjacent existing dwellings
- Increased traffic and congestion at the highway junction which is already used as a short cut by other drivers
- Noise and air pollution from additional traffic
- Inadequate parking
- Additional parking congestion
- Refuse collection and emergency services access inhibited by number of vehicles

PAGE 6 OF 168

- Potential overspill parking on the community centre site especially when football matches are on
- Inadequate local infrastructure (schools, doctor's surgeries for example)
- Too many dwellings for the site
- Reduced numbers of housing is preferred
- Object to rented tenure
- Out of keeping with the surroundings
- Difference in levels between existing and proposed dwellings allows overlooking
- Potential noise and disturbance from neighbouring properties
- Potential overlooking
- Security concerns including issue with alley backing on to 6-8- Orchard Close
- Lack of play space
- Loss of green space
- Sewerage problems
- Bats fly around the area a bat survey is needed
- Detrimental to wildlife
- Boundary treatments need to be solid walls
- Concern over future potential residents affecting crime levels and loss of property value and increasing insurance premiums

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

Determining Issues

- Principle of residential development
- Layout and Design
- Impact on residential amenities
- Ecology and Trees
- Access and Parking
- Provision for affordable housing and urban open space
- Local Finance Considerations

Observations

Principle of residential development

The proposal is to redevelop a previously developed school site in a sustainable urban location making more effective use of the land. Residential development is in keeping with the character of the surrounding area. The principle of residential development is considered to be in accordance with policies CSP2 and HOU1 of the BCCS and policies ENV14 and H3 of the UDP.

On this basis the principle of development is acceptable.

Layout and Design

The proposed layout of the housing creates clearly defined public and private spaces and active frontages to the street which is considered acceptable. As the site is currently open it has been vulnerable to trespass but the proposals secure the boundary along Orchard Close offering an improvement to security. Likewise all public areas are observed by the proposed dwellings so reducing the opportunity for security breaches. The Police are satisfied that the proposals are acceptable.

The neighbour's concerns over future potential residents affecting crime levels and loss of property value and increasing insurance premiums are not a material planning consideration.

The passageway between plots 8 and 9 backing onto 6 and 8 Orchard Close is secured by a gate at the front of the proposed dwellings as on many dwellings throughout the borough and is for occupiers only so will not pose a significant security threat to the security of existing neighbours. Boundary treatments will be secured by condition. Consideration will be given to the concerns of neighbours whilst seeking to ensure a safe form of development that complements the characteristics of the area.

Each of the proposed dwellings has an adequate rear garden, most are above 64m² as recommended in SPD Designing Walsall. Only 9 plots have smaller gardens between 54 and 61m² which is still considered adequate. The majority of gardens are well above the minimum garden size. The proposed apartments have shared garden space on two sides of the building which is considered adequate. Also some apartments have private balconies which offer further amenity benefits.

The proposals equate to 55 dwellings per hectare including the apartment block which increases the density. Excluding the apartments the development equates to 40 dwellings per hectare which is in keeping with the surrounding area and within the range of density supported by BCCS policy HOU2. Objectors are concerned that there are too many dwellings for the site. The proposal is considered acceptable as the density range is comparable to the prevailing characteristics of the area plus the fact that there is adequate space and separation between existing dwellings and new dwellings proposed on the site.

The developer has indicated that the homes will meet Code for Sustainable Homes Level 3.

Issues regarding potential sewerage problems will be dealt with by securing drainage by a condition as recommended by Severn Trent Water and by building regulations. Flooding has been an issue on site and comments from the Flood Risk Officer will be reported at committee but measures can be secured to address any flooding problems.

Impact on residential amenities

The house on plot 1 is slightly forward of the existing dwelling at 30 Floyds Lane (1.8m) and the houses continue to step forward towards King George Crescent. Nevertheless this is considered acceptable as the proposals are 5.5m away from 30 Floyds Lane and comply with 45 degree code guidelines in respect of this dwelling and the facing bungalows on the opposite side of the highway are 36m away across the highway.

There is a distance between 23.5 and 27.0m separating the facing elevations of the proposed housing on plots 5-17 and existing housing in Orchard Close. Whilst the lesser separation is 0.5m short of the recommended distances in SPD Designing Walsall it is considered adequate to maintain privacy and outlook for existing occupiers. The layout also largely accords with recommended separation distances to protect existing neighbours from potential overlooking.

The difference in levels referred to by neighbours in Orchard Close is not significant and coupled with the distance separation between dwellings which is in most instances in excess of 24m then there is no significant harm to outlook, daylight or privacy of neighbouring properties. Potential noise and disturbance from neighbouring properties is not likely to be any different than the relationship between existing dwellings in the area or indeed any worse than the relationship between the properties and original school on site so is not sufficient to warrant a refusal on the basis of noise and disturbance.

A condition is recommended to restrict construction times to protect the amenities of surrounding occupiers. Also a fence to provide noise mitigation to the rear gardens of plots 31 & 32 is recommended as this is adjacent to the access for the adjacent community centre car park.

Ecology and Trees

In terms of ecology the officer recommends that the measures highlighted in the developer's ecological appraisal be secured by condition; namely all clearance works to take place outside the bird nesting season, to take care when carrying out earthworks to protect small mammals and not to leave trenches uncovered. These measures can be secured by condition. Appropriate landscaping is also suggested to be secured by condition. In the circumstances the concerns of residents in relation to the impact on wildlife in the area the conditions will secure appropriate measures to protect the same and protect the integrity of the boundary between the site and adjacent Park Lime Pits SINC.

One objector states bats fly around the area and a bat survey is required. The Ecological Appraisal provided has considered bats and highlights that there are no suitable roosting opportunities in any trees on site and as there are no buildings and the site is open there is little opportunity for roosting or cover for foraging bats. A condition to secure landscaping and maintain a buffer to the Green Belt land will ensure cover for foraging opportunities for bats using the area.

The tree officer states that the group of trees on the road frontage have good public visibility and are in good condition and of good form. The tree survey categorizes them as 'B' trees in accordance with the *BS 5837: 2012 Trees in relation to design, demolition and construction - Recommendations* tree quality assessment table. These are trees of moderate quality with an estimated life expectancy of at least 20 years. The tree survey also identifies an additional 'B' category tree adjacent the east boundary with the properties on Orchard Close and a further 2 trees along the south boundary also category B. The proposals show removal of all trees on site to accommodate the development with little opportunity for equal replacement planting in mitigation. On this basis the tree officer and neighbours have objected to the proposals. One neighbour requests a tree on the boundary is removed as it is causing nuisance to them.

It is regrettable that the proposals result in an overall loss of trees, particularly those on the Floyds Lane frontage, but it is acknowledged that the trees are not protected and despite having 20 years growth left there is opportunity to provide replacement planting within the front (and rear) gardens of the proposed dwellings. On balance the benefits of bringing the site forward for redevelopment for new affordable housing is considered to outweigh the loss of unprotected trees on site.

Access and Parking

The proposal introduces a new access in broadly the same position as the original school access. Plots 1-3 and 32-38 facing Floyds Lane and King George Crescent will have direct driveway access off these roads. The remainder will have parking adjacent to the houses they serve and the apartments have a shared parking forecourt. This is considered acceptable.

Existing residents are concerned that the proposals will lead to increased traffic and congestion at the highway junction and associated problems of traffic and overspill parking in the area as a consequence of inadequate parking provision. Also that overspill parking could block emergency and refuse access and overspill onto the community centre causing problems when there is a home game at the football ground.

There is 144% parking provision across the development which is considered acceptable. The Transport Assessment provides a TRICS analysis which predicts that the development will generate 27 and 28 additional two-way vehicle trips in the AM and PM peak hours respectively. PICADY capacity assessments of the site access and the King George Crescent/Floyds Lane, the Floyds Lane/Daw End Lane and Park Road/Daw End Lane

junctions have been undertaken and all predict that the junctions will operate well within capacity in the AM and PM peak traffic periods. A Residential Travel Plan has been provided and will be secured to encourage sustainable travel and reduce car borne trips. On balance the Highway Authority considers the development will not have severe transportation implication and is acceptable.

Taking account of the above comments it is considered that the proposal has adequate parking provision to serve its needs and will not lead to capacity issues on the local highway network sufficient to cause a severe impact on the local highway network. Also considering this site was previously a school where there would have been a significant amount of traffic generated.

There is a public right of way that passes alongside the western boundary of the site that extends in a southerly direction towards the Green Belt Lane at the rear. The proposed layout does not disrupt the right of way along the western boundary but introduces an improved alignment at the rear of the site where it passes the apartment building and offers the opportunity for improvements to this presently overgrown section of the right of way. Conditions are recommended to secure the improvements and enhance accessibility.

Potential for noise and air pollution from additional traffic is considered not to be significant such to warrant refusal of the proposals despite neighbours concerns particularly as the school would also have generated traffic to a degree.

Provision for affordable housing and urban open space

Under the terms of policies DEL1 and HOU3 of the BCCS and SPD Affordable Housing the proposal triggers the need for provision of affordable housing. Provision of 25% would equate to the need for 16 units. The developer is proposing 100% of the units, i.e. all 63 dwellings, are to be constructed and managed as affordable rented properties managed by Accord, a Registered Provider. Whilst this is acceptable in principle the policies only require 25% to be secured. A S106 Agreement is therefore required to ensure this provision of 25% affordable housing is secured in perpetuity to ensure compliance with policy.

Under the terms of policies DEL1 of the BCCS and policies GP3 and LC1 of the UDP and SPD: Urban Open Space the proposal triggers the requirement for a contribution towards provision of urban open space. Based on the policy requirements this equates to a contribution of £107,880.00 which is to be secured by a S106 Agreement. This will address the objectors concerns about lack of green space and play space as an off-site contribution will be used to enhance existing spaces in the area.

Neighbours have objected to the rented tenure of the dwellings but this is considered acceptable and the tenure of dwellings will not affect residential amenities.

As there are no adopted planning policy requirements to secure additional infrastructure such as schools or doctors surgeries as a consequence of the scale of the proposed development, the Council cannot insist on these obligations being sought from the developer.

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 63 new homes.

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

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

Positive and Proactive working with the applicant

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 and a S111 Agreement to secure a S106 Agreement to secure provision for affordable housing and urban open space.

Conditions and Reasons

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

Reason; Pursuant to the requirements of Section 92 of the Town and Country Planning Act, 1990.

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

- Site Location & Photographs (100) received 02/09/16
- Topographical Survey (101) received 02/09/16
- Site Constraints Plan (102) received 02/09/16
- Site Plan with detail (103 Rev A) received 10/10/16
- Site Plan colour (103 Rev A) received 10/10/16
- Site Sections (105) received 29/09/16
- 2 bed 4 person house type – Plans & Elevations (106) received 02/09/16
- 2 bed 4 person house type (side entrance) – Plans & Elevations (107) received 02/09/16
- 3 bed 5 person house type – Plans & Elevations (108) received 02/09/16
- 3 bed 5 person house type (side entrance) (109) received 02/09/16
- Apartment Block Floor Plans (110) received 02/09/16
- Apartment Block Elevations (111) received 02/09/16
- Street Scene 1 (112) received 29/09/16
- Street Scene 1 (113) received 29/09/16
- 3D Images – Massing Model (114) received 29/09/16
- Material Specification Sheet (115) received 29/09/16
- Site Layout with Material Allocation Plan (116) received 29/09/16
- General Arrangement (SED0187/GA/001 Rev B)
- External Levels (P16-082/310) received 29/09/16
- Drainage Layout (P16-082/320) received 29/09/16
- Refuse Vehicle Tracking (P16-082/110A) received 29/09/16
- Design & Access Statement version 01 received 06/09/16

- Planning Statement prepared by Cushman & Wakefield dated September 2016 received 02/09/16
- Affordable Housing Statement received 29/09/16
- Flood Risk Assessment & Drainage Strategy prepared by Rodgers Leask (Rev 1) received 29/09/16
- Geo-Environmental Assessment prepared by Rodgers Leask (Rev A) received 29/09/16
- Tree Survey prepared by BEA Landscape Design Ltd (1666/EH/TR001) received 02/09/16
- Preliminary Ecological Appraisal Report prepared by Indigo Surveyors (16133/E1) received 02/09/16
- Transport Assessment prepared by PTB Transport Planning (T16529) received 02/09/16
- Travel Plan prepared by PTB Transport Planning (T16529) received 02/09/16

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

3. Prior to the commencement of the development revisions to layout 15-14411 103 Rev A shall be submitted for approval showing:-

- The footway extended from the flats bin store across the entrance to the flats car park to link to the footpath leading to the flats entrance. The access to the car park then taking the form of a dropped kerb footway crossing rather than a bellmouth.

Reason: To provide a continuous segregated footway on the southern side of the cul-de-sac to avoid confusion for road users and pedestrians alike.

4a. Prior to the commencement of the development, a construction methodology statement shall be submitted to and approved by the Local Planning Authority detailing where the parking and turning facilities for site operatives and construction deliveries will be located and including full details of the wheel cleansing arrangements to prevent mud from being deposited on the highway during the period of construction.

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

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

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

Reason: To protect the amenities of the surrounding occupiers.

6a. Prior to the commencement of the development drainage plans for the disposal of surface water and foul sewage shall be submitted to and approved in writing by the local planning authority.

6b. The scheme shall be implemented in accordance with the agreed details before the development is first brought into use and retained as such.

Reason: To ensure the development is provided with satisfactory means of drainage and to prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal.

7a. Prior to the development commencement of the development, full engineering details of all adoptable highway works and works within the existing highway, including layouts, alignments, widths and levels, together with all necessary drainage arrangements. The details shall include :-

- i. the proposed access road and footpath link to the existing public right of way,
- ii. the new bellmouth and new footway along Floyds Lane including tactile pedestrian crossing, dropped kerb provision across the eastern-most bellmouth to the existing Community Centre car park entrance,
- iii. iii) the improvements to the existing Definitive public right of way adjacent to the western boundary of the site,
- iv. a tactile pedestrian crossing dropped kerb crossing point across Floyds Lane between the new bellmouth and the access point to Plot 38, (to provide a fully inclusive pedestrian link to the bus stops and controlled pedestrian crossing point on Daw End Lane shall be submitted to the Local Planning Authority for technical approval in writing in consultation with the Highway Authority. All adoptable street lighting shall be with the agreement in writing with Walsall Council's street lighting partner Amey.

7b. Prior to the first occupation of any new dwelling on the development, the highway infrastructure works detailed under part a of this condition shall be fully implemented in accordance with the approved details and to the satisfaction of the Local Highway Authority.

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

8a. Prior to the first occupation of any individual new dwelling on the development, all vehicle hard standing, parking areas and access ways serving that dwelling shall be fully consolidated, hard surfaced, drained so that surface water run-off from these areas does not discharge onto the adoptable or existing highway or any highway drain and brought into use.

8b. 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.

9. The 2.4m x 43m (westerly) and 47m (easterly) visibility splays shown on PTB drawing no. 001 'Proposed Site Access Layout' shall be retained at the access point onto Floyds Lane within which no structure or planting exceeding 600mm in height above carriageway level shall be permitted.

Reason: In accordance with the recorded traffic speeds contained within the PTB Transport Planning Ltd Transport Assessment and in the interest of highway safety.

10. Prior to the first occupation of any of the apartments (plots 40-63), full details of the secure, covered cycle shelter shall be submitted to and approved in writing by the Local Planning Authority and the facility shall be fully implemented in accordance with the approved details and thereafter retained and used for no other purpose.

Reason: To ensure the cycle shelter is adequate to encourage sustainable modes of travel in accordance BCCS Policy TRAN4.

11. All individual parking space/ driveway access points shall, at all times, provide 2.4m x 3.4m pedestrian visibility splays, within which no planting or structures exceeding 600mm in height above footway levels shall be permitted.

Reason: In the interests of highway safety.

12. Upon first occupation of the development, the commitments, measures and targets to encourage sustainable travel modes to reduce car based trips to the site contained with the PTB Transport Planning Ltd Travel Plan dated 2nd September 2016, shall be implemented, monitored and reviewed for the lifetime of the development, in accordance with the approved Plan.

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

13a. A continuous barrier fence of at least 1.8 metre height shall be erected between the rear gardens of Plots 31 and 32 and the adjacent car park. The fence shall be continuous to ground level and have a minimum surface mass density of 15kgm⁻².

13b. The developer shall provide written validation to the Local Planning Authority of the fence installation prior to occupancy.

Reason: To protect the amenity of the development.

14a. Prior to the commencement of any development above damp proof level, a detailed landscaping scheme for the development shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be submitted on a plan to an appropriate scale and shall include where applicable, details of:

- Topsoil specification. – If existing soils are to be used, details of its retention, improvement, cultivation or safe storage for re-use should be specified.
- Details of topsoiling depths for shrub beds and grass areas
- Full specification for walls, fences, gates (boundary and internal, showing materials, heights and location), and paving (materials and layout).
- Full details of proposed tree/plant species, number of plants/shrubs, size at time of planting, density, ground surface treatment, tree support and tree pit details, root barriers and mulching. full details of sizes/ container volumes/ seed mixes/ plant numbers/ provenance/ botanical and English names and methods of planting.
- details of proposed turf / seeded areas
- details of landscape establishment / maintenance proposals to be undertaken during the standard conditioned maintenance period.

14b. The scheme shall be completed fully in accordance with the approved details before the development is occupied and retained as such.

14c. 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.

15a. Notwithstanding the plans submitted prior to the first occupation of the development, details of the proposed boundary treatments including timescales for implementation shall be submitted to and agreed in writing by the Local Planning Authority

15b. The development shall be implemented in accordance with the agreed details thereafter.

Reason: To protect the visual amenities of the area.

16a. Prior to the commencement of any built development above damp proof level on any structure full details of all external facing materials shall be submitted to and agreed in writing by the local planning authority.

16b. The development shall be implemented in accordance with the agreed facing materials.

Reason: To ensure the materials throughout the development harmonise with those in the surrounding vicinity.

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 weekdays and 08.00 to 14.00 Saturdays. No plant, machinery or equipment associated with such works shall be started up or operational on the development site outside of these permitted hours.

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

Reason: To protect the amenities of surrounding occupiers.

18a. To avoid the risk to nesting birds, site clearance of vegetation and clearance works should be undertaken outside the bird nesting season. The bird nesting season extends between mid February and September inclusive but is weather dependant and nesting may take place outside this period. If site clearance unavoidably takes place within the nesting season the site shall be checked by a qualified and experienced ecologist immediately prior to works commencing. If nesting birds are discovered then the nest and its surrounds within 5 metres must be left undisturbed until the young have fledged and the nest abandoned.

18b. If site clearance unavoidably takes place within the nesting season the following additional measure shall be taken in respect of black redstarts which are known to breed in Walsall town centre. No site clearance shall take place until a monitoring programme has been submitted in writing and approved by the Local Planning Authority. The monitoring programme shall provide full details of further survey work within possible black redstart breeding areas. It shall include provision for an ecologist to be on site within 48 hours before any work commences on site to determine whether nesting black redstarts are present. If they are not present works should commence. If an active black redstart nest is present works cannot commence until Natural England had been consulted. The nest and adequate buffer zone around it (which shall be agreed with Natural England) must be retained until an ecologist has confirmed the nest is no longer in use.

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

Reason: To conserve local bird populations.

19. All works shall be undertaken to protect small mammals and all trenches left overnight shall be covered.

Reason: To protect local wildlife.

Note for applicant – Highways

1. The attention of the applicant is drawn to the need to keep the highway free from any mud or other material emanating from the application site of any works pertaining thereto.
2. The applicant will be expected to enter into an agreement under S38/278 of the Highways Act 1980 for all adoptable highway works and works within the existing public highway.

Note for applicant – Severn Trent Water

There may be a public sewer located within the application site. Although statutory sewer records do not show any public sewers within the area specified, there may be sewers that have been recently adopted under the Transfer Of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and contact must be made with Severn Trent Water to discuss the proposals. Severn Trent will seek to assist in obtaining a solution which protects both the public sewer and the building.

Recommendation Summary: Grant permission subject to conditions and a S111 Agreement to secure a S106 Agreement to secure provision for affordable housing and urban open space.

End of Officers Report



Walsall Council

Economy and Environment, Development Management

Planning Committee

Report of Head of Planning, Engineering and Transportation on 01-Dec-2016

Plans List Item Number: 2.

Reason for bringing to committee: Major application

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

Proposal: OUTLINE PLANNING APPLICATION FOR THE DEMOLITION OF ALL BUILDINGS AT THE FORMER HARVESTIME BAKERY SITE AND THE ERECTION OF UP TO 80 RESIDENTIAL UNITS WITH ALL MATTERS RESERVED EXCEPT MEANS OF ACCESS (RE-SUBMISSION OF 15/0385/OL).

Application Number: 16/1514

Applicant: Shiptinvest No.1 Ltd

Agent: RPS Group

Application Type: Outline Application (Major)

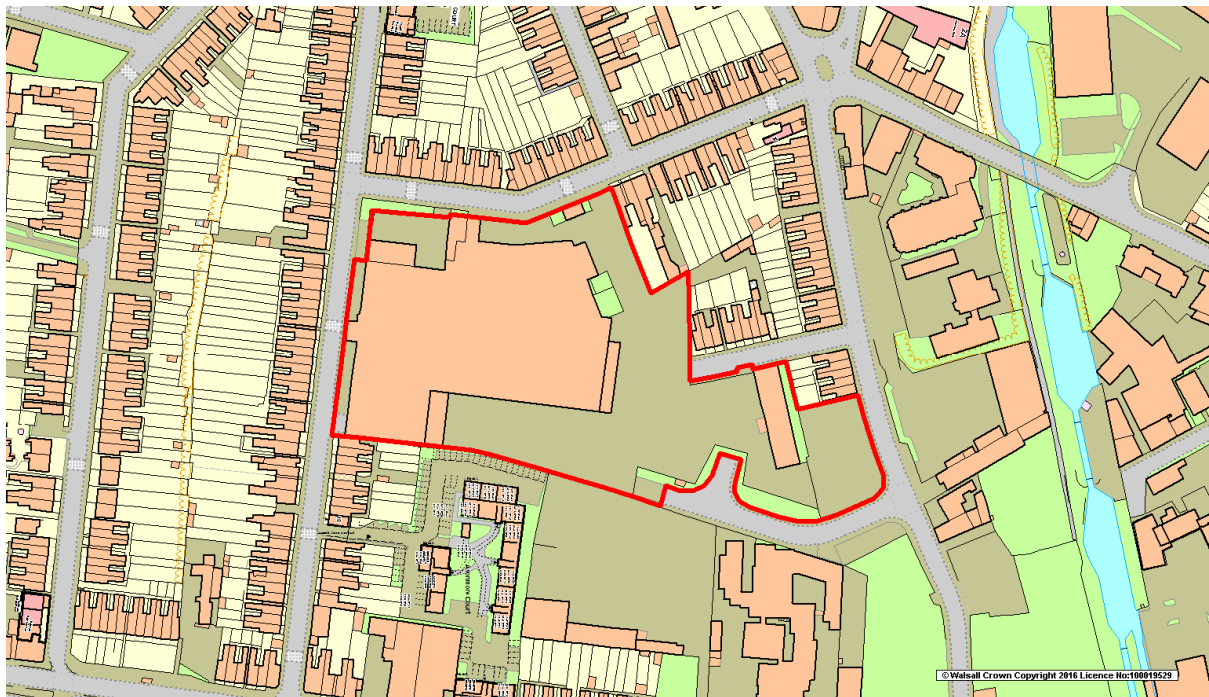
Case Officer: Paul Hinton

Ward: Pleck

Expired Date: 29-Dec-2016

Time Extension Expiry:

Recommendation Summary: Grant permission subject to conditions



Officers Report

Outline planning application for the demolition of all buildings at the former Harvestime Bakery site and the erection of up to 80 residential units with all matters reserved except means of access (re-submission of 15/0385/OL).

Application and Site Details

In July 2016 Planning Committee resolved to refuse outline planning permission (all matters reserved except means of access) at the site for up to 80 dwellings on the grounds of impact of access and egress arrangements on residential amenity, over development of the site and the impact of a lack of amenities including on site open space upon neighbouring residents and the wider community.

The revised application includes additional supporting information as set out below. This new application seeks outline planning permission for the erection of up to 80 dwellings, with all matters reserved except means of access. The application also seeks retrospective consent for demolition of all buildings. Access is proposed to be from Hollyhedge Lane and Jessel Road. The existing electricity substation fronting Jessel Road would be retained.

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

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

The surrounding streets are predominantly residential, comprising mostly terraced two-storey houses, some of which immediately adjoin the site. There is also a flatted development to the south of the site known as Avonmore Court. Hollyhedge Close also provides access to a vacant scrap yard which currently has an unauthorised portal frame building being constructed for an unspecified industrial use. The site is located within the Coal Development High Risk Area. The development would have a density of 43 dwellings per hectare, the density surrounding the application site is generally higher due to the terraced properties and a number of flat developments. The site is 248m walking distance from the Town Centre boundary and 900m to the retail frontage boundary. The site is also 1100m walking distance the railway station and 1200m walking distance to the bus station. Bus stops on Wolverhampton Road, 285m walking distance away give access to Walsall and Wolverhampton, there are also bus stops on Hollyhedge Lane which gives access to Willenhall.

The application has been supported by the following documents:

Design and Access Statement (and addendum) September 2016

- Site is on edge of residential area and is close to local facilities and public transport links
- New trees are proposed to be planted throughout the development to mitigate against loss of existing trees
- It is envisaged that the style of the dwellings will broadly follow the local vernacular, materials will also reflect those found in the Walsall area

- Layout avoids creating residual spaces that lack a clear purpose or ownership.
- Dwellings would be built to either comply or exceed requirements of building regulations in respect of both heat loss and energy consumption, dwellings may incorporate renewable energy technologies.
- Consideration to security and crime prevention will be part of detailed design in discussion with the Crime Prevention Officer.
- Proposed density of 43 dph.
- Density assessment of neighbourhood:
 - Area 1: Corner of Jessel Road/Raleigh Street/Cairns Street = 72 dph
 - Area 2: Corner of Hollyhedge Lane/Neal Street/Jessel Road = 62 dph
 - Area 3: Wolverhampton Road = 66 dph
 - Area 4: Avonmore Court (flatted development) = 127 dph
 - Area 5: Raleigh Street = 53 dph
- Average density of the area assessed is 76dph, or 60dph if the flats are not included.
- Area of on-site public open space is shown on the illustrative plan which has the potential to provide a local equipped area for play.
- Former industrial use contributed little to the image, quality or appearance of the area. The proposed conforming use offers improved accessible visual and physical amenity which will be of value to new residents and existing community.
- Opportunity to instil and achieve Secure by Design components that will contribute to the control of and hopefully reduction in anti-social behaviour in the area.
- Offers opportunity for increased connectivity with and for the local community and neighbours. Enhancing the freedom of movement, improving connectivity to both bus stops on Wolverhampton Road and the centre of Walsall.
- Compared to the previous industrial use of the site, it is considered that the proposal offers significant amenity improvements.

Planning Statement September 2016

- Site is identified for housing within the publication draft of the Site Allocation Document.
- Evidence has been presented to demonstrate the high cost of site clearance and the remedial work required to bring the site to developable conditions, this will impact on the proposal's viability and should be taken into account relating to contributions.
- Illustrative layout provides for a mix of 1 and 2 bed flats, 2, 3 and 4 bed houses.
- As the application is outline and housing types have yet to be established, parking provision will be provided in lines with the Council's standards.
- Internal road network are designed to facilitate the manoeuvrability and navigation of refuse vehicle and emergency service vehicles throughout the site.
- Pedestrian provision will be incorporated into the site's vehicular access junctions, which will connect to footways of 2m widths which will be provided along both sides of the principal street network.
- Cycle parking will be accommodated within the curtilage of each dwelling to come forward at detailed design stage.
- Application includes a number of supporting documents, each confirming the proposal would not have any material adverse impacts and any mitigation measures can be incorporated into the design.

Ecology appraisal January 2015

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

Statement of Community Consultation February 2015

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

Bat Survey July 2015

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

Noise Assessment April 2015

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

Open Space Statement April 2015

- Illustrative layout indicates provision of onsite open space which would be in the form of a formal play area provided in the centre of the site.

Flood Risk Assessment March 2015

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

Transport Assessment (and addendum)

- There is a range of existing jobs, schools, shops, community facilities and amenities which are accessible within reasonable walking and cycling distance reducing the need to travel by private car.
- 2m wide footways are proposed
- Street network will be conducive to cyclists and shared streets will be promoted allowing pedestrians and drivers to share the carriageway.
- 10 buses stop within 200m of the development site every hour and in excess of 60 buses per hour stopping within 800m of the development site. The nearest stop is on Hollyhedge Lane
- Appropriate visibility splays, commensurate with the recorded prevailing speeds can be achieved from the access junctions.
- Generates 51 vehicular trips during the evening peak hour and 46 in the morning peak hours. Taking account of extant use of the site, the proposal would generate only 7 additional vehicular movements in the morning peak and 18 in the evening.
- Four possible dispersal routes, Hollyhedge Lane (north and south) and Raleigh Street (north and south).
- Would generate 5 additional vehicle movements at Hollyhedge Lane (south) in the morning peak and 13 in the evening peak. Less than one vehicle every four minutes during the evening peak. Net effect is within daily variation in traffic flow and not severe in the context of NPPF paragraph 32.
- The proposed access junction would operate satisfactorily and well within capacity when the development is fully operational.

