



Planning Committee

Report of Head of Planning and Building Control, Regeneration Directorate on 5th
November 2015

Contents Sheet

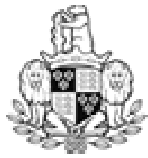
Item No	Page No	Application Number	Site Address	Proposal	Recommendation
1	1	15/0165/FL	Walsall Campus, Gorway Road, Walsall, WS1 3BD	Construction of new access off The Broadway together with new car park and associated landscaping, plus closure of access from Magdalene Road.	Delegate to the Head of Planning and Building Control to grant permission subject to conditions and subject to the section 106 agreement to secure upgrade to existing sports facilities being signed.
2	31	15/0926/COUN	Apex Road, Walsall, WS8 7EP	Change of use to metal recycling facility, including recladding of existing building, installation of weighbridge, erection of boundary walls and planting of the canal towpath.	Grant Permission Subject to Conditions subject to call in to Secretary of State
3	67	15/1157	Fryers Road, Bloxwich, Walsall	Application to vary details of permission 13/0725/WA for the development of a resource recovery and renewable energy production	Grant permission subject to conditions (including any amendments or additional conditions deemed

				<p>facility together with an additional site entrance from Fryers Road, associated infrastructure, parking and landscaping. Application accompanied by an Environmental Statement. Amendments relate to: site layout and access, increased stack heights and changes to building shape and elevations.</p>	appropriate by officers).
4	97	15/0628/FL	College Farm, Bosty Lane, Aldridge, Walsall	<p>Construction of a solar farm comprising ground-mounted solar panels for electricity production (4,755kWp) on land to continue to be used for agriculture, together with ancillary equipment, deer fencing, permeable stone access tracks and landscaping and biodiversity enhancements.</p>	Refuse
5	119	15/0747/FL	2 Spring Lane, Walsall, WS4 1AZ	<p>Change of use from Class C2 (residential institution) to Class C3 (dwellings) converting premises to 17 x 1 bed self contained flats for</p>	Grant permission subject to conditions and a Section 106 Agreement to secure the tenure of the properties as affordable housing

				persons with learning disabilities, with ancillary office accommodation and minor elevation changes to doorways.	and for urban open space contributions.
6	133	15/0964/FULL	138 Green Lane, Walsall, WS4 1RR	Change of use from horse riding establishment to storage of leisure vehicles, primarily touring caravans, and associated ground works	Grant permission subject to conditions subject to referral to the National Planning Casework Unit as part of the departure procedure if required.
7	149	15/1223	Unit 3 Bloxwich Lane Industrial Estate, Bloxwich, Walsall, WS2 8TF	Change of use from Class B2 (general industrial use) to car sales\storage with ancillary offices and maintenance workshop (sui generis use).	Grant Subject to Conditions
8	161	15/0801/FL	Former Wesson Steel Works, Bull Lane, Wednesbury, WS10 8RS	Erection of two buildings to be used in either B1C, B2 or B8 use classes, with ancillary car parking, service yards, cycle and motorcycle parking and landscaping with accesses taken from Bull Lane.	Approve with conditions (including any amendments or additional conditions deemed appropriate by officers)
9	179	15/0385/OL	Former Harvestime Bakery, Hollyhedge Lane, Walsall, WS2 8RB	Outline planning application for demolition of all buildings at the former Harvestime Bakery site and the erection of up to 80	Approve with conditions (including any amendments or additional conditions deemed appropriate by

				residential units with all matters reserved except means of access.	officers).
10	205	15/0684/FL	Union Street, Willenhall, WV13 1PB	Change of use of car park to 24 hour taxi rank and hand car wash facility.	Grant Subject to Conditions & No New Information Raising New Material Issues
11	219	15/1364	Former Queslett Centre, Lakeview Close, B43	Redevelopment of former Queslett Centre for 7 detached houses and associated works including access road.	Grant Subject to Conditions
12	237	15/1230	Land adj to 64 High Street, Walsall, WS10 8RT	Amendment to approved drawings - variation of condition 2 (dormer window) of application 15/0143/FL	Grant Subject to Conditions
13	251	15/1183	Doveridge Place, Walsall	Erection of a pair of semi-detached dwellings (6 bedroom)	Grant Subject to Conditions
14	265	15/1009/FULL	1 Cramp Hill, Darlaston, Wednesbury, WS10 8ES	Change of use of retail unit (A1) to car valet (B1)	Grant Subject to Conditions
15	277	15/1354	25 Thistle Down Close, Streetly, Sutton Coldfield B74 3EE	Proposed new single storey rear extension to create dayroom.	Grant Subject to Conditions
16	283	15/1246	1c Chuckery Road, Walsall, WS1 2DT	Single storey rear extension plus dormer to front	Refuse

17	289	15/1001/FULL	74 Lichfield Road, Bloxwich, Walsall, WS3 3LY	Rear extension to form enlarged kitchen/dining/family room with master bedroom and ensuite over.	Grant Subject to Conditions
18	299	15/0914	6 Highmoor Close, Willenhall, WV12 5UU	Single storey rear and front extension to create sun lounge and lounge extension and detached double garage at the front of the house.	Grant Permission Subject to Conditions



Planning Committee

Report of Head of Planning and Building Control on 05-Nov-2015

Plans List Item Number: 1.

Reason for bringing to committee: Significant Community Interest

Location: UNIVERSITY OF WOLVERHAMPTON, WALSALL CAMPUS, GORWAY ROAD, WALSALL, WS1 3BD

Proposal: CONSTRUCTION OF NEW ACCESS OFF THE BROADWAY TOGETHER WITH NEW CAR PARK AND ASSOCIATED LANDSCAPING, PLUS CLOSURE OF ACCESS FROM MAGDALENE ROAD.

