

## REPORT TO PLANNING COMMITTEE

10<sup>th</sup> June 2020

<b>Application Reference</b>	DC/20/63913
<b>Application Received</b>	2 <sup>nd</sup> February 2020
<b>Application Description</b>	Proposed 1 No. 4 bedroom dwelling with associated car parking and boundary fencing.
<b>Application Address</b>	Land To The Rear Of Churchills, 8 Walsall Street, Wednesbury, WS10 9BZ
<b>Applicant</b>	Mr Chris Wardle
<b>Ward</b>	Wednesbury North
<b>Contribution towards Vision 2030:</b>	
<b>Contact Officer(s)</b>	William Stevens 0121 569 4897 <a href="mailto:William_stevens@sandwell.gov.uk">William_stevens@sandwell.gov.uk</a>

### RECOMMENDATION

Subject to no adverse comments from West Midlands Police, the Fire Service, or the Ambulance Service, approval is recommended subject to:

- (i) The approval of external materials,
- (ii) Details of levels changes, retaining walls and finished floor levels,
- (iii) Details of the proposed drainage works,
- (iv) Archaeology investigation, and recording,
- (v) Parking space retention,
- (vi) Electric vehicle charging point details, and retention,
- (vii) Secure cycle store details, retention,
- (viii) Permitted Development Rights removed for loft conversions with dormer windows, and new external windows and doors,
- (ix) Hard and soft landscaping scheme,
- (x) Boundary Treatment,
- (xi) Refuse storage,
- (xii) Site management plan including wheel washing, noise mitigation measures and hours of construction,
- (xiii) Coal Authority investigation, mitigation measures,
- (xiv) Ground conditions, mitigation measures

## 1. BACKGROUND

- 1.1 This application is being reported to your Planning Committee because the application has generated significant interest.
- 1.2 To assist members with site context, a link to google maps is provided below:

[Rear 8, Walsall Street, Wednesbury](#)

- 1.3 Members may also recall visiting the site in 2019 when determining application DC/19/62695.

## 2. SUMMARY OF KEY CONSIDERATIONS

- 2.1 The site is unallocated but was last used as a bowling green to the then local public house, now known as Churchills.
- 2.2 The material planning considerations which are relevant to this application are:-

Government policy (NPPF)  
Previous Reasons for Refusal  
Overlooking/loss of privacy  
Loss of light and/or outlook  
Overshadowing  
Design, appearance and materials  
Access, highway safety, and parking  
Noise and disturbance from the scheme  
Archaeology  
Loss of trees

## 3. THE APPLICATION SITE

- 3.1 Churchills is located on the north side of Walsall Street, close to Wednesbury Town Centre. Its former bowling green, located at the rear of the club building, is surrounded by housing off Squires Walk and Hollies Drive. Only pedestrian access exists to the application site via the existing club premises. However, there is an existing private un-adopted drive serving as a vehicular access to 5 houses in Hollies Drive and Squires Walk which extends along the northern boundary of the former bowling green. There is a pedestrian gate into the application site from the private drive but no vehicular access into the site. There is a significant (2-3m)

drop in levels from the access drive down to the level of the former bowling green and the embankment is covered in existing self-setting shrub and tree planting.

#### **4. PLANNING HISTORY**

4.1 Planning Committee refused Planning Permission in 2019 (DC/19/62695) for 2 No. 3 bedroom dwellings for the following reasons:

- i) The development would be out of character with surrounding historic street scene by reason of its modern design, contrary to the Adopted Revised Residential Design Guide.
- ii) The development would be Detrimental to the amenities of neighbouring residential property by reason of loss of light, outlook and privacy.
- iii) The development would be contrary to the provisions of the Adopted Revised Residential Design Guide (Appendix 3 – Highways Guide) and therefore would be detrimental to highway safety on the grounds that it would (a) exceed the number of dwellings that can be served off a private drive; (b) the private drive is insufficient in width to allow two vehicles to pass, (c) that the proposed parking spaces are below recommended standard sizes, and (d) visibility on exit/egress from the drive is unsatisfactory.

4.2 Relevant planning applications are as follows: -

4.3	DC/19/62695	Proposed 2 No. 3 bedroom dwellings.	Refused 9 <sup>th</sup> May 2019
	DC/17/60987	Retention of 2 bed flat, storage shed, decking and fencing at first floor, and of part of former bowling green as a beer garden/play area with play equipment at rear.	Refused 25 <sup>th</sup> January 2018

#### **5. APPLICATION DETAILS**

5.1 The applicant has submitted a revised planning application in order to address the previous reasons for refusal (points 4.1 and 10.3).

5.2 The applicant proposes to erect one, 4 bedroom dwelling with associated car parking and boundary fencing, resulting in the increase in levels to the north of the site.

- 5.3 The dwelling would be of irregularly L-shaped and measure a maximum width of 11.0m a maximum depth of 11.0m and a maximum height of 8.1m.
- 5.4 Properties in Hollies Drive are between 22m and 34m away from windowed elevations of the development and the nearest properties facing the site in Brunswick Terrace and Squires Walk are 17m and 10.5m respectively, however no habitable windows are proposed on these elevations. The Council's minimum separation distances for windowed elevations is 21m.

## **6. PUBLICITY**

- 6.1 The application was publicised by neighbour notification letters and 11 objections have been received including a 38-signature petition objecting to the proposal.