- Pedestrian and cycle accesses will improve connectivity from locations to the north and west of the development site towards the Town Centre.
- Traffic movements beyond the access junction would soon dissipate onto the various road corridors. The resultant increases along the wider highway network lie well within the day-to-day variation of traffic flows and would not trigger any material impacts including the A454 Wolverhampton Road/Hollyhedge Lane signal junction.
- The development site currently benefits from an existing priority access onto Hollyhedge Lane.
- Access junction and internal road network are designed to facilitate the manoeuvrability and navigation of refuse vehicles and emergency service vehicles throughout the site. All servicing vehicles will be able to enter, route through, and then exit the site in forward gear in a safe and satisfactory manner.

Travel Plan March 2015

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

Air Quality Assessment February 2015

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

Site investigation March 2015

- Concentrations of asbestos were identified at a number of locations across the site
- Ground gas monitoring identified elevated gas concentrations
- Highlighted elevated concentrations of arsenic, copper, lead, zinc and TPH.
- If left untreated the contaminated are likely to pose an unacceptable risk to human health.
- The risk may be addressed through the placement of a hardstanding or soft landscaping cap/cover over the impacted areas.
- Shallow perched water are considered to be of low concern in the context of underlying deep seated secondary aquifer.
- Further gas monitoring is required to establish the actual protection measures required.

Relevant Planning History

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

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

15/0385/OL - Outline planning application for demolition of all buildings at the former Harvestime Bakery site and the erection of up to 80 residential units with all matters reserved except means of access. Refused 12/7/16 for the following reasons:

1.The proposal fails to clearly demonstrate that the access and egress arrangements for the site would not impact on the surrounding residential streets or neighbours amenities. The proposal is therefore contrary to the aims and objectives of the National Planning Policy Framework, policy TRAN2 of the Black Country Core Strategy and saved policies GP2, 3.6, 3.7, ENV10, ENV32, T7 and T13 of the Walsall Unitary Development Plan.

2.The density of the proposed development is considered to represent an over development that would impact on neighbouring residents amenity. The proposal is therefore contrary to the aims and objectives of the National Planning Policy Framework, policies CPS4, HOU2, ENV2 and ENV3 of the Black Country Core Strategy, saved policies GP2, 3.6 and ENV32 of the Walsall Unitary Development Plan and the design principle: homes, local character guidance: Birchills and Reedswood and policies DW3, DW4 and DW6 of Supplementary Planning Document: Designing Walsall.

3.The application has demonstrated a lack of amenities including on site open space provided by the development which would impact on neighbouring residents and the wider community. The proposal is therefore contrary to the aims and objectives of the National Planning Policy Framework, policies CPS3, CPS4, DEL1, HOU2, ENV3 and ENV6 of the Black Country Core Strategy and saved policies GP2, 3.6, ENV32, and LC1 of the Walsall Unitary Development Plan.

Relevant Planning Policy Summary

National Planning Policy Framework (NPPF)

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

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

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

Key provisions of the NPPF relevant in this case:

4: Promoting sustainable transport

32. Decisions should take account of whether:

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

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

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

6. Delivering a wide choice of high quality homes

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

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

7: Requiring Good Design

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

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

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

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

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

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

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

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

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

11. Conserving and enhancing the natural environment

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

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

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

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

123. Planning decisions should aim to:

- Avoid noise from giving rise to significant adverse impacts
125. Decisions should limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.

On **planning conditions** the NPPF says:

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

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

The Development Plan

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

The Black Country Core Strategy (BCCS)

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

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

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

The relevant key policies are:

CSP1: The Growth Network

CSP3: Environmental Infrastructure

CSP4: Place Making

CSP5: Transport Strategy

DEL1: Infrastructure Provision

DEL2: Managing the Balance Between Employment Land and Housing

HOU1: Delivering Sustainable Housing Growth

HOU2: Housing Density, Type and Accessibility
HOU3: Delivering Affordable Housing
HOU5: Education and Health Care Facilities
TRAN1: Priorities for the Development of the Transport Network
TRAN2: Managing Transport Impacts of New Development
TRAN4: Creating Coherent Networks for Cycling and for Walking
TRAN5: Influencing the Demand for Travel and Travel Choices
ENV1: Nature Conservation
ENV3: Design Quality
ENV5: Flood Risk, Sustainable Drainage Systems and Urban Heat Island
ENV6: Open Space, Sport and Recreation
ENV7: Renewable Energy
ENV8: Air Quality
WM5: Resource Management and New Development

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

Walsall's Unitary Development Plan (UDP)

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

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

The relevant policies are:

GP2: Environmental Protection
GP3: Planning Obligations
GP5: Equal Opportunities
GP6: Disabled People
3.6 and 3.7: Environmental Improvement
ENV10: Pollution
ENV11: Light Pollution
ENV13: Development Near Power Lines, Substations and Transformers
ENV14: Development of Derelict and Previously-Developed Sites
ENV17: New Planting
ENV18: Existing Woodlands, Trees and Hedgerows
ENV23: Nature Conservation and New Development
ENV25: Archaeology
ENV32: Design and Development Proposals
ENV33: Landscape Design
ENV40: Conservation, Protection and Use of Water Resources
JP7: Use of Land and Buildings in Employment Areas
H3: Windfall Sites on Previously Developed Land and Conversion of Existing Buildings
H4: Affordable Housing
T1: Helping People to Get Around
T7: Car Parking
T8: Walking
T9: Cycling
T10: Accessibility Standards - General
T11: Access for Pedestrians, Cyclists and Wheelchair Users
T12: Access by Public Transport
T13: Parking Provision for Cars, Cycles and Taxis
LC1: Urban Open Space

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

Supplementary Planning Documents (SPD)

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

Designing Walsall (Feb 2008)

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

The following are the relevant policies;

DW1-Sustainability

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

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

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

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

Affordable Housing SPD

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

Urban Open Space SPD

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

- Urban Open Space SPD

-

Employment Land Review

Site HO66 – Consider for release

Emerging Policy

The Site Allocations Document has been subject to consultation and is currently out to final consultation for modification to the publication version. This site is proposed to be allocated for housing (site HO66a) with an estimated capacity of 80 dwellings. As no representations have been made in regard to its allocation for housing weight can be given to the relevant policies of the SAD within the decision making process.

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

The proposal has been screened is not an EIA development.

Consultation Replies

Highway Authority – No objection subject to use of recommended conditions in regard to detailed designs and engineering details, traffic regulation order imposing 20mph speed limit on the estate, limit to no more than 80 dwellings and implementation of the residential travel plan. Would not have a material effect on the operation of Wolverhampton Road/Hollyhedge Lane junction and provides additional vehicle access which will help distribute traffic onto the wider network.

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

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

Community Safety Team –concerns with the indicative layout.

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

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

Flood Risk Planning and SUDS Officer –to be updated at planning committee

Greenspaces - in accordance with the Urban Open Space SPD contributions would be sought towards open space improvements at Reedswood Park rather than onsite provision for local play. Street trees throughout the development should be explored.

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

Local Access Forum – no objection.

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

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

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

Public Rights of Way Officer – no objection. There are no recorded rights of way across or adjoining the site. Recommended note for applicant in regard to any established rights of way not on the definitive map.

Severn Trent Water –to be updated at planning committee

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

Police Architectural Liaison Officer – objects to the application in its current form.

Planning Policy – residential development of this site and the broad number of dwellings proposed is strongly supported by current and emerging planning policy.

Public Participation Responses

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

No comments received to this application.

Determining Issues

- Whether the application overcomes the previous reasons for refusal in regard to:
 - o Access and egress arrangements
 - o Density
 - o Lack of amenities
- Principle of development
- Pollution control and ground stability
- Drainage and flood risk
- Planning obligations

Observations

Access and egress arrangements

The previous application was refused on the grounds that it failed to clearly demonstrate that the access and egress arrangements for the site would not impact on the surrounding residential streets or neighbours amenities. In response the applicant has undertaken further work within the Transport Assessment considering both the suitability of the proposed accesses, capacity of neighbouring junctions and vehicle movements compared to the previous commercial use of the site.

It is material to consider the vehicle movements that would have been associated with the former bakery, which would have included incoming commercial vehicles delivering ingredients and outgoing commercial vehicles distributing the freshly baked bread. In addition there would have been vehicle movements associated with employees. As the site is now cleared a direct assessment cannot be undertaken, but good practice establishes that TRICS data modelling can be used. An assessment has been undertaken which concludes

that for 80 dwellings the development would generate 51 vehicular trips during the evening peak hour and 46 in the morning peak hours. Taking account of the previous industrial use of the site, the proposal would generate 7 additional vehicular movements in the morning peak and 18 in the evening. The proposal would also change the type of vehicles associated with the site from commercial vehicles to domestic.

The NPPF explains the development should only be refused in transport grounds where the residual cumulative impacts of development are severe. The additional net increase in vehicle movements is considered to not be severe. Existing residents would have been subject to commercial vehicle movements from the bakery, the proposal in comparison would bring benefits to residential amenity by virtue of smaller and quieter vehicles associated with the site.

There are four route options for potential residents, Hollyhedge Lane north and south and Raleigh Street north and south, with 76% of distribution predicted along Hollyhedge Lane to the south and to the traffic light junction with Wolverhampton Road (A454). The assessment predicts that 35 vehicles would access and egress via Hollyhedge Lane (south) during the morning peak hour, while 39 vehicles would access the A454 via Hollyhedge Lane during the evening peak hour, this equates to less than one vehicle every minute. When account is taken of the previous commercial use, the proposals would generate a further 5 vehicle movements at Hollyhedge Lane (south) in the morning peak and 13 vehicles in the evening peak. This equates to less than one vehicle every four minutes during the evening peak.

This relatively small increase in vehicle movements during the peak hours lie well within day to day fluctuations and are considered would not produce a severe impact on the local highway network. The additional vehicle access onto Jessel Road would help distribute traffic onto the wider network.

The application proposes two vehicle access points, one from Jessel Road and one from Hollyhedge Close. To Jessel Road a 5.5m wide access is proposed with 2.4m x 25m visibility splay and the provision of a raised table at the new junction. Jessel Road is traffic calmed with speed ramps; one of the speed ramps is proposed to be removed to accommodate the safe use of the raised table. At the end of Hollyhedge Close are three access points, two to the application site and one to the adjacent former scrap yard. The first access point will be retained and used to access a proposed parking court, the access to the scrap yard will be retained. The main access to the former Bakery will be amended to provide a 5.5m wide access road with 2m wide footway. These accesses are considered to provide safe and suitable access.

While no comments have been received from neighbours regarding this re-submitted application, previously neighbours sought resurfacing works or potential adoption of Neale Street. The road is not part of the applicant's ownership and is not part of the planning application. The application has demonstrated suitable safe access from Hollyhedge Close and Jessel Road and therefore the use of Neale Street is not required to bring this development forward. Consequently, there is no planning justification to require the developer to use Neale Street to access the site or resurface and bring Neale Street up to adoptable standards.

Residents previously stated there is an existing parking problem. The Jessel Road properties do not benefit from off-street parking relying on parking on the public highway. It is noted that the proposed access from Jessel Road would reduce the availability of on-street parking on Jessel Road by 3 to 4 parking spaces. As demonstrated by the Transport Assessment the site is well served by public transport, plus Jessel Road is 60m from Birchills Local Centre, 185m from the boundary with Walsall Town Centre and 780m from the primary retail area. The loss of 3-4 on street parking is weighed against provision of a

suitable safe highway access to unlock the delivery of up to 80 new homes within the area. Any reserved matters application will need to demonstrate sufficient parking for the proposed new houses to meet the needs of the development. On balance the minor loss of on-street parking on Jessel Road, balanced against the delivery of 80 new houses in the location, is considered not to be severe to support the refusal of the planning application and accords with the Government's NPPF.

The previous application received a petition on behalf of Raleigh Street residents seeking the implementation of a one way scheme along Raleigh Street. As Raleigh Street is left only onto Wolverhampton Road it would simply lead traffic back past the Hollyhedge Lane junction and therefore the amount of development traffic likely to utilise Raleigh Street is predicted to be minimal. The Transport Assessment concludes that the development would not have a material impact on the existing highway infrastructure, and the Council's Highway Authority has no objection to the current outline proposal. It is considered unreasonable in planning terms to require the site developer to implement traffic measures to address and existing traffic related issues in Raleigh Street when the Transport Assessment and the Highway Authority consider there is minimal impact on Raleigh Street. The District Valuer has confirmed the proposal is unviable and consequently, unable to fund additional off site works including a one-way system in Raleigh Street.

The indicative layout shows good connectivity for pedestrian and cycles in terms of links through the site to the Town Centre could be provided and the Framework Residential Travel plan also encourage measures and targets to maximise the sustainable credentials of the site.

It is considered that the revised application demonstrates suitable access and egress arrangements that would not have a severe impact upon surrounding residential streets. The level and type of vehicle movements when considering the previous use of the site proposed vehicle flows are considered to not have a detrimental impact upon the amenity of existing residents. According the first reason for refusal has been overcome.

Density

The previous application was also refused as the density of the proposed development was considered to represent an over development that would impact on neighbouring residents amenity.

This is an outline application seeking planning permission for the principle of residential development of up to 80 dwellings and for the reserved matter of access only to be considered. The appearance, landscaping, layout and scale of the development are reserved for later consideration and only limited weight can be given to the indicative layout plan and street scene. This indicative plan of 80 units would equate to 43 dwellings per hectare (dph). Policy HOU2 of the BCCS requires all developments to achieve a minimum net density of 35 dwellings per hectare, except where higher densities would prejudice the character and distinctiveness of the area; the proposal achieves this. The NPPF says that decisions should optimise the potential of the site to accommodate development.

Following the refusal a character appraisal has been undertaken in regard to the density of five adjacent areas:

- Area 1: Corner of Jessel Road/Raleigh Street/Cairns Street = 72dph
- Area 2: Corner of Hollyhedge Lane/Neal Street/Jessel Road = 62dph
- Area 3: Wolverhampton Road = 66dph
- Area 4: Avonmore Court (flatted development) = 127dph
- Area 5: Raleigh Street = 53dph

The average density of the area assessed is 76dph, or 60dph if the flats are not included. The NPPF says that developments should respond to local character, it is proper to seek to promote or reinforce local distinctiveness, address the integration of new development into the built environment. Permission should be refused for development of poor design that fails to take the opportunities available for improving the character. Policies CPS4, HOU2, ENV2, ENV3 of the BCCS; GP2, 3,6 and ENV32 of the UDP and Supplementary Planning Document Designing Walsall, require development to be informed/influenced by their context and reinforce locally distinctive elements.

The proposal at 43dph would not be out of character with its surroundings and is considered would integrate into the area. This comparable level of density would not be overdevelopment. Its integration would ensure, in principle, the protection of the amenity of neighbouring residents.

Accordingly the re-submitted application has overcome the second reason for refusal.

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

While this is an outline application seeking planning permission for the principle of residential development and for detailed consideration of the access arrangements only an illustrative layout has been submitted showing how the site could accommodate a mixture of one and two bedroom flats and two, three and four bedroom houses. It is suggested by the applicant that heights could be predominantly two storeys to match the local vernacular, with some two-and-a-half storey designs. It is explained that building designs and materials would relate to styles found in the local area. An area of open space is also shown. Energy efficient designs in line with Building Regulations would be utilised.

As this level of detail is not to be determined by this application, a detailed assessment of the proposed site layout and unit designs is not appropriate as these details could change once reserved matters are submitted. It is considered that whilst the illustrative layout demonstrates that the principle of housing across the site could be accommodated, it is a poor layout, that if it formed part of the application consideration, it would be recommended for refusal. It is considered that the indicative layout raises issues of separation between the proposed units, provision of sufficient private amenity space, provision and layout of parking spaces and parking courts plus the potential for encouraging the perception of crime and anti social behaviour. These are matters that would need to be addressed as part of the reserved matters application to ensure any development integrates into the character of the area whilst ensuring the layout to removes the potential for crime or anti-social behaviour. Both the Police and the Council's Community Safety Team have concerns about the indicative layout and would object to this layout if it was for formal consideration. Any reserved matters application for layout would need to achieve a high quality layout on this site to help deter crime across the proposed site and address colleagues concerns.

In the previous application concerns about existing anti social behaviour from Avonmore Court were raised. These concerns about an adjacent site cannot be addressed through this application.

There are no designated wildlife sites which are likely to be adversely affected by this proposal. There are few protected species likely. The bat survey undertaken in July 2015 concluded that bats are unlikely to roost on this site which is well away from interlinked

green infrastructure that they could use as foraging habitat. While the bat survey was undertaken some time ago, the infrastructure of the site is such that its conclusions can continued to be relied on.

Care will be required over bird species which may be using the site for nesting. An ecological report by RPS has been provided. The recommendations in respect of protection of nesting birds and eradication of Japanese knotweed are satisfactory and can be secured by condition. There is little landscaping on the site and none worthy of retention. A full landscaping plan with new tree planting would be expected to come forward as part of the reserved matters.

Lack of amenities

The previous application was refused as it demonstrated a lack of amenities including on site open space which would impact on neighbouring residents and the wider community. This is an outline application seeking planning permission for the principle of residential development for up to 80 dwellings and for consideration of the access arrangements only. The indicative layout shows how an area of on-site open space could be provided on the site and which could have the potential to provide an equipped area for play, which may be available for the wider community.

The site was previously used for industrial purposes, which would have included elements of noise and disturbance from the use and associated vehicle movements. The use has ceased and the site cleared of buildings. This is a large derelict site within the middle of a residential area. Its condition does not have a positive contribution to the image, quality or appearance of the area. The proposed residential use compared to a commercial use would have more beneficial amenity value for neighbouring residents and the wider community.

Through high quality design the proposal provides the opportunity to achieve Secure by Design components that will contribute to the control of and hopefully reduction in anti-social behaviour in the area.

The proposed access arrangements include access through the site, which offers an opportunity for increased connectivity with and for the local community and neighbours by providing an alternative route, reducing the walking distance by 45m. This would enhance the freedom of movement, improving connectivity to both bus stops on Wolverhampton Road and the centre of Walsall.

Accordingly the revised application has overcome the third reason for refusal.

Principle of development

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

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

PAGE 32 OF 168

acceptable in this location due to the constrained modern commercial vehicle access requirements to the site.

The NPPF says that decisions should encourage the effective use of land by re-using land that has been previously developed. The principle of up to 80 houses on a brownfield site within an existing sustainable residential area is considered acceptable and accords with the aims of the local and national planning policies.

Pollution control and ground stability

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

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

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

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

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

At this stage Pollution Control agree with the findings of the investigation report. However, additional contaminated land investigations should take place when there is full access to the site i.e. post demolition and clearance to enable comprehensive remediation and mitigation measures. Necessary conditions are recommended.

A noise report has also been provided; this report advises the site is suitable for residential development subject to mitigation measures. Pollution Control agrees that actual site measurements should be undertaken to determine extant levels and mitigation measures need to be agreed with the Local Planning Authority. Measures need to consider the scrap yard coming back into use, which may inform any final design. Recent works have been undertaken at the scrap yard including demolition of buildings and preparation for new development. These works are unauthorised and are currently being investigated. The lawful use and any impacts of this site would need to be factored into any final design and noise mitigation measures. These would be secured through reserved matters and a condition requiring a sound impact assessment.

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

The application site falls within the defined Development High Risk Coal Area. Records indicate that the site is in an area of likely historic unrecorded underground coal mine workings at shallow depth. The Coal Authority concurs with the recommendations of the Ground Investigation Interpretative Report that further intrusive site investigation works should be undertaken prior to development in order to establish the exact situation regarding coal mining legacy issues on the site and recommends that a condition be imposed requiring these site investigation works and where necessary remediation measures. A condition is recommended.

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

Drainage and Flood Risk

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

The proposal makes no changes to the drainage arrangements than previously consulted on. Sufficient drainage could be provided at the site to meet the needs of the development without causing any additional flooding issues.

Planning obligations

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

For Open Space, a development of this size within this ward, a contribution (defined by Urban Open Space SPD) of £127,335 would be sought towards open space improvements at Reedswood Park. The indicative layout provides for onsite open space. 20 affordable units would be required as rented houses. Education confirm that based on the indicative mix, contributions of £745,843 towards local primary school provision within 2 miles of the site and £813,994 towards local secondary school provision within 3 miles of the site would be sought, a total of £1,559,837.

The applicant's previous viability assessment (December 2015) from an independent company and commentary on build costs (March 2016) are considered to be up to date. These documents were reviewed by the District Valuer (April 2016), independent advisors on property and valuations. They concluded that the proposed development is not viable even without the provisions of affordable housing and S106 contributions. This would also be the case should the number of units be increased by 10%.

This is a vacant brownfield site within a sustainable location, which provides the opportunity for up to 80 new dwellings with a potential mix of types and sizes. The DVS consider the scheme unviable even without contributions being sought. In waiving the requirement for contributions the site is more likely to be developed for housing than it would should contributions totalling £1,687,172 be sought. In the interests of trying to bring the site forward for redevelopment it is recommended, in the circumstances, that financial contributions towards Open Space and Education, and on-site affordable housing requirements are not sought.

Whilst the DVS report concludes even without contributions this is an unviable development, planning case law has established that whether a development will be or is likely to be implemented is not normally a material consideration. If a proposal fulfils the normal planning

tests the applicant has the right to a planning permission regardless of whether they possess the finance or ability to carry out the development.

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

The play area shown on the illustrative plans is welcomed as the site is quite remote from existing play areas and would contribute toward open space provision for future occupiers. The Council is not looking to increase the quantity of Open Space; therefore the Council is unlikely to take on maintenance of this play area. If the reserved matters submission includes a play area, it would also need to include the developer to be able to demonstrate on-going management and maintenance of the play area.

Local Finance Considerations

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

This application indicatively proposes up to 80 new homes.

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

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

Positive and Proactive working with the applicant

Following the previous refusal officers have met with the applicant's agent to discuss the reasons for refusal. In response this application has been submitted which is considered address the reasons for refusal to enable a positive recommendation to be made.

Recommendation: Grant planning permission subject to conditions

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

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

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

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

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

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

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

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

- Location plan received 30/9/16
- Block plan received 30/9/16
- Demolition plan received 5/10/16
- Proposed site access arrangements received 30/9/16
- Ecology appraisal received 30/9/16
- Bat survey received 30/9/16
- Noise Assessment received 30/9/16
- Air Quality Assessment received 30/9/16
- Ground Investigation Report received 30/9/16
- Transport Assessment received 30/9/16
- Transport Assessment Addendum received 30/9/16
- Residential Travel Plan received 30/9/16
- Flood Risk Assessment received 30/9/16

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

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

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

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

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

7A. No development shall commence until an intrusive site investigation confirming the shallow mining conditions and any remediation measures required to ensure the safety and

stability of the proposed development have been submitted to and approved in writing by the Local Planning Authority.

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

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

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

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

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

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

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

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

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

REASON: To mitigate the impacts of external noise.

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

- i) Construction working hours
- ii) Parking of vehicles of site operatives and visitors
- iii) Loading and unloading of materials
- iv) Storage of plant and materials used in constructing the development
- v) A scheme for recycling/disposing of waste resulting from construction works
- vi) Temporary portacabins and welfare facilities for site operatives
- vii) Site security arrangements including hoardings
- viii) Wheel washing facilities and/or other measures to prevent mud or other material emanating from the application site reaching the highway
- ix) Measures to prevent flying debris
- x) Dust mitigation measures (particularly as the contaminated land investigation has indicated that land is contaminated)
- xi) Measures to prevent site drag-out (including need for wheel cleaning and use of a road-sweeper)
- xii) Noise and vibration (if piling and/or ground stabilisation is to be conducted) mitigation measures

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

REASON: To ensure that no works commence on the site until a scheme is in place to safeguard the amenities of the area and the occupiers of the neighbouring properties and to control the environmental impacts of the development.

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

- a. Engineering details of the required highway improvements to the portion of the unadopted highway in Neale Street under the control of the applicant.
- b. Engineering details of the alterations to the existing traffic calming features in Jessel Road including the proposed introduction of a raised platform junction at the new access point.
- c. Engineering details of improvements to pedestrian links across Hollyhedge Lane, including tactile pedestrian crossings across the Hollyhedge Close, Neale Street and Jessel Road junction with Hollyhedge Lane, the Jessel Road junction with Raleigh Street and across the Hollyhedge Close turning area on the pedestrian desire lines, together with the removal of any redundant footway crossings and accesses to the site back to full kerb height
- d. A Traffic Regulation Order imposing a 20mph speed limit on the new estate roads.

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

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

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

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

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

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

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

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

Reason: to conserve local bird populations.

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

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

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

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

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

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

16A. No development shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles where possible, has been submitted to and

approved in writing by the Local Planning Authority. The submitted surface water drainage scheme shall include:

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

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

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

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

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

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

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

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

REASON: To encourage sustainable modes of travel.

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

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

NOTES TO APPLICANT

1. Public Rights of Way

Public rights of way may be in existence which are not shown on the definitive map and statement. In accordance with section 31 of the Highways Act 1980, where a route has been enjoyed by the public without interruption for a period of 20 years, a claim can be made under section 53 of the Wildlife and Countryside Act 1981. If a claim is received it may be necessary for a Stopping Up and Diversion Order to be implemented before the development is completed.

2. Contaminated Land

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

CL2 - When making assessments of any contaminants identified as being present upon the land, considering their potential to affect the proposed land use and deciding appropriate remediation targets regard should be had to the advice given in CLR 11 "Model Procedures for the Management of Land Contamination", The Contaminated Land Exposure Assessment (CLEA) model (Latest Version), Science Report – SC050021/SR3 "Updated technical background to the CLEA model" and Science Report – SC050021/SR2 "Human health toxicological assessment of contaminants in soil" or any relevant successors of such guidance. This list is not exhaustive. Assessment should also be made of the potential for contaminants contained in, on or under the land to impact upon ground water. Advice on this aspect can be obtained from the Environment Agency.

CL3 - Validation reports will need to contain details of the "as installed" remediation or mitigation works agreed with the Local Planning Authority. For example photographs of earth works, capping systems, ground gas membranes, and structure details should be provided. Copies of laboratory analysis reports for imported "clean cover" materials, manufacturer's specification sheets for any materials or systems employed together with certification of their successful installation should also be submitted. Where appropriate, records and results of any post remediation ground gas testing, shall be included in validation reports. This note is not prescriptive and any validation report must be relevant to specific remedial measures agreed with the Local Planning Authority.

3. Environment Agency

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

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

All precaution must be taken to avoid discharges and spills to ground both during and after

construction. For advice on pollution prevention measures, the applicant should refer to our guidance 'PPG1 – General guide to the prevention of pollution', available from our website.

4. Coal Authority

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

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

5. Acoustics

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

6. Severn Trent Water

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

7. Secure by Design

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

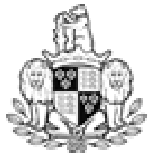
http://www.securedbydesign.com/pdfs/SBD_New_Homes_2010.pdf

8. Surface Water

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

Recommendation Summary: Grant planning permission subject to conditions

End of Officers Report



Walsall Council

Economy and Environment, Development Management

Planning Committee

Report of Head of Planning, Engineering and Transportation on 01-Dec-2016

Plans List Item Number: 3.

Reason for bringing to committee: Significant Community Interest

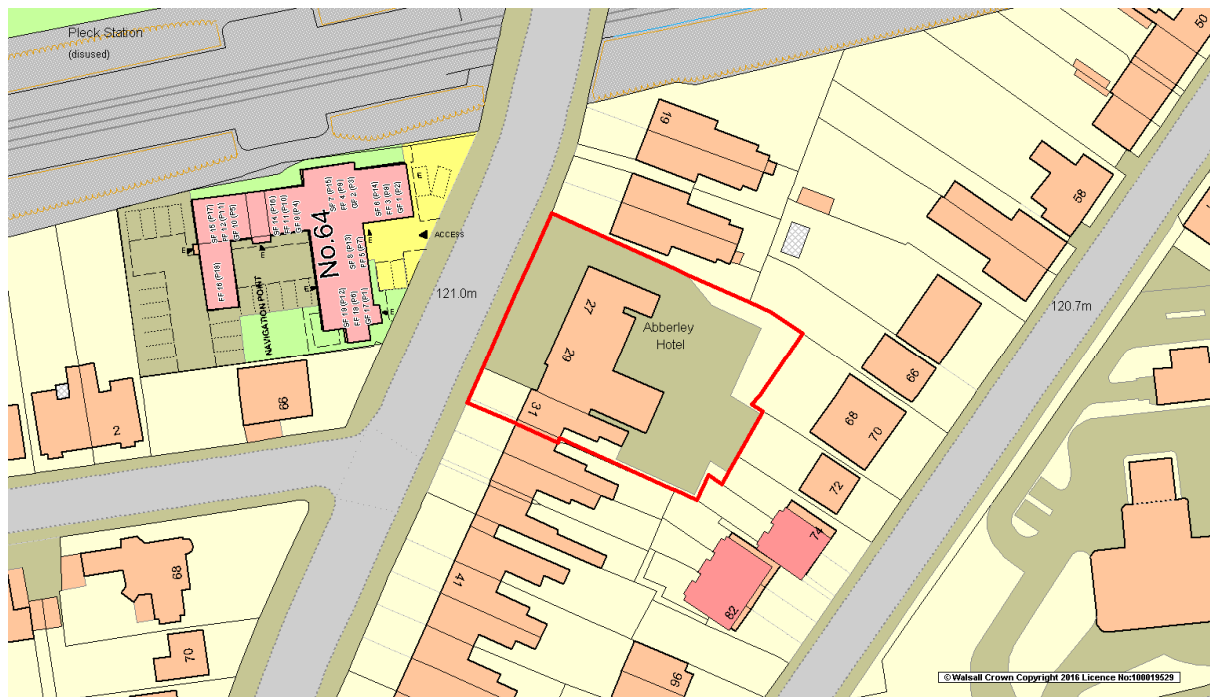
Location: FORMER ABBERLEY HOTEL, 27-31, BESCOT ROAD, WALSALL, WS2 9AD

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

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

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

Recommendation Summary: Grant Permission Subject to Conditions



Officers Report

Application Status

To assist planning committee, what follows is a factual chronology of events from when the planning application, was deferred from the 6th October 2016 planning committee at the request of the applicant.