Application Number: 15/0165/FL

Applicant: University of Wolverhampton

Agent: Delta Planning

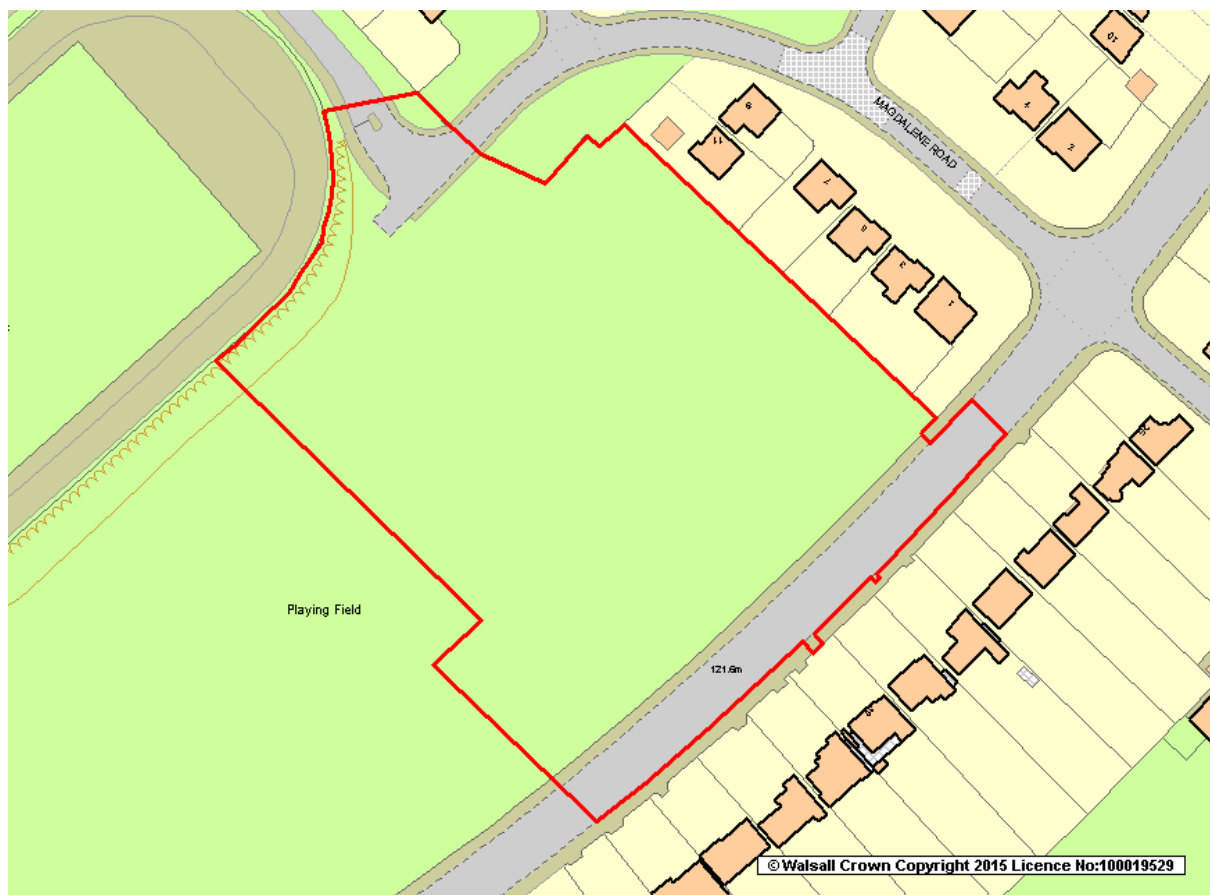
Application Type: Full Application

Case Officer: Karon Hulse

Ward: St Matthews

Expired Date: 04-May-2015

Recommendation Summary: Delegate to the Head of Planning and Building Control to grant permission subject to conditions and subject to the section 106 agreement to secure upgrade to existing sports facilities being signed.



Officers Report

Current Status

The 6th August 2015 Planning Committee deferred this planning application for planning officers to seek further information regarding alternative access options for the University Campus. The following information has been provided by the University setting out details in addition to those previously prepared and presented to local Ward Councillors and local residents at a meeting on 3 March 2015.

The additional details set out a number of alternative access options which have been considered in the preparation of this planning application and which have evolved following the original master plan led redevelopment of the University Campus in 2002. At that time a Transport Assessment was carried out which included a number of alternative options for accessing the campus, concluding that the link through Broadway Park Estate was the most appropriate option and was subsequently approved in 2003 as part of the university redevelopment master plan by the Planning and Highways Committee.

Since the current access via Magdalene Road was implemented (2004), part of planning approval 03/0918/RM/W5, residents have reported on going issues with traffic and parking on the Broadway Park estate.

In 2009 the University applied for planning permission for the new Performance Hub building, which was constructed in 2011-12. It was suggested at that time by the then Planning Committee that the future and continued use of Magdalene Road access should be revisited and any future planning applications on the Campus would need to consider alternative access options, this did not form part of the resolution.

In 2013 the University applied for planning permission for a temporary overspill car park on part of the playing fields adjacent to the Magdalene Road access. Planning permission was granted for a 20-month period (expired September 2015). In granting the temporary approval (17/1/14), the Planning Committee (16/1/14) again indicated that the continued access through Magdalene Road needed to be reconsidered and alternatives including an access from Broadway to the University should be explored.

Since 2002 and the emergence of the University Campus master plan, they have continued to assess access options to the campus. In addition to the details of the proposed access submitted under this application, a number of other options have been assessed and are outlined below (these are illustrated on plan numbers SK13, 14 and 15):

Option 1 - Increased use of Delves Road Access

The Delves Road access presently provides limited access to the campus for the sports hall and student village. The access is via a University owned private access road, which links to Delves Road north of the Rugby Club. It is considered entirely unsuitable for increased traffic; being less than 5m wide and being a shared access drive with Whitehall Primary School. The University does not control any land either side of the road, and is unable to implement widening or junction improvements. Furthermore, the junction of Delves Road and Broadway has no capacity for

improvement and would be unable to function with increased traffic from the University.

Option 2 – Increased use of Gorway Road

Gorway Road was the original main access for the University Campus and still provides an important secondary access today. It is a minor residential road and has long been considered unsuitable as a main campus access. It has been an aim of the Council since 2001 to downgrade this access. Because of a significant change in levels across the campus, it is also not possible to access the main car parks from Gorway Road

Option 3 – New access road from Broadway via new junction at Delves Green Road

This option was considered in detail in conjunction with the possible relocation of the Rugby Club during 2011. Under this scenario, a new traffic controlled junction would be constructed opposite Delves Green Road, which would have a northern arm into Rugby Club land, to provide access to the University and, at the time, a possible redevelopment of the Rugby Club for housing. The Rugby Club project did not proceed, and this option has now been discounted, as it requires land outside of the control of the University.

In addition to the above the following options are variations on the current planning application. These were assessed either as part of the preparation of the application or raised following discussions with residents on Broadway.

Option 4 – Priority junction onto the Broadway, as per the current application, but without traffic lights

This option was tested as part of the pre-application consultation for the current application. It was rejected both by Council highway officers and by residents at the pre-application consultation event as it was considered to create additional congestion on Broadway.

Option 5 – Relocation of new Broadway junction closer to Magdalene Road junction

The main constraint to this option is that the land to the northwest side of the junction is in private (residential) ownership, and not under the control of the University.

Whilst a slight adjustment from the proposed alignment to the east might be possible, it would be worse in traffic flow terms on Broadway, as there would be insufficient distance between the two junctions. Coordination of two accesses in both safety and traffic flows would be of significant concern. It would also not resolve amenity concerns of Broadway residents regarding traffic exiting the campus, rather it would just impact upon a different group of houses. The option was therefore ruled out.

Option 6 - One-way system with access from Magdalene Road junction and egress via a Junction on the Broadway as per current application

This option enables the new link road to be constructed with a new junction, at the same location as Option 4, but provides no material benefit to the highway network over and above the current application proposals. Furthermore it does not resolve amenity concerns of Broadway residents regarding the impacts of exiting traffic, and does not resolve the issue of on street parking on Magdalene Road. It also removes the traffic flow benefits of the proposals in terms of providing a dedicated left turn

access for the University traffic and the ease of access provided by a signal-controlled junction.