### **6.2 Objections**

Objections have been received on the following grounds: -

- i) Inadequate access, narrowness and inadequate visibility;
- ii) Insufficient parking causing parking problems;
- iii) Noise;
- iv) Loss of light;
- v) Loss of privacy;
- vi) Over-shadowing and loss of outlook;
- vii) Problems with drainage and other service provision;
- viii) Loss of greenspace;
- ix) The land should only be used for recreational purposes as identified in the deeds;
- x) Residents do not believe that the applicant has a right of vehicular access over the private drive;
- xi) Concern that any new occupants would be eligible for the residents parking scheme, already at capacity;
- xii) Removal of established tree/hedge planting would damage the character of the area;
- xiii) The development would detract from this old and historical part of Wednesbury as the surrounding property are Victorian in character;
- xiv) Damage to the private access drive, particularly during construction;
- xv) Difficulty for emergency vehicles to gain access;
- xvi) The development does not constitute affordable housing;
- xvii) The applicant has not addressed the previous reasons for refusal,
- xiv) Concerns over the Coal Report as the one submitted refers to the previous scheme.

## 6.3 Responses to objections

I respond to the objector's comments in turn;

- i) The amended plans allow the applicant's vehicles to turn around on site and leave and enter the site in a forward gear. Therefore, the Council's Highways Department has raised no objections (point 7.2 below).
- ii) The applicant is to provide three off-street parking spaces in accordance with the Council's Revised Residential Design Guide.
- iii) It is not considered that a single dwelling on the site would cause undue noise in the long term. There would undoubtedly be some disruption during construction, but this would be temporary.
- iv) The proposal is unlikely to create any significant loss of light, privacy, overshadowing to the existing surrounding properties due to the orientation of the proposed development to neighbouring property and the separation distance mentioned in point 5.4 above.
- v) See point 6.3 iv).
- vi) See point 6.3 iv).
- vii) Drainage of the development would be dealt with by planning condition and via Building Regulations should your Committee be minded to approve the application. Any other issues arising with other underground services fall outside the remit of the determination of this application.
- viii) Whilst the loss of the bowling green is unfortunate it is not a publicly accessible or designated green space. It was a private bowling green linked to Churchills and has become overgrown due to lack of use. There is no requirement for Sport England to be consulted on the matter given that it has been out of use for over 5 years. The owner is attempting to establish a suitable alternative use/development for the land.
- ix) Specific clauses contained in private property deeds cannot be challenged by the local planning authority. Planning permission does not override these issues and this would be a matter for the objectors to pursue separately with the applicant.
- x) The applicant was asked about their right to use this access, and they state that they have the legal rights over this land.
- xi) The site now provides adequate off-street parking. Any request for a parking permit will need to be approved by the relevant department.
- xii) The self-setting hedging/trees within the application site are unprotected. They do support wildlife, but the applicant could remove this landscaping without prior planning consent. The proposal does show that some planting would be retained and could be enhanced with a suitable landscaping condition.
- xiii) It is not disputed that this area of Hollies Drive has a distinctive historic character, however the proposed development is set back

- from the road and would therefore not be seen in context to this street scene.
- xiv) Any damage caused to the private access drive during the construction phase would be a private matter for the applicant to resolve with the residents concerned.
  - xv) Emergency services were consulted on the previous application DC/19/62695 without objection. This application is a reduction in numbers, however the Police, West Midlands Fire Service and the Ambulance Service have been consulted and at the time of writing this report no comments had been received.
  - xvi) The affordable housing policy within the adopted development plan only applies where a development is 10 dwellings or more.
  - xvii) See point 10.3,
  - xviii) The Coal Authority have raised no objections refer to 7.4 below

## **7. STATUTORY CONSULTATION**

### **7.1 Planning and Transportation Policy**

The site is unallocated within the development plan and would therefore be assessed as Windfall Development (Policy SAD H2) and is considered acceptable from this policy context. The development is liable for the Community Infrastructure Levy.

### **7.2 Highways**

No objections raised and that the applicant has now addressed the previous reasons for refusal.

### **7.3 Public Health (Air Quality and Air Pollution Noise)**

Based on the previous application the Air Quality Team recommends the installation of an electric vehicle charging point. The Noise Team has no objections subject to construction hours being controlled.

### **7.4 The Coal Authority**

No objections raised subject to the standard site investigation and remediation works condition being attached to any approval.

### **7.5 West Midlands Fire Service**

Comments to be tabled once received.

### **7.6 West Midlands Police**

Comments to be tabled once received.

## 7.7 West Midlands Ambulance Service

Comments to be tabled once received.

## 8. GOVERNMENT GUIDANCE/NATIONAL PLANNING POLICY

8.1 National Planning Policy Framework promotes sustainable development but states that that local circumstances should be taken into account to reflect the character, needs and opportunities for each area.

8.2 Paragraph 109 of the adopted NPPF states:

*Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.*

The Council's Highways Department has raised no concerns.

## 9. LOCAL PLANNING POLICY

9.1 The following policies of the Council's Local Plan are relevant:-

ENV3: Design Quality

ENV5: Flood Risk, Sustainable Drainage System and Urban Heat Island Effect

SAD EOS9: Urban Design Principles

Revised Residential Design Guide

9.2 ENV3 and SAD EOS9 refers to well-designed schemes that provide quality living environments. In the main the layout is considered to be acceptable, subject to conditions relating parking layout, refuse storage and secure cycle storage. With regards to policy ENV5 any approval would require a drainage condition.