5th October 2016 this application was deferred from the 6th October 2016 Planning Committee for 1 cycle at the request of the applicant due to personal circumstances.

27th October 2016 the planning agenda for the 3rd November 2016 planning committee including this report was published on the Council's website.

27th October 2016 *"Valerie Vaz (Walsall South) (Lab). The petition of residents of the UK, Declares that Walsall Metropolitan Borough Council should not approve the planning application to change the use of the Abberley Hotel to a 32-bed house in multiple occupation (HMOs); further that there are too many HMOs in Walsall; further that Walsall Council's Housing Standards objects to this application; and further that 194 individuals have signed a local petition on the same subject. The petitioners therefore request the House of Commons to urge Walsall Metropolitan Borough Council to reject planning application 15/1266. And the petitioners remain, etc."* House of Commons Hansard.

2nd November 2016 The Chief Executive received the resident's petition (194 individuals) submitted by Valerie Vaz MP dated 1st November objecting to the proposal.

2nd November 2016 The National Planning Casework Unit emailed the Local Planning Authority stating; *"The Secretary of State has received a petition from local residents forwarded by the local MP Valerie Vaz, for the Secretary of State to consider call-in of the above application. I understand that the committee are deciding this case at tomorrows meeting, should the committee be minded to approve the application the Secretary of State would wish to consider the proposal against his call in policy as outlined in the attached Written Ministerial Statement. I would be grateful if you could confirm if the committee are minded to approve the application whether the authority would be able to withhold issuing the decision notice until the Secretary of State has had the opportunity to consider call-in against the attached written Ministerial Statement."*

3rd November 2016 the Chair of Planning Committee withdrew the item from the 3rd November Planning Committee to allow the application to be forwarded to the National Planning Casework Unit for consideration and whether the Secretary of State wishes to call the application in.

8th November 2016 the application details were forwarded to the National Planning Casework Unit to consider whether the Secretary of State wishes to call the application in.

16th November 2016 The National Planning Casework Unit withdrew the request to consider the application for call-in stating *"Following clarification being received from the Local MP the Secretary of State withdraws his action to consider call-in on the above application. Therefore the authority are free to consider the application in line with your procedures. Unfortunately the MP did not realise that officials would become involved once a petition was*

submitted to Parliament. Upon receipt of such documents it is usual practice for Petitions from MPs opposing planning applications to be treated as Third Party requests to call in. When that occurs there is contact by the NPCU case officers with the local authority to find out the latest position of the proposal and to request that a decision notice is not issued until the Secretary of State has had the opportunity to consider the case against the Call-in criteria, as happened in this case."

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

Application and Site Details

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

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

The applicants supporting information submitted with application:

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

Relevant Policies

National Planning Policy Framework (NPPF)

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

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

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

Key provisions of the NPPF relevant in this case:

NPPF 4 - Promoting sustainable transport

- the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;

- safe and suitable access to the site can be achieved for all people; and
- improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
- 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.
- the accessibility of the development.
- the type, mix and use of development.
- the availability of and opportunities for public transport.
- local car ownership levels.
- an overall need to reduce the use of high-emission vehicles.

NPPF 6 - Delivering a wide choice of high quality homes

- use their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area, as far as is consistent with the policies set out in this Framework, including identifying key sites which are critical to the delivery of the housing strategy over the plan period;
- identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land;
- identify a supply of specific, developable sites or broad locations for growth, for years 6-10 and, where possible, for years 11-15;
- for market and affordable housing, illustrate the expected rate of housing delivery through a housing trajectory for the plan period and set out a housing implementation strategy for the full range of housing describing how they will maintain delivery of a five-year supply of housing land to meet their housing target; and
- set out their own approach to housing density to reflect local circumstances.
- 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, but not limited to, families with children, older people, people with disabilities, service families and people wishing to build their own homes);
- identify the size, type, tenure and range of housing that is required in particular locations, reflecting local demand; and
- where they have identified that affordable housing is needed, set policies for meeting this need on site, unless off-site provision or a financial contribution of broadly equivalent value can be robustly justified (for example to improve or make more effective use of the existing housing stock) and the agreed approach contributes to the objective of creating mixed and balanced communities. Such policies should be sufficiently flexible to take account of changing market conditions over time.

NPPF 7 - Requiring good design

- will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;

- establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit;
- optimise the potential of the site to accommodate development, ... and support local facilities and transport networks;
- respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation
- create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion; and
- are visually attractive as a result of good architecture and appropriate landscaping.

On **planning conditions** the NPPF says:

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

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

Local Policy

Black Country Core Strategy

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

Unitary Development Plan

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

Supplementary Planning Document

Designing Walsall

- DW2 Safe and Welcoming Places
- DW3 Character

Policies are available to view online.

Relevant Planning History

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

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

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

Consultation Replies (*Officer comments in italics*)

Access Officer – No comments (*any comments regarding access are unlikely to change the recommendation in this instance*).

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

Environmental Health – No comments (*any comments are unlikely to change the recommendation in this instance*).

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

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

Landscape – No objection subject to conditions regarding appropriate landscaping.

Natural England – No objection.

Network Rail – No objection.

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

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

Structures – No objection.

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

Representations (*Officer comments in italics*)

Four objections have been received by neighbours (17, 21, 23 and 25 Bescot Road) on the following grounds:

- Increased anti-social behaviour and crime;
- Impacts on Traffic Flow;
- Lack of local consultation (*the Council has met the national requirement to notify neighbours*);
- Impact on house value (*this is not a material planning consideration*);
- Increased anxiety to a family member with mental health issues (*this is not a material planning consideration*);

- Increased noise;
- Existing supply of HMO, nursing homes and flats in area;
- Poor maintenance of site;
- Imbalance of age categories in community (*NPPF paragraph 50 requires a mix of housing to meet the needs of different community groups*);
- Loss of housing stock to HMOs; and
- Trespassing (*this is not a material planning consideration*).

9th December 2015 a petition was submitted in support of the proposal with 50 signatures from local residents stating *“The development will bring back into use a long term redundant building. The proposal will eliminate all issues associated with empty sites including vandalism, fly tipping, drug usage etc. The development will add value and contribute to the regeneration of this area”*.

6th October and 26th October an objection was received from the local MP Valerie Vaz on behalf of neighbours at 19, 21, 23 and 25 Bescot Road. (*It is noted that two individuals at No.25 Bescot Road also signed the petition supporting the application*).

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

- Housing Standards comments have not been accurately described in the report;
- Existing supply of HMOs is sufficient and is a strong ground for objection (*there is no planning policy basis to refuse the application on this basis. It should be noted that Walsall has one of the lowest figures of registered HMOs in the West Midlands*);
- There is no general government policy to promote HMOs;
- The report states the proposal does not fall within the definition of a HMO (The Use Class Order 1987 (as amended) defines a HMO as ‘up to 6 people’. This proposal exceeds this number and is considered to be a sui generis use);
- Concerns over sharing of basic facilities with 5 other occupants and whether it is considered to fall within the definition of a high quality home;
- The previous permission for a 28-bed HMO lapsed and was not implemented evidencing an over-supply of this type of accommodation (*the Council has no evidence to support this argument*);
- The Police comments have not been accurately described in the report (*following appeal ref APP/V4630/W/15/3133405 at 248 Darlaston Road, Walsall which concluded there is a lack of evidence regarding increased crime and anti-social behaviour from a HMO, the Police removed their objection on this current application, raising concerns and recommended a number of security measures which have been included as a condition*);
- Can it be confirmed if the agent is former Councillor Zahid Ali and whether he attended the previous Planning Committee which allowed planning permission at the application site for a 28-bed HMO in 2009 (*Former Councillor Zahid Ali was a member of Planning Committee. Mr Zahid Ali is now a member of the public representing an applicant and not taking part in the planning committees decision making process or voting on the planning application. Consequently, it is considered this is not a material planning consideration and each application is judged on its own merits*).

2nd November a petition objecting to the application (194 individuals) was received.

Determining Issues

- Principle of Use

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

Observations

Principle of Use

The planning act defines HMO's as up to 6 people sharing basic amenities in a single property. This current change of use application from a former 29 bedroom hotel (C1) to a 32 bedroom property to accommodate shared basic facilities for unrelated individuals is classed as a sui generis use, as it does not fall within the Town and Country Planning Act definition of a House in Multiple Occupation (HMO). Although, it is considered to be a similar residential use and operate in a similar manner as an HMO.

This proposal is a form of residential use which the Council gave permission in 2009 for a 28 bedroom property to accommodate shared basic facilities for unrelated individuals (HMO) as it was considered the nearby area is predominantly residential and the proposed use (a form of residential use) was considered acceptable. Whilst this current proposal adds 4 additional bedrooms, it is considered that this residential use is still acceptable at this sustainable location.

The Governments NPPF encourages all Council's to '*identify ... a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements ... for market and affordable housing ... maintain delivery of a five-year supply of housing land to meet their housing target ... set out their own approach to housing density to reflect local circumstances. Housing applications should be considered in the context of the presumption in favour of sustainable development ... To deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities ... for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community ... the size, type, tenure and range of housing that is required in particular locations, reflecting local demand. Local planning authorities should identify and bring back into residential use empty housing and buildings in line with local housing and empty homes strategies*'. It is considered that this current change of use proposal accords with part 6 of the NPPF by widening the choice of homes in a sustainable location that would contribute to a mixed community, reflecting local market demand.

Housing Standards do not support the proposal on the grounds that they believe there is an over-supply of supported HMO accommodation in Walsall and this concern is shared by neighbours and a local MP. Given the Governments policy in favour of delivering housing of all forms, there are no planning policy grounds, or evidence base, for refusal of this change of use of a redundant building to a residential use, which does contribute to the Council's continued 5 year supply to provide a range of housing reflecting local demand, market trends and needs of different groups in the community. It should be noted that Walsall has one of the lowest figures of registered HMOs in the West Midlands:

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

The current legislation does not require landlords to register any houses that they let apart from those that meet the criteria for mandatory licensing which is for 3 storeys or above, occupied by 5 or more unrelated persons and share amenities (bathroom, kitchen or living room). Housing Standards, utilising their own legislation can choose not to licence the premises even if planning approval is given, if Housing Standards consider there is an oversupply of this form of residential use, they can choose not to licence the property. The licencing requirement does not cover houses that can be converted via the Governments national general permitted development order Part 3, Class L of the GPDO 2015 and Housing Strategy have been unable to confirm how many houses in the ward have benefitted from this change. Taking into account the Council's development plan does not include a saturation policy for this type of residential use, and the concerns of the community, it is considered there is insufficient evidence to sustain a reason for refusal that there is an over supply of this form of housing. The proposal would contribute to delivering an additional range of housing to the local housing market to support the needs of different groups in the community.

Housing Standards concerns regarding the number of kitchens and dining rooms, and how these are accessed from bedrooms is noted. Whilst it is recognised in some instances occupiers will need to take indirect routes to access shared facilities, a total of 6 kitchens are proposed which averages 5 people per kitchen based on the proposed 32 bedrooms and meets the spirit of the recommendations of Housing Standards. Most kitchens are also of a size which could accommodate an informal seating / dining area and on balance, it is considered the application could not be refused for this as it is not a material planning consideration. A note could be included highlighting Housing Standards concerns and that the layout is amended to provide an internal access door between the hallway serving bedrooms 1 to 3 and hallway serving kitchen 1 to enable reasonable access to this kitchen for occupiers of those bedrooms. The internal changes would need to be sought by Housing Standards as part of any licencing application they process. Whether the proposal delivers high quality housing, will generally come down to the way it is managed. The Council has no evidence to consider that this residential use will not be converted or managed to a high quality. Whilst the Council aims to deliver high quality housing for all, it also recognises, that the market needs to provide a range of housing to satisfy different and diverse groups of the community.

Design and Character of Area

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

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

Neighbours and Occupiers Amenity

The submitted plans do not include any additional side facing windows. Consequently, it is considered, no additional impacts on neighbours' amenity would arise in this regard. Whilst it is noted that both the neighbours and the Police have concerns, that the proposed use would result in increased anti-social behaviour and crime, there is currently no evidence base to substantiate poor behaviour of future occupiers of this building to sustain a reason to refuse the planning application for anti-social behaviour or fear of crime. Safeguarding conditions regarding safety and security would be included for any approval. The Police's

request for a copy of the Tenant Code of Conduct and Tenancy Agreement is a matter to be dealt with during the Housing Strategy team licencing of the property and not material to the determination of the planning application. Should there be anti-social behaviour in the future, the Council's Housing Strategy team may choose to withdraw the operator's licence or force them to make changes to the management of the property.

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

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

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

Highways

19 parking spaces are to be retained along with 3 motorcycle parking and space for storage of around 6 cycles to serve the 32 bedroom sui generis use. The maximum policy requirement for the previous hotel use was for 41 parking spaces. The requirement for flats is 1.5 spaces per unit equating to 48 spaces.

There is no specific parking policy requirement for the proposed use. It is considered the future residents of the application building would have lower car ownership levels compared to residents of flats. Neighbours objected on the grounds the development would have an impact on traffic flow. The number of vehicle trips to and from, plus parking demand to the extant 29 bed hotel, is likely to be higher than the proposed use.

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

Conclusion

On balance, taking into account, neighbours concerns, the Local MP's concerns, the commentary of consultees to the planning application, past planning history of the site, the location and National Planning Policy, plus the Secretary of State via the National Planning Casework Unit has concluded not to call the application in for consideration. It is considered the proposed change of use to a form of residential use, is unlikely to result in any significant additional impacts on neighbours' amenity, or result in severe transportation implications, over and above the previous hotel use.

Positive and Proactive working with the applicant

Approve

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

Recommendation

Grant Permission Subject to Conditions

Conditions and Reasons

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

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

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

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

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

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

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

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

4a. Prior to the first occupation of any part the development hereby approved, a detailed landscaping scheme and maintenance strategy for the development (including any necessary phasing of implementation) shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be submitted on a plan to an appropriate scale and shall include where applicable, details of:

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

4b. Within 3 months of the details of the landscaping being agreed by the Council, the approved details shall be fully implemented. The landscaping scheme shall be maintained for a minimum of five years, following the completion of the landscaping to establish the planting. Within this period, any trees shrub or plant which dies, becomes seriously diseased, damaged or is removed shall be replaced with a tree, shrub or plant of the same size and same species as that originally required to be planted.

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

5a. Prior to the first occupation of the development, full details of the proposed cycle shelter including its location, which shall be covered, secure and illuminated, shall be submitted to and approved in writing by the Local Planning Authority,

5b. Within 3 months of the details of the cycle shelter being agreed by the Council, the cycle shelter shall be fully implemented in accordance with the approved details and shall thereafter be retained and used for no other purpose.

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

6. Prior to the first occupation of approved development, all parking bays including the motorcycle bays shown on the approved plan, shall be clearly demarcated on the ground and shall thereafter be retained and used for no other purpose. The motorcycle bays shall incorporate security bars in order that motorcycles can be properly secured.

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

7. The applicant/developer shall ensure measures to control noise, dust, flying debris, and drag-out from engineering and construction activities at the site are fully implemented and

maintained throughout the duration of all demolition operations and construction activities at the site.

Reason: To minimise environmental impact during development

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

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

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

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

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

Reason: To protect local amenity

Notes to Applicant

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

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

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

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

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

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

- v. A Video access control system should be installed on main entrances linked to each room. The system should be DDA compliant, with a vandal resistant external door entry panel. There should be either an integral or stand-alone camera, providing colour images into each of the residents rooms and communal rooms. There should also be the facility for audio communications between the resident and the visitor via a monitor or handset and an electronic release mechanism.
- vi. The resident access control system and associated electric locking mechanisms shall incorporate a battery back-up facility, in the event of a power failure, to enable system operation for a minimum period of 6 hours. In the event of an initial power failure door locks shall remain in the secure mode, however, once the battery back-up ceases to operate the system must revert to a safe (unlocked) mode.
- vii. All ground floor and accessible windows should comply to BS7950 or WCL4 standards. This should improve the standard of security to the more vulnerable ground floor windows.
- viii. All ground floor, accessible windows and doors should contain at least one pane of 6.8mm laminated glass.
- ix. All ground floor front windows should have an area of defensible space across their width. This should be made up of densely planted shrubs, selected to be suitable for the environment they are to be planted in. This will provide a buffer area between the windows and other public or private space, making it more difficult for offenders to access such windows.
- x. Where plants are to be used in front of windows or around parking spaces the plants should be such that they grow to no more than 1m in height when mature.
- xi. Perimeter and Boundary fencing be at least 2.1m in height, the fencing should also be erected so that the smooth face is always facing outwards so that the frame cannot be used as a climbing aide. 2.1m fencing can include 300mm trellis topping in order to offer protection of the vulnerable rear of the properties.
- xii. A suitable CCTV system should be in place covering cover all entry / exit doors, gated access to car park and car park area, the CCTV system should provide evidential standard imagery day and night.
- xiii. There should be access control measures in place strategically positioned so as to limit movement around the building for non authorised individuals. All internal doors leading from the stairways should be self closing / locking
- xiv. The resident access control system and associated electric locking mechanisms shall incorporate a battery back-up facility, in the event of a power failure, to enable system operation for a minimum period of 6 hours. In the event of an initial power failure door locks shall remain in the secure mode, however, once the battery back-up ceases to operate the system must revert to a safe (unlocked) mode.
- xv. Green break glass emergency exit devices on communal external doors that give access into the building are not permitted due to constant abuse. Instead, vandal resistant stainless steel self-resetting emergency exit systems are to be installed. The installation and system type must be in full compliance and achieve final 'sign-off' by local Building Control.
- xvi. The car park and all pathways should be well lit after dark and be subject to good natural surveillance.

xvii. A strict vetting procedure should be in place to assess the suitability of each and every tenant, a detailed tenants contract of behaviour should be signed by each tenant outlining consequences for breaches of conduct, behaviour etc. A robust system to deal with such breaches should be in place resulting in possible eviction.

2. A HMO licence is required which costs £750 and lasts for 5 years – the landlord must be a fit and proper person and be able to manage the property adequately in order to obtain a licence.

3. A Gas safety record is required annually.

4. An Electrical Installation Condition report is required.

5. Fire detection and emergency lighting test and maintenance certificates are required annually.

6. The proposed development lies within an area that has been defined by The Coal Authority as containing potential hazards arising from former coal mining activity. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and previous surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of development taking place.

It is recommended that information outlining how the former mining activities affect the proposed development, along with any mitigation measures required (for example the need for gas protection measures), be submitted alongside any subsequent application for Building Regulations approval (if relevant). Your attention is drawn to the Coal Authority policy in relation to new development and mine entries available at www.coal.gov.uk Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires the prior written permission of The Coal Authority. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain Coal Authority permission for such activities is trespass, with the potential for court action.

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

7. An internal access door at ground floor between the hallway serving bedrooms 1 to 3 and hallway serving kitchen 1 should be installed to enable reasonable access to this kitchen for occupiers of those bedrooms and thereafter retained.

ECONOMY AND ENVIRONMENT
09 DEC 2015

15/1266
petition
9/12/15
u

Planning Reference Number: 15/1266

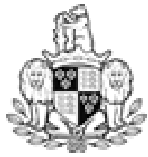
RECEIVED

Former Abberley Hotel 27-31 Bescot Road Walsall

WS2 9AD

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

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



Walsall Council

Economy and Environment, Development Management

Planning Committee

Report of Head of Planning, Engineering and Transportation on 01-Dec-2016

Plans List Item Number: 4.

Reason for bringing to committee: Applications that include Council owned land where a significant income would follow

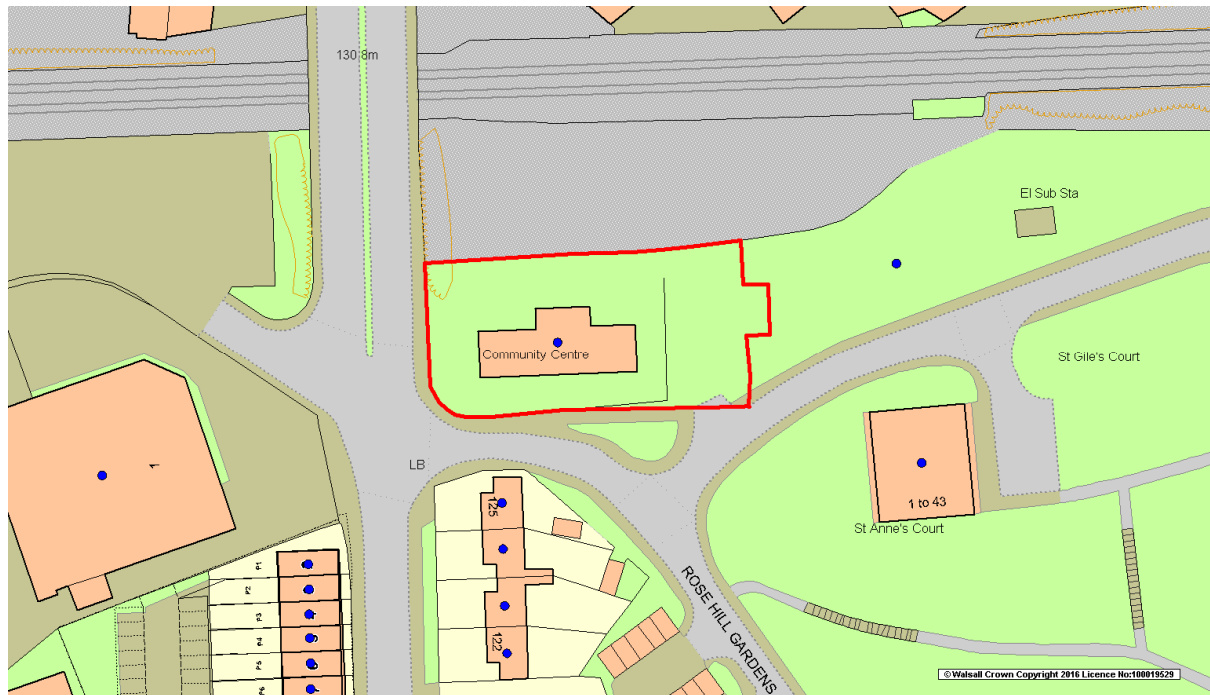
Location: ROSE HILL GARDENS COMMUNITY CENTRE, ROSE HILL GARDENS, WILLENHALL, WV13 2AR

Proposal: CHANGE OF USE OF THE FORMER ROSE HILL YOUTH CENTRE TO A DAY NURSERY AND DEVELOPMENT OF A NEW 10 SPACE CAR PARK

Application Number: 16/1576
Applicant: Economy and Environment Directorate
Agent:
Application Type: Full Application

Case Officer: Stuart Crossen
Ward: Willenhall South
Expired Date: 30-Nov-2016
Time Extension Expiry:

Recommendation Summary: Grant permission subject to conditions and no new material objections from Consultees.



PAGE 61 OF 168

Officers Report

Application and site details

This planning application is for the change of use of the former Rose Hill youth/community centre to a day nursery and development of a new ancillary car park providing 10 spaces. It is proposed that the facility has the capacity to provide up to 58 childcare places at any one time.

The number of childcare places in each age range estimated as follows:

< 2 years old 6 places

2-3 years old 20 places

3-5 years old 32 places

The site (0.14ha) is located in an edge-of-centre location, to the south of Willenhall District Centre (less than 40m). The site is bound by Bilston Street/B4484 Rose Hill Gardens, railway line/Network Rail land, and amenity green space. The area around the site (to the south of the railway line) is predominantly residential, with Rose Hill Business Park located to the west of the B4484.

No changes are proposed to the elevation of the existing building.

The proposed opening hours are 7am to 6pm Monday to Friday.

The application is made by the Council. .

Public Transport Links

There are 6 bus stops within 300 metres of the site; these are shown in the table below.

Bus Stop	Bus Route Number	Distance to site
Tyler Road / Rose Hill (north)	25	285 metres
Tyler Road / Rose Hill (south)	25	290 metres
The Dale / Bilston Street (south)	25, 57	140 metres
Market Place / New Road (north-west)	25, 57	190 metres
Market Place / New Road (west)	25, 303, 333X, 529, 703	210 metres
Market Place / New Road (east)	25, 303, 333X, 529, 703	210 metres

Parking

Youth activities were previously provided from the building and prior to that it functioned as a community centre; both of which operated without on-site car parking provision. There are peak hour restrictions (07.00 to 09.00 and 16.00 to 18.30) which operate along Bilston Street.

A new car park facility is proposed on the current amenity green space adjacent the building. The car park facility would provide 10 spaces including 1 disabled space, with a 7 metre wide manoeuvring space. Access to the Network Rail gates/land at the northern end of the proposed car park will also be retained.

The car park would be constructed to the following specification:

- Excavate over site to reduce levels of approx. 250mm deep, with all resultant spoil disposed off site.
- Supply and lay:
- Surface course 30mm close graded asphalt AC10
 - Binder course 60mm thick macadam binder course, 20mm dense,
 - Sub-base 150mm thick type 1 MOT road stone.
- Line mark in hot thermoplastic screed 100mm white for standard parking bays and in hot thermoplastic screed 100mm yellow for disabled bay.
- 600mm high knee-rail fencing around perimeter.
- Single swing arm barrier.
- Channel drain installed to connect to existing drainage.

Pedestrian Access

Pedestrian Access to the site would continue through the existing provision off Rose Hill Gardens. No additional pedestrian access routes would be provided.

Public Rights of Way

A Public Right of Way, referenced as footpath 106, is adjacent to the southern boundary of the site. The PROW runs along the tarmac footpath from Rose Hill to William Harper Road.

The applicant has submitted a Supporting Statement which specifies the following:

The Council is required to secure early education places to improve disadvantaged children's social and cognitive outcomes. Whilst the Council has secured sufficient places for eligible 2 year olds across the majority of the borough through provision in schools, day nurseries, playgroups and with childminders, there are areas which still require some additional places. In Willenhall, the childcare sufficiency data taken from spring 2016 identified a shortfall of funded early learning and childcare places in the local area.

The Rose Hill Centre building has been declared surplus to the requirements of the Youth Support Service. It is therefore proposed that the building is made available for the provision of childcare to address the shortage of early learning places in the Willenhall area.

It is proposed that the former Rose Hill Centre building will be offered on a new lease to the successful bidder with a stipulation that the building can only be used as a day nursery within class D1 (non-residential institutions) of the General Use Classes Order 2016.

Funding is available from the 2 Year Old Capital Fund for the creation of 2 year old childcare places. The successful bidder will be eligible to submit an application for funding (subject to a value for money assessment in terms of new childcare places) in respect of the cost of alteration and construction works that will be required to maximise the capacity and use of the building.

Relevant Planning History

None

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

National Planning Policy Framework (NPPF)

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

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

- Proactively drive and support sustainable economic development to deliver homes, business and industrial units
- 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
- Support the transition to a low carbon future, encouraging the reuse of existing resources including the conversion of existing buildings
- Reuse land that has been previously developed
- Make fullest possible use of public transport, walking and cycling.

Key provisions of the NPPF relevant in this case:

1. Building a strong, competitive economy

18. The Government is committed to securing economic growth in order to create jobs and prosperity.

19 Planning should encourage sustainable growth.

21. Investment in business should not be over-burdened by the combined requirements of planning policy expectations. Identify strategic sites for local and inward investment. Identify priority areas for economic regeneration

2 Ensuring the vitality of town centres

23. Planning policies should be positive, promote competitive town centre environments and set out policies for the management and growth of centres over the plan period. In drawing up Local Plans, local planning authorities should

- recognise town centres as the heart of their communities and pursue to support their viability and vitality
- define a network and hierarchy of centres that is resilient to anticipated future economic changes;
- allocate a range of suitable sites to meet the scale and type of leisure, development needed in town centres.