Option 7 – One-way system with access from Broadway as in current application but with egress via Magdalene Road junction

This option enables the new link road to be constructed with a new junction, at the same location as Option 4, but provides no material benefit to the highway network over and above the current application proposals. Furthermore it removes the benefits of the application proposals in terms of reducing evening peak hour queue lengths on Magdalene Road and the removal of on-street parking on Magdalene Road. It also removes the ease of access of Broadway residents provided by a signal-controlled junction.

As part of this planning application the applicant has provided the following;

- cross sections and further information in respect of headlight alignment and potential impact on residents opposite the proposed new access.
- due to levels between the university and those houses opposite car headlights will be angled down towards the ground rather than at the front elevations of the houses.
- The junction design has been altered so that cars waiting to exit the site are located further back from the Broadway (some 33 m) and at this distance there would be no headlight glare into properties opposite.
- Headlight measurement has been undertaken and this shows that no headlight glare will impact on the façades of properties on Broadway. Plans SK20 and SK21 provided with this note demonstrate this and show as follows:
 - Cars exiting the campus that are waiting at the 'stop line' – headlight beam (green line on plans) will not go beyond the northern edge of the Broadway carriageway. This is because the stop line is 33m back from the carriageway and the 3% gradient of the exit road will cause headlights to dip.
 - Cars passing the new pedestrian island - headlight beam (blue line on plans) will not go beyond the middle (crown) of Broadway. This is a result of the combined effect of the 3% gradient of the exit road and the 2.5% camber on Broadway.
 - Cars exiting the site and entering the public highway - headlight beam (yellow line on plans) will encroach onto front gardens of properties on the southern side of Broadway but not glare onto the façade of the properties themselves or into windows. This is the worst 'impact' point that occurs.
 - Cars exiting the site and passing across the centre of Broadway - headlight beam (red line on plans) will encroach no further than the garden walls of properties on the southern side of Broadway. This is the result of the headlights being dipped as a result of the 2.5% camber on Broadway.

- Vehicle Auto Tracks have been provided to demonstrate the occupiers of numbers 39 and 41 opposite the new access can safely access their drives;
- An updated Stage 1 Road Safety Audit has been undertaken to reflect all the changes to the scheme. This has confirmed the junction can operate safely.
- The car park has been slightly reduced in size in order to provide enhanced screening from Broadway. This will result in an increased depth of bund allowing for a significant landscape strip to be implemented to screen the car park.

In addition to the above, the applicant has reiterated that the new car park will be a 'restricted use' car park namely for users of the university establishment only and will be closed at night, weekends and outside of term time, except for major events.

Public participation responses have been updated following re-consultation on the alternative access options (as set out above) and as a result of the two meetings held between the applicant (the university), local councillors and representatives from Broadway.

These are summarised below:

- "amendments" fail to address the issues and concerns which have been raised
- 3 sets of traffic lights in 400 metre of Broadway a 4th set close to Magdalene Road will cause additional disruption to traffic flow.
- lot of heavy traffic and traffic noise is bound to increase because of accelerating vehicles at a new junction.
- increased difficulty and risk when exiting and entering their driveways.
- Broadway Park was developed in the full knowledge of the access requirements along Magdalene Road into the University
- traffic flow into and out of Magdalene Road causes minimal impact within the estate,
- affect the residents of The Broadway through added traffic; impacting noise levels, pollution and increasing the danger level.
- direct effect on trees and wildlife, which prevents nature conservation.
- no privacy to my front living room and front bedrooms...constantly being within sight of the occupants of the vehicles in traffic.
- Sense of security lost and result in increased apprehension and anxiety, allow criminals to target our homes more easily.
- Increased amount of traffic
- Bright lights and glare can cause migraines
- New access will result in loss of trees to an area where they are already scarce and have impact on nature and the birdlife.
- concerned it will have an adverse impact on the value of my property.
- multiple vehicles parked along road restricting access to our drives and preventing collection of refuse... this has improved since the temporary car park
- small housing estate not designed to include through traffic.
- access onto Broadway is clearly a better and safer solution

The remainder of the report is otherwise unchanged and the recommendation remains grant subject to conditions.

The Unilateral undertaking in respect of compensation for the loss of the sports pitch, has been agreed and is awaiting the grossments being issued.

Application and Site Details

This application seeks consent for the creation of a new access/egress onto Broadway and a new 225 space car park to replace the temporary approval of the overspill car park at the University of Wolverhampton's Walsall Campus.

The temporary permission for the overspill car park expires 17th September, 2015 (20 months from the date of planning permission on 20th January, 2014).

The car park was originally created in October 2009 as a temporary facility at a time when the University was carrying out the new building project known as the Performing Arts Hub, which involved the temporary loss of most of the main campus car park, resulting in significant local concern regarding on street parking around the campus.

The overspill car park is located close to the southern boundary of the campus by The Broadway and extends to approximately 0.55 hectares occupying part of a full size football pitch. The overspill car park provides 235 spaces created by overlaying the grass with a green heavy duty grass protection mesh.

Along the main driving areas some compacted stone has been laid which provides traction for vehicles. A timber stable demarcation fence has been erected along the sides of the parking area and two steel swing gates erected at the entrance and exit near the Magdalene Road entrance to the University.

The performing arts development has been completed and the main internal 160 space car park adjacent to it is fully open. The overall parking provision at Walsall Campus excluding the temporary overspill car park is 681 spaces at various locations around the site. These include 160 spaces in the main car park accessed from Magdalene Road, 160 at Gorway Road Conference Centre, 103 at the School of Health (WP Building) and 82 at Delves Road by the Rugby Club plus others.

The provision of a new permanent car park of 225 space capacity will increase the overall permanent parking provision at the Walsall campus to 906 and create a new access/egress to replace that which currently utilises Magdalene Road and the Broadway Park Housing estate.

A new traffic light controlled junction will be created on the Broadway approximately 50m west of the Magdalene Road junction. The new access will be two way and controlled via barrier access similar to the existing access. It will run north from Broadway to join the existing internal campus road. The existing access from Magdalene Road will be gated off and retained for emergency service vehicle use only. No pedestrian or vehicular traffic will be able to access or egress the campus via the entrance onto Magdalene Road.

The new car park will be constructed with a mixed permeable hard standing surface, properly consolidated and marked out.

The application also includes new landscaping treatment around the access road and car park, including replacement tree planting and raised embankments to mitigate for the proposed loss of existing trees along the Broadway frontage.

Lighting for the car park and road lighting scheme will be LED, with low night-time light pollution. The lighting will be photo-cell controlled for 'On' and time-clock controlled for 'Off'

The University of Wolverhampton has over the past 10 years undertaken major improvements and developments at its Walsall campus. These include a new judo hall which was utilised as a training facility during the London Olympics, new halls of residence, new teaching block, new running and all weather pitch and a state of the art Performing Arts Hub. The new developments have so far reinvented the campus as a 21st century venue for adult education.