9.3 The application site is unallocated in the adopted development plan. The provision of a new dwelling is therefore considered in accordance with adopted supplementary guidance set out in paragraph 9.1 above. The internal space standards and provisions set out in the Revised Residential Design Guide have been met by the applicant in this case.

## 10. MATERIAL CONSIDERATIONS

10.1 The material considerations relating to Government Policy (NPPF) and proposals within the local plan have been referred to above in Sections 8

and 9. With regards to the other considerations these are highlighted below:

## 10.2 Previous Reasons for Refusal

In my opinion, the applicant has addressed the three reasons for refusal mentioned in 4.1 i), ii), and iii)

4.1 i) See point 10.6

4.1 ii) See points 10.3, 10.4 and 10.5

4.1 iii) See points 7.2 and 10.7

## 10.3 Overlooking/loss of privacy

The proposal accords with the Council's Revised Residential Design Guide separation distances (point 5.4), therefore it is anticipated that the proposal would not cause any significant loss of privacy, light, outlook or overshadowing to occupiers of nearby residential properties.



The original application DC/19/62695 had the potential for overlooking issues, with plot 2 in particular overlooking the rear wing of Squires Walk.





Plot 2 of DC/19/62695 has been replaced with parking, removing the potential overlooking and privacy issues of the previous scheme.

It is recommended that Permitted Development rights are removed for dormer windows to safeguard the overlooking issues, this also includes further windows and doors in the north elevation.

#### 10.4 **Loss of light and/or outlook**

See point 10.3

#### 10.5 **Overshadowing**

See point 10.3

#### 10.6 **Design, appearance and materials**

The design of the building has been changed to match the style of other properties in the area. However, it is important that high quality, matching external materials are approved by condition that complement the existing properties.

#### 10.7 **Access, highway safety, and parking**

The Council's Highways Department has raised no objections.

#### 10.8 **Noise and disturbance from the scheme**

It is not considered that a single dwelling on the site would cause undue noise in the long term. There would undoubtedly be some disruption during construction, but this would be temporary.

## **10.9 Archaeology**

The area is classed as having potential archaeological importance. Therefore, the standard, archaeological condition would be attached to any approval.

## **10.10 Loss of trees**

None of the trees have Tree Preservation Orders (TPOs) on them and could be felled without Planning Permission. However, in order to retain some greenspace, it is anticipated that any approval will have a landscaping condition attached, seeking to enhance the quality of green space on site.

## **11. IMPLICATIONS FOR SANDWELL'S VISION**

- 11.1 The proposal supports Ambitions 7 and 10 of the Sandwell Vision 2030: -
- 11.2 Ambition 7 – We now have many new homes to meet a full range of housing needs in attractive neighbourhoods and close to key transport routes.
- 11.3 Ambition 10 – Sandwell has a national reputation for getting things done, where all local partners are focussed on what really matters in people's lives and communities.

## **12. CONCLUSIONS AND SUMMARY OF REASONS FOR THE RECOMMENDATIONS**

- 12.1 The proposal is policy compliant and there are no other unsatisfactory material considerations to warrant refusal of the application.

## **13. STRATEGIC RESOURCE IMPLICATIONS**

- 13.1 When a planning application is refused the applicant has a right of appeal to the Planning Inspectorate, and they can make a claim for costs against the council.

## **14. LEGAL AND GOVERNANCE CONSIDERATIONS**

- 14.1 This application is submitted under the Town and Country Planning Act 1990.

## **15. EQUALITY IMPACT ASSESSMENT**

15.1 There are no equality issues arising from this proposal and therefore an equality impact assessment has not been carried out.