- allocate appropriate edge of centre sites for main town centre uses that are well connected to the town centre where suitable and viable town centre sites are not available.
- set policies for the consideration of proposals for main town centre uses which cannot be accommodated in or adjacent to town centres

24. Should require applications for main town centre uses to be located in town centres, then in edge of centres locations and only if suitable sites are not available should out of centre sites be considered

4 Promoting sustainable transport

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

34 Developments that generate significant movement are located where the need to travel will be minimised.

35. Developments should be located and designed where practical to; create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians.

39. If setting parking standards, LPA's should 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. Decisions should aim to ensure that developments:

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

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

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

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

8. Promoting health communities

72. The Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning

authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should:

- give great weight to the need to create, expand or alter schools; and
- work with schools promoters to identify and resolve key planning issues before applications are submitted.

11. Conserving and enhancing the natural environment

109. The planning system should prevent new and existing development from contributing or being put at unacceptable risk from, or being adversely affected by unacceptable levels of...air...or noise pollution.

111. Planning decisions should encourage the effective use of land by re-using land that has been previously developed (brownfield land), provided it is not of high environmental value.

120. To prevent unacceptable risks from pollution decisions should ensure that new development is appropriate to its location. The effects (including cumulative effects) of pollution on health or general amenity and the potential sensitivity of the area or proposed development to adverse effects from pollution, should be taken into account.

123. Planning decisions should aim to:

- Avoid noise from giving rise to significant adverse impacts
- Mitigate and reduce to a minimum other adverse impacts on health and quality of life.
- Recognise that development will often create some noise
- Identify and protect areas of tranquillity which have remained relatively undisturbed by noise and are prized for their recreational and amenity value.

124. Decisions should ensure that any new development in Air Quality Management Areas is consistent with the local air quality action plan

12. 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) (2011)

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

The relevant policies are:

The Vision consists of three major directions of change and underpins the approach to the whole strategy which includes the delivery of Sustainable Communities, Environmental Transformation and Economic Prosperity which are supported by the following policies:

The relevant key policies are:

2a: Seeks to create a network of cohesive, healthy and prosperous communities across the Black Country, deliver high quality distinctive places which respect the diversity of the Black Country natural and built environment and attract new employment opportunities.

CSP4: The hierarchy of centres will provide a focus and concentration for essential local services and activities.

HOU5: Pre-school facilities should be:

- Well designed and well related to neighbourhood services and amenities.
- Well related to public transport and directed to a centre appropriate in role and scale to the proposed development and its intended catchment area. Proposals outside centres must be justified in terms of relevant national policy.

EMP1: Providing for economic growth and job creation.

CEN1: Black Country Centres will provide for the main focus for....service activities.

CEN6: New small scale local facilities outside of defined centres of up to 200 square meters will be permitted if;

- The proposal is of an appropriate scale and nature to meet a specific day-to-day need for a population within convenient, safe walking distance for new or improved facilities.
- Local provision could not be better met by investment in a nearby centre
- Existing facilities will not be undermined
- Access to facilities by means other than by car would be improved and within convenient, safe walking distance of the community it is intended to serve.

TRAN2: Planning permission will not be granted for development likely to have significant transport implications.

TRAN4: Cycle parking should be provided at all new development.

TRAN5: Sets out the requirement for development to focus on moving away from the reliance on the private car.

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

ENV3: Development proposals across the Black Country will deliver a successful urban renaissance through high quality design that stimulates economic, social and environmental

benefits. Implementation of the principles of “By Design” to ensure the provision of a high quality networks of streets, buildings and spaces.

It is considered in this case that the relevant provisions of the BCCS can be given full weight.
Walsall’s Unitary Development Plan (UDP)

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

The relevant policies are:

3.6: Development should help to improve the environment of the Borough.

3.7: Seek to protect people from unacceptable noise, pollution and other environmental problems.

GP2: The Council will expect all developments to make a positive contribution to the quality of the environment and the principles of sustainable development, and will not permit development which would have an unacceptable adverse impact on the environment, susceptible to pollution of any kind, adequate access and parking facilities.

ENV10: Development will not be permitted if the health, safety or amenity of its occupants or users would be unacceptably affected by pollution caused by installations or activities that are a source of any form of pollution.

ENV18: Existing Woodlands, Trees and Hedgerows. The Council will ensure the protection, positive management and enhancement of existing woodlands, trees and hedgerows. Development will not be permitted if it would damage or destroy trees or woodlands protected by Tree Preservation Order.

ENV32: Poorly designed development or proposals which fail to properly take account of the context or surroundings will not be permitted.

ENV33: Seeks to secure high quality landscape design from developments.

ENV35: Seeks to ensure the appearance of commercial buildings should be appropriate to their setting and sympathetic to the building on which they are situated.

5.4 The Council will apply a sequential approach for the location of all retailing, leisure, other town centres uses in the following priority order, Town, District and Local Centres

S1: Town Centre use includes: Public service, cultural, community and health facilities in class D1 which serve more than local needs in accordance with S6.

S6: New small-scale local facilities will be permitted if it can be shown:

- i. The proposal is a scale and kind to meet a local need for improved facilities
- ii. The local need cannot be better met by investment in a nearby centre
- iii. There will be no likelihood of an adverse impact on the vitality and viability of any established centre in the Borough or elsewhere within the affected catchment area.
- iv. There will be no impact on existing local provision such as to leave some local needs unmet, contrary to efforts to promote social inclusion.

- v. The proposal will improve accessibility to facilities by means other than the car and, in particular, will be within convenient, safe walking distance of the community it is intended to serve.
- vi. The proposal will help to reduce the need to travel, especially by car.
- vii. There must be no significant loss of amenity for neighbouring homes.
- viii. Servicing and parking associated with the proposed use must not create any significant road safety or traffic problems.

S7: Sequential tests need to be undertaken to justify out of centre development of town centre uses in edge of centre locations, except where in accordance with policy S6.

T4: The Strategic Highway Network is for long distance and strategic traffic. Street parking and direct frontage access will be kept to a minimum. High priority is given to improvements and traffic management measures to assist traffic flows.

T7: All development should satisfy parking standards in T13. This will involve providing an adequate level of car parking to meet operational needs. All parking provision should be well designed.

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

Other community facilities: 1 car park space per 22m² of gross floorspace, 1 bike stand for every car park space.

8.7 The enhancement of new facilities for education and other community needs will be encouraged.

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

Designing Walsall SPD

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

Consultations

Trees – No objection. The existing tree constraints are not significant enough to warrant refusal of the application as there are no significant arboricultural implications.

Transportation – No objections subject to conditions to restrict number of children, improvements to the public highway, the installation of cycle shelter and requirement for occupiers to provide a travel plan.

Pollution Control – No comments received.

Planning Policy – No objections subject to justification for loss of open space and the consideration of floor risk mitigation measures.

Representations

None received.

Determining Issues

The principle of the development outside a local or town centre.

The impact on on-street parking and the free flow of traffic in the area

The impact on residential amenities

Flood Risk

OBSERVATIONS

The principle of the development outside a local or town centre.

The existing use of the building as a Youth Centre is sui-generis and prior to that use the Community Centre use would be the same as that proposed.

Under the Walsall UDP policies small scale day nurseries can be regarded as usually fulfilling a mainly local need, whereas larger nurseries are more likely to attract trips from further afield, and should be located in a centre where they are more likely to encourage linked trips and likely to be supported by suitable transport infrastructure. In this case the proposal is 36 metres from the district centre, the submitted statements from the applicant confirms an intention to provide sufficient child care provision in Willenhall, meeting a local need, and the proposed use is not dissimilar in character to the previous or original use of the building. For these reasons in this instance the proposal is unlikely to have any impact on the nearby centre.

The principle of the use is therefore acceptable.

The impact on on-street parking and the free flow of traffic in the area

Highways Officers have stated that for comparison purposes under UDP policy T13 referring to parking the existing Community Centre and the proposed Day Nursery require the same level of parking provision which is 12 spaces inclusive of 1 disabled space.

The site presently has no off street parking and as part of the current proposal, a new 10 space car park inclusive of 1 disabled space will be provided. The proposal is considered to provide a betterment to the present situation should the existing Community centre use come back into use.

There are double yellow parking restrictions at the junction of Rose Hill and Rose Hill Gardens to deter indiscriminate parking at the junction.

Improvements to pedestrian accessibility to the site can be undertaken to improve walking links to the surrounding areas which can be conditioned.

The site is located close to Willenhall District Centre and there are bus stops close by to encourage sustainable travel.

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

The impact on residential amenities

The existing lawful use has an emphasis on evening and weekend activities, and the proposed use with its activities only in daytime and weekdays is considered to have less impact on neighbouring amenity by way of noise and disturbance. This is also in the context

of its proximity to Rose Hill which is a busy road to the district centre, itself only 36 metres away and due to the proximity of the existing railway. Overall therefore officers consider that the impact of the site in terms of noise generation would not be harmed by the change in the days and times of activity.

Flood Risk

The applicant has reviewed the potential for incorporating forms of sustainable urban drainage into the proposed car park, the majority of solutions have been discounted due to the cost: scheme size ratio; including for example run-off storage, harvesting, infiltration, filtering etc. Paragraph 103 of the NPPF

Although the applicant has provided justification for not providing a sustainable urban drainage scheme, it is considered appropriate to condition that the proposed hard surface shall drain within the application site and not into the existing main drain as would be required for other similar small scale developments which include elements of hard surfacing.

Positive and Proactive working with the applicant

The applicant has engaged with a number of consultees through development team and no further details are required to fully support the scheme.

Recommendation: Grant permission subject to conditions and no new material objections from Consultees.

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 (RDD42141) received 06/09/16

Block plan received (RDD42140) received 06/09/16

Tree location plan received 06/09/16

Car park plan (RDD42140) received 06/09/16

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

3) The Nursery shall be limited to no more than 58 children at any one time.

Reason: To define the permission and to restrict the number of potential vehicle trips to the site limit and associated on street parking in an area where there is already high demand for on street parking, in order to maintain the free flow of traffic on the highway and in the interests of highway safety.

4a) Prior to the Nursery first coming into use, the proposed car park shall be fully implemented and brought into use, being consolidated, hard surfaced, drained and having the parking bays clearly demarcated on the ground.

4b) Notwithstanding the submitted details the hard surface shall be made of porous materials, or provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the application site.

4c) The car park 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.

5) Prior to the Nursery first coming into use, the following improvements works within the public highway shall be undertaken in accordance with details to be submitted to and approved in writing by the Local Planning Authority and to the satisfaction of the Highway Authority:-

i) The existing bellmouth access point to the proposed car park shall be modified to take the form of a dropped kerb vehicular footway crossing, including the relocation/removal of the existing drainage gulleys,

ii) The provision of tactile pedestrian crossing points across the Rose Hill Gardens/Rose Hill junction and the across the Rose Hill Gardens spur road junction,

Reason: To upgrade and improve accessibility to the site to 'fully inclusive' design standards and to minimise potential vehicle/pedestrian conflicts around the car park entrance and to give priority to pedestrian over vehicular traffic to ensure the satisfactory completion and operation of the development and in accordance with UDP policy GP2 and T7.

6) Prior to the Nursery first coming into use, full details of a secure, covered cycle shelter for the use by staff, parents and visitors, shall be submitted to and approved in writing by the Local Planning Authority and the facility shall be fully implemented in accordance with the approved details.

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

7) Prior to the Nursery first coming into use, a Travel Plan Statement shall be submitted to and approved in writing by the Local Planning Authority. The Statement shall set out measures to encourage sustainable travel modes and reduce car borne trips, together with a commitment to engage with the Local Authority to develop sustainable travel and safety initiatives and shall be regularly reviewed and dated in accordance with the approved Statement.

Reason: To encourage sustainable travel modes and reduce car borne trips to the site, in accordance with BCCS policy TRAN2 and UDP Policy T10 and DfT 'Delivering Travel Plans through the Planning Process' guidance.

8) No external lighting shall be used until details have been submitted to the local planning authority and approved in writing. Any external lighting shall be implemented in accordance with the approved details.

9) No development shall commence until a scheme for the storage and collection of waste shall have been submitted to the local planning authority and approved in writing. The scheme shall be implemented before the first occupation of the building and the facilities shall be permanently retained thereafter.

Reason: In order to ensure the proper functioning of the development

10) The nursery use hereby permitted shall not be operated outside the hours of 0700 to 1800 on Mondays to Fridays, nor at any time on Saturdays, Sundays, and Bank Holidays or other Public Holidays. (* Bank and Public holidays for this purpose shall be: Christmas Day; Boxing Day; New Year's Day; Good Friday; Easter Monday; May Day; Spring Bank Holiday Monday and August Bank Holiday Monday)

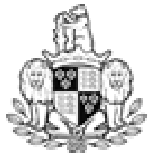
Reason: In order to safeguard the amenities of the locality and to comply with UDP policy GP2.

Notes to Applicant:

1. The attention of the applicant is drawn to the need to keep the highway free from any mud or other material emanating from the application site of any works pertaining thereto.
2. The applicant will be expected to obtain the necessary Road Opening Permit or other agreement from the Highway Authority for the works within the public highway. For further information please contact the Highway Development Control on 01922 655927.

Recommendation Summary: Grant permission subject to conditions and no new material objections from Consultees.

End of Officers Report



Walsall Council

Economy and Environment, Development Management

Planning Committee

Report of Head of Planning, Engineering and Transportation on 01-Dec-2016

Plans List Item Number: 5.

Reason for bringing to committee: Significant community interest

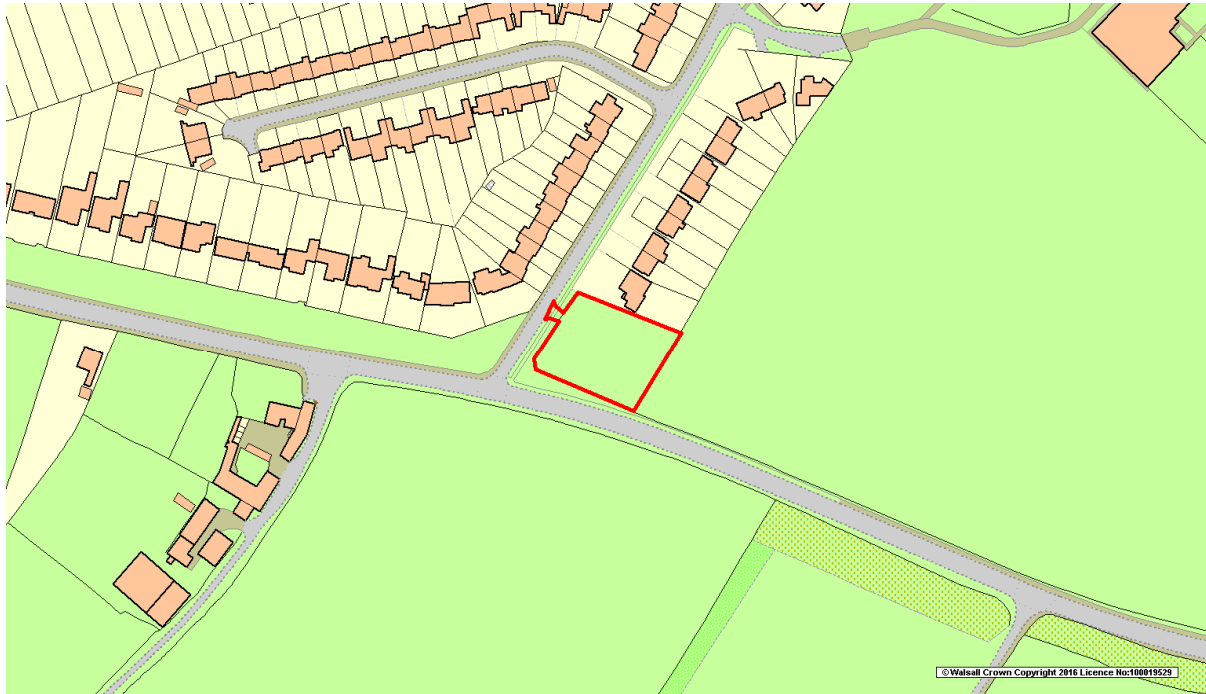
Location: ALDRIDGE SCHOOL A SCIENCE COLLEGE, TYNINGS LANE, ALDRIDGE, WALSALL, WS9 0BG

Proposal: OUTLINE PLANNING PERMISISON FOR THE ERECTION OF 3 NO. DWELLINGS WITH ACCESS DETAILS TO BE CONSIDERED, AND ALL OTHER MATTERS RESERVED.

Application Number: 16/0518
Applicant: Aldridge School
Agent: Bhupinder Thandi
Application Type: Outline Application

Case Officer: Devinder Matharu
Ward: Aldridge Central And South
Expired Date: 11-Jul-2016
Time Extension Expiry:

Recommendation Summary: Grant Permission Subject to Conditions



Officers Report

Application and Site Details

The application seeks outline permission for erection of 3 no. dwellings on part of the school playing fields fronting Quicksand Lane. Access details only to be considered and all other matters reserved.

Aldridge School is located off Tynings Lane with access between numbers 6 and 8 Tynings Lane. The school buildings are located to the north of the playing fields and are surrounded by housing in Tynings Lane, Walsall Road, Quicksand Lane, Hepburn Close, Meadow Road and Gaydon Road.

The application site is located in the western corner of the playing field at the junction of Quicksand Lane and Bosty Lane adjacent to a detached house 52 Quicksand Lane. The site boundary fronting Quicksand Lane is a boundary hedge. The boundary with number 52 Quicksand Lane is a hedge and trees and the boundary fronting Bosty Lane is a small section of palisade fencing 2m high and a hedge and trees.

There are two Grade II listed buildings at Bosty Lane Farm on the opposite side of the road to the application site.

The access to the site would be from Quicksand Lane.

An indicative layout plan showing the position of the three houses has been submitted.

The site is located 1090m from the edge of Aldridge District Centre.

There are bus stops along Walsall Road serving route numbers 6, 7 and 7a that are within a 4 minute walk from the application site. These bus routes offer frequent services.

There is an accompanying outline application for another area of the playing field (Site A) which is also being considered on this committee agenda (16/1097).

The agent has stated that the Department for Education have granted permission for the disposal of sites A and B at the school on the understanding that 90% of the capital receipt is ring-fenced for sports provision at the school.

The following documents have been submitted with the application:

Extended phase 1 habitat Assessment which concludes:

- The potential of the site to support legally protected species was assessed from field observations carried out during the site walkover.
- The site was inspected for nesting habitat for breeding birds, such as mature trees, hedgerows and buildings.
- The presence in, and on trees, indicating the potential for roosting bats such as fissures, holes, loose bark, ivy and those associated with buildings such as cavities, roof voids, hanging tiles and enclosed soffits. Evidence of badger, dormice and water bodies.

- Habitats within the site are of moderate quality providing opportunities for given species.
- The protected species is assessment provides a preliminary view of the likelihood of protected species being present on site. This is based on the suitability of the habitat known distribution in the local area and any direct evidence. Additional surveys may be recommended.
- The impact upon the vegetation will include severing the southern boundary hedge of Site A and the western boundary hedge of site B. It is considered that only limited boundary tree will be required. Due to this, the ecological impact to the site, in terms of vegetation, is assessed to be moderate.

Arboricultural Impact Assessment which concludes:

- that the survey includes records of 11 individual trees, three groups and five hedges comprising of 2 A category, 15 B category and 2 C category trees. It has been considered desirable wherever possible that trees and groups of trees should be retained, although care has been exercised over misplaced tree preservation. IN terms of the current layout plan, due to the size and scale of the building requirements there is a conflict with the trees which cannot be avoided and therefore mitigation proposals are considered to be imperative.
- There will be a loss of one group of trees and four gaps created it he two boundary hedges for access for the purposes of this development. These trees are H4, G5 and H6 which are all considered to be B or C category specimens of limited overall value to the area.
- There is minor additional incursion into the RPA of T7, an A category oak tree of approximately 3% of the RPA, which has been deemed acceptable within the site supervision. For access and parking there will also be incursions into the RPA of T6 and T7 equating to a total incursion of 15% combined of both RPA's. The preparation and suitable working methodology for this, should be subject to pre-commencement conditions
- The overall future growth, shading and apprehension from the trees on the site have been considered as well as the impact of the trees on the dwelling, liveable rooms and open space to avoid future conflicts.
- The onsite trees to be retained should be proactively managed to ensure that they enhance the development and the wider environment. Therefore this method statement provides detail of the measures and steps required to retain trees through and post development specifically through adequate supervision, tree protection and construction techniques.
- Protective fencing will be erected and enforced prior to commencement.

Transport Statement which concludes:

- The site is accessible, being well located in relation to nearby services within town and near bus stops which have a good level of service. This will enable trips to be made by non-car modes to access the home by both residents and their visitors.
- A review of accident records indicates that there are no existing highway safety concerns in the immediate vicinity of the site and the low level of the forecast traffic generation, this is anticipated to continue.
- The predicted traffic is considered to present an immaterial increase above existing traffic, and will not have an impact on the safety operation of the local highway network.
- Three new houses will not have a material impact upon the surrounding local highway network.

Flood Risk Assessment which concludes:

- The site is entirely within Flood Zone 1 and at low risk from fluvial and tidal flooding.
- Low or negligible risk from all other associated sources of flooding.
- The scheme would be safe and resilient to flooding in the critical design flood events with an acceptable level of residual risk.

Planning Statement which concludes:

- The surrounding area is residential in nature and generally two storey dwellings with front gardens and private rear gardens
- The application is in a sustainable location 1km south of Aldridge local centre.
- The site is accessible by public transport
- The NPPF seeks to boost the supply of housing.
- The parcel of land forming that application site whilst forming part of the school playing fields has not be used for any form of activity in excess of 20 years, this is due to the size of the parcel of land being too small to accommodate a recognised sports pitch.
- The school has not sued the parcel of land due to its divorced nature from the main playing field.
- The area is not used for sports provision and is not capable of being used for sports or school activities therefore not resulting in the loss of a pitch.
- Each dwelling will have a minimum of 2 car parking spaces each.
- The provision of dwellings supports an economic role providing housing and provides jobs during the construction period.

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 **planning conditions** the NPPF says:

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

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

Local Policy

Black Country Core Strategy

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

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

Unitary Development Plan

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

Supplementary Planning Document

Designing Walsall (2013)

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

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

Annexe D: Numerical Guidelines for Residential Development identifies privacy and aspect distances between dwellings including 24m separation between habitable windows for two storeys and above, 13m separation between habitable room windows and blank walls exceeding 3 metres in height, 45° code, garden dimensions of 12m in length and 68m² for housing and 20m² per dwelling where communal provision is made, setbacks to avoid

terracing and provision of boundary walls. Although failure to comply with these guidelines may not by itself be a reason for refusal of an application, it will be a factor to be used in determining whether a proposal would be compatible with the wider character of the area or the existing dwelling or the amenity of neighbours.

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

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

Relevant Planning History

BC48113P - Erection of Single Storey Extension consisting of 3 Classrooms & Ancillary Accommodation. Grant Permission Subject to Conditions 1997-01-03.

03/0641/FL/E4 - Geography block infills extensions and new windows. Grant Permission Subject to Conditions 2003-06-30.

04/0080/FL/E4 - Installation of lift for disabled access. Grant Permission Subject to Conditions. 2004-03-12.

06/2069/FL/E6 - Replacement of glazed wall to swimming pool with masonry and windows (east wall). Grant Permission Subject to Conditions 2007-01-23.

06/2068/FL/E6 - Replacement of windows with cladding panels and replacement of doors at A Block Sports Hall. Grant Permission Subject to Conditions 2007-01-23.

12/1647/FL - Demolition of existing side garage and rear conservatory at 6 Tynings Lane to allow the widening of existing access to Aldridge School to form a designated pedestrian access. Grant Permission Subject to Conditions 2013-02-06.

13/0210/FL - Variation of conditions 2a (details of bollards) and 4 (approved plans) on planning approval 12/1647/FL to amend boundary wall to fence and approve details of bollards. Grant Permission Subject to Conditions 2013-03-25.

Consultations

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

Policy – No objection.

Pollution Control – No objection subject to conditions to safeguard the amenity of the proposal with respect to noise and to prevent or minimise environmental impact during the course of building works.

Environmental Health – No objection

Severn Trent Water – No objection subject to drainage condition.

Sport England - No objection

Police Architectural Officer – No objection subject to Secure by Design

Arboricultural Officer – No objection subject to planning condition regarding trees.

Representations

Six letters of objection from four residents have been received objecting to proposal on the following grounds:

- Overlooking of habitable rooms and front garden
- Infringement on human rights article 1 and 8 to quiet and private enjoyment of home
- Loss of outlook
- Tree issues including loss of trees, building close to foundations, requests for trees to be removed
- Highway and parking issues including excess parking, on street parking exacerbated, neighbours drives blocked by on street parking, limited reversing space onto Quicksand Lane, Quicksand Lane is not a double carriageway, residents on Quicksand Lane purchased rocks to prevent parking and cars mounting highway, egress and entering of driveways would be impacted upon, hazard to park near junction as stated in Highway Code 243, disputes between school and residents about parking, reversing onto Quicksand Lane is a hazard, proposals are 500m away from bus stop, buses use Quicksand Lane causing more congestion with new houses, Quicksand Lane congested due to school events and events at the airport and two parking spaces per house not sufficient.

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

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Determining Issues

- Principle of the Development
- Design and Layout
- Impact on the Amenities of Surrounding Occupiers
- Impact on Trees and protected species
- Parking and Access
- Local Finance Considerations

Observations

Principle of the Development

The application is an outline application that seeks the approval of the access and the principle of development at this stage. All other details will be reserved until a reserved matters application has been submitted.

The loss of the playing fields must be justified under paragraph 74 of the NPPF and policy LC1 of the UDP.

Paragraph 74 of the NPPF states that existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements. This evidence is required not only for the purpose of the planning application,

but to satisfy the requirements of the DfE who have produced non-statutory advice on the matter of disposing of, or changing the use, of school playing fields.

The advice requires all schools and academies to make an application for prior written consent, in respect of the disposal of playing fields, from the Secretary of State for Education. This application requires the school to provide evidence in support of the disposal, demonstrating the land is surplus to requirements to receive the approval of the DfE, and in-turn also satisfy the requirements of the framework and local plan policy. Policies LC1 and LC6 of the UDP seeks to retain and enhance urban open spaces and would only consider the loss of sports pitches if they can demonstrate a carefully quantified and documented assessment of current and future needs that has demonstrated that there is an excess of sports provision and the site is not of good quality or importance. It also states that at least equal compensatory provision will be made in respect of quality, quantity and suitability of location.

The agent advises that they have undertaken pre-application negotiations with Sport England and the Department for Education and the Department for Education have granted permission for the disposal of sites A and B at the school on the understanding that 90% of the capital receipt is ring-fenced to be spent on sports provision for the school. On this basis, policy officers have no objections to the proposal.

Sport England has considered the application in light of the NPPF (particularly Para 74) and the Sport England Playing Fields Policy, which is presented within its Planning Policy Statement titled 'A Sporting Future for the Playing Fields of England'. Their policy is to oppose the granting of planning permission for any development which would lead to the loss of, or prejudice the use of, all/part of a playing field, unless one or more of the five exceptions stated in its policy apply. Having assessed the proposal in light of their policy E3 which states *"the proposed development affects only land incapable of forming, or forming part of, a playing pitch, and does not result in the loss of, or inability to make use of any playing pitch (including the maintenance of adequate safety margins), a reduction in the size of the playing area of any playing pitch or the loss of any other sporting/ancillary facility on the site"*. On this basis, Sport England does not object to the proposal.

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

Paragraph 7.51 of the UDP states walking and cycling should be encouraged as an alternative to the car for short journeys. The walking and cycling distances will depend on the local circumstances and the maximum distance will normally be 1000m. It also states that pedestrians should not have to cross roads unless absolutely necessary. In this case, Aldridge District Centre is located 1090m from the application site. This additional 90m beyond the 1000m is considered would not be onerous and residents would still consider walking to the local centre. Furthermore, the application site is located 300m from the junction of Walsall Road where there are frequent bus serves to and from Walsall, Sutton Coldfield and Aldridge so is considered to be a sustainable location. The proposed dwellings are no further away from the centre than existing housing in Bosty Lane.

There are bus stops serving routes 6, 7 and 7a along Walsall Road within 322m and 43m or a 4 minute walk from the application site. There are frequent bus services for these routes.

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

Access

The indicative block plan shows a single access off Quicksand Lane serving all three proposed dwellings with individual driveways leading off this single access. This arrangement is acceptable to the transportation officer as it will not have severe transport implications on the local highway network. The single access also gives greater separation from the highway junction to maintain safety.

Neighbouring residents have raised a number of highway concerns relating to parking issues in particular exacerbating on street parking leading to neighbours driveways being blocked impacting upon egress and entering of driveways. They also state Quicksand Lane is not a double carriageway and residents on Quicksand Lane have taken measures to prevent parking on the highway. Furthermore, they consider it is a hazard to park near junction and there are disputes between school and residents about parking.

The submitted proposal would create one shared access point onto Quicksand Lane and this new access can provide the required visibility splays along Quicksand Lane and is sufficiently spaced from the road junction.