The application is accompanied by the following documents:

Campus Car Park Management Plan - The University operates a Car Park Management Regime a review of this is to be undertaken every two years. The review process will assess the extent to which car parking is being utilised on the campus and how it may be affecting nearby residential roads. Car usage will be reviewed in line with the campus travel plan targets.

Planning Statement

The planning statement concludes that there is significant policy support at national and local levels for the university and in particular for its huge contribution to the local economy and social well-being of the area. Whilst there are some policy conflicts arising from the proposal in relation to the loss of playing fields and loss of openness of the Broadway frontage, there are other material considerations sufficient to justify a departure from policy.

Transport Assessment

A number of access options have been analysed and the preferred option has been identified and judged as the most appropriate with the determining factor being deliverability rather than cost.

Options which have been explored and considered are:

Option 1 (forming a new access from Broadway opposite Delves Green Road by converting the existing T-Junction into crossroads with associated signalisation) is not considered deliverable due to 3rd party land take issues.

Option 2 involves creation of a dedicated access to the site from Broadway, approximately 50 metres to the west of the Magdalene Road/ Broadway junction. The provision would include a "Ghost Island" Right-Turn Priority Junction.

Option 3 (Preferred option and subject of this application), involves the creation of a signalised dedicated access to the site from Broadway, approximately 50m west

of the Magdalene Road/ Broadway Junction. The provision of a right-turn lane from Broadway and internal dedication left and right turn lanes from the University onto Broadway. The preferred option will achieve:

- A more convenient and appropriate (dedicated) access from the frontage of the University. As part of the proposed system, the existing access on Magdalene Road would be closed, except for emergency service vehicle purposes only.
- An alleviation pressure on Magdalene Road currently caused by increased traffic levels on a residential road accessing the University campus, use of the road for overspill parking and the valid concerns raised by the local community associated with these problems.
- The provision of a direct access into formalised parking on-site to eliminate the reliance on the local road network as a place to keep vehicles during the day

A Stage 1 Road Safety Audit has been conducted.

Arboricultural Assessment

It concludes that the tree cover on site is restricted to the site's boundaries, with the larger more mature specimens situated to the south west. To facilitate the proposals, it will be necessary to remove fourteen individual trees from the eastern boundary of the site due to the alignment of the new junction and public footpath. These trees are all specimens of crack willow that are considered to be of a low arboricultural and landscape value. The retained trees will continue to contribute to the sites to the sites amenity and ecological resources.

Travel Plan

The travel plan has been updated year to take account of the changing environment. It sets out the purpose, intentions and commitments of the university in reducing the use of the motor vehicle and introduces the use of sustainable modes of travel amongst staff and students.

This is broken down as follows:

- Has clear objectives and targets for increasing the use of sustainable modes of travel to the Walsall campus amongst staff and students.
- Sets out the measures that will be implemented to encourage and facilitate the use of more sustainable modes of travel.
- Addresses key concerns regarding congestion and parking on the surrounding streets.
- Will be shared with staff, students and the wider Walsall Campus community.
- Will be reviewed on a regular basis to see if we are meeting our targets

Landscape Design Statement

It is envisaged that over time the shrub and tree planting proposed for the new car park and access road will develop to screen and soften the car park area and assimilate it into the campus landscape. The tree and shrub planting proposed on the frontage to Broadway will screen the car park and maintain the green aspect to the main road.

Relevant Planning History

There has been a wide number of planning applications on the site. The most relevant being:

03/0918/RM/W5 - Reserved Matters: Design Details for Proposed Access Road (From Broadway Park). Granted 4th July, 2003

05/0710/RM/W5 - Reserved Matters – Football Pitches. Grant Subject to Conditions

09/1101/FL- Erection of new Performing Arts Hub. Granted 3rd February, 2010

13/1326/FL - Temporary use of land for overspill car park. Granted 20th November, 2013 for 20 months.

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 as:

- 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
- With regard to Playing Fields, NPPF states that unless they are proven to be surplus, playing fields should not be built on unless the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality, or where the development is for alternative sports and recreational provision, the needs for which clearly outweighs the loss.

Key provisions of the NPPF relevant in this case:

1. Delivering sustainable development
19 Planning should encourage sustainable growth.
4. Promoting sustainable transport

32. All developments that generate significant amounts of movement should be supported by a Transport Statement or Assessment and account should be taken of the opportunities for sustainable transport modes

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: have access to high quality public transport.

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 Developments should function well and add to the overall quality of the area. 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. Respond to local character and history, and reflect the identity of local surroundings and materials. Create safe and accessible environments that are visually attractive as a result of good architecture.

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 healthy communities

70 Decisions should ensure that established services are able to develop and modernise in a way that is sustainable, and retained for the benefit of the community.

74 requires that it must be demonstrated that the open space is surplus to requirements before it can be built on. Walsall's playing pitch strategy (PPS, 2011) identifies a surplus of senior football pitches across the borough, consequently the loss of one senior pitch as a result of the development is considered acceptable. Furthermore, the PPG 17 open space study identifies a substantial surplus of formal outdoor sports land within the neighbourhood partnership area.

On planning conditions the NPPF says:

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

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

The Development Plan

Planning law requires that planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material consideration in planning decisions but recognises that what it

terms 'Local Plan' policies should not be considered out-of-date simply because they were adopted prior to the publication of the framework.

Local

The Black Country Core Strategy (BCCS) (2011)

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.

In the BCCS the University of Wolverhampton is directly referenced under Policy CSP1, stating the need for the expansion of the University under cultural and community service improvements.

BCCS Policy HOU5 'Education and Health Care Facilities' also states that the existing network of education and health care facilities will be protected and enhanced. The text accompanying HOU5 states that:

"The Higher and further education institutions and research facilities play a major role in the Black Country economy and have a key role to help deliver economic and social transformation. Retaining graduates within and attracting them to the Black Country is also key to securing a knowledge-based economy. The Higher and Further education sector is a major driver of economic, social and cultural regeneration and ongoing investment in the existing network of this sector is supported".

Policy ENV6 of the BCCS relates to sports fields and states that development that would reduce the overall value of the open space, sport and recreation network in the Black Country will be resisted. It further notes a requirement to make more efficient use of urban land by creating more multifunctional open spaces, and significantly expanding community use of open space, sport and recreation facilities provided at places of education.

Other 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.

CPS4: The hierarchy of centres will provide a focus and concentration for essential local services and activities. The design of spaces and buildings will be influenced by their context and seek to enhance the unique attributes the area offers.

DEL1: All new development should be supported by the necessary on and off-site infrastructure to serve the development, mitigate its impacts on the environment, and ensure that the development is sustainable and contributes to the proper planning of the wider area.

CEN1: The Strategic Centre of Walsall will provide the main focus for....cultural activities.

CEN7: Proposals for out-of-centre development will have to demonstrate that development cannot be provided in-centre or at edge-of-centre locations. Any proposal will only be considered if the requirements of CEN6 are satisfied.

TRAN1: All new developments will address the transport network and provide adequate access for all modes, including walking, cycling and public transport.

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.