## **16. DATA PROTECTION IMPACT ASSESSMENT**

16.1 The planning application and accompanying documentation is a public document.

## **17. CRIME AND DISORDER AND RISK ASSESSMENT**

17.1 West Midlands Police have been consulted, and Members will be updated accordingly.

## **18. SUSTAINABILITY OF PROPOSALS**

18.1 Refer to the National Planning Policy Framework (8), Local Plan policies (9) and material considerations (10).

## **19. HEALTH AND WELLBEING IMPLICATIONS (INCLUDING SOCIAL VALUE)**

19.1 Refer to the summary of the report (12).

## **20. IMPACT ON ANY COUNCIL MANAGED PROPERTY OR LAND**

20.1 There will be no impact.

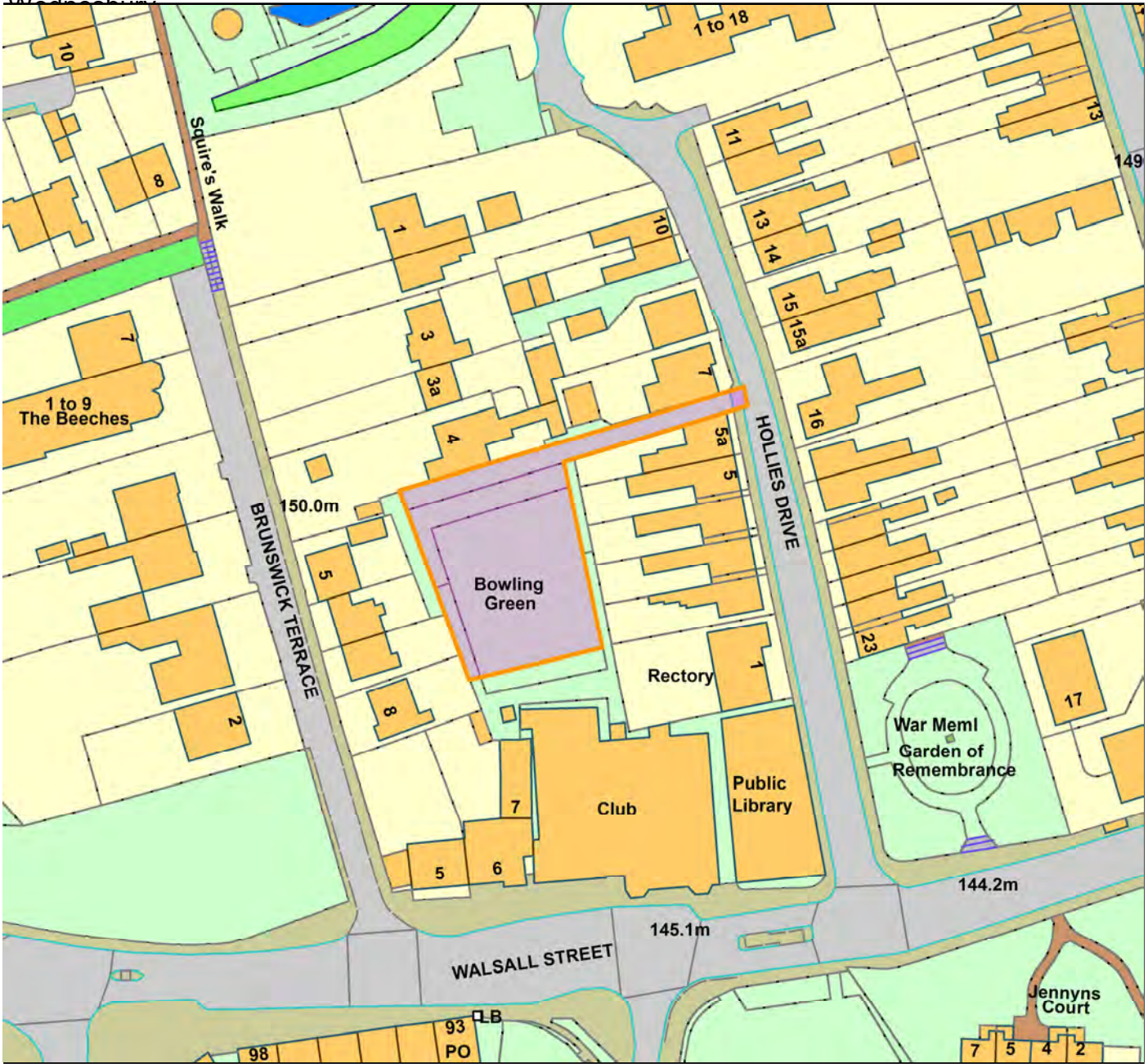
## **21. APPENDICES:**

Site Plan  
Context Plan  
17-34-30A  
17-34-31  
17-34-32  
17-34-23A  
17-34-24A  
17-34-22A