Notwithstanding the objectors concerns, the transportation officer considers that the small scale of the development of up to three houses served by a single new access point onto Quicksand Lane, together with a planning condition requiring the proposed dwellings to have the full parking policy requirement under policy T13 of the UDP at Reserved Matters stage, will not have any significant impact on the present parking and congestion issues raised by the objectors and it considers therefore that it would be unreasonable to object to the application on these grounds alone. There will not be severe highway implications as a consequence of the proposed development.

Neighbouring residents also raise concerns regarding reversing onto Quicksand Lane being a hazard. They also state buses use Quicksand Lane and the proposal would cause more congestion. The Transportation officer advises that residents should not be reversing onto the highway and they should be egressing their driveways in a forward gear with the highway being visible. There is no evidence to suggest that the proposed new access and proposed housing development will exacerbate any existing on street parking issues or cause more congestion. Parking Policy T13 of the UDP seeks houses up to three bedrooms to provide two off road parking spaces. The indicative block plan submitted with the application illustrates that off road parking in accordance with this policy could be provided within the site. The full details of the parking arrangements would be considered at the reserved matters stage.

The Traffic Management Team have advised that the general parking and congestion problems the objectors raise regarding Quicksand Lane being congested due to school events and events at the airport are dealt with outside the planning process by them.

Under the NPPF the Highway Authority can only object to a development if the cumulative impacts of the development will have severe transportation implications and it is considered that in this case the proposed development will not have severe transportation implications.

Design and Layout

The proposal is an outline scheme seeking the principle of development and the principle of the access. The design details of the proposed development have not been submitted and will be submitted at the reserved matters stage. The design, scale and appearance of the proposed houses would be considered at that stage.

The proposal includes a block plan that shows the layout of three detached houses. Whilst this is an indicative scheme, the full proposal will be considered under the reserved matters scheme and a planning condition is recommended to advise the applicant that the submitted layout scheme is not approved.

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

A condition is recommended to secure a fence along the boundary with the school to offer noise mitigation for future occupiers.

Impact upon historic Buildings

There are two Grade II listed buildings at Bosty Lane Farm on the opposite side of the road. This application is in outline without any design details. The existing houses on this side of the road are all 1950's semis/ detached properties. This side of the road is therefore a totally different character to the farm buildings on the opposite side of the road which lie in the Green Belt.

The local planning authority will be able to consider the proposed design of the houses as this will require a further reserved matters application and so can determine whether the design of the houses is appropriate in this setting in order to protect the setting of the historic building.

Impact on the Amenities of Surrounding Occupiers

Whilst an indicative plan has been submitted showing the position of three houses, the full impact of the proposed development would have on neighbouring residential occupiers would be considered at the reserved matters stage where full details of the design, scale, layout and position of the proposed houses would be submitted.

Neighbouring residents have raised concerns regarding overlooking of neighbouring habitable room windows and the front gardens. These issues would be assessed further at the reserved matters stage where full details of the design including the position of the proposed habitable room windows would be provided. The proposal would have to comply with the residential standards as set out in Annexe D of Designing Walsall and ensure any dwellings adjacent number 52 Quicksand Lane complies with the Council's 45 degree code. It is clear from the indicative layout supplied that there is scope within the site to position three new dwellings without harm to the amenities of the adjoining properties or character of the area.

Neighbouring residents have raised concerns over loss of outlook. The proposed houses would be positioned on the opposite side of the road and have 10m long front gardens. The proposed houses as shown on the submitted indicative block plan illustrates that the houses would be set back within the site by approximately 11m. Any views to the houses would be interrupted by the highway and lampposts. It is considered that that the proposed development would not unduly result in loss of outlook to warrant refusal of the scheme. However, the full impact of the proposal would be considered at the reserved matters stage.

To protect the amenities of neighbouring residential occupiers from noise and disturbance associated with construction work, a condition is recommended to restrict hours of construction.

Neighbours have raised concerns that the proposal would infringe on their human rights in respects of article 1 and 8 to quiet and private enjoyment of their home. With regard to these comments the Council's adopted policies take into account impact on the amenity of the occupiers of the neighbouring properties in both visual appearance and amenity enjoyed in both the house and garden in line with the aims of this legislation.

Neighbours also state that number 52 Quicksand Lane is vacant and the potential occupiers have not been given an opportunity to make comment on the application. The Council has notified neighbours in accordance with the Planning Legislation, which is either to post a site notice or to formally write to neighbouring occupiers. In this case, all neighbouring occupiers have been written to.

Impact on Trees and Protected Species

The layout as shown on the indicative plan will result in some tree and hedge loss on site G5, H4 and H16 as identified in the submitted arboricultural report. However, they are categorised B (moderate value) and C (low value) with limited overall landscape value to the area. The supplied arboricultural impact assessment by Wharton Arboriculture dated March 2016 clearly demonstrates that the proposed layout can be constructed without detriment to the retained trees both on (and off) the site. Consequently there are no arboricultural objections. It is critical that the tree protection details and working methodology contained within the arboricultural impact statement forms one of the planning conditions.

In the circumstances despite the neighbouring objectors concerns regarding loss of trees and the buildings being located close to the trees impacting upon their roots and in the future lead to requests for these trees to be removed the tree officer is satisfied that conditions can be secured to protect the trees.

The submitted extended phase 1 habitat Assessment does recognise the likelihood of protected species being present on site. This is based on the suitability of the habitat known distribution in the local area and any direct evidence. They also recognise that additional surveys may be recommended. On this basis, it is considered a relevant condition relating to bats is attached to the permission, so that if bats are found on the site the developers report back to Natural England.

Drainage

The application includes a Flood Risk Assessment, in this case this is unnecessary as the site is only 0.2ha and is in Flood Zone 1.

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

Local Finance Considerations

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

This application proposes the erection of three dwellings.

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

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

Positive and proactive statement

The principle of development on this site is considered acceptable as Sport England have advised that the proposed development affects only land incapable of forming, or forming part of, a playing pitch, and does not result in the loss of, or inability to make use of any playing pitch (including the maintenance of adequate safety margins), a reduction in the size of the playing area of any playing pitch or the loss of any other sporting/ancillary facility on the site. Saved Policy H3 of the UDP supports housing in windfall sites and the proposed housing development would be in a residential area within easy walking distance of Aldridge. The site is considered to be in a sustainable location consistent with guidance in the NPPF, BCCS and UDP.

The proposed access would create one shared access point onto Quicksand Lane and this new access can provide the required visibility splays along Quicksand Lane and is sufficiently spaced from the road junction.

Recommendation

Grant Permission Subject to Conditions

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

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

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

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

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

- a) Appearance
- b) Landscaping
- c) layout
- d) Scale

Reason: Pursuant to Article 3 (i) of the Town & Country Planning (General Development Procedure) Order 1995

4. Notwithstanding the block plan, drawing number 12026-005 submitted on 11th April 2016 the indicative layout is not approved under this permission and should be submitted as part of the reserved matters scheme.

Reason: To fully assess the site in accordance with the National and Local Development Plan policies, the residential standards as set out in Annexe D of Designing Walsall SPD and the Council's 45 degree code.

5a. Prior to the commencement of the development above damp proof level samples of all facing, roofing and driveway surface materials shall be submitted to and approved in writing by the Local Planning Authority.

5b. 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.

6a. Prior to the commencement of this permission, details of all boundary treatments shall be submitted to and approved in writing by the Local Planning Authority.

6b. The boundary treatments shall be erected prior to the occupation of the proposed house 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.

7a. Prior to the commencement of this permission, details of a continuous 2 metre high barrier fence between the proposed development and the adjacent school playing fields shall be submitted to and approved in writing by the Local Planning Authority.

7b. The fence shall be continuous to ground level and have a minimum mass of 10kgm-2.

7c. The fence shall be erected prior to the occupation of the proposed house and in accordance with the approved details and retained and maintained at all times.

Reason: Necessary to protect the amenities of the proposed occupiers and to provide privacy for the school.

8a. Prior to the commencement of this permission drainage details for the disposal of surface water and foul sewage shall be submitted to and approved in writing by the Local Planning Authority.

8b. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

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

9a. Prior to the commencement of this permission a detailed landscaping scheme illustrating planting within the proposed housing site including:

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

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

9b. The approved scheme shall be implemented within 12 months of any part of the development being brought into use.

9c. Any tree, shrub or plant which dies, becomes seriously diseased, damaged or is removed within the first 5 years shall be replaced with a tree, shrub or plant of the same or greater size and the same species as that originally required to be planted.

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

10a. Prior to the commencement of the development, details of any external lighting to be installed shall be submitted to and approved in writing by the Local Planning Authority.

10b. The development shall be completed with the approved details and retained and maintained at all times.

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

11(a) Bat survey work has found a risk that bats may be present within the site (as identified in the bat report by Wharton Arboriculture Ltd dated March 2016) and the following precaution shall be taken when implementing the planning permission:

1. Contractors undertaking demolition works shall be made aware that bats may be present and undertake demolition works in accordance with the recommendations set out in Jackie Underhill's bat report on page 7.

If no bats or evidence of bats are found during these operations, the approved works can continue.

11(b) If bats or evidence of bats are found during these operations:

1. bats should not be handled or touched and the vicinity of the roost shall be immediately reinstated.

2. no further destructive works shall be carried out to the building until the need for Natural England licence has been established.

3. within one week of finding bats or evidence of bats, a written report by the supervising ecologist shall be submitted for the approval in writing of the Local Planning Authority, recording what was found, and proposing appropriate mitigation measures, including a timetable for their implementation

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

Reason: to conserve local bat populations.

12. The construction materials of the shared access way and parking areas, shall be fully consolidated, hard surfaced and drained to ensure surface water from these areas do not either discharge onto the highway or into any highway drain.

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

13a. The new vehicle footway crossing to serve the new shared access point on Quicksand Lane which 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.

13b. 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

14. As part of the Reserved Matters submission details shall be provided to detail how the proposed dwellings shall accord with UDP T13 parking policy in full in terms of the number of on plot parking spaces.

Reason: To minimise potential indiscriminate on street parking, in the interests of the free flow of traffic on the public highway and highway safety.

15. The approved tree protection measures and working methodology as detailed in the Arboricultural Impact Assessment by Wharton Arboriculture dated March 2016 shall be adhered to throughout the construction phase and until completion.

Reason: To safeguard the trees to be retained both on and off the site.

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

Reason: To safeguard the amenity of occupiers of premises within the vicinity.

Notes to Applicant:

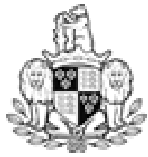
1. Severn Trent Water advise that there may be a public sewer located within the application site and encourage the applicant to investigate this. Please note that public sewers have statutory protection and may not be built close to, directly over or be diverted without consent. If there are sewers which will come into close proximity of the works, the applicant is advised to contact Severn Trent Water to discuss the proposals and we will seek to assist with obtaining a solution which protects both the public sewer and the building.
2. When submitting a Building Regulations application, the building control officer is required to check the sewer maps supplied by Severn Trent and advise them of any proposals located over or within 3 meters of a public sewer. In many cases under the provisions of Building Regulations 2000 Part H4, Severn Trent can direct the building control officer to refuse building regulations approval.
3. The attention of the applicant is drawn to the need to keep the highway free from any mud or other material emanating from the application site of any works pertaining thereto.
4. The applicant will be expected to obtain the necessary Road Opening Permit from the Highway Authority for the construction of the dropped kerb footway crossing within the public highway. For further information please contact the Traffic Management Team on 01922 654663.
5. All Windows including French windows should conform to PAS 24 2012 Standard. All ground floor and accessible windows including French windows should contain a pane of laminated glass which complies to BS EN 356:2000 class P1A. This will improve the standard of security to the more vulnerable ground floor windows.
6. There should be an area of defensible space in front and across the length of each ground floor front facing window, which should be around 1m in depth and consist of dense low level shrubbery, suitable for the light / soil environment at its location. The defensible space will help protect ground floor windows making access to them by offenders more difficult. Thorny / spiky plants are ideal for protecting these vulnerable areas.
7. All external doors including Patio/ French doors should be to PAS 24 2012 standards. If a europrofile cylinder lock is to be utilised this doors testing and certification should incorporate a TS-007 3star cylinder lock. Patio / french doors

should contain a pane of laminated glass which complies to BS EN 356:2000 class P1A.

8. Perimeter security needs to be effective on this site due to the vulnerable nature of the location in terms of open space around the site. In order to protect the development by securing the boundary is crucial. With this in mind perimeter fencing should be at least 2.1m in height, the fencing should also be erected so that the smooth face is always facing outwards so that the frame cannot be used as a climbing aide. 2.1m fencing can include 300mm trellis topping i.e. 1.8m fence plus 300mm anti climb trellis topping.
9. Where panel and concrete post style fencing is to be used there needs to be a fixing between panel / slats around the posts which should create a secure mechanical bond. This should provide a chain linking effect where each panel and post acts in concert with the next to resist attack by pushing, pulling and lifting. Fixings should be made of galvanized steel or stainless steel with a design life to match the timber components.
10. Side gates should be 2.1m in height and be self closing and have a mortise type locking mechanism, this should be key lockable from both sides.
11. Garage doors must be certificated to one of the following standards - Loss Prevention Certification Board standard LPS1175 security rating 1 or STS 202 issue 3:2011 burglary rating 1.
12. Where there is an interconnecting door into the dwelling the interconnecting door should be rated to PAS24 2012 standards.
13. Due to the increase in metal theft consideration should be used to minimising the use of lead in the design, by using lead substitute or alternative products.
14. The property should be fitted with a suitable intruder alarm utilising dual technology sensor or above and alarm sirens front and back of building.

Recommendation Summary: Grant Permission Subject to Conditions

End of Officers Report



Walsall Council

Economy and Environment, Development Management

Planning Committee

Report of Head of Planning, Engineering and Transportation on 01-Dec-2016

Plans List Item Number: 6.

Reason for bringing to committee: Significant community interest

Location: ALDRIDGE SCHOOL - SITE A, BOSTY LANE, ALDRIDGE, WS9 0QG

Proposal: OUTLINE PLANNING PERMISSION FOR THE ERECTION OF 4 NO. DWELLINGS WITH ACCESS DETAILS TO BE CONSIDERED, AND ALL OTHER MATTERS RESERVED

Application Number: 16/1097
Applicant: Aldridge School
Agent: Mr Bhupinder Thandi
Application Type: Outline Application

Case Officer: Devinder Matharu
Ward: Aldridge Central And South
Expired Date: 21-Sep-2016
Time Extension Expiry:

Recommendation Summary: Grant Permission Subject to Conditions



Officers Report

Application and Site Details

The application seeks outline permission for the erection of 4 no. Dwellings on part of the school playing fields fronting Bosty Lane. Access details only are being considered, and all other matters reserved.

Aldridge School is located off Tynings Lane with access between numbers 6 and 8 Tynings Lane. The school buildings are located to the north of the playing fields and are surrounded by housing in Tynings Lane, Walsall Road, Quicksand Lane, Hepburn Close, Meadow Road and Gaydon Road.

The application site is located in the eastern corner of the playing field adjacent to a detached house 401 Bosty Lane and bordering the rear gardens of 10 to 16 Gaydon Road.

The proposed access to the site would be from Bosty Lane.

An indicative layout plan showing the position of the four houses has been submitted.

The site is located 1131m from the edge of Aldridge District Centre.

There are bus stops along Birmingham Road within a 2 minute walk from the application site served by bus route numbers 936 and 997 which offer frequent services.

There is an accompanying outline application for another area of the playing field (Site B) which is also being considered on this committee agenda (16/0518).

The agent has stated that the Department for Education have granted permission for the disposal of sites A and B at the school on the understanding that 90% of the capital receipt is ring-fenced for sports provision at the school.

The following documents have been submitted with the application:

Extended phase 1 habitat assessment which concludes:

- The potential of the site to support legally protected species was assessed from field observations carried out during the site walkover.
- The site was inspected for nesting habitat for breeding birds, such as mature trees, hedgerows and buildings.
- The presence in, and on trees, indicating the potential for roosting bats such as fissures, holes, loose bark, ivy and those associated with buildings such as cavities, roof voids, hanging tiles and enclosed soffits. Evidence of badger, dormice and water bodies.
- Habitats within the site are of moderate quality providing opportunities for given species.
- The protected species is assessment provides a preliminary view of the likelihood of protected species being present on site. This is based on the suitability of the habitat known distribution in the local area and any direct evidence. Additional surveys may be recommended.
- The impact upon the vegetation will include severing the southern boundary hedge of Site A and the western boundary hedge of site B. It is considered that only limited

boundary tree will be required. Due to this, the ecological impact to the site, in terms of vegetation, is assessed to be moderate.

Arboricultural Impact Assessment which concludes:

- that the survey includes records of 11 individual trees, three groups and five hedges comprising of 2 A category, 15 B category and 2 C category trees. It has been considered desirable wherever possible that trees and groups of trees should be retained, although care has been exercised over misplaced tree preservation. In terms of the current layout plan, due to the size and scale of the building requirements there is a conflict with the trees which cannot be avoided and therefore mitigation proposals are considered to be imperative.
- There will be a loss of one group of trees and four gaps created in two boundary hedges for access for the purpose of this development. These are trees H4, G5 and H16 which are all considered to be B or C category specimens of limited overall value to the area.
- There is minor additional incursion into the RPA of T7, an A category oak tree of approximately 3% of the RPA, which has been deemed acceptable within the site supervision. For access and parking there will also be incursions into the RPA of T6 and T7 equating to a total incursion of 15% combined of both RPA's. The preparation and suitable working methodology for this, should be subject to pre-commencement conditions
- The overall future growth, shading and apprehension from the trees on the site have been considered as well as the impact of the trees on the dwelling, liveable rooms and open space to avoid future conflicts.
- The onsite trees to be retained should be proactively managed to ensure that they enhance the development and the wider environment. Therefore this method statement provides detail of the measures and steps required to retain trees through and post development specifically through adequate supervision, tree protection and construction techniques.
- Protective fencing will be erected and enforced prior to commencement.

Transport Statement which concludes:

- The site is accessible, being well located in relation to nearby services within town and near bus stops which have a good level of service. This will enable trips to be made by non car modes to access the home by both residents and their visitors.
- A review of accident records indicates that there are no existing highway safety concerns in the immediate vicinity of the site and the low level of the forecast traffic generation, this is anticipated to continue.
- The predicted traffic is considered to present an immaterial increase above existing traffic, and will not have an impact on the safety operation of the local highway network.
- Four new houses will not have a material impact upon the surrounding local highway network.

Flood Risk Assessment which concludes:

- The site is entirely within Flood Zone 1 and at low risk from fluvial and tidal flooding.
- Low or negligible risk from all other associated sources of flooding.
- The scheme would be safe and resilient to flooding in the critical design flood events with an acceptable level of residual risk.

Planning Statement which concludes:

- The surrounding area is residential in nature and generally two storey dwellings with front gardens and private rear gardens
- The application is in a sustainable location 1km south of Aldridge local centre.
- The site is accessible by public transport
- The NPPF seeks to boost the supply of housing.
- The parcel of land forming that application site whilst forming part of the school playing fields has not be used for any form of activity in excess of 20 years, this is due to the size of the parcel of land being too small to accommodate a recognised sports pitch.
- The school has not used the parcel of land due to its divorced nature from the main playing field.
- The area is not used for sports provision and is not capable of being used for sports or school activities therefore not resulting in the loss of a pitch.
- Each dwelling will have a minimum of 2 car parking spaces each.
- The provision of dwellings supports an economic role providing housing and provides jobs during the construction period.
-

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 **planning conditions** the NPPF says:

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

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

Local Policy

Black Country Core Strategy

- CSP4: Place Making

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

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

Unitary Development Plan

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

Supplementary Planning Document

Designing Walsall (2013) Aims to achieve high quality development that reflects the borough's local distinctiveness and character, through eight key design principles and ten policies. The following are the relevant policies;

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

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

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

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

Relevant Planning History

BC48113P - Erection of Single Storey Extension consisting of 3 Classrooms & Ancillary Accommodation. Grant Permission Subject to Conditions 1997-01-03.

03/0641/FL/E4 - Geography block infills extensions and new windows. Grant Permission Subject to Conditions 2003-06-30.

04/0080/FL/E4 - Installation of lift for disabled access. Grant Permission Subject to Conditions. 2004-03-12.

06/2069/FL/E6 - Replacement of glazed wall to swimming pool with masonry and windows (east wall). Grant Permission Subject to Conditions 2007-01-23.

06/2068/FL/E6 - Replacement of windows with cladding panels and replacement of doors at A Block Sports Hall. Grant Permission Subject to Conditions 2007-01-23.

12/1647/FL - Demolition of existing side garage and rear conservatory at 6 Tynings Lane to allow the widening of existing access to Aldridge School to form a designated pedestrian access. Grant Permission Subject to Conditions 2013-02-06.

13/0210/FL - Variation of conditions 2a (details of bollards) and 4 (approved plans) on planning approval 12/1647/FL to amend boundary wall to fence and approve details of bollards. Grant Permission Subject to Conditions 2013-03-25.

Consultations

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

Policy – No objection.

Pollution Control – No objection subject to conditions to safeguard the amenity of the proposal with respect to noise and to prevent or minimise environmental impact during the course of building works.

Environmental Health – No objection

Severn Trent Water – No objection subject to drainage condition.

Sport England - No objection.

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

Representations

Seven letters of objection from six residents have been received objecting to proposal on the following grounds:

- Topographical survey incorrect as utility and office occupy site of the garage of neighbouring property
- Hard standing used for cricket
- Last used as cricket within last 20 years
- Grounds used within last 12 months

- No renumbering of houses along Bosty Lane
- Loss of light
- Loss of privacy
- Overlooking
- Noise and disturbance
- Drainage issues including - Flood risk, existing flooding issues with surface water from playing fields, drainage should not connect into existing 9 inch drain which serves 401-407 Bosty Lane
- Previous application refused
- Existing trees should be preserved with preservation order
- Maintenance of existing trees
- Loss of wildlife including bats
- Existing fences should be retained
- Destroy pleasantness
- Loss of view – *Not a material planning consideration in this case.*
- Highway issues including – nature of road with bends poses hazard, vehicles have increased, traffic travels in excess of legal limit- 40mph, 30mph road markings should be installed near development, vehicular access must be approved by traffic regulations, previous application refused on the grounds of highway safety, accident waiting to happen, heavy volume of traffic
- Consider alternative field along Quicksand Lane
- Devaluation of property – *Not a material planning consideration in this case.*

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

Determining Issues

- Principle of the Development
- Design and Layout
- Impact on the Amenities of Surrounding Occupiers
- Impact on Trees and Protected Species
- Parking and Access
- Local Finance Considerations

Observations

Principle of the Development

The application is an outline application that seeks the approval of the access and the principle of development at this stage. All other details will be reserved until a reserved matters application has been submitted.

The loss of the playing fields must be justified under paragraph 74 of the NPPF and policy LC1 of the UDP.

Paragraph 74 of the NPPF states that existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements. This evidence is required not only for the purpose of the planning application, but to satisfy the requirements of the DfE who have produced non-statutory advice on the matter of disposing of, or changing the use, of school playing fields.

The advice requires all schools and academies to make an application for prior written consent, in respect of the disposal of playing fields, from the Secretary of State for Education. This application requires the school to provide evidence in support of the disposal, demonstrating the land is surplus to requirements to receive the approval of the DfE, and in-turn also satisfy the requirements of the framework and local plan policy.

Policies LC1 and LC6 of the UDP seeks to retain and enhance urban open spaces and would only consider the loss of sports pitches if they can demonstrate a carefully quantified and documented assessment of current and future needs that has demonstrated that there is an excess of sports provision and the site is not of good quality or importance. It also states that at least equal compensatory provision will be made in respect of quality, quantity and suitability of location.

Neighbouring residential occupiers have objected to the proposal on the grounds that the hard standing on the school fields has been used for cricket within both the last 12 months and last 20 years.

The school has two pockets of land which they claim have not been used as part of the school field. One site is located to the western part of the site adjacent 52 Quicksand Lane and considered under planning reference 16/0518 and the other to the eastern corner of the school playing field, which is the subject of this application.

The agent advises that they have undertaken pre-application negotiations with Sport England and the Department for Education and the Department for Education have granted permission for the disposal of sites A and B at the school on the understanding that 90% of the capital receipt is ring-fenced to be spent on sports provision for the school. On this basis, policy officers have no objections to the proposal.

Sport England has considered the application in light of the NPPF (particularly Para 74) and the Sport England Playing Fields Policy, which is presented within its Planning Policy Statement titled 'A Sporting Future for the Playing Fields of England'. Their policy is to oppose the granting of planning permission for any development which would lead to the loss of, or prejudice the use of, all/part of a playing field, unless one or more of the five exceptions stated in its policy apply. Having assessed the proposal in light of their policy E3 which states *"the proposed development affects only land incapable of forming, or forming part of, a playing pitch, and does not result in the loss of, or inability to make use of any playing pitch (including the maintenance of adequate safety margins), a reduction in the size of the playing area of any playing pitch or the loss of any other sporting/ancillary facility on the site"*. On this basis, Sport England do not object to the proposal.

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

Paragraph 7.51 of the UDP states walking and cycling should be encouraged as an alternative to the car for short journeys. The walking and cycling distances will depend on the local circumstances and the maximum distance will normally be 1000m. It also states that pedestrians should not have to cross roads unless absolutely necessary. In this case, Aldridge District Centre is located 1131m from the application site. This additional 131m distance beyond this 1000m is considered would not be onerous and residents would still

consider walking to the local centre. Furthermore, the application site is located 300m from the junction of Walsall Road where there are frequent bus serves to and from Walsall, Sutton Coldfield and Aldridge so is considered to be a sustainable location. The proposed dwellings are no further away from the centre than existing housing in Bosty Lane.

There are bus stops serving routes 936 and 997 along Birmingham Road within 152m and 161m from the site being a 2 to 3minute walk from the application site. There are frequent bus services for both routes.

Whilst neighbours have referred to previous applications that have been refused, each application is determined on its own merits at that time in line with current National and Development Plan Policy.

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

Access

The indicative block plan shows individual driveways off Bosty Lane serving the proposed dwellings. This is a similar arrangement to the existing properties off Bosty Lane and is acceptable to the transportation officer as it will not have severe transport implications on the local highway network.

Neighbouring residents have raised a number of highway concerns relating to parking issues in particular the nature of road with bends poses a hazard where traffic travels in excess of legal limit- 40mph and request a 30mph restriction. They also state the number of vehicles and the volume of heavy vehicles have increased and the proposal would be an accident waiting to happen. The possibility of a speed limit is a matter for consideration by highways not for consideration under this planning application and speeding offences are a police matter. Given the restricted number of dwellings proposed, each having ample space for off-street parking within a driveway, it is considered that the proposals will not have severe transport implications or cause a danger to users of the highway as objector's are concerned about.

Bosty Lane is a classified road (B4154) and a District Distributor highway. Although UDP policy T4 looks to strictly regulate direct frontage access onto such roads the proposal would create just 3 new accesses onto the road to serve the parking/driveway areas – two individual access points and one shared access point. Each access can provide the required visibility splays along Bosty Lane and pedestrian visibility splays at the access points.

The indicative block plan shows parking for several cars per plot is proposed to accord with UDP T13 parking policy.

Neighbours have stated that they do not want the house numbers along Bosty Lane to be renumbered. The issue of house numbering is not a matter for consideration under a planning application.

Design and Layout

The proposal is an outline scheme seeking the principle of development and the principle of the access. Despite neighbour's concerns that the proposal would destroy the pleasantness of the area the principle of residential properties is in keeping with the character of the surrounding area. The design details of the proposed development including design, scale and appearance are for consideration at reserved matters stage. Details regarding boundary fencing would also be sought at reserved matters stage.

The proposal includes a block plan that shows the layout of four detached houses. Whilst this is an indicative scheme, the full proposal will be considered under the reserved matters scheme and a planning condition is recommended to advise the applicant that the submitted layout scheme is not approved.

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

A condition is recommended to secure a fence along the boundary with the school to offer noise mitigation for future occupiers.

Impact on the Amenities of Surrounding Occupiers

Whilst an indicative plan has been submitted showing the position of four houses, the full impact of the proposed development would have on neighbouring residential occupiers would be considered at the reserved matters stage where full details of the design, scale, layout and position of the proposed houses would be submitted.

Neighbouring residents have raised concerns regarding overlooking, loss of privacy and loss of light. They also state that the topographical survey is incorrect as utility and office occupy site of the garage of neighbouring property. These issues would be assessed further at the reserved matters stage where full details of the design including the position of the proposed habitable room windows would be provided. The proposal would have to comply with the residential standards as set out in Annex D of Designing Walsall and ensure any dwellings adjacent number 401 Bosty Lane complies with the Council's 45 degree code. It is clear from the indicative layout supplied that there is scope within the site to position four new dwellings without harm to the amenities of the adjoining properties or character of the area.

To protect the amenities of neighbouring residential occupiers from noise and disturbance associated with construction work, a condition is recommended to restrict hours of construction.

Impact on Trees and Protected Species

There is some minor tree and hedge loss to accommodate the 4 dwellings and the access driveways, however, the trees are of low arboricultural value and do not merit retention or protection. Significant and established trees are situated outside of the site to the north and south but these are proposed for retention and the proposal will have little or no impact on them. Consequently there are no arboricultural objections. It is critical that the tree protection details and working methodology contained within the arboricultural impact statement forms one of the planning conditions.