ENV5(d) requires that on all sites requiring a FRA, surface water flows should be at Greenfield rates. Although the FRA indicates the car park will be constructed with permeable materials, there is 0.1Ha of impermeable surface being created for the access road, consequently the proposal is not strictly in accordance with this policy requirement.

ENV6 relates to open space and states that *'development that would reduce the value of the open space, sport and recreation network will be resisted'*. However, development that will increase the overall value of the network will be encouraged. The planning statement, in relation to football pitches, states that the university proposes to contribute £120k towards upgrading existing pitches on campus or at an alternative higher education institution in Walsall. I question why this spend has to be restricted to just institutional land, given that the section 106 could be worded to ensure the money is spent on improving / creating pitches on perhaps more accessible council owned open space. Nevertheless, the PPS identifies quality issues and a shortage of junior pitches across the borough, therefore such a contribution has the potential to address existing deficiencies and increase the quality of Walsall's sports pitch provision.

It is considered in this case that the relevant provisions of the BCCS are consistent with the NPPF

Walsall's Unitary Development Plan (UDP)

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

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:

GP1: The Sustainable Location of Development

GP2: Environmental Protection...principles of sustainable development...following considerations taken into account : visual appearance, pollution, problems of land stability etc., overlooking, loss of privacy, and the effect on daylight and sunlight received by nearby property and accessibility by a choice of means of transport.

3.6, 3.7 Development and redevelopment schemes will improve and protect people from unacceptable noise, pollution and other environmental problems.

3.16...Design and Development. Development in relation to its setting, with reference to the character and quality of the existing local environment, and will require a high quality of built and landscape design.

ENV32: (a) Poorly designed development or proposals which fail to properly take account of the context or surroundings will not be permitted. Criteria are provided that the Council will use when assessing the quality of design of any development proposal

ENV33: Landscape Design

8.7...Education, Health and Community Facilities... enhancement of existing, and provision of new, facilities for education will be encouraged...emphasis placed on locations accessible to all by choice of means of transport.

LC1 (b) in terms of the relocation of the pitch acting as compensatory provision and any further compensatory provision deemed necessary.

LC6 specifically relates to sports pitches and requires:

- *A carefully quantified and documented assessment of current and future needs has demonstrated that there is an excess of sports provision and the site is not of good quality or importance to the development of sport; or*
- *At least equal compensatory provision will be made in respect of quality, quantity, suitability of location, and subject to equivalent or better management arrangements prior to the commencement of development*

LC10 is very important to any developments on the site and therefore it has been outlined it in full:

Wolverhampton University, Walsall Campus, Broadway, Walsall.

(a) The Council will encourage the continued use and development of the Walsall Campus of the University (as indicated on the Proposals Map) as an important centre of Higher Education in the Borough.

(b) Any proposals for additional development must be considered as part of an overall Master Plan for the campus prepared in full consultation with the local community and agreed by the Council. In particular, proposals will only be acceptable if:-

I. The uses proposed are of an educational, community, or leisure nature directly related to the use of the remainder of the Campus, and are not uses which should be located in an established centre under policies in Chapter 5 of this Plan.

II. The green and open aspect of the Campus as viewed from surrounding areas including Broadway, Delves Road and Highgate Drive is maintained by retaining existing substantial green corridors along frontages and by the sensitive siting of buildings within an attractive parkland setting. This necessitates retaining the designation of adjacent areas of Protected Urban Open Space off Highgate Drive.

III. All buildings and structures are of a high standard of design.

IV. There are satisfactory arrangements for vehicular, cycle and pedestrian access to the campus that are sensitive to the amenities of the surrounding residential areas. A Transport Assessment and Green Travel Plan will be required.

V. Adequate provision is made for parking within the University Campus for staff, students and visitors to the University so as to minimise parking in surrounding residential roads.

8.43...Walsall Campus is recognised as being an important facility for higher education in the Borough and the Black Country.

8.44...The prominence of the campus also justifies particular attention being given to the quality of design.

T7 and T13: All development should satisfy the car parking standards set out in Policy T13, and be well designed.

T8: To help existing pedestrians and encourage greater use of walking as a healthy and sustainable form of travel the Council will provide good pedestrian links within a development. All pedestrian links must be safe, direct and convenient and well lit.

T9: Cycling The Council will assess the suitability of cycle-related improvements.

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

Supplementary Planning Documents (SPD)

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

Designing Walsall SPD

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

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

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

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

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

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

Other Legislation

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

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

These have been considered by Officers through a screening opinion assessment and the development is not considered significant or in a sensitive area that would call for an Environmental Statement.

Equalities Act 2010_ Section 149 of the Equality Act 2010 provides that local authorities must, in exercising their functions, have due regard to the need to:

- (a) Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
- (b) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- (c) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

The protected characteristics are: age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation.

Human Rights Act 1998 - Article 8 of the European Convention on Human Rights provides that everybody has the right to respect for his private and family life and his home, and there should be no interference by a public authority with the exercise of this right, except where that interference is (amongst other considerations) in accordance with the law and is necessary in a democratic society for the protection of rights and freedoms of others.

Consultations

Sport England – no objections subject to a unilateral agreement requiring compensation by way of an upgrade to the university's all weather pitch to a 3G surface or alternatively improvements to be made to some of the natural pitches
Transportation – no objections subject to conditions covering access arrangements
Pollution Control (Scientific Team/Contaminated Land) – no objections
Trees – no objections to loss and replacement tree planting (concerns over loss of urban open space)
Ecology – no objections
Police ALO – no objections subject to the car park meeting ParkMark principles to create a safe, secure and user friendly car parking environment.
Environmental health – no comments
Landscape – Objects to the loss of green space
Fire Service – No objections
Severn Trent Water – No objections subject to drainage condition

Public Participation Responses

The following is a précis of the “representations” received upto the date of drafting the report.

OBJECTIONS

Original consultation – 7 letters of objection, 15 photocopied letters of objection and a 67 signature petition.

Re-consultation – 7 letters of objection, 53 photocopied letters of objection and 450 signature petition covering the following grounds of objection;

Traffic Related

- create more traffic, noise, pollution on Broadway
- more congested
- Already access to the campus from Delves Road.
- large amount of traffic from the campus onto the ring road

- Never large build ups of traffic waiting to use the existing lights
- Inconvenience all road users by adding another hold up
- Access difficult to houses in between the lights
- Access will have a detrimental impact on residential homes opposite
- Concern the safety of residents will be compromised as residents struggle to access the Broadway and assess traffic from 3 directions before leaving their driveways.
- Existing access onto Magdalene Road allows smooth flow of traffic without jeopardising safety
- Formation of an island in the middle of the Broadway facilitating entry and exit to the car park will result in significant narrowing of the road. This is expected to worsen the congestion.
- no justification made for a second signalised junction
- Perfectly adequate existing junction
- Unnecessary additional burden on a principal arterial route

Amenity

- Loss of privacy and security
- No privacy in front living room and front bedrooms.
- occupants of cars will have views inside my house
- sense of security will be lost and result in increased apprehension and anxiety
- being watched all the time
- fear of crime
- responsibilities of the council under the Human Rights Act in particular Protocol 1, Article 1 ...a person has the right to peaceful enjoyment of all their possessions which includes the home and other land
- Article 8 ... substantive right to respect for their private and family life
- Increase light pollution from oncoming headlights from cars waiting at traffic lights.
- Bright lights and glare can cause migraines, bright lights from waiting at traffic lights may increase these symptoms.
- new access result in loss of trees and impact on nature and birdlife
- Fail to safeguard the environment for future use.
- Proposal goes against Walsall Green Space Strategy
- The estate specifically made provision for access to the university via Magdalene Road. Those homeowners acquired their properties with this knowledge.