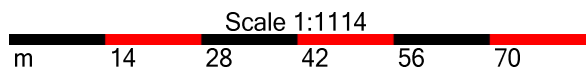
DC/20/63913

Land to the rear of Churchills, 8 Walsall Street,

Walsall



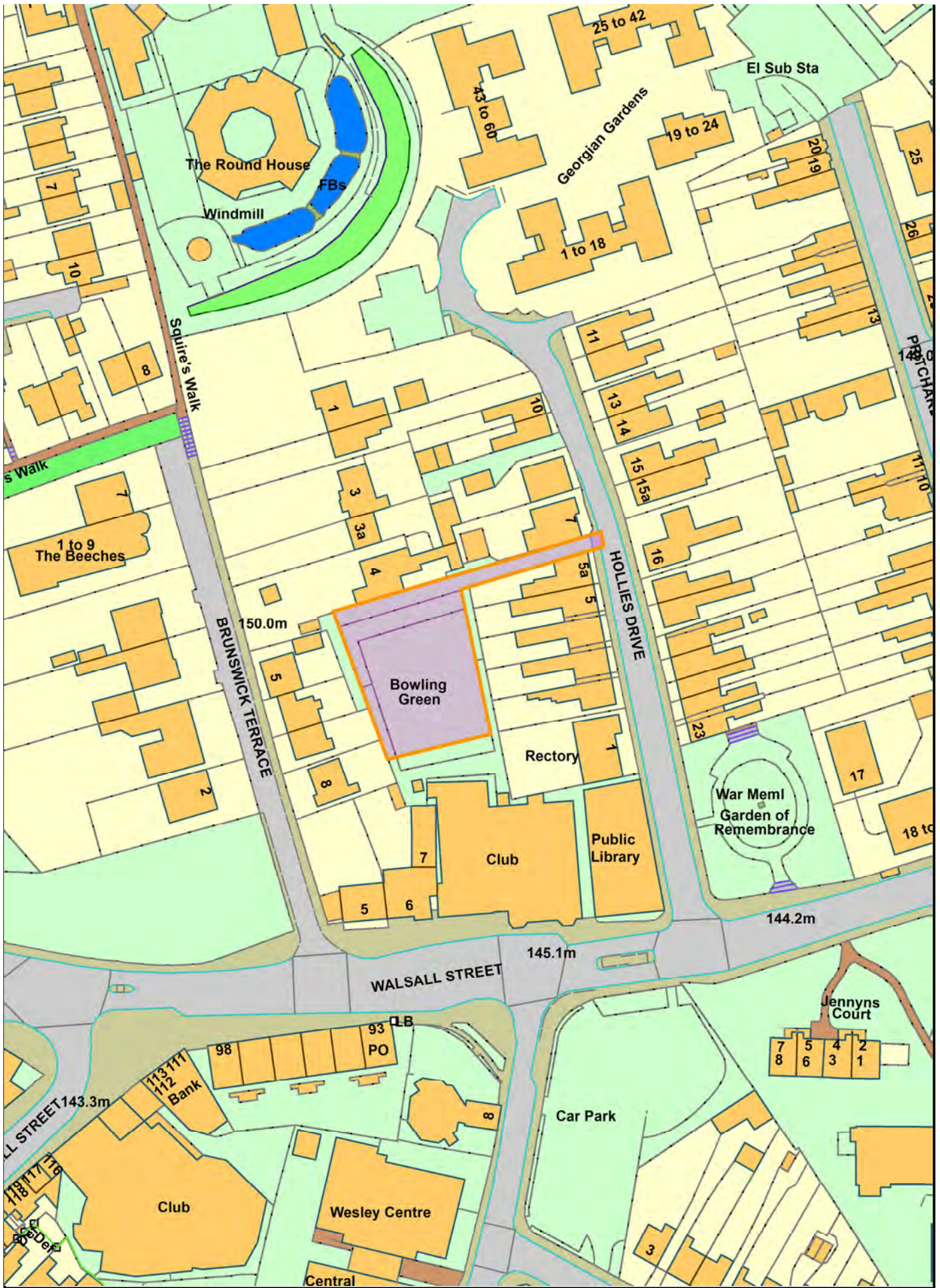
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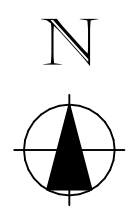
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<b>Organisation</b>	Not Set
<b>Department</b>	Not Set
<b>Comments</b>	Not Set
<b>Date</b>	21 May 2020









# BLOCK PLAN

## SCALE 1:500

Based on Ordnance Survey 1:1250 scale mapping  
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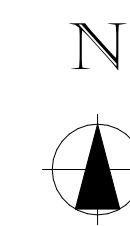
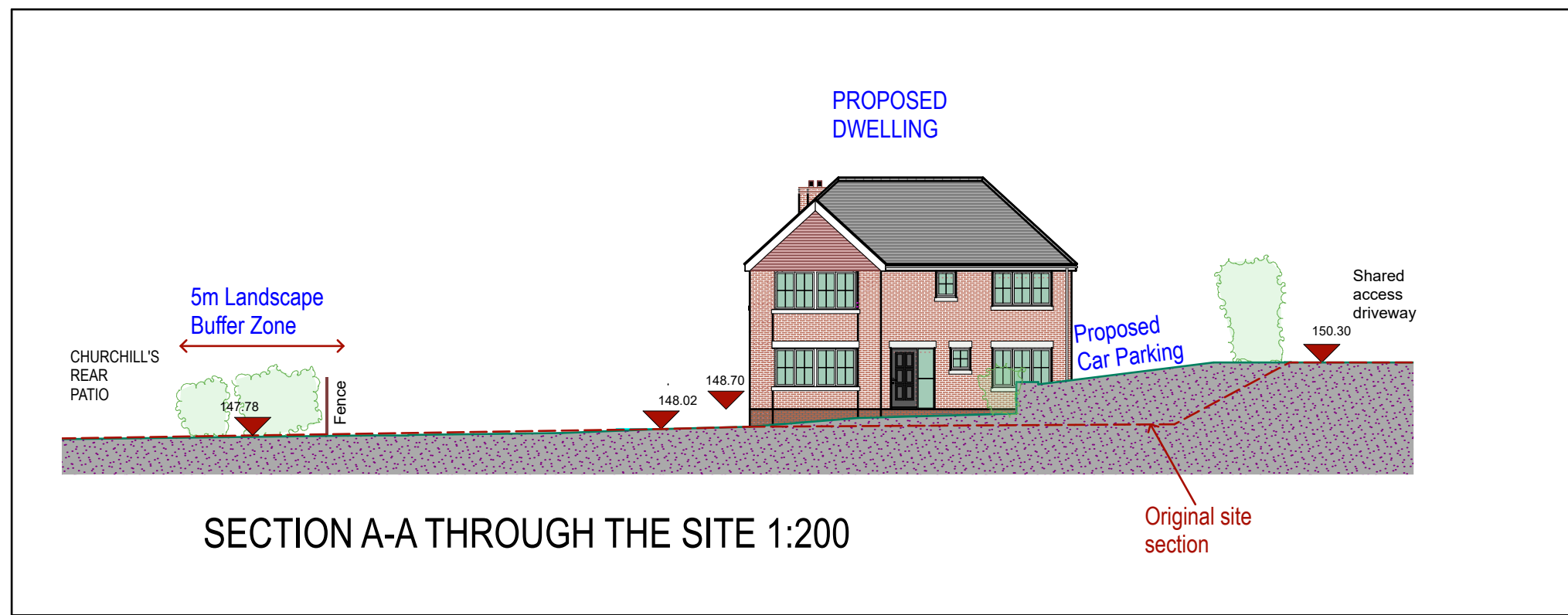
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### KEY