Neighbours have raised concerns over loss of wildlife and protected species including bats. The submitted extended phase 1 habitat Assessment does recognise the likelihood of protected species being present on site. This is based on the suitability of the habitat known distribution in the local area and any direct evidence. They also recognise that additional surveys may be recommended. On this basis, it is considered a relevant condition relating to bats is attached to the permission, so that if bats are found on the site the developers report back to Natural England.

Drainage

Neighbouring residents have raised concerns over drainage in particular drainage should not connect into existing 9 inch drain which serves 401- 407 Bosty Lane. They also state there is a flood risk as their gardens are prone to flooding from surface water runoff from the school playing fields.

The application includes a Flood Risk Assessment, in this case this is unnecessary as the site is only 0.2ha and is in Flood Zone 1 and at low risk from fluvial and tidal flooding.

Severn Trent Water has no objection to the proposal subject to a drainage condition seeking details of foul and surface water drainage. Furthermore, the drainage arrangements would be undertaken in accordance with Seven Trent Water approval and under Building Regulations.

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 four 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 principle of development on this site is considered acceptable as Sport England have advised that the proposed development affects only land incapable of forming, or forming part of, a playing pitch, and does not result in the loss of, or inability to make use of any playing pitch (including the maintenance of adequate safety margins), a reduction in the size of the playing area of any playing pitch or the loss of any other sporting/ancillary facility on the site. Saved Policy H3 of the UDP supports housing in windfall sites and the proposed

housing development would be in a residential area within easy walking distance of Aldridge District Centre. The site is considered to be in a sustainable location consistent with guidance in the NPPF, BCCS and UDP.

The proposed access can provide the required visibility splays along Bosty Lane and pedestrian visibility splays at the access points.

Recommendation Grant Permission Subject to Conditions

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

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

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

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

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

- e) Appearance
- f) Landscaping
- g) layout
- h) Scale

Reason: Pursuant to Article 3 (i) of the Town & Country Planning (General Development Procedure) Order 1995

4. Notwithstanding the block plan, drawing number 12026-003 submitted on 28th July 2016 the indicative layout is not approved under this permission and should be submitted as part of the reserved matters scheme.

Reason: To fully assess the site in accordance with the National and Local Development Plan policies, the residential standards as set out in Annexe D of Designing Walsall SPD and the Council's 45 degree code.

5a. 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.

5b. 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.

6a. Prior to the commencement of this permission, details of all boundary treatments shall be submitted to and approved in writing by the Local Planning Authority.

6b. The boundary treatments shall be erected prior to the occupation of the proposed house 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.

7a. Prior to the commencement of this permission, details of a continuous 2 metre high barrier fence between the proposed development and the adjacent school playing fields shall be submitted to and approved in writing by the Local Planning Authority.

7b. The fence shall be continuous to ground level and have a minimum mass of 10kgm-2.

7c. The fence shall be erected prior to the occupation of the proposed house and in accordance with the approved details and retained and maintained at all times.

Reason: Necessary to protect the amenities of the proposed occupiers and to provide privacy for the school.

8a. Prior to the commencement of this permission drainage details for the disposal of surface water and foul sewage shall be submitted to and approved in writing by the Local Planning Authority.

8b. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

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

9a. Prior to the commencement of this permission a detailed landscaping scheme illustrating planting within the proposed housing site including:

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

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

9b. The approved scheme shall be implemented within 12 months of any part of the development being brought into use.

9c. Any tree, shrub or plant which dies, becomes seriously diseased, damaged or is removed within the first 5 years shall be replaced with a tree, shrub or plant of the same or greater size and the same species as that originally required to be planted.

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

10a. Prior to the commencement of the development, details of any external lighting to be installed shall be submitted to and approved in writing by the Local Planning Authority.

10b. The development shall be completed with the approved details and retained and maintained at all times.

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

11(a) Bat survey work has found a risk that bats may be present within the site (as identified in the bat report by Wharton Arboriculture Ltd dated March 2016) and the following precaution shall be taken when implementing the planning permission:

1. Contractors undertaking demolition works shall be made aware that bats may be present and undertake demolition works in accordance with the recommendations set out in Jackie Underhill's bat report on page 7.

If no bats or evidence of bats are found during these operations, the approved works can continue.

11(b) If bats or evidence of bats are found during these operations:

1. bats should not be handled or touched and the vicinity of the roost shall be immediately reinstated.

2. no further destructive works shall be carried out to the building until the need for Natural England licence has been established.

3. within one week of finding bats or evidence of bats, a written report by the supervising ecologist shall be submitted for the approval in writing of the Local Planning Authority, recording what was found, and proposing appropriate mitigation measures, including a timetable for their implementation

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

Reason: to conserve local bat populations.

12. The construction materials of the shared access way and parking areas, shall be fully consolidated, hard surfaced and drained to ensure surface water from these areas do not discharge either onto the highway or into any highway drain.

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

13a. The new vehicle footway crossings serving each dwelling which 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.

13b. All works within the public highway shall be in accordance with all statutory requirements. Each individual crossing shall not exceed five 900mm flat kerbs and two 900mm taper kerbs.

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

14. Each access point demonstrating 2.4m x 3.4m pedestrian visibility splays within which no structure or planting exceeding 600mm in height above footway level shall be permitted.

Reason: In the interests of highway safety.

15. The approved tree protection measures and working methodology as detailed in the Arboricultural Impact Assessment by Wharton Arboriculture Ltd dated March 2016 shall be adhered to throughout the construction phase and until completion.

Reason: To safeguard the trees to be retained both on and off the site.

16. As part of the Reserved Matters submission details shall be provided to detail how the proposed dwellings shall accord with UDP T13 parking policy in full in terms of the number of on plot parking spaces.

Reason: To minimise potential indiscriminate on street parking onto Bosty Lane which is a classified road and District Distributor, in the interests of the free flow of traffic on the public highway and highway safety.

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

Reason: To safeguard the amenity of occupiers of premises within the vicinity.

Notes to Applicant:

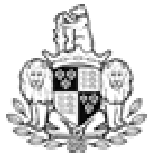
15. Severn Trent Water advise that there may be a public sewer located within the application site and encourage the applicant to investigate this. Please note that public sewers have statutory protection and may not be built close to, directly over or be diverted without consent. If there are sewers which will come into close proximity of the works, the applicant is advised to contact Severn Trent Water to discuss the proposals and we will seek to assist with obtaining a solution which protects both the public sewer and the building.
16. When submitting a Building Regulations application, the building control officer is required to check the sewer maps supplied by Severn Trent and advise them of any proposals located over or within 3 meters of a public sewer. In many cases under the provisions of Building Regulations 2000 Part H4, Severn Trent can direct the building control officer to refuse building regulations approval.
17. 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.
18. The applicant will be expected to obtain the necessary Road Opening Permit from the Highway Authority for the construction of the dropped kerb footway crossing

within the public highway. For further information please contact the Traffic Management Team on 01922 654663.

19. All Windows including French windows should conform to PAS 24 2012 Standard. All ground floor and accessible windows including French windows should contain a pane of laminated glass which compiles to BS EN 356:2000 class P1A. This will improve the standard of security to the more vulnerable ground floor windows.
20. There should be an area of defensible space in front and across the length of each ground floor front facing window, which should be around 1m in depth and consist of dense low level shrubbery, suitable for the light / soil environment at its location. The defensible space will help protect ground floor windows making access to them by offenders more difficult. Thorny / spiky plants are ideal for protecting these vulnerable areas.
21. All external doors including Patio/ French doors should be to PAS 24 2012 standards. If a europrofile cylinder lock is to be utilised this doors testing and certification should incorporate a TS-007 3star cylinder lock. Patio / french doors should contain a pane of laminated glass which compiles to BS EN 356:2000 class P1A.
22. Perimeter security needs to be effective on this site due to the vulnerable nature of the location in terms of open space around the site. In order to protect the development by securing the boundary is crucial. With this in mind perimeter fencing should be at least 2.1m in height, the fencing should also be erected so that the smooth face is always facing outwards so that the frame cannot be used as a climbing aide. 2.1m fencing can include 300mm trellis topping i.e. 1.8m fence plus 300mm anti climb trellis topping.
23. Where panel and concrete post style fencing is to be used there needs to be a fixing between panel / slats around the posts which should create a secure mechanical bond. This should provide a chain linking effect where each panel and post acts in concert with the next to resist attack by pushing, pulling and lifting. Fixings should be made of galvanized steel or stainless steel with a design life to match the timber components.
24. Side gates should be 2.1m in height and be self closing and have a mortise type locking mechanism, this should be key lockable from both sides.
25. Garage doors must be certificated to one of the following standards - Loss Prevention Certification Board standard LPS1175 security rating 1 or STS 202 issue 3:2011 burglary rating 1.
26. Where there is an interconnecting door into the dwelling the interconnecting door should be rated to PAS24 2012 standards.
27. Due to the increase in metal theft consideration should be used to minimising the use of lead in the design, by using lead substitute or alternative products.
28. The property should be fitted with a suitable intruder alarm utilising dual technology sensor or above and alarm sirens front and back of building.

Recommendation Summary: Grant Permission Subject to Conditions

End of Officers Report



Walsall Council

Economy and Environment, Development Management

Planning Committee

Report of Head of Planning, Engineering and Transportation on 01-Dec-2016

Plans List Item Number: 7.

Reason for bringing to committee: Significant community interest

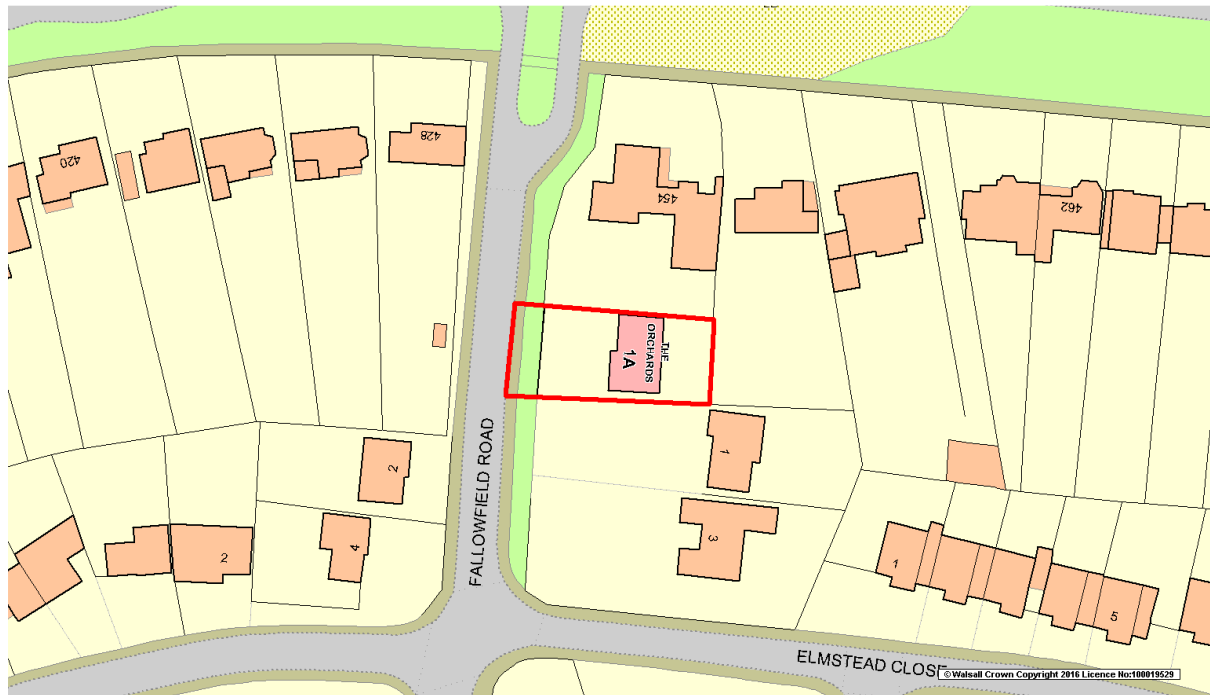
Location: REAR 454, SUTTON ROAD, WALSALL, WS5 3AZ

Proposal: RETROSPECTIVE: RETENTION OF DETACHED HOUSE INCLUDING OMISSION OF PREVIOUS APPROVED INTEGRAL GARAGE.

Application Number: 16/1057
Applicant: MR TONY SINGH
Agent: FIELD BUILDING DESIGN
Application Type: Full Application

Case Officer: Paul Hinton
Ward: Pheasey Park Farm
Expired Date: 11-Sep-2016
Time Extension Expiry:

Recommendation Summary: Grant Permission Subject to conditions



Officers Report

16/1057 – REAR 454, SUTTON ROAD, WALSALL, WS5 3AZ– Retrospective: Retention of detached house including omission of previous approved integral garage.

Current status

This application was withdrawn from the 3rd November 2016 committee agenda to allow time to consider amended plans. The amended plans have now been received and consulted on that accurately reflect the dwelling as built.

Application and Site Details

This application follows the grant of planning permission in June 2016 for a detached house. That permission included an integral garage. The building has been constructed without the integral garage contrary to the terms of the planning permission. In place of the garage door is a window serving a dining room. The following changes have also taken place:

- The building has been built 0.1m taller, 0.1m wider, 0.1m deeper with eaves 0.3m higher than the approval
- Increased height of the dual pitched porch by 0.3m
- Reduction in the width of the windows to either side of the front door.
- Ground floor square bow window rather than round
- Narrowing the width of the first floor windows
- Moving the position of the first floor rear facing bedroom window
- Corbelling and brick course detailing to the eaves

This application is considered as a retrospective application for the retention of a detached house including omission of previous approved integral garage. The building has not been completed internally to be defined as a dwellinghouse capable of habitation.

The application site is part of the rear garden of 454 Sutton Road, at the corner of Sutton Road and Fallowfield Road. The building fronts Fallowfield Road and is set forward of 1 and 3 Fallowfield Road. There are 3 trees within the highway verge in the vicinity of the site.

There are a variety of different housing styles and designs in the area in open plan layout without strongly defined building lines. Properties along Sutton Road are of individual design, with three main styles within the immediate vicinity of Fallowfield Road including large bungalows with front to back ridgeline roofs, detached dwellings with gable ends and detached dwellings with front to back ridgelines. The density of the vicinity is 14.6dph. There is a bus stop on the pavement directly in front of the application site.

The application seeks the retention of a four bedroom side gable house, which is set 13 metres from the grass verge and measures 13.1m wide, 7.7m deep and 6.6m high. A projecting gable feature accommodates a porch and dining which is a metre further forward. The rear garden is 7m in depth and has a total amenity area of 102 square metres. The proposed house is 7m further forward of 1 Fallowfield Road. The application site would have a density of 20dph. Within the drive to the front is provision for four off-street spaces.

Relevant Planning History

15/0440/FL – New detached house. GSC 12/6/15.

11/0570/FL – New Dormer Bungalow. GSC 04/07/12

09/0672/OL - Outline application for erection of a detached bungalow to include scale and layout. Allowed at appeal 22/6/2010.

Relevant Planning Policy Summary

National Planning Policy Framework (NPPF)

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

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

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

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

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

Key provisions of the NPPF relevant in this case:

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

On **planning conditions** the NPPF says:

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

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

Local Policy

Black Country Core Strategy

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

Unitary Development Plan

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

Supplementary Planning Document

Conserving Walsall's Natural Environment

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

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

Designing Walsall

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

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

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

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

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

Consultations

Highways – no objection subject to use of recommended conditions in regard to provision of spaces and implementation of dropped crossing.

Pollution Control – no objection.

Police – recommends security measures.

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

Landscape – no objection.

Fire Services – no objection.

Public Participation Responses

Surrounding occupiers notified by letter.

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

- The Council don't consider the residents that have lived here for 30 years (*public consultation has been undertaken during each of the planning applications and a full assessment made in accordance with the adopted planning policies*)

- Received no response last time (*neighbours who make representations will be notified of the decision*)
- Overlooking and impeding privacy of neighbouring properties
- Loss of trees
- Built forward of the building line
- Density and garden size
- Cramped development
- Trees originally retained should be reinstated
- Only two parking spaces provided
- Old Design and Access Statement (*Noted. No reference to the Design and Access Statement is required as part of the assessment*)

Following receipt of amended plans re-consultation has taken place. The consultation period expires after the publication of this report and prior to the committee meeting. Any further comments received will be updated at the meeting.

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

Determining Issues

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

Observations

Principle of Development

The principle of a new house here was established through the previous planning permissions and this proposed house raises no new considerations in this respect.

Character of the area

The main changes are the removal of a garage door and replacement with matching infill brickwork and matching glazing. The increase in the width, depth and height of the building are minor. There would be minimal further impact upon the character of the area than that already approved.

Neighbours concerns about density and building line were considered under previous planning applications, notably the appeal decision in 2010.

The application is not subject to any Tree Preservation Order but continues to propose the planting of a pear and silver birch tree within the front garden alongside shrubs.

Provision of a satisfactory residential environment

The provision of amenity space remains, therefore no further impact.

PAGE 116 OF 168

Amenities of the surrounding residential properties

The proposed dining room window would be across the road from the nearest houses which would not give rise to any further loss of privacy. The other changes would not impact upon residential amenity.

Impact on protected species

A bat roosting scheme and no external lighting were required conditions previously, these remain to be relevant and are recommended.

Drainage

The drainage layout has previously been approved and the proposal makes no material changes.

Access and parking

For a four bedroom house, three off-street parking spaces are required. The submitted drawing shows provision for four spaces within the drive. Notwithstanding the omission of the garage, sufficient off-street parking is provided to meet the needs of the development. Highways raise no objection to the proposal subject to conditions ensuring implementation of the drive and the dropped crossing.

Previously the bus stop was within the area of the proposed access, this has now been re-located a short distance away to ensure safe use of the bus stop and the proposed access.

Security

The building contains a house alarm, boundary fencing and gates, and 5 & 7 point locking system within the windows and doorsets. The previous planning permission included a requirement for security measures, the measure installed given its surroundings are considered acceptable.

Local Finance Considerations

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

This application proposes one new home.

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

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

Positive and proactive working with the applicant

Due to the level of information provided it has not been necessary to undertake proactive working with the applicant to enable support to be given to the proposal.

Recommendation: Grant permission subject to conditions.

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

- Location and site plan received 18/7/16
- Proposed plans received 3/11/16
- Proposed parking arrangements received 18/7/16
- Site sections received 18/7/16
- Landscape and fencing received 18/7/16
- Proposed site levels received 18/7/16
- Drainage layout received 19/9/16
- Tree survey received 18/7/16
- Bat survey received 18/7/16
- Bat roost detail received 18/4/16

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

2. Bat bricks as set out on pages 16-19 of the Bat Survey by S Christopher Smith dated 16/6/11 shall be installed and retained thereafter with access openings maintained free of obstructions at all times.

Reason: To conserve local bat populations and in accordance with UDP policy ENV23.

3. 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 07.00 to 18.00 weekdays and 08.00 to 16.00 Saturdays. No plant, machinery or equipment associated with such works shall be started up or operational on the development site outside of these permitted hours. * Bank and Public holidays for this purpose shall be: Christmas Day; Boxing Day; New Year's Day; Good Friday; Easter Monday; May Day; Spring Bank Holiday Monday and August Bank Holiday Monday.

Reason: To protect the amenity of adjoining residential occupiers.

4. Prior to the development first coming into use, a vehicular footway crossing shall be installed to serve the new driveway and carried out in accordance with Council's footway crossing specification SD11/8 dated January 2008. The new crossing shall not exceed five 900mm flat kerbs and two 900mm taper kerbs.

Reason: To ensure the satisfactory completion and operation of the development and compliance with the requirements of the Highways Act 1980.

5a. Prior to the development first coming into use, the proposed driveway and parking areas shown on the approved plan 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.

5b. The parking area shall thereafter be retained and used for no other purpose.

Reason: To ensure the satisfactory completion and operation of the development

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

Reason: In order to safeguard the amenities of the occupiers of the adjoining property and to secure the satisfactory development of the application site.

7a. No external lighting scheme shall be installed on site unless details have first been submitted for written approval of the Local Planning Authority.

7b. Only the approved details shall be installed.

Reason: To conserve local bat populations.

8. The drainage on site shall be carried out in-accordance with the approved drainage scheme submitted on 19/9/16

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

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

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

10. Any gates installed across the proposed driveway shall not be any higher than 1 metre high and not open outwards over the public highway.

Reason: In the interests of highway safety.

Recommendation Summary: Grant Permission Subject to conditions

End of Officers Report



Walsall Council

Economy and Environment, Development Management

Planning Committee

Report of Head of Planning, Engineering and Transportation on 01-Dec-2016

Plans List Item Number: 8.

Reason for bringing to committee: Called in by Councillor Hicken on grounds of significant community interest

Location: 35 , WOOD LANE, WILLENHALL, WV12 5NE

Proposal: SUBDIVISION OF DWELLINGHOUSE TO 5NO. APARTMENTS.

Application Number: 16/0905

Applicant: Ginni Singh

Agent:

Application Type: Full Application

Case Officer: Stuart Crossen

Ward: Willenhall North

Expired Date: 15-Aug-2016

Time Extension Expiry:

Recommendation Summary: Grant Subject to Conditions and no New Material Considerations Raised by Consultees.



Officers Report

The application proposed to convert a traditional detached corner house into five apartments. The application house is currently vacant and is at the end of a row of traditional detached and semi-detached houses, the house is on significantly higher ground than Shelley Road to the side.

Apartment 1 would be on the ground floor with open plan living room and kitchen, main window to the front and would have a shower room and bedroom with windows facing the shared access between the main house and single storey side building which would be apartment 3, the blank wall of which would be a metre away.

Apartment 2 would be on the ground floor at the rear of the house with an open plan kitchen and living room, the main window would serve the kitchen at the rear and there would be a velux window to provide natural light to the living room. The shower room and bedroom would have rear facing windows.

Apartment 3 would be on the ground floor in the side building with open plan kitchen and living room with main window to the front replacing an existing garage door, bedroom 1 to the rear would have rear and side facing windows, there would be a shower room and bedroom 2 would have a side facing window to Shelley Road.

Apartment 4 would be on the first floor on the rear part of the house, the open plan kitchen and living room would have side and rear facing windows, a single bedroom with rear facing window and a shower room with side facing window.

Apartment 5 would be on the first floor to the front of the house with front window to the open plan kitchen and living room, front window to the single bedroom and a side window to the shower room.

None of the side windows facing number 33 the neighbouring house would serve main habitable room windows.

Number 33 is a semi-detached house with a single storey garage to the side away from the application house and next to the existing garage (to be retained) of the application house.

The frontage of the application house is large and the applicant proposes 6 car parking spaces and an extra space would also be available within the garage which is shown on the plans to be retained and the agent has also confirmed that it is to be retained.

Relevant Policies

National Planning Policy Framework (NPPF)

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

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

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

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

Key provisions of the NPPF relevant in this case:

4: Promoting sustainable transport

32. Decisions should take account of whether:

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

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

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

6. Delivering a wide choice of high quality homes

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

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

7: Requiring Good Design

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

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

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

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

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

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

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

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

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

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

The relevant key policies are:

CSP1: The Growth Network

CSP3: Environmental Infrastructure
CSP4: Place Making
CSP5: Transport Strategy
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

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

The relevant policies are:

GP2: Environmental Protection
3.6 and 3.7: Environmental Improvement
ENV10: Pollution
ENV11: Light Pollution
ENV14: Development of Derelict and Previously-Developed Sites
ENV32: Design and Development Proposals
ENV33: Landscape Design
ENV40: Conservation, Protection and Use of Water Resources
H3: Windfall Sites on Previously Developed Land and Conversion of Existing Buildings
H4: Affordable Housing
T1: Helping People to Get Around
T7: Car Parking
T8: Walking
T9: Cycling
T10: Accessibility Standards - General
T11: Access for Pedestrians, Cyclists and Wheelchair Users
T12: Access by Public Transport
T13: Parking Provision for Cars, Cycles and Taxis

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

Supplementary Planning Documents (SPD)

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

Designing Walsall (Feb 2008)

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

The following are the relevant policies;

DW1-Sustainability

DW2- Safe and Welcoming places

DW3 – Character

DW4 – Continuity DW5 Ease of movement- DW6 – Legibility DW7: Diversity DW8: Adaptability

DW9 – High Quality public realm DW10 – new development should make a positive contribution to creating a sustainable environment.

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

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

Relevant Planning History

None

Consultation Replies

Transportation – No objections subject to a condition to ensure the parking area is demarked and hard surfaced.

Pollution Control – No objections

Police – No comments received

Representations

3 objections received on the following grounds:

Parking and access

Noise

The shops should be redeveloped first

Amount of bins required

More like bedsits than apartments.

Will generate anti-social behaviour

Will affect the health of an elderly neighbour

There is a mine in the garden

Determining Issues

Design and Character of the Area

Neighbouring Amenity

Highway Safety and Parking

Observations

Design and Character of the Area

The proposal would result in little alteration to the house and although the number of flats would require a larger area of hard surfacing to accommodate parking at the front of the property, the size and scale of this property could currently provide housing for extended families that would also require extended parking. For these reasons the proposal for 5 apartments in an established residential is unlikely to result in any significant harm on the existing character of the area.

The objection with respect to the appearance of additional bins is noted however this is considered not to be sufficient reason to refuse the application, especially as the property could presently be converted into a house in multiple occupation, without requiring planning permission which would require a similar number of bins.

There is adequate rear garden space to provide shared amenity for future occupiers.

Neighbouring Amenity

Number 33 is the nearest neighbour and is separated from the proposed conversion by an existing garage. The proposed side window would not serve a habitable room and it is considered that the scheme does not have any greater impact on neighbouring amenity by way of noise and disturbance. This is taking account of the fact that the current property could be occupied as a single house for family members or occupied for between 3 and 6 unrelated individuals who share basic amenities, as a house in multiple occupation. The agent has suggested this as an alternative if planning permission is not successful.

Concern has been raised about the occupants and anti-social behaviour. There is no conclusive evidence that apartments cause anti-social behaviour any more than individual houses. Although no police comments have been received at the time of writing this report, a note for applicant can be attached to any permission to ensure the security for occupiers and neighbours is safeguarded following previous Police advice for similar approved developments.

A condition is recommended to restrict permitted development for a change of use of the apartments to HMO's in order to protect the amenities of the area and ensure adequate parking and amenity space for future occupiers.

Highway Safety and Parking

The application looks to convert a large 4 bedroom dwelling and garage into 5 flats. There is parking available on the frontage for at least 6 cars which is considered adequate by the Transportation Officer. There is also a garage which could be made available for secure cycle storage.

The Highway Authority considers the development will not have severe transportation implications and is acceptable in accordance with NPPF.

It would not be reasonable to refuse planning permission at a site on the basis that a nearby site must be developed first.

Other matters raised through consultation

The application requires no development which could be affected by the presence of a mine in the rear garden. Also as a result of planning permission, if granted, there would no longer be permitted development rights for outbuildings which would ensure that future development here can be controlled.

Positive and Proactive working with the applicant

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

Recommendation

Grant Subject to Conditions and no New Material Considerations Raised by Consultees.

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

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

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

Location and block plan (890 03) received 20/06/16

Existing plans (890 01) received on the 20/06/16

Amended proposed plans (890 02) received on the 14/11/16

Parking and landscape plan (890 04) received on the 20/06/16

Reason: To define the permission.

3a) Prior to the development first coming into use, all access ways, vehicle manoeuvring areas and parking areas shall be fully consolidated, hard surfaced and drained and the parking bays clearly demarcated on the ground.

3b) These areas shall thereafter be retained and used for no other purpose.

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

4a) Prior to the occupation of the development full details shall be submitted to and approved in writing by the Local Planning Authority demonstrating that the development will meet Secure By Design specification.

4b) The approved details shall be fully implemented prior to first occupation of any house and thereafter retained

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

Reason: To ensure the safety of future occupants

5) Prior to the first occupation of the flats hereby approved details of an intruder alarm system to incorporate dual technology sensor or above and alarm sirens on the front and rear of the building shall be submitted to and approved in writing by the local planning authority and fully implemented and maintained in accordance with the agreed system thereafter.

Reason: To ensure the satisfactory development of the site and protect residential amenities of future occupiers.

6) Notwithstanding the provisions of Class L of schedule 2 part 3 of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), there shall be no subdivision or conversion of the flats hereby approved to provide a House in Multiple Occupation.

Reason: To ensure the satisfactory amenities of occupiers and neighbours, to ensure satisfactory parking provision and to comply with UDP policies GP2, T7 and T13.