The photocopied letters objected on following grounds:

- New car park and access could potentially become a hub for antisocial behaviour
- Infringe on privacy of residents living on Broadway
- Effect on values of houses on Broadway
- Another set of lights will contribute to
 - a) increased noise and pollution and
 - b) problems accessing egressing properties on Broadway

Both petitions with 67 and 450 signatures were on the grounds of

- headlights glaring into properties on Broadway when leaving the new car park

- hub for antisocial behaviour
- privacy of residents on Broadway
- adverse effect of property values
- increased noise and pollution
- problems for access to and from properties on Broadway.

SUPPORT

4 letters in support on the following grounds:

- Support the gate closure on Magdalene Close,
- previously experienced traffic and abuse from students
- dumping ground for their waste,
- estate used as a race course for accessing the university,
- parking troubles getting off drives
- Closing Magdalene Road access will stop students parking on the estate

Two additional letters have been received querying the petition, stating that some signatures are questionable as they don't live near and that it was signed not knowing what the actual petition was about.

Valerie Vaz MP (Walsall South) has made representations on behalf of her constituents. The main issues raised are:

- Constituents have heard nothing about the application since the initial consultation and only found out indirectly about the meeting of the Planning Committee.
- Residents would like the opportunity to speak and should have been given notice. Could the meeting be deferred so that residents can speak?
- Residents object to the installation of a second set of traffic lights 50m from existing lights. It is not clear why inbound and outbound traffic need to use the new gate and it has been suggested that traffic could enter one way and leave the other. Has the impact of two sets of lights been assessed?
- Residents are concerned about the costs of the highway works and query who will meet this cost.
-

Determining Issues

- Policy/principle/loss of playing field
- Highway safety/car parking
- Outlook from Broadway/Trees/Landscaping
- Residential amenity
- Comments on objections
- Conclusion

Observations

Policy/Principle/Loss of Playing Field

Prior to the use as a temporary car park the application site was used as a full size football pitch by the university and the community. In 2009 this part of the playing field was used to provide a temporary overflow parking for the campus. At that time due to the temporary nature and there being no engineering operations taking place,

the University utilised their permitted development rights, set out within the national legislation which did not require a separate planning permission from this Council for a short period of time. The temporary overspill car park extended beyond what could be considered as permitted development and a planning application was submitted. Whilst the use of the site as a temporary car park has helped to reduce the number of complaints regarding indiscriminate parking around the university, an alternative and more permanent solution to the parking issues at the University is required to be brought forward.

The University has explored three options to this, concluding that the proposals subject of this application is their best option, which will have less impact on the surrounding residents and environment. On balance, it is considered that the football pitch can be demonstrated as surplus to requirements, in respect of its use for outdoor sport, and as a senior football pitch. Having done so, it is critical to satisfy both national and local policy requirements. It was previously considered that in planning policy terms, removal of the car park and reinstatement of a sports pitch would benefit more by the provision of junior/mini pitches rather than a full senior pitch. This was supported by Sport England, however, since the previous consideration Sport England have reconsidered their position and now support the loss of the sports pitch provided compensation is secured. Sport England have advised that compensation should be by way of an upgrade to the university's all weather pitch to a 3G surface or alternatively improvements to be made to some of the natural pitches.

The University have agreed to enter into a unilateral agreement requiring works outside this planning application site in order to secure satisfactory compensation for the loss of the sports pitch and the loss of green space, this is currently being drawn up but include the following to secure appropriate compensation:

1 a) Prior to the commencement of planning permission (15/0165/FL) for the construction of new access off The Broadway together with new car park and associated landscaping the university will submit an application for the upgrading of football facilities to an artificial grass pitch constructed using longer pile artificial grass with a rubber crumb infill or dressing within the pile

to influence friction and impact characteristics (known as a 3G football pitch) as defined in Sport England's 'Artificial Surface for Outdoor Sport' updated guidance for 2012 on the Walsall Campus or another higher education site within the District of Walsall; and

b) Within six months of the submission of the Sports Pitch Application above submit a Funding Application to the Football Association,.

c) Within 18 months of the Sports Pitch permission being granted or receipt of the FA Funding, whichever is the later, carry out and complete the upgrade to a 3G Pitch

2 a) In the event that either:

- i) the Sports Pitch Permission is not granted; or*
- ii) the FA Funding has not been received*

within one years of the date of the Sports Pitch application, the University shall, within two years of the date of the Sports Pitch application, undertake and complete works to upgrade the existing sport pitches in accordance with an agreed specification and contribution sum.

b) In the event that the contribution sum is not fully expended in the works to upgrade the existing pitches the unexpended or uncommitted part of the Contribution Sum shall be paid to the Council as a financial contribution against a receipt given by the Council for its use in the upgrading of existing sports facilities in the District of Walsall.

The Council and Sport England would prefer to see the delivery of an upgrade of the existing all weather pitch to 3G standard, however in the event that this not occur then there is a mechanism within the legal agreement to ensure that the University carries out other upgrades to their existing grass sports pitches up to an agreed sum of £120,000.00. Sport England has confirmed that this is acceptable and will ensure and secure satisfactory compensation for the permanent loss of the existing football pitch.

Highway Safety/Car Parking

The NPPF places great importance on providing sustainable development and making fullest possible use of public transport, walking and cycling. The site is in a quiet predominantly residential area.

The development looks to create a new access to the University off Broadway and create a permanent 225-space overspill car park together with the closure of the existing vehicle and pedestrian access to the University from Magdalene Road. The applicant has undertaken a full Transport Assessment that explored a number of options and concluded that the proposed new signal junction and access road is the best option over the existing situation and the for the long term.

The proposed permanent car park and access directly replaces the existing temporary overspill car park and access arrangements and therefore the proposal does not look to introduce additional traffic flows onto Broadway but moves the existing traffic flows from Magdalene Road to the new signal junction and access

road further along Broadway. This will benefit the Magdalene Road (Broadway Park) residents as there will be no access to either pedestrians or vehicles through the estate and therefore they are less likely to use the estate to park on as it would involve a lengthy walking along Broadway.

Furthermore, the new signal junction will be linked to existing Magdalene Road signal junction to minimise the impact on traffic flows on Broadway. One issue that has been raised through consultation is the impact the new access will have on residents directly affected by the new junction on Broadway. The applicant has satisfactorily demonstrated, by auto tracking, that house no. 39 and 41 Broadway can access/egress both properties safely and from both directions along Broadway. As such vehicular access to the residential properties on the Broadway, close to the new junction, will not be significantly affected.