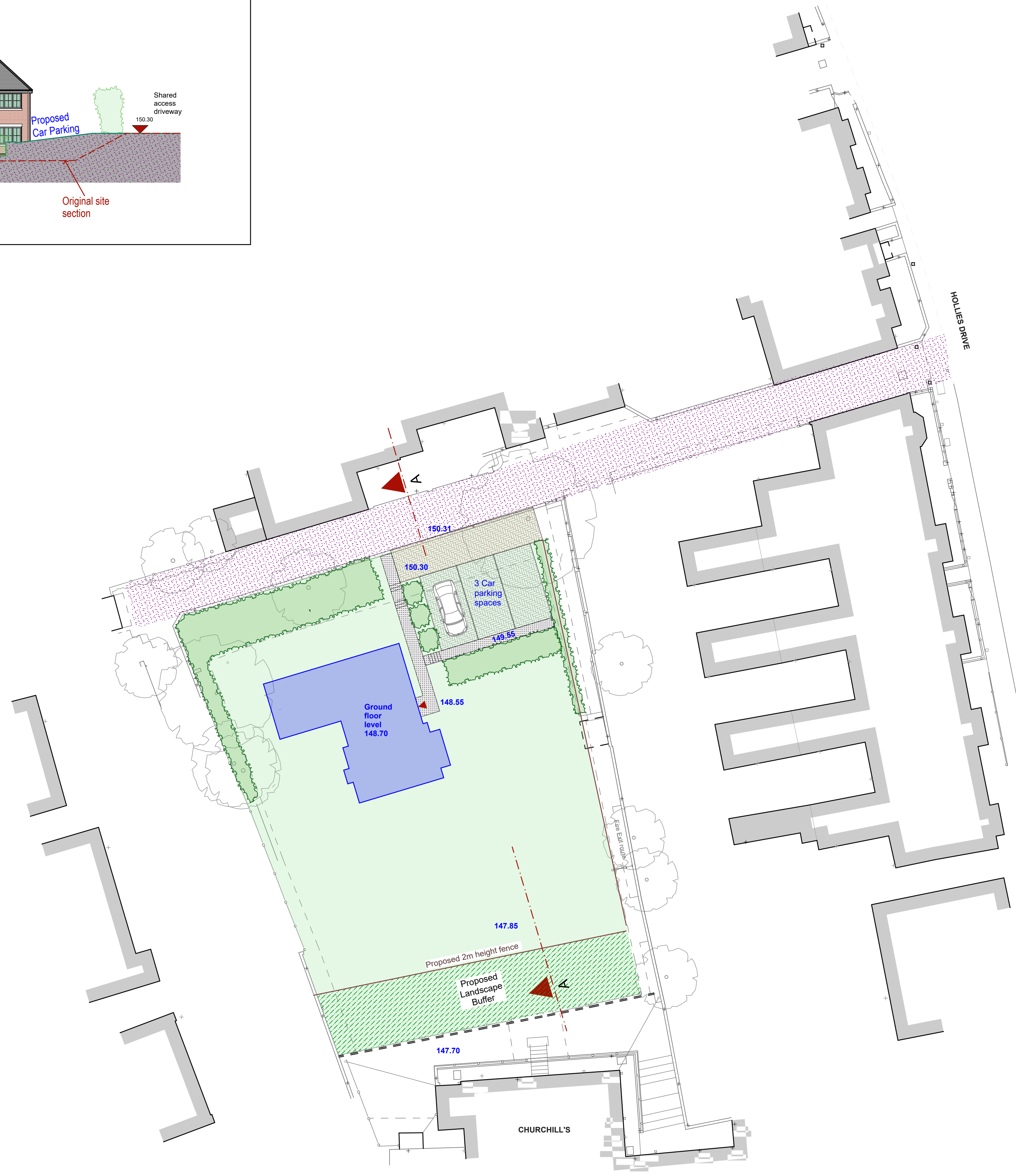
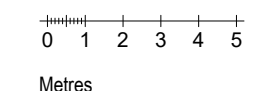
- Indicates proposed new two storey dwelling
- Indicates car parking space 3m x6m
- Indicates private road
- Indicates single storey building
- Indicates two storey building

<b>Steve Haskey Design Ltd.</b>		Use Only Written Dimensions From This Drawing <b>DO NOT SCALE</b>
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Sheet	Block Plan Scheme	
Project	Proposed Residential Development Land to rear of Churchill's Bar and Restaurant 8 Walsall Street Wednesbury WS10 9BZ	
Client	CHRIS WARDLE	
Drawn By	G.G. Pugh	Drawing Number
Date	Jan 2020	<b>17-34-30A</b>
		<b>A3</b>

REVISIONS:	A- Description added for proposed close boarded fencing GGP 04/02/2020
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SITE PLAN  
SCALE 1:200



- KEY**
- PROPOSED NEW DWELLING
  - PROPOSED 3 CAR PARKING SPACES
  - PEDESTRIAN ACCESS
  - PROPOSED PRIVATE GARDEN AREAS
  - PROPOSED LANDSCAPE BUFFER ZONE
  - 148.00 PROPOSED LEVELS