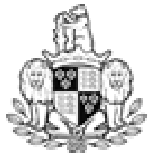
Note for applicant – Police

- i. A strict vetting procedure should be in place to assess the suitability of each and every tenant, a detailed tenants contract of behaviour should be signed by each tenant outlining consequences for breaches of conduct, behaviour etc.
- ii. A robust system to deal with such breaches should be in place resulting in possible eviction. This should be viewed and approved.
- iii. Windows and roof lights should conform to PAS 24 2012 standard. Accessible windows ie ground floor and those that can be accessed via a flat roof including roof light windows will need to meet PAS24 2012 PS1A Standard with at least one pane of 6.4mm laminated glass being contained in each window.
- iv. There should be an area of defensible space in front and across the length of each ground floor window, which should be around 1m in depth and consist of dense low level shrubbery, suitable for the light / soil environment at its location. The defensible space will help protect ground floor windows and make access to them by offenders more difficult
- v. All external door sets should be to PAS 24 2012 standards.
- vi. Most properties are attacked from the rear therefore perimeter security needs to be effective in order to protect the most vulnerable area of any property. With this in mind perimeter and boundary fencing should be at least 2.1m in height, the fencing should also be erected so that the smooth face is always facing outwards so that the frame cannot be used as a climbing aide. 2.1m fencing can include 300mm trellis topping i.e. 1.8m fence plus 300mm anti climb trellis topping. Gated access to the amenity area should also be 2.1m in height, the gate should be locked with a mortise type lock key lockable from both sides.
- vii. Where panel and concrete post style fencing is to be used there needs to be a fixing between panel / slats around the posts which should create a secure mechanical bond. This should provide a chain linking effect where each panel and post acts in concert with the next to resist attack by pushing, pulling and lifting. Fixings should be made of galvanized steel or stainless steel with a design life to match the timber components.

- viii. Due to the increase in metal theft consideration should be used to minimising the use of lead in the design, by using lead substitute or alternative products.
- ix. Allocated parking areas should not identify which property they belong too, so should not be numbered to correspond with flats, alternative numbers or letters should be used if required.

Recommendation Summary: Grant Subject to Conditions and no New Material Considerations Raised by Consultees

End of Officers Report



Walsall Council

Economy and Environment, Development Management

Planning Committee

Report of Head of Planning, Engineering and Transportation on 01-Dec-2016

Plans List Item Number: 9.

Reason for bringing to committee: Significant community interest

Location: SPRINGSIDE, 2 SPRING LANE, PELSALL, WALSALL, WS4 1AZ

Proposal: CHANGE OF USE OF 3 LIVING UNITS WITHIN THE SOUTH WEST WING FROM C3 DWELLING HOUSE TO C2 RESIDENTIAL INSTITUTION.

Application Number: 16/1535
Applicant: Mr Sean Wordley
Agent:
Application Type: Full Application

Case Officer: Stuart Crossen
Ward: Pelsall, Rushall-Shelfield
Expired Date: 24-Nov-2016
Time Extension Expiry:

Recommendation Summary: Grant permission subject to conditions



Officers Report

Application and Site Details

The proposal is to amend a previous approval for part change of use of the existing care home (Class C2 residential institution) to create 9 x 1 bed self-contained flats for occupation by persons with learning disabilities (Class C3 dwellings) retaining 8 bedrooms within the care home plus manager's accommodation and ancillary shared facilities and minor elevation changes to doorways.

This application reduces the number of self contained flats from 9 to 6, the flats would have been in the southern wing facing the car park. The proposal replaces them with 2 bedrooms and 2 lounge/ kitchens. There would be minor elevation changes to revert the proposed door openings back to windows for the proposed rooms.

The premises are located at the junction of Spring Lane and Coronation Road and comprise a largely single storey building in a landscaped setting with parking at the front and side with a barrier access off Spring Road. The plant room is a higher section in the centre of the building. There is a garden beyond the car parking area surrounded by gardens in Church Way, Coronation Road and Field Lane. There is a mix of house types surrounding the premises. The building is currently vacant but was previously used for a care home for young adults with 23 bedrooms.

Relevant Planning History

16/1509 - Single storey glass extension (17m2) and single storey office extension (34m2) – Granted subject to conditions 17/11/16.

15/0747/FL - Change of use from Class C2 (residential institution) to Class C3 (dwellings) converting premises to 17 x 1 bed self contained flats for persons with learning disabilities, with ancillary office accommodation and minor elevation changes to doorways – Planning Committee resolution to grant subject to conditions and a S106 Agreement to secure the tenure as affordable housing and for urban open space contributions (£14,790). The S106 Agreement has not yet been completed so the permission has not been issued.

BC14141P – Erection of a community unit for the mentally handicapped – Granted subject to conditions 21/06/85.

BC60711P - Certificate of Lawful Proposed Use: Proposed alterations to existing bungalow – Certificate Granted 06/03/2000 (Walsall Community Healthcare).

Relevant Planning Policy Summary

National Planning Policy Framework (NPPF)

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

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

- Find ways to enhance and improve places in which people live their lives
- Contribute to conserving and enhancing the natural environment and reducing pollution.
- Always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings

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

Key provisions of the NPPF relevant in this case:

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

Paragraph 32 states all developments should have safe and suitable access to the site for all people.

Paragraph 34 advises decision should ensure developments that generate significant movement are located where the need to travel will be minimised and use of sustainable transport can be maximised.

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

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

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

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

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

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

Paragraph 70 states to deliver services the community needs and advises planning policies and decisions should ensure an integrated approach to considering the location of housing, economic uses and community facilities and services.

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

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

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

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

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

On **planning conditions** the NPPF says:

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

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

The Development Plan

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

The Black Country Core Strategy (BCCS) (2011)

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

The Spatial Objectives include

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

The following policies are relevant:

- CSP2: Development Outside the Growth Network
- CSP3: Environmental Infrastructure
- CSP4: Place Making
- DEL1: Infrastructure Provision
- DEL2: Managing the Balance Between Employment Land and Housing
- HOU2: Housing Density, Type and Accessibility
- HOU5: Education and Health Care Facilities
- TRAN1: Priorities for the Development of the Transport Network
- TRAN2: Managing Transport Impacts of New Development
- TRAN4: Creating Coherent Networks for Cycling and for Walking
- TRAN5: Influencing the Demand for Travel and Travel Choices
- ENV1: Nature Conservation
- ENV2: Historic Character and Local Distinctiveness
- ENV3: Design Quality

Walsall's Unitary Development Plan (UDP)

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

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

The relevant policies are:

- GP2: Environmental Protection
- GP3: Planning Obligations
- ENV10: Pollution
- ENV14: Development of Derelict and Previously-Developed Sites
- ENV18: Existing Woodlands, Trees and Hedgerows
- ENV23: Nature Conservation and New Development
- ENV32: Design and Development Proposals
- ENV33: Landscape Design
- ENV40: Conservation, Protection and Use of Water Resources
- H3: Windfall Sites on Previously Developed Land and Conversion of Existing Buildings
- H5: Housing for People with Special Needs
- LC1: Urban Open Spaces
- T1 - Helping People to Get Around
- T4 - The Highway Network
- T5 - Highway Improvements
- T7 - Car Parking
- T8 – Walking
- T10: Accessibility Standards – General
- T13: Parking Provision for Cars, Cycles and Taxis

Supplementary Planning Documents (SPD)

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

DW1: Sustainability DW2: Safe & Welcoming Places DW3: Character DW4:
DW5: Ease of Movement
DW6: Legibility DW7: Diversity
DW8: Adaptability
DW9: High Quality Public Realm
DW 10: Well Designed Sustainable Buildings

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

Conserving Walsall's Natural Environment SPD

NE1: All relevant applications to be supported by an adequate impact assessment.
NE7: planning applications with a potential to damage or destroy trees, woodlands or hedgerows should be supported by an arboricultural assessment and demonstrate trees to be retained will survive and space for them to develop is maintained.
N8, N9 & N10 deal with the need to fully assess, protect and secure compensatory planting for trees.

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

Consultations

Pollution Control – No objections.

Strategic Planning Policy – No objections

Transportation – No objections

Public Participation Response

None

Determining Issues

- Principle of residential development
- Layout and Design
- Parking

Observations

Principle of residential development

The change of use is a reversion to the care use that the premises were originally used for prior to planning permission for the change of part to self-contained flats being granted earlier this year so the principle of a C2 use is already established and can be retained.

Layout and Design

The layout of the proposed changes raises no concerns and is similar to the existing layout which can continue to be used. The proposed layout raises no amenity concerns.

Parking

The revision raises no parking concerns from Highway Officers and could be considered to represent a reduction in required parking spaces. The additional living area as part of the office extension is considered ancillary to the office and can be conditioned.

Positive and Proactive working with the applicant

Officers have asked for clarification about the design of the scheme and amended plans have been submitted which enable Officers to fully support the proposals.

Recommendation

Grant permission subject to conditions

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.

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

Location plan received 29/09/16

Site plan (1749-04) received 29/09/16

Proposed floor plan (1749-03i) received 29/09/16

Proposed elevations (1749-06) received 16/11/16

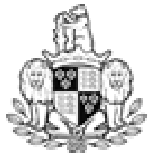
Reason: To ensure that the development undertaken under this permission shall not be otherwise than in accordance with the terms of the application on the basis of which planning permission is granted, (except in so far as other conditions may so require).

3. The office, kitchen, bedroom and en-suite hereby approved shall only be used by employees and not people who require care.

Reason: To ensure there is satisfactory amenities for occupiers and visitors of the development and to accord with UDP policies GP2, ENV32, T7 and T13.

Recommendation Summary: Grant Permission Subject to Conditions

End of Officers Report



Walsall Council

Economy and Environment, Development Management

Planning Committee

Report of Head of Planning, Engineering and Transportation on 01-Dec-2016

Plans List Item Number: 10.

Reason for bringing to committee: Non compliance with UDP

Location: 7, BRADFORD LANE, WALSALL

Proposal: CONVERSION OF EXISTING PROPERTY INTO 6NO. APARTMENTS

Application Number: 16/0201

Applicant: Simon Jakubowski

Agent: Christopher Smith

Application Type: Full Application

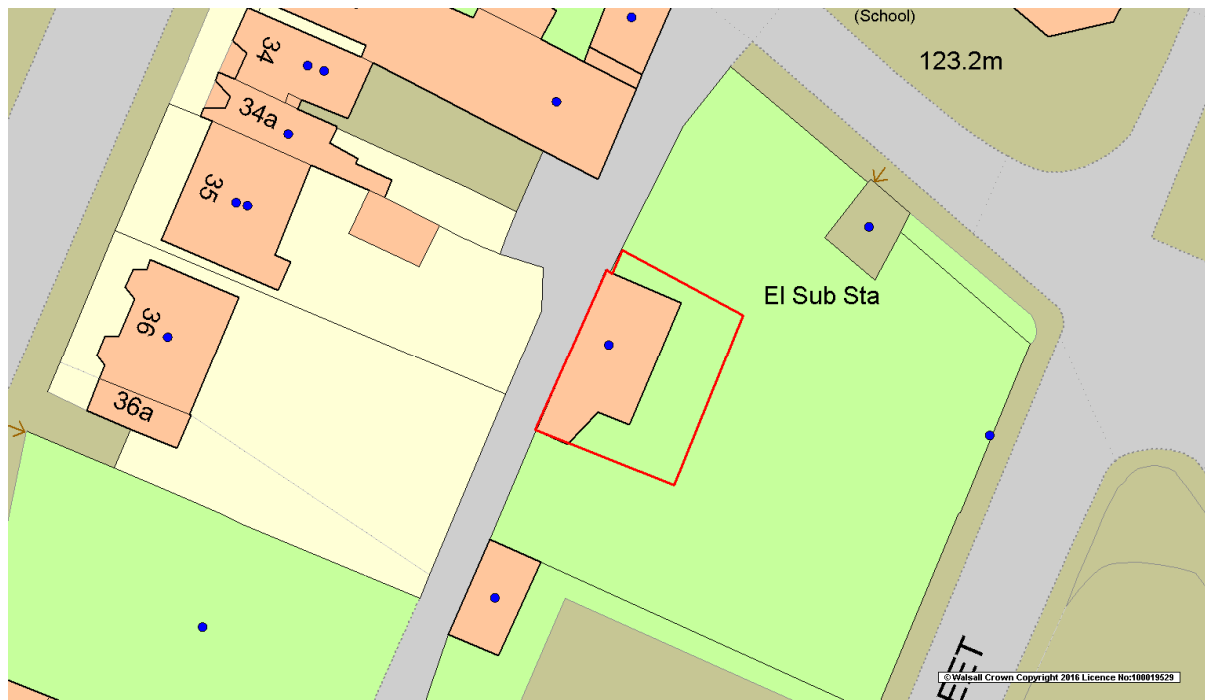
Case Officer: Mike Brereton

Ward: St Matthews

Expired Date: 03-May-2016

Time Extension Expiry: 23-Nov-2016

Recommendation Summary: Grant Permission Subject to Conditions



Officers Report

Application and Site Details

The application site is located directly adjacent to Bradford Lane and on the corner of Bradford Lane, Mountrath Street and Caldmore Road with listed buildings and the Bradford Street Conservation Area opposite to North West and Church Hill Conservation Area to North East. The Vine Trust lies directly opposite to north and a surface level car park adjoins the site to the south. The application site is within the Walsall Town Centre boundary and surrounded by a mix of commercial uses and nearby residential.

This application proposes to convert the existing vacant building to 6 x one bedroom apartments and includes 6 parking spaces illustrated to be marked out separately to the wider surface car park, bin and cycle store and defensive planting.

Relevant Policies

National Planning Policy Framework (NPPF)

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

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

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

Key provisions of the NPPF relevant in this case:

- ***NPPF 2 - Ensuring the vitality of town centres***
- ***NPPF 6 - Delivering a wide choice of high quality homes***
- ***NPPF 7 - Requiring good design***
- ***NPPF 12 - Conserving and enhancing the historic environment***

On **planning conditions** the NPPF says:

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

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

Pre-application engagement is encouraged.

Local Policy

Black Country Core Strategy

- CSP4: Place Making

- HOU1: Delivering Sustainable Housing Growth
- HOU2: Housing Density, Type and Accessibility
- CEN4: Regeneration of Town Centres
- ENV2: Historic Character and Local Distinctiveness
- ENV3: Design Quality
- ENV8: Air Quality

Unitary Development Plan

- GP2: Environmental Protection
- ENV10: Pollution
- ENV14: Development of Derelict and Previously-Developed Sites
- ENV27: Buildings of Historic or Architectural Interest
- ENV29: Conservation Areas
- ENV32: Design and Development Proposals
- ENV33: Landscape Design
- S1: Definition of Town Centre Uses
- S4: The Town and District Centres: General Principles
- S8: Housing in Town Centres
- H3: Windfall Sites on Previously Developed Land and Conversion of Existing Buildings
- T7 - Car Parking
- T13: Parking Provision for Cars, Cycles and Taxis

Emerging Walsall Town Centre Area Action Plan

The Town Centre Area Action Plan has now completed its consultation stages prior to being submitted for examination, with the exception of consultation about the Pre-Submission Modifications. Cabinet on 27th July 2016 agreed to this consultation and also resolved to advise Planning Committee that, in making planning decisions, weight can be given to those policies in the AAP where they are not the subject of objections or of Proposed Main Modifications. The following policies are relevant to this application and have not had any proposed main modifications or objections to either the policy aim or wording and can be given weight in decision making:

- AAPINV6: Secondary Development Sites in the emerging town centre AAP.
- AAPLV1: Residential Developments.

Supplementary Planning Document

Designing Walsall

- DW1 Sustainability
- DW2 Safe and Welcoming Places
- DW3 Character
- DW6 Legibility
- DW7 Diversity
- DW8 Adaptability

Policies are available to view online.

Relevant Planning History

BC48480P - Use of first floor for taxi base (6 vehicles). GSC 14/07/1997

BC46678P - Renewal of temporary permission (BC43734P) and variation of Condition 2 for continued use of first floor for taxi base. Refused 12/02/1997

Consultation Replies

Transportation – No objection subject to conditions regarding provision of parking spaces and restricting the use of door onto Bradford Lane.

Conservation Officer – No objection subject to conditions regarding exterior finish, materials and improvements to external facade.

Pollution Control – No objection subject to conditions regarding noise and contaminated land.

Clean and Green – No objection. Recommended note to applicant regarding purchase of bins.

Landscape Officer – No objection subject to condition regarding landscaping.

Planning Policy – Objects on grounds the development is not comprehensive development and has the potential to preclude other uses coming forward on the site and contrary to the Development Plan and emerging Area Action Plan.

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

Severn Trent – No objection subject to conditions regarding drainage and note to applicant regarding sewers.

Environmental Health – Support the application.

Town Centre Manager - Support the application.

Representations

- None Received

Determining Issues

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

Observations

Principle of Use

The principle of residential use in this town centre location is considered acceptable subject to providing a satisfactory level of amenity to occupiers in accordance with UDP Policy S8. Planning Policy objected on the grounds that the proposal would not result in comprehensive development of the site and has the potential to preclude other commercial uses coming forward on the site and is contrary to Policies AAPINV6 and AAPLV1 of the emerging Town Centre Area Action Plan. Policy AAPINV6 seeks to provide 'secondary development sites' in Walsall town centre to accommodate other town centre uses such as community facilities, conference banqueting and residential uses. Policy AAPLV1 also seeks to provide new homes within the town centre, including through conversion of existing buildings.

The Town Centre Area Action Plan (AAP) has now completed its consultation stages prior to being submitted for examination, with the exception of consultation about the Pre-Submission Modifications. Cabinet on 27th July 2016 agreed to this consultation and also resolved to advise Planning Committee that, in making planning decisions, weight can be given to those policies in the AAP where they are not the subject of objections or of Proposed Main Modifications. The above policies have not had any proposed main modifications or objections to either the policy aim or wording and can be given weight in decision making.

It is considered that the improved external appearance would result in a positive impact on the visual amenity of the area, in particular the adjacent and nearby Conservation Areas and Listed Buildings. The Police state the area is subject to high levels of anti social behaviour and violent crimes. It is considered the introduction of a residential use in this location has the potential to provide a degree of natural surveillance and security.

Furthermore, conversion of the existing building into residential use which is appropriate in the town centre, would bring the vacant building back into a positive use and new homes are recognised in NPPF paragraph 23 as playing 'an important role in ensuring the vitality of centres' and also encouraged by UDP Policy S8 and emerging AAP Policy AAPLV1. Notwithstanding the fact the wider site is not currently being brought forward for comprehensive development as encouraged by emerging AAP Policy AAPINV6 and it has not been demonstrated that the proposal would not prejudice the functioning of the centre (AAPINV6 and AAPLV1), on balance, it is considered the proposed re-use of the existing vacant building and proposed small site boundary is unlikely to prevent the wider site coming forward for more comprehensive development in the future. It is also unlikely to preclude other town centre uses coming forward on other parts of the site. Due to the town centre location, a higher level of noise and disturbance can be expected to be experienced by residential occupiers, particularly those in close proximity to other commercial uses. Acoustic mitigation may also be possible as part of any future development coming forward to minimise impacts. Amenity of occupiers is covered below.

Design and Character of Area

The proposal includes improvements to the exterior of the building through replacement windows and guttering, making good of walls and removal of commercial paraphernalia including an antenna. This is considered would result in a significant improvement to the appearance of the site and would make a positive contribution to the visual amenity of the nearby area, in particular the adjacent and nearby Conservation Areas and Listed Buildings. Safeguarding conditions, including those recommended by the Conservation Officer, can be included to ensure the commercial paraphernalia is removed (including radio mast and all signage and parking meters from the building and its parking spaces) plus ensuring appropriate materials are used to achieve the satisfactory appearance of development due to proximity to Conservation areas and listed buildings.

Following discussions with the applicant's agent, amendments have been made to the overall layout, including the provision of a main pedestrian entrance point, courtyard and vehicle parking to serve the development facing into the application site. A condition would be included requiring parking spaces to be reserved for the sole use of residents of the development only and shall be clearly demarcated and signed accordingly and used no other purpose. It is considered that these amendments help to distinguish the boundaries between the existing surface car park of the remainder of the site and the proposed residential part of the site and provides a more legible development.

The improvements made also provide greater natural surveillance of the resident's vehicles by occupiers of the proposed flats.

Amenity of Occupiers

The proposal does not propose or include any outdoor amenity space within the site with the exception of a small courtyard between the building and the car parking. Due to the current surface car park use adjacent to the site, it is considered any outdoor amenity space is unlikely to provide a satisfactory level of outdoor amenity due to noise and disturbance. Within the town centre boundary or in very close proximity of the town centre boundary there is publically accessible outdoor space at Church Hill (7 minutes walking time), Sister Dora Gardens and the Arboretum (15-18 minutes walking / public transport distance). On balance, the conversion of the existing building is in a sustainable town centre location (6 minutes walking distance to the town centre facilities) where residential units tend to have less outdoor amenity space than at other suburban locations in the borough. The application site is within easy reach of nearby parks and open spaces, the centre of the town with its retail frontage and mix of services, plus good public transport links to other locations.

Pollution Control have recommended, safeguarding conditions be included to ensure any contamination arising from previous uses at the site and noise arising from nearby uses are considered and addressed to ensure the safety, and an acceptable level of amenity, for future residential occupiers of the development.

The Police state the area is subject to high levels of anti social behaviour and violent crimes. It is considered the introduction of a residential use in this location has the potential to provide a degree of natural surveillance and security. A condition would be included to ensure the development is completed in line with recommended Secure by Design measures in the interest of the safety and security of future occupiers.

Planning Policy's concerns that the development may not result in a satisfactory level of amenity for future occupiers as set out in policy S8 of the UDP are noted. It is recognised that a higher level of noise and disturbance can be expected in urban locations such as town centres, when compared to more suburban locations, particularly those in close proximity to other commercial uses, than that experienced in other predominantly residential areas of the borough. In this instance, the pollution control safeguarding conditions go a significant way in mitigating and overcoming any of the potential noise amenity concerns.

On balance, it is considered the development would provide a satisfactory level of amenity for future occupiers in this sustainable town centre location subject to the conditions mentioned above.

Highways

The application proposes 100% parking provision along with secure cycle storage. It is considered the development will not have severe transportation implications and is acceptable in accordance with the NPPF.

A safeguarding condition requiring the proposed door onto Bradford Lane to be blocked to prevent pedestrian access in the interest of highways safety and the safety of the future users/occupiers of the development will be included.

Conclusion

On balance, it is considered that bringing the currently vacant building back into a positive town centre use along with improvements to the external appearance in a prominent location would benefit the visual amenity of the area, in particular the adjacent and nearby

Conservation Areas and Listed Buildings and is unlikely to preclude future development at the site or harm the functioning of the town centre and should be supported.

Positive and Proactive working with the applicant

Approve

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

Recommendation

Grant Planning Permission Subject to Conditions

Conditions and Reasons

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

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

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

- Application Form. Amended deposited 08/03/2016
- Existing Location and Block Plan. Amended deposited 11/11/2016
- Proposed Block plan. Amended deposited 18/07/2016
- Proposed Floor Plans. Amended deposited 18/07/2016
- Proposed Elevations. Amended deposited 18/07/2016

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 development, a detailed landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be submitted on a plan to an appropriate scale and shall include where applicable, details of:

- Design for external space to include proposed surfaces; and
- Full specification for boundary walls, fences, gates (showing materials, heights and their location), and paving (materials and layout).

3b. Prior to first occupation the approved details shall be fully implemented and thereafter retained as such.

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

4a. The development shall not commence until drainage plans for the disposal of foul and surface water flows have been submitted to and approved by the Local Planning Authority. (See note 5)

4b. 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 and to minimise the risk of pollution.

5a. Notwithstanding the details of the submitted documents and approved plans, prior to commencement of any part of the development, details of fenestration surrounds of all windows and doors, their material and colour, shall be submitted to an approved in writing by the Local Planning Authority.

5b. Prior to first occupation, the works shall be fully undertaken in accordance with the approved details and maintained with the approved materials in perpetuity.

Reason: To ensure the special architectural and/or historic interest of the setting of the adjacent listed building is maintained and to preserve the character and appearance of the Conservation Area.

6a. Prior to commencement of any part of the development an Acoustic Survey shall be submitted to and approved in writing by the Local Planning Authority.

6b. Mitigation measures shall be agreed in writing with the Local Planning Authority that ensure the internal acoustics will meet the requirements of British Standard BS8233:2014. (See note 3)

6c. Prior to first occupation, mitigation measures shall be fully implemented and a written Validation Report shall be submitted to the Local Planning Authority that confirms the completion of all of the agreed mitigation measures.

6d. All of the agreed mitigation measures shall remain throughout the life of the development hereby approved.

Reason: In the interest of protecting the amenity of future occupiers of the development.

7i) Prior to built development or conversion of the building commencing, a site investigation, contamination survey, having regard to current best practice shall be undertaken. (See Note for Applicant CL1)

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

iii) Prior to built development or conversion commencing a 'Remediation Statement' setting out details of remedial measures to deal with the identified and potential hazards of any contaminants present on the site and a timetable for their implementation shall be submitted to and agreed in writing by the Local Planning Authority. (See Note for Applicant CL2)

iv) The remedial measures as set out in the 'Remediation Statement' required by part iii) of this condition shall be fully implemented in accordance with the agreed timetable and retained throughout the life of the development.

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

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

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

8a. Prior to first occupation of development, all commercial paraphernalia including radio mast, signage and parking meters shall be removed from the building and any part of the application site.

8b. The approved external building works and making good of the facade/ blocking up of walls shall utilise materials which match the existing in terms of their colour, size, material and texture.

Reason: To ensure the special architectural and/or historic interest of the setting of the listed building is maintained, to preserve the character and appearance of the Conservation Area and to provide a legible development making a clear distinction between residential and commercial uses at the site.

9. Prior to the first occupation of any part of the development hereby approved;-

i) The six parking spaces shown on the approved plan 16002/005 Rev A shall be reserved for the sole use of residents of the development only and shall be clearly demarcated and signed accordingly and used no other purpose,

ii) The existing doorway onto Bradford Lane shall be permanently closed off and bricked up with materials that match in colour, texture and size to original materials,

iii) The cycle store and refuse/recycling store shall be fully implemented and brought into use for the future occupiers of the development and thereafter retained for use by the residential occupiers throughout the life of the development.

Reason: To ensure the safe and satisfactory operation of the development, and to ensure satisfactory appearance of development in accordance with UDP Policies ENV32, GP2, T7 and T13, BCCS TRAN 4.

10. 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.

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

NB. Please refer to "Note For Applicant 1" for further information.

Reason: In the interest of safety and security of future occupiers.

Notes to applicant

Secure by Design

1a. All ground floor windows and any accessible windows should have at least one pane of 6.4mm laminated glass. There should be an area of defensible space in front of all ground floor front facing 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. This may cause a problem with the building being directly on the pavement.

b. the tenancy agreement should be robust and has an option of eviction should the tenant Breach any of the rules or commit crime or cause any anti-social behaviour nuisance to either other residents of the flats or any local residents

c. the developer to be made aware of and fit the PAS 24:2012 doors. These should be on the entrance and exit doors and on the individual flats. Although not yet a requirement of Secure By Design 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.

d. On the communal entry to the apartments these should 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 may or may not 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.

e. If there are communal areas for letter boxes I recommend the DAD UK Ltd DAD009 1.5mm steel letterboxes which can be mounted in rows or in the walls and are secure and anti-identity theft proof.

f. 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.

g. 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. This development cannot see their own cars from their apartments as the staircase is placed on that side of the property. 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, this development will need to rely on passing surveillance and from premises opposite. 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. There is nothing in the application about securing these vehicles in a gated area so no comment can be made.

h. No Lead or metal should be at 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.

Clean and green

2. In order to provision bins to this address the property owner should contact Clean and green to purchase the bins.

Pollution Control

3. Noise - The aim of the survey will be to inform on the need for implementing mitigation measures such that the requirements of British Standard BS 8233: 2014 'Guidance on sound insulation and noise reduction for buildings' and 'Guidelines for Community Noise', World Health Organisation 2009 will be achieved. The following has general relevance:

- Internal noise levels within bedrooms of residential development shall not exceed a Continuous Equivalent Noise Level, L_{Aeq} 8 hours, of 30 dB together with a maximum instantaneous level# of 45 dB L_{AFmax} , between the hours 23.00 to 07.00;
- Not to be exceeded for more than 10 instances.
- Internal noise levels within habitable rooms of residential development shall not exceed a Continuous Equivalent Noise Level, L_{Aeq} 16 hours, of 35 dB, between the hours 07.00 to 23.00.
- Sound reduction from a partially open window shall be 10 dB(A). The noise survey should be conducted over a number of days (and nights) and where possible needs to be supported by some attended monitoring that records the source of some of the noises that the sound level meter is detecting.

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

CL2 - When making assessments of any contaminants identified as being present upon the land, considering their potential to affect the proposed land use and deciding appropriate remediation targets regard should be had to the advice given in CLR 11 "Model Procedures for the Management of Land Contamination", The Contaminated Land Exposure Assessment (CLEA) model (Latest Version), Science Report – SC050021/SR3 "Updated technical background to the CLEA model" and Science Report – SC050021/SR2 "Human health toxicological assessment of contaminants in soil" or any relevant successors of such guidance. This list is not exhaustive. Assessment should also be made of the potential for contaminants contained in, on or under the land to impact upon ground water. Advice on this aspect can be obtained from the Environment Agency.