The University has a Campus Travel Plan, which is frequently reviewed and has had success in reducing car borne trips. The University Inter-Campus Shuttle Bus has been successful in providing a free bus service for staff and students between the Walsall, Wolverhampton and Telford Campuses accounting for 9,000 journeys per week.

The Police ALO has requested that the new development is to ParkMark standards and principles which provides guidance for safer car parks, best practice guidance to designers, owners and operators on the design and incorporation of physical security features that will establish and maintain a safe and non-threatening parking environment

Outlook from Broadway/Trees/Landscaping

The car park will be set back from Broadway and it is proposed to retain a broad and substantial green corridor between the car park and Broadway. In terms of the appearance of the application site area from Broadway, at times when the car park is not in use there will be little visual impact. Whereas when it is in use there will be some views of cars when they are parked, however these will be intermittent due to the existing trees and the proposed planting including additional trees and bunding which will also be landscaped with extensive ground cover will add further to screening of the cap park and new entrance.

The existing mature trees along the frontage with Broadway either side of the proposed new access road entrance will be retained as much as possible. The existing temporary car park has been in place since 2009, it is not anticipated that by simply replacing it with a more permanent car park that views of it will be substantially change. In deed the proposals include landscaping along the Broadway frontage, which will decrease views of vehicles parked. The tree officer and landscape officer have reservations regarding the outlook of the campus from Broadway and consider the replacement of the temporary car park which currently consists of grass and pavers, with a more engineered solution will be less eco friendly and detrimental to the openness of this area. However, it is unlikely that the surfacing will be visible from Broadway and therefore impact on the openness above that which already exists and particularly when it will be sited behind a one metre high bund with new tree planting and landscaping.

Whilst any replacement landscaping and trees will take time to become established, the bund along Broadway and the one along the new access drive and the rear of properties on Magdalene Road will in the interim offer more screening of the car park area than currently.

The following additional information is considered necessary:

- continuation of the hedge planting as well as the proposed tree planting along this edge of the car park as a minimum
- use of hornbeam hedge as opposed to escallonia
- proposed species rich grassland
- a management plan showing cutting and removal of arisings.
- Incorporation of the area of trees and grass to the rear of Magdalene Road into the general landscaping of the site.

- Method statement for the construction and erection of the weldmesh panels to rear of Magdalene Road
- Some planting information has been provided, I believe the proposed planting will grow in its position. One slight concern is that Choisya, Cistus and Hebe can be slightly tender in hard winters and maybe their inclusion should be in limited numbers.

All of the above can be secured by way of a landscape condition.

Residential amenity

One of the core principles of the NPPF requires good standards of amenity for all existing and future occupants. Since the implementation of the temporary car park complaints about indiscriminate parking and general parking problems around the University have diminished considerably, clearly this indicates that the use of the temporary car park has improved the situation for those residents around the campus.

Furthermore, the University through its Travel Plan and Car Parking Management Plan has also attempted to address the worst issues. The University has stated that parking demand remains higher than supply at peak times and the University consider that the removal of the overspill car park would re-introduce significant issues of on-street parking resulting in detrimental impact to residential amenity. This application is seen as a permanent solution to the above concerns and will create a safe, secure and user-friendly car parking environment through the implementation of ParkMark principles.

There has been considerable representation to the application from nearby residents mostly objecting to the proposals but with some residents from Broadway Park estate and Gorway Road in support of the scheme. It is accepted that the new junction, whilst improving the existing situation for Broadway Park residents, will change traffic movements in front of those residents on Broadway. Residents opposite the junction are particularly concerned about headlights shining into their properties. However, amendments to the position of the stop line on the new access road will result in vehicles being stationary 33m back from Broadway, a total of 46 metres from the stop line to the front elevation of properties on Broadway. Furthermore, the gradient of the access road is set at a minimum of 3% at the stop line. With an assumption of the vehicle headlight height of 1m (which is maximum for any vehicle) and the inclination of the light beam at an angle of 3°, it is observed that the drop in headlight envelop hits the ground at a distance of 20m which will be well short of Broadway and residential properties opposite. There is limited risk of stationary head light glare, additionally the access road to the campus has a very small amount of traffic in the evenings.

On balance, in this instance, it is considered that the use of the new access is unlikely to have a detrimental impact on resident's amenity on the basis that there is an existing car park and traffic flows will not be directly affected sufficient to sustain a reason for refusal.

Comments on objections

Objections received following the latest re-consultation raise no additional new material planning considerations to those, which were previously reported to the committee.

Mostly the objections relate to either the impact of the installation of a new traffic light controlled junction and safety issues or the amenity of those residents opposite the proposed junction from vehicles using the new access road.

All matters relating to the new junction have been addressed above, its operation will be in tandem with the existing traffic light controlled junction. There are no objections from the councils highway engineers.

Traffic Related

- create more traffic, noise, pollution on Broadway - *traffic flows onto Broadway will not be increased*
- more congested - *the new traffic light junction will be connected to the existing junction and be controlled in tandem, there should be no additional traffic congestion*
- Already access to the campus from Delves Road – *the existing access has given rise to issues of indiscriminate parking on Broadway Park estate. This option provides a new single point of access to the campus from its main frontage.*
- large amount of traffic from the campus onto the ring road –*see above comment*
- Never large build ups of traffic waiting to use the existing lights – *should be no change*
- Inconvenience all road users by adding another hold up – *should be no change as both junctions will work together*
- Access difficult to houses in between the lights – *it has been satisfactorily demonstrated that all houses near to the new junction will be able to access/egress safely.*
- Access will have a detrimental impact on residential homes opposite – *see above*
- Concern the safety of residents will be compromised as residents struggle to access the Broadway and assess traffic from 3 directions before leaving their driveways – *a Stage 1 Road Safety Audit has been carried out and no items have been raised.*
- Existing access onto Magdalene Road allows smooth flow of traffic without jeopardising safety – *this will continue to operate for the Broadway Park Estate but also in tandem with the new junction*
- Formation of an island in the middle of the Broadway facilitating entry and exit to the car park will result in significant narrowing of the road. This is expected to worsen the congestion – *addressed above.*
- no justification made for a second signalised junction – *see above comment*
- Perfectly adequate existing junction – *as above comment*
- Unnecessary additional burden on a principal arterial route – *no additional traffic increase onto the highway network*

Amenity

- *All issues of amenity and privacy have been addressed however to reiterate traffic egressing the campus site when stationary at the lights will be some 45 metres away from those houses opposite, at that distance it is unlikely there*

will be any significant impact in terms of overlooking, privacy or lights shining into the houses.