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Project Proposed Residential Development  
Land to rear of Churchill's Bar and Restaurant  
8 Walsall Street  
Wednesbury  
WS10 9BZ

Client CHRIS WARDLE

Sheet SCHEME DRAWINGS  
Site Scheme  
Sheet Size A1

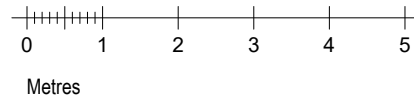
Notes:  
This Drawing is based upon Topographical survey carried out by Bury Associates Limited  
Drg No BA27350818\_01 Dated 28/08/2018

Scale 1:200  
Date Jan 2020  
Drawing Number 17-34-31





EAST ELEVATION  
SCALE 1:100



SOUTH ELEVATION  
SCALE 1:100

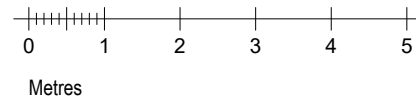
REVISIONS:  
A- Stair Window on the West Elevation amended on plan and elevation drawings.  
GGP 04/02/2020

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Sheet	Elevations 1	
Project	Proposed Residential Development Land to rear of Churchill's Bar and Restaurant 8 Walsall Street Wednesbury WS10 9BZ	
Client	CHRIS WARDLE	
Drawn By	G.G. Pugh	Drawing Number
Date	Sept 2019	17-34-23A
		Sheet Size
		A3





NORTH ELEVATION  
SCALE 1:100

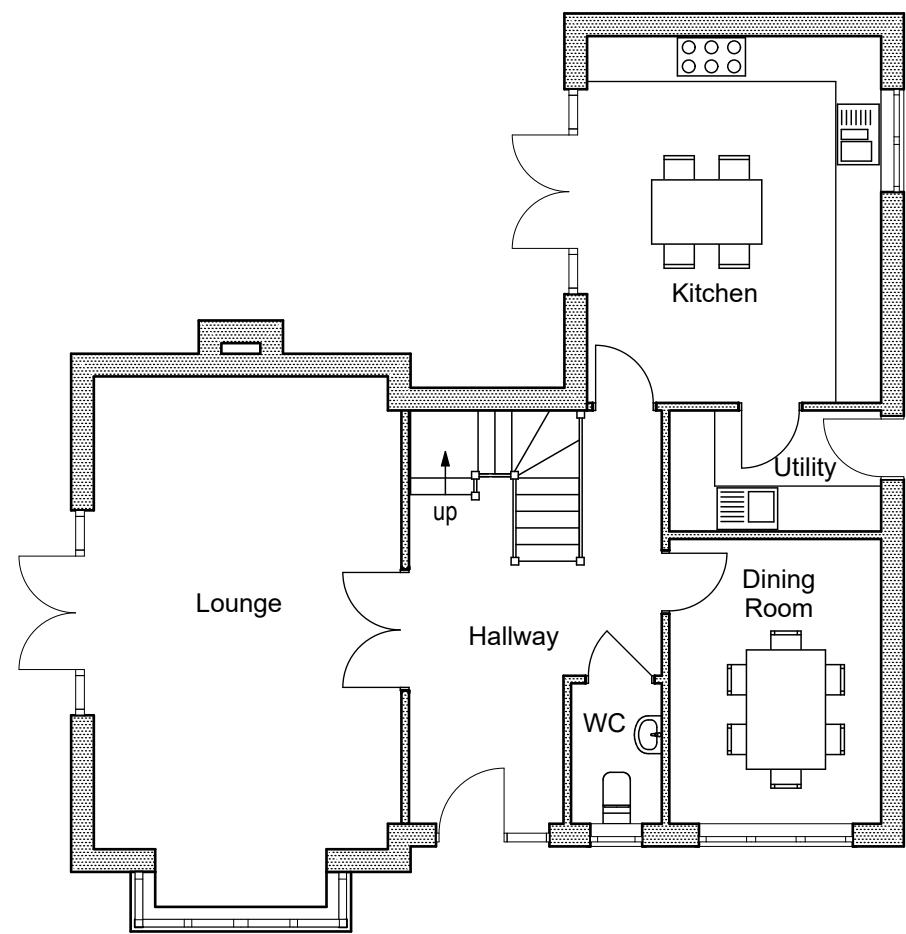
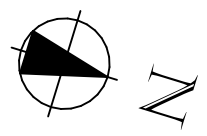
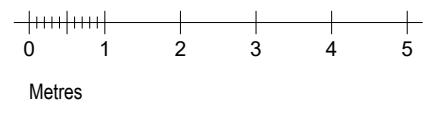