CL3 - Validation reports will need to contain details of the “as installed” remediation or mitigation works agreed with the Local Planning Authority. For example photographs of earth works, capping systems, ground gas membranes, and structure details should be provided. Copies of laboratory analysis reports for imported “clean cover” materials, manufacturer’s specification sheets for any materials or systems employed together with certification of their successful installation should also be submitted. Where appropriate, records and results of any post remediation ground gas testing, shall be included in validation reports. This note is not prescriptive and any validation report must be relevant to specific remedial measures agreed with the Local Planning Authority.

Severn Trent

5. There may be a public sewer located within the application site and encourage the applicant to investigate this. Please note that public sewers have statutory protection and may not be built close to, directly over or be diverted without consent. If there are sewers which will come into close proximity of the works, the applicant is advised to contact Severn Trent Water to discuss the proposals and we will seek to assist with obtaining a solution which protects both the public sewer and the building.

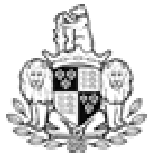
Please note, when submitting a Building Regulations application, the building control officer is required to check the sewer maps supplied by Severn Trent and advise them of any proposals located over or within 3 meters of a public sewer. In many cases under the provisions of Building Regulations 2000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

Highways

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

Recommendation Summary: Grant Permission Subject to Conditions

End of Officers Report



Walsall Council

Economy and Environment, Development Management

Planning Committee

Report of Head of Planning, Engineering and Transportation on 01-Dec-2016

Plans List Item Number: 11.

Reason for bringing to committee: Called in by Councillor Worrall

Location: MOORFIELD BUNGALOW, CARTBRIDGE LANE, RUSHALL, WALSALL, WS4 1SB

Proposal: DEMOLITION OF PART OF EXISTING BUNGALOW TO CREATE A TWO STOREY FOUR BEDROOM DWELLING WITH INTEGRAL GARAGE. AS WELL AS ENLARGEMENT OF RETAINED SECTION OF BUNGALOW, INSTALLATION OF DORMERS, A NEW CHIMNEY AND A DETACHED GARAGE.

Application Number: 15/0753/FL

Applicant: Mr and Mrs Bennett

Agent: Adam Design

Application Type: Full Application

Case Officer: Devinder Matharu

Ward: Rushall-Sheffield

Expired Date: 20-Oct-2015

Time Extension Expiry: 07-Apr-2016

Recommendation Summary: Refuse



Officers Report

Application and Site Details

The application proposes the demolition of part of existing bungalow to create a two storey four bedroom dwelling with integral garage plus enlargement of the retained section of bungalow, installation of dormers, a new chimney and a detached garage. The existing bungalow would be split into two with a small section in the middle measuring 2.1m in width and 6.1m in length being demolished.

Moorfield Bungalow is located to the rear of Moorfield, a two storey detached house. Access to both Moorfield Bungalow and Moorfield is via a driveway located to the north west off Cartbridge Lane. Adjacent the driveway to Moorfield Bungalow and Moorfield is a driveway that leads to The Hawthorns, which is a two storey detached house.

Part of the dwelling at Moorfield borders the driveway serves Moorfield Bungalow and the garden surrounds it on three sides. On the western elevation of Moorfield are windows to the kitchen and dining room at ground floor and bedroom at first floor that face Moorfield Bungalow. .

Moorfield Bungalow is an irregular shaped bungalow with the main section being rectangular measuring 25.2m wide with projecting elements to the front and rear. The main roof height is 6.2m with the pitched elements at both ends increasing to 7m high. The bungalow is set off the northern boundary by a metre and the southern boundary by approximately 4m. The bungalow is set approximately 12m from the eastern boundary with Moorfield and this area is hard surfaced and utilised for parking. There are trees along the northern boundary in front of the bungalow. There is an integral garage located on the southern end of the bungalow at the end of the driveway. A 2m high close board fence on gravel boards provides a boundary between Moorfield Bungalow and Moorfield.

The bungalow has five bedrooms and a loft space over the main part of the bungalow with a one bedroom flat on the southern side of the existing bungalow within the loft space. The existing rear garden measures 23.4m in length with a paddock to the rear of the garden measuring 65m in length. The paddock is within the Green Belt.

The Hawthorns borders the northern boundary of the application site and has a large garden to the west and a paddock area within the Green Belt. Planning permission to develop The Hawthorns site (reference 13/1727/FL) by the erection of a detached 10 bedroom house and garage and swimming pool room was granted in February 2014. The approved new dwelling would be located between Moorfield and Moorfield Bungalow with the pool room being located parallel to Moorfield Bungalow. This is within 2.7m at the nearest point to Moorfield Bungalow.

The proposed enlarged dormer bungalow to the north of the site would include three bedrooms within the roof space with en-suites and a dressing room. Two of the bedrooms would have windows facing Moorfield. A rear extension projecting 5.5m from the original rear elevation and measuring 7.8m wide and 6.8m high to accommodate a living room at ground floor and a master bedroom within the roof space is proposed. The roof above the

proposed bedroom three would have a sharp pitch 8.8m high. A chimney would be proposed on the northern elevation towards the rear living room.

The detached garage for the proposed enlarged dormer bungalow would be located along the northern corner of the site in front of the bungalow. The dimensions would be 6m by 5.5m and 4.5m high and set away from the boundary with Moorfield by 2m.

The proposed two storey dwelling would be located on the southern half of the site and would include a rear extension measuring 2.5m by 5.8m and a front extension measuring 5.9m wide and 6m in length on the southern part of the proposed dwelling to provide a four bedroom detached dwelling. The dwelling would include dormer windows on the front and rear elevations. The dormers on the front elevation would face towards Moorfield. The proportions of the proposed dwelling would include a bottom section measuring 3.85m high and a roof section 5.2m high. The total height would be 9.6m high. A chimney would be proposed on the southern elevation towards the rear living room.

A 2m close board fence would be erected between the two houses. The dormer bungalow to the northern part of the site which is to be enlarged would have a rear garden length of 17.5m and a rear garden width of 13.8m. The proposed new two storey dwelling to the south of the site would have a rear garden length of 25.5m and a rear garden width of 18.5m.

A *bat survey* has been submitted with the application which concluded the likelihood of bats being present would appear to be minimal and the scale of the potential impacts would be unlikely to result in detrimental effects on local bat populations.

A Design and Access Statement has been submitted which states:

- The site is within the residential envelope of the area
- The proposal is to change the existing bungalow into two properties by demolishing part of it with an integral garage to one and a detached garage to the other.
- The left hand side property will be enlarged in height and provision will be made for an integral garage by extending the property at the front and rear.
- The right hand side property will remain the same height and will have a rear extension and a detached garage.
- The distance between the front primary window and Moorfield is over 25m.
- The walls will be constructed out of facing brickwork
- The existing garden will be split into two with a new boundary fence.
- Two sets of Council tax are paid and the flat is a separate dwelling.

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

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

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

Unitary Development Plan

- GP2: Environmental Protection
- ENV1: The Boundary of the Green Belt
- ENV2: Control of Development in the Green Belt
- ENV3: Detailed Evaluation of Proposals within the Green Belt
- 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
- T4 - The Highway Network
- T7 - Car Parking
- T10: Accessibility Standards – General
- T13: Parking Provision for Cars, Cycles and Taxis

Supplementary Planning Document

Designing Walsall (2013)

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

- DW3 Character
- DW9 High Quality Public Realm

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

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

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

Relevant Planning History

Moorfield Bungalow

BC64967P- Outline: erection of detached bungalow. Grant Permission Subject to Conditions 2002-01-24.

02/1790/FL/E5 - Erection of 1 No Bungalow Reserved Matters to BC64967P. Approve Reserved Matters Subject to Conditions 2002-11-13.

03/0564/RM/E5- Erection of new detached dwelling. Approved Reserved Matters 2003-05-28.

The Hawthorns

13/1727/FL- Erection of a detached house and detached garage and rear swimming pool room. Grant Permission Subject to Conditions 2014-02-28.

13/0126/FL- Two storey and single storey extension and conversion back from apartments to single dwelling. Grant Permission Subject to Conditions 2013-06-12.

12/0912/FL - 1 no. detached property with detached garage. Grant Permission Subject to Conditions 2012-10-19.

13/0122/FL - Substitution of house type:1) Revised garage to measure 6m x 6m x 5.2m high2) Increasing the width of the proposed house by 1.5m3) Increasing the length by 0.2m4) Installation of 2 windows at ground floor and 2 windows at first floor on northern. Grant Permission Subject to Conditions 2013-06-14.

Consultations

Transportation – No objection subject to a planning condition relating to parking.

Pollution Control – No objection

Environmental Health – No objection

Severn Trent Water – No objection subject to drainage condition.

Representations

Nine letters of objection from two residents have been received objecting to both the original proposal and amended proposal on the following grounds:

- overdevelopment
- Existing residents unduly affected by development
- Moorfield Bungalow already had a loft conversion
- Visual amenity including dominance of new buildings and raising the roof height
- Concerns over separation distances including – minimum distances should be maintained; separation between habitable rooms should be 22m, separation of 28m between habitable rooms deemed acceptable.
- sense of enclosure
- Overlooking of habitable rooms and garden
- 5 rooms facing Moorfield
- Loss of privacy
- Loss of sunlight/daylight including neighbouring protected trees already block light, do not wish to screen new buildings with trees as trees already around site affecting light
- Increase in noise from new development, cars and visitors
- Convert the roof of the new house
- Highway and parking issues including –parking, no footpath outside Moorfield, more cars down track, increase in accidents, pedestrian safety, hazard for children, loss of on road parking, affect highway safety, heavy construction vehicles using track,
- Vibration from heavy vehicles adjacent Moorfield
- Loss of view – *Not a material planning consideration in this case*
- Want to convert roof of Moorfield
- No objection to second single storey bungalow with no overlooking windows
- 10 bedroom house approved in rear garden of The Hawthorns
- Affect saleability of Moorfield – *Not a material planning consideration in this case*

Determining Issues

- Principle of the Development
- Design and Layout
- Impact on the Amenities of Surrounding Occupiers
- Impact on Trees and Protected Species
- Parking and Access
- Local Finance Considerations

Observations

Principle of the Development

The existing site is a relatively large plot that already accommodates a large bungalow that extends 25m in length. The bungalow has rear and front projections and a large rear garden and paddock to the rear of the garden within the Green Belt. The site is previously developed given the existing bungalow on the site.

The character of the site has already been developed by the erection of this tandem back land development. To subdivide the existing bungalow to provide two dwellings/bungalows in principle could be supported on the grounds that the site is a relatively large parcel of land that could accommodate two dwellings/bungalows provided the development meets the criteria below and as such would not be considered as over development of this site.

Policies ENV14 and H3 of the UDP seek to promote development on previously developed land and on windfall sites.

Design and Layout

Moorfield Bungalow is positioned at the rear of Moorfield and would not be visible from the public realm from Carbridge Lane as such the proposal would not have a detrimental impact upon the character of the area.

From long views across the open countryside and the Green Belt to the north and west the proposed development would be visible. Planning permission was granted under planning reference number 13/1727/FL for a ten bedroom house in the side garden of The Hawthorns to the north of the site. This is still capable of implementation so is a material consideration in the determination of this application. .

It is considered that the proposed development would be viewed against the back drop of existing residential development when viewed from the Green Belt and open countryside and as such would not have a detrimental impact upon the character of the area.

The proposal would utilise the existing footprint of the bungalow in terms of its length with extensions to the front and rear elevations of the bungalow being undertaken to provide a larger dormer bungalow to the north of the site and a two storey dwelling to the south of the site.

To create a dormer bungalow to the north of the site and a two storey dwelling to the south, the proposal would seek to increase the roof height of the existing bungalow increasing by 0.4m and 1.8m respectively on parts of the proposed new dormer bungalow. The roof height to the proposed two storey dwelling would be increased by 3.4m and 2.6m respectively from the original roof heights of the existing bungalow. Furthermore, the roof of the proposed two storey dwelling would be disproportionate with the ground floor elements being 3.85m high and the roof being 5.2m high, 9.6m in overall height. This would also be the case with the retained element of the bungalow where the main roof would be increased by 0.4m to provide accommodation in the roof space leaving the ground floor at 2.6m high and the roof being 4.1m high.

The proposed two storey house and proposed dormer bungalow due to the increase in the roof heights and due to the top heavy design of the roofs which is disproportionate to the size of the building element of the dwellings would result in the development being visually prominent and dominating when viewed from the rear of Moorfield. As such the proposal would represent poor design that fails to take into account the design and character of the houses in the immediate area and is out of keeping.

It is considered that two dormer bungalows could be accommodated on the site if the roof space is reduced and better designed and incorporated into the development. However, for the reasons stated above the proposals in their current form are unacceptable in terms of the design of the top heavy roofs.

Impact on the Amenities of Surrounding Occupiers

The agent has submitted a block plan that shows the separation distance between the proposed development and Moorfield to be 25m.

Neighbouring occupiers have stated that existing residents should not be unduly affected by development and minimum distances of 22m should be maintained. They also state a separation of 28m between habitable rooms would be deemed acceptable. Neighbouring objectors have also raised concerns that permission for a 10 bedroom house on the neighbouring site has been granted and that they feel hemmed in by development. . The Hawthorns site and the application site are relatively large parcels of land that can accommodate additional housing provided they meet the residential standards and comply with other relevant development plan policy. In this case, the 10 bedroom house was approved under permission 13/1372 as it complied with policy. The proposals under this current application have been assessed in this report.

Neighbouring objectors have stated that Moorfield Bungalow has already had a loft conversion and the proposal in terms of visual amenity would create a dominance of new buildings by raising the roof heights. They also state that

They would have no objection to second single storey bungalow with any overlooking windows. The changes to the existing dwelling are not material to consideration of the current application which is addressed in this report. Also the loft conversion may have been carried out under permitted development rights.

Annexe D of Designing Walsall sets the separation distances between habitable rooms to be 24m. The residential separation distances as set out in Annexe D were agreed having undergone consultation and have been as part of an adopted policy since 2008. The habitable room separation distances were agreed to protect the amenity of neighbouring occupiers and whilst the proposal seeks to install five habitable room windows on the front elevation of development, the proposed development meets the required 24m separation distance between the habitable rooms .. In this case, it is considered that the proposed development would not unduly result in significant loss of privacy or overlooking of Moorfield to warrant refusal of the scheme.

It is considered that from the rear of this neighbouring property, Moorfield the proposed two storey house and proposed dormer bungalow due to the top heavy roof structures would be visually detrimental and would result in loss of visual amenity for the occupiers of Moorfield. Furthermore, the existing relationship between the two properties is one where Moorfield is a two storey house and Moorfield Bungalow a bungalow, which respects the relationship of the two properties in such close proximity. To increase the roof height of the existing bungalow and to sub divide to provide two dwellings creating two top heavy roof structures in such close proximity would in effect have a detrimental visual impact on the neighbouring occupiers.

Neighbouring objectors have also raised concerns that the proposal would

result in loss of sunlight/daylight. They also consider that neighbouring protected trees already block light and they do not wish to screen new buildings with trees as trees already around site affect light. Any shading from the proposed development would be within the front area of the existing site, Moorfield Bungalow and any potential loss of sunlight would occur in the late afternoon when the sun would already be lower in the sky. As such it is considered that the proposal would not unduly result in loss of daylight or sunlight to warrant refusal of the application.

Neighbours have stated that in the future Moorfield would want to convert the roof space. The conversion of the roof space would not be prejudiced by this application, as under permitted development rights dormer windows can be installed which would not be subject to a planning application. Furthermore, the scheme submitted under this proposal complies with the 24m.

Further objections refer to heavy construction vehicles using the track next to Moorfield resulting in vibration and the increase in noise from new development, cars and visitors. Any noise and vibration from construction vehicles would be for a short period of time and on balance, it is considered that this would not be significantly detrimental to the amenities of the occupiers of Moorfield to warrant refusal of the scheme. A condition is recommended to protect the amenities of the occupiers of Moorfield Bungalow by restricting the hours of construction. Any noise related to visitors and cars utilising the driveway would be ambient and would not be significantly detrimental to the amenities of the occupiers of Moorfield to warrant refusal of the scheme.

Impact on Trees and Protected Species

The application will result in the loss of some small trees to accommodate the garage for the right hand side dwelling; however, they are of low arboricultural value and do not merit retention or protection. There are other more mature trees on and adjacent the site (one of which has a TPO); however, the application will have little or no impact on their long term health and stability. Consequently, the Arboricultural Officer has no objections to the application.

The submitted bat survey states “likelihood of bats being present would appear to be minimal and the scale of the potential impacts would be unlikely to result in detrimental effects on local bat populations”. On this basis, the Ecology Officer has concluded that the proposal is unlikely to have any significant impact on local bat populations. However, conditions are recommended to ensure that if bat roosts are found then the applicant contacts Natural England.

Parking and Access

The development would modify and alter the existing five bedroom bungalow and self contained flat to create a 4 bed dwelling and a 3 bed dwelling.

Within the site parking for at least 3 cars per dwelling is provided which accords with Policies GP2, T7 and T13 of the UDP.

Neighbouring objectors have raised concerns about parking with more cars down the track and the increase in accidents as well as pedestrian safety with there being no footpath outside Moorfield. They also raise concerns about hazards for children, the loss of on road parking affecting highway safety.

The Transportation officer advises that the access to the site is via an existing private access drive which is long narrow and is not wide enough for two vehicles to pass. However, the difference in the number of vehicle trips to the proposed development comprising a 3 and a 4 bedroom dwelling compared to the frequency of vehicle trips to a large 5 bedroom dwelling with self-contained flat are unlikely to be significantly higher and hence the development is considered unlikely to result in a significant intensification of the existing access. Furthermore, the existing track would be a shared surface for both vehicles and pedestrians where drivers would drive more carefully to avoid any incidents.

On this basis it is considered that the development will not have severe transportation or highway implications and is acceptable in accordance with the NPPF.

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 a single additional dwelling.

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.

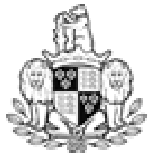
Positive and proactive statement

The agent and applicant have both been advised that the proposed development cannot be supported and given an opportunity of amending the scheme to overcome officer's concerns. Unfortunately, the agent and applicant have not taken the case officers advice and as such the submitted proposal cannot be supported.

Recommendation: Refuse

The proposed two storey house and proposed dormer bungalow due to both the increase in the roof heights and the top heavy design of the roofs would result in the development being visually prominent and dominating when viewed from the rear elevation of Moorfield. The design of the roofs of the proposed dwellings is also disproportionate and top heavy and consequently out of keeping with the character of surrounding properties. As such the proposal would represent poor design that fails to take into account the design and character of the houses in the immediate area and contrary to Policies CSP4, ENV2 and ENV3 of the Black Country Core Strategy, Saved Policies GP2, 3.6, 3.7, 3.113, 3.114, 3.115, 3.16 and ENV32 of the Walsall Unitary Development Plan and Policies DW3 and DW9 of Designing Walsall SPD.

End of Officers Report



Walsall Council

Economy and Environment, Development Management

Planning Committee

Report of Head of Planning, Engineering and Transportation on 01-Dec-2016

Plans List Item Number: 12.

Reason for bringing to committee: Called in by Cllr Wilson who considers the proposals require delicate consideration

Location: 36 , KNIGHTS HILL, ALDRIDGE, WS9 0TG

Proposal: SINGLE STOREY EXTENSION TO FRONT OF PROPERTY AND GARAGE CONVERSION

Application Number: 16/0706

Applicant: Mr & Mrs Steven Walls

Agent: Miss Kelly Holmes

Application Type: Full Application

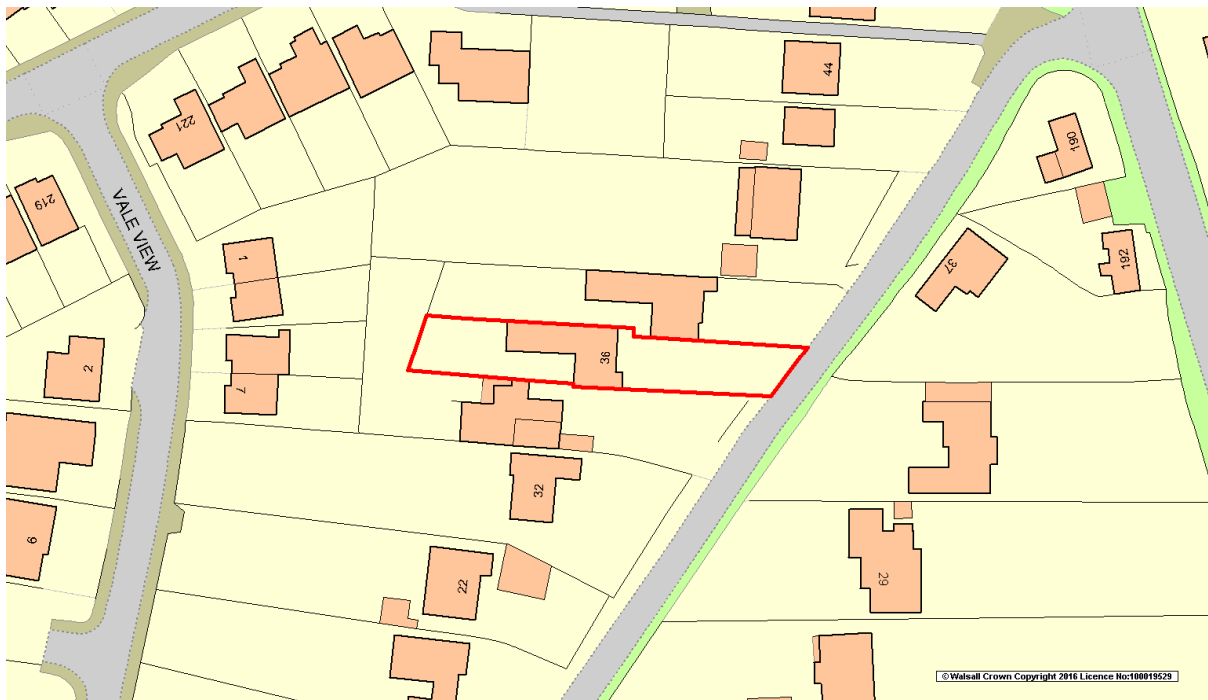
Case Officer: Devinder Matharu

Ward: Aldridge Central And South

Expired Date: 29-Sep-2016

Time Extension Expiry: 10-Nov-2016

Recommendation Summary: Grant Permission Subject to Conditions



Officers Report

Current Status

This application was first considered by Planning Committee on 3rd November 2016 where a resolution was reached to grant permission subject to conditions. Further to this resolution, the application has been recalled to this Committee as it is apparent that an objector who wished to speak at the last committee was unable to do so. Accordingly, as the decision to grant was made without knowledge of the neighbour's concerns, the application is being re-presented.

Since the previous meeting on the 3rd November, the Horse Chestnut tree at the front of the neighbouring property number 34 Knights Hill has been protected by virtue of a Tree Preservation Order. This order was requested by the neighbour and owner of the tree.

As noted in the original report, the proposed development does not have an impact on the Horse Chestnut tree and this extends to both the crown and the root protection area. To ensure the tree is not affected by deliveries associated with the development, an additional condition is recommended to ensure a scheme for the delivery of materials to the site and their storage is agreed prior to the commencement of development to ensure the tree is not affected during the construction process.

The original report now follows including the amended wording for condition 6 as referred to in the supplementary paper for committee on 3rd November 2016 and the additional condition for the protection of the Horse Chestnut tree .

Site Description & Proposals

The application property is a four bedroom detached house which is set 20 metres from the back of the footway.

The frontage of the dwelling features laid lawn with maturing trees and shrubs and tarmac driveway leading to an attached garage. The front elevation features white render, two sets of double windows, wooden doorway and flat roof. Only the side elevation facing Number 34 is visible from the street scene due to a staggered building line throughout the road. There is a large Horse Chestnut tree in the neighbour's front garden.

The proposal seeks permission for a single storey extension in front of the garage 6m in length and 3.5m wide and with a flat roof at a height of 4m. There are to be no side facing windows and one centralised roof light within the proposed extension. The existing garage will be converted and together with the proposed extensions will form a kitchen, W.C and lounge/bedroom to enable a family member to reside at the premises.

Relevant Policies

National Planning Policy Framework (NPPF)

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

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

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

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

Key provisions of the NPPF relevant in this case:

- **NPPF 7 - Requiring good design**
- **NPPF 12 – Conserving and enhancing the Historic Environment.**

On **planning conditions** the NPPF says:

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

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

Local Policy

Black Country Core Strategy

- CSP4: Place Making
- ENV1: Nature Conservation
- ENV2: Historic Character and Local Distinctiveness
- ENV3: Design Quality

Unitary Development Plan

- GP2: Environmental Protection
- ENV2: Historic Character and Local Distinctiveness
- ENV18: Existing Woodlands, Trees and Hedgerows
- ENV32: Design and Development Proposals

Supplementary Planning Document

Designing Walsall

- DW3 Character
- Appendix D

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

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

Relevant Planning History

06/1032/FL/H4 - Extension to form first floor – Refused 07/08/2006

Consultation Replies

Pollution Control – No objections.

Transportation – No objections subject to a condition to secure parking for three vehicles. The increase in the number of bedrooms can be accommodated on the driveway in accordance with policy T13.

Tree Officer – No objections. There is an early mature Horse Chestnut in a neighbouring property at 34 Knights Hill, it is not protected by a TPO or within a Conservation Area but is a significant tree of good form that has good public visual amenity. The tree would appear to be approximately 9.0m away from the proposed extension, this should be adequate enough distance for the proposal not be of significant detriment to the tree, the majority of the roots would be on the tree owner's property and any significant roots are less likely to exist under the more hostile environment under the tarmac driveway of the applicant's property. There may be a need to crown raise the tree over the driveway to allow access for larger vehicles but this could be achieved at any time under common law. The proposals are unlikely to have any significant implications for the Horse Chestnut tree.

Representations

Three letters of objection from neighbours concerned with the proposals effect on a nearby horse chestnut tree, the resulting underground pipe-work and the possibility of the plot becoming over-developed.

Determining Issues

- Appearance within the street scene
- Effect on Neighbouring Property
- Parking and Access

Observations

Appearance within the street scene

The street scene is that of diverse and individually designed dwellings set back from the highway on a staggered building line at a 40 degree angle to Knight's Hill. Despite the projection in front of the house it is considered that a development such as the one proposed would not have an adverse effect on the street scene as it is in keeping with the current appearance of the dwelling within the street scene and follows the staggered building pattern.

The Tree officer is satisfied that the proposals will not harm the health of the Horse Chestnut tree in the adjacent neighbouring property.

The design of the proposals matches that of the original dwelling despite neighbours concerns that the plot is overdeveloped it remains in keeping with the character of the original dwelling.

Effect on Neighbouring Property

The proposed extension would not comply with the Council's 45 degree policy. However, due to the staggered nature of the properties on Knight's Hill, the street scene as a whole does not comply with this policy. Further to this, the effects appreciated by neighbouring properties from the proposed extension would not be significant. There is no impact on privacy as there are no windows that would cause significant overlooking of the adjacent houses (w.c. and secondary lounge windows only in the side elevations) and as the proposal is single storey it will not significantly harm outlook. Given the orientation there is no significant impact on loss of light .

Impact on underground pipes is covered under building regulations.

A condition is recommended to prevent the extensions being utilised as independent living accommodation not related to the occupiers of the existing dwelling as this would require further consideration of the parking and amenity aspects of the proposals.

Parking and Access

The proposals enable adequate off street parking for the resulting number of bedrooms. This will be secured by a recommended condition.

Positive and Proactive working with the applicant

The agent has responded to any queries the Officer raised during the decision making process. The design is considered acceptable to enable support for the proposals.

Recommendation Grant permission subject to conditions.

Conditions and Reasons

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

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

2: This development shall not be carried out other than in accordance with the plans submitted alongside the application (dated 04/08/2016)

-Drawing Numbers SW-002 REV B

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

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

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

4a: Prior to the development first coming into use, the extended parking area to accommodate three parking spaces shall be fully consolidated, hard surfaced and drained so that surface water run-off from these areas does not discharge onto the highway or into any highway drain.

4b: The parking spaces shall thereafter be retained and used for no other purpose.

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

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

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

6. The extension hereby permitted shall be used for purposes ancillary to the residential use of the dwelling known as 36 Knights Hill only and for no other purpose.

Reason: To safeguard the amenities of the occupiers of the dwelling known as 36 Knights Hill and occupiers of adjoining dwellings. The site is not suitable for independent occupation because of the lack of separate amenity space from the residential dwelling known as 36 Knights Hill; the impact upon privacy of the occupiers of 36 Knights Hill and adjacent dwellings; and the additional parking which would be required for a separate dwelling cannot be provided on site. The use of the extension as a separate dwelling would not comply with policy H10 of Walsall's Unitary Development Plan.

7a. Prior to the commencement of development, details shall be submitted to and approved in writing by the Local Planning Authority for the delivery and storage of materials associated with the development hereby approved.

7b. The development shall thereafter be implemented in accordance with the agreed details.

Reason: To ensure the crown and root system of the protected Horse Chestnut tree at 34 Knights Hill is not adversely affected by the construction process.

Notes for applicant: Transportation

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

Recommendation Summary: Grant Permission Subject to Conditions

End of Officers Report