- *sense of security will be lost and result in increased apprehension and anxiety being watched all the time - The provision of a new entrance should not give rise to any issues of security it does not impact or affect the curtilages of those properties*
 - *fear of crime – the Police Architectural Liaison Officer has no objections and seeks the car park to be designed to Park Mark standards which will reduce any potential crime*
 - *responsibilities of the Council under the Human Rights Act in particular Protocol 1, Article 1 ...a person has the right to peaceful enjoyment of all their possessions which includes the home and other land*
 - *Article 8 ... substantive right to respect for their private and family life - The Council is aware of the rights set out within the Human Rights Act and the First Protocol. The rights in Article 8 and Article 1 of the First Protocol are not absolute. The case of Huang v SS 2007 UKHL made clear that the overarching approach to be adopted is the need to balance the interests of society with those of individuals and groups. As such, the courts will require real evidence of interference with human rights where it is alleged. In the determination of planning applications the Local Planning Authority will take human rights into account in the assessment of the merits of the planning application.*
 - *Increase light pollution from oncoming headlights from cars waiting at traffic lights – this has been addressed in the main body of this report*
 - *Bright lights and glare can cause migraines; bright lights from waiting at traffic lights may increase these symptoms. – the distance away from the houses has been increased to reduce glare from headlights of vehicles leaving the campus*
 - *new access result in loss of trees and impact on nature and birdlife – this has been addressed in the main body of the report*
 - *Fail to safeguard the environment for future use - the application proposes substantial landscaping which should secure the appearance of the University from Broadway and enhance the existing green space*
-
- *Proposal goes against Walsall Green Space Strategy – the loss of the sports pitch is addressed above in the main report*
 - *The estate specifically made provision for access to the University via Magdalene Road. Those homeowners acquired their properties with this knowledge – notwithstanding this comment the application is also about a new access/egress for the campus which will promote it more along the Broadway corridor.*

In response to the two additional letters received querying the petition, the Local Planning Authority cannot question the validity of the petition but the comments are duly noted

With regards to issues raised by Valerie Vaz MP (Walsall South) the following comments are made: It is not currently possible to advise people making representations of the progress of applications and the notification letters make it

clear that residents need to keep in touch with the case officer if they wish to be updated. Committee dates and procedures are published on the Council's website.

On each application, two people may speak in favour and two may speak against any item on the committee agenda. All allocations had been filled.

The application includes an assessment of traffic impacts and a safety audit. The Councils Highways and Planning Officers have considered the scheme as submitted and subject to the conditions as set out in the report, the proposed access arrangements have been considered acceptable in terms of both residential amenity and highway safety. The applicant will pay for the highway works.

Conclusions

Whilst there are some policy conflicts arising from the proposal in relation to the loss of a playing pitch, in this instance there are other material considerations sufficient to justify a departure from the policy and securing compensation for the loss of the pitch allows for a more permanent solution to address parking issues in and around the campus. The new access will also emphasise its position along this major arterial route within and around Walsall. The proposed and required additional landscaping will be sufficient to safeguard the visual amenity of residents and preserve the views of the campus from Broadway.

In order to secure the appropriate compensation for the loss of the sports pitch it will be necessary for the applicant to enter into a section 106 agreement, this is currently being considered and as such the application is recommended to be delegated to the head of Planning and Building Control to grant permission subject to conditions and subject to the section 106 agreement to secure upgrade to existing sports facilities being signed.

Positive and proactive working with the applicant

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

Recommendation Summary: Delegate to the Head of Planning and Building Control to grant permission subject to conditions and subject to the section 106 agreement to secure upgrade to existing sports facilities being signed

Conditions

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

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

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

PLANS

- Amended Landscape Concept Plan (1520/15-02C) received 10/4/15
- Landscape Cross-Sections (1520/14-03C) received 10/4/15
- Existing Survey Plan (Q30117-0000-SK-006 REV1) received 30/1/15
- General Arrangement Plan Car Park and Access (Q30117-0000-SK-001 REV5) received 10/4/15
- Location Plan (Q30117-0000-SK-010) received 30/1/15
- House 39 and 41 Driveway Swept Path Analysis (Q30117-0000-SK-011) received 10/4/15
- Tree Removal and Protection Plan (1520-15-01 Rev A) received 30/1/15
- Vehicle Swept Path Analysis Plan (Q30117-0000-SK-009 REV1) received 30/1/15
- Street Lighting and Car Park lighting (Q30117-1300-SK-001) – received 30/1/15
- Topographical and Drainage Survey Sheet 1 of 3 (R-S10150/201) received 30/1/15
- Topographical and Drainage Survey Sheet 2 of 3 (R-S10150/202) received 30/1/15
- Topographical and Drainage Survey Sheet 3 of 3 (R-S10150/203) received 30/1/15

DOCUMENTS

- Flood Risk Assessment - Appendix A received 30/1/15
- Flood Risk Assessment received 30/1/15
- Planning Statement received 30/1/15
- Transport Assessment - Appendix F
- Transport Assessment received 30/1/15
- Travel Plan received 30/1/15
- Arboricultural Report received 30/1/15
- Car Park Management Plan received 30/1/15
- Landscape Design Statement received 30/1/15
- Access Options Assessment – April 2015 received 10/4/15
- Road Safety Audit received 10/4/15

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

3a. The development hereby permitted shall not begin until drainage plans for the disposal of surface water and foul sewerage have been submitted to and approved in writing by the Local Planning Authority. The scheme shall take account of the proposed location of new tree and shrub planting to ensure a satisfactory juxtaposition.

3b. The scheme shall be implemented and retained in accordance with the approved details before the development is first brought into use.

Reason: Necessary to ensure that surface water from the site is disposed of in a safe and appropriate manner in order to protect the integrity of the waterway structure and water quality and to safeguard the proposed replacement trees and preserve and enhance the visual amenities of the locality in accordance with policies

ENV18 of the Walsall UDP 2005 and NE9 of the Walsall SPD (Conserving Walsall's Natural Heritage) and ENV5 Flood Risk, Sustainable Drainage Systems and Urban Heat Island of the adopted Black Country Joint Core Strategy and paragraph 120 of the National Planning Policy Framework relating to land instability

4a. Prior to the commencement of the development,

i) Full engineering details of the new signalised junction works within the existing highway and adoptable highway works shall be submitted to the Local Planning Authority for technical approval in writing, in consultation with the Highway Authority and UTC Urban Traffic Control.

ii) A review of the existing traffic signage on the approaches to the new University access shall be undertaken and full details of any modifications required shall be submitted to the Local Planning Authority for technical approval in writing, in consultation with the Highway Authority.

Note to the Applicant: The proposed signal junction arrangements to be submitted for final technical approval will require modification to include closely associated signal heads to enable the future provision of a right turn indicative green arrow, double secondary heads and a left filter arrow on the access road.

4b. Prior to the new junction first coming into operation, the highway infrastructure works and signage detailed under Condition 1 (a) (i) and (ii) above 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 new junction, in accordance with UDP Policy GP2 and in the interests of highway safety.

5a. Prior to the overspill car park and access road thereto first coming into use, these areas shall be fully consolidated, hard surfaced and drained, to ensure surface water from these areas does not discharge onto the public highway or into any highway drain and the parking bays clearly demarcated on the ground.

5b. 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.

6a. Prior to the approved car park and new access/egress is first brought into use all approved boundary treatments shall be fully implemented in accordance with the approved plans.

6b. The boundaries shall thereafter be