WEST ELEVATION  
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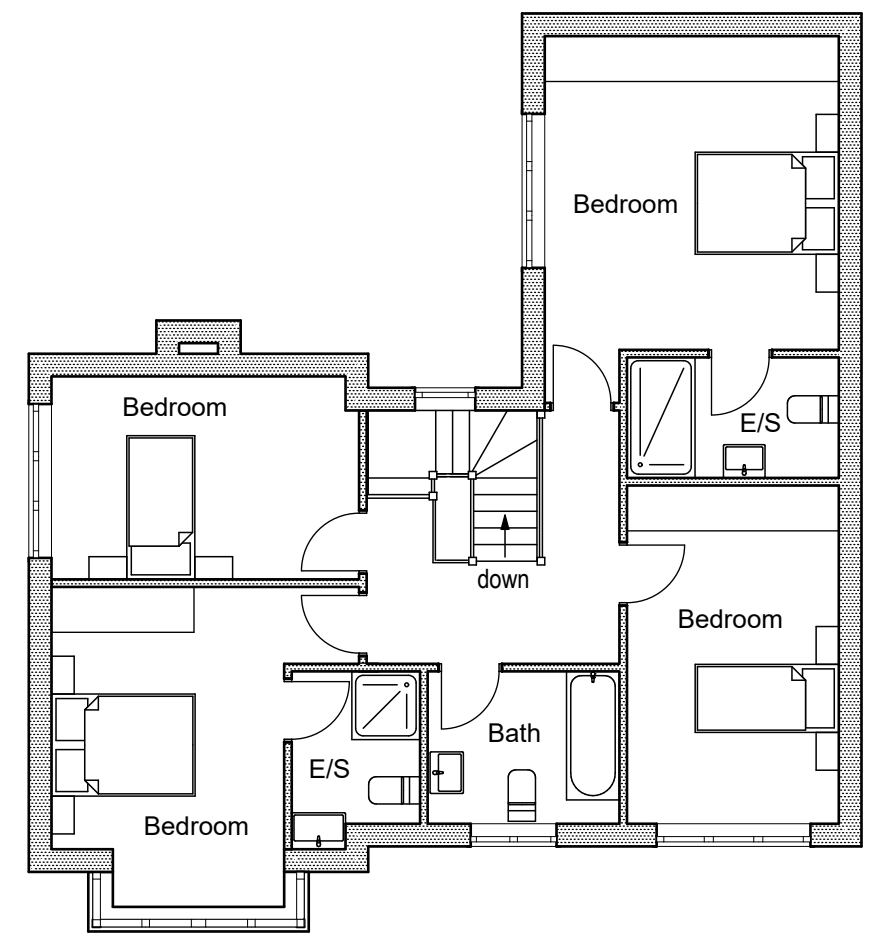
REVISIONS:  
A- Stair Window on the West Elevation amended on plan and elevation drawings.  
GGP 04/02/2020

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Sheet	Elevations 2	
Project	Proposed Residential Development Land to rear of Churchill's Bar and Restaurant 8 Walsall Street Wednesbury WS10 9BZ	
Client	CHRIS WARDLE	
Drawn By	G.G. Pugh	Drawing Number
Date	Sept 2019	<b>17-34-24A</b>
		Sheet Size
		<b>A3</b>

# GROUND FLOOR PLAN SCALE 1:100



# FIRST FLOOR PLAN SCALE 1:100



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Sheet Floor Plans

Project Proposed Residential Development  
 Land to rear of Churchill's Bar and Restaurant  
 8 Walsall Street  
 Wednesbury  
 WS10 9BZ

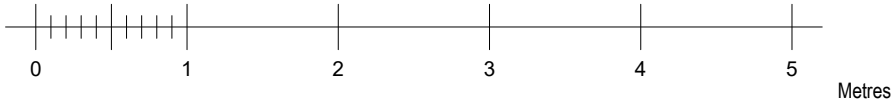
Client CHRIS WARDLE

Drawn By G.G. Pugh Drawing Number 17-34-22A Sheet Size A3

Date Sept 2019

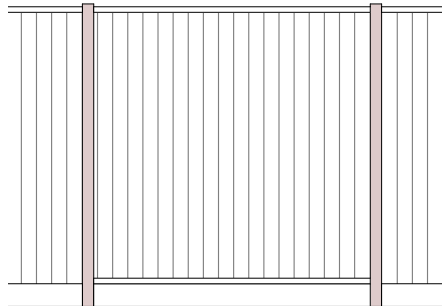
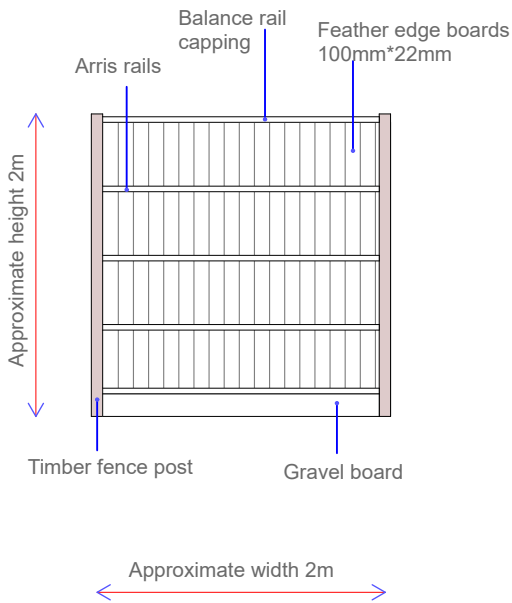
REVISIONS:  
 A- Stair Window on the West Elevation amended on  
 plan and elevation drawings.  
 GGP 04/02/2020

# PROPOSED CLOSE BOARDED TIMBER FENCE DETAIL SCALE 1:50



BACK

FRONT



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Sheet Timber Fence Detail

Project Proposed Residential Development  
Land to rear of Churchill's Bar and Restaurant  
8 Walsall Street  
Wednesbury  
WS10 9BZ

Client CHRIS WARDLE

Drawn By G.G. Pugh

Drawing Number

Sheet Size

Date Feb 2020

**17-34-32**

**A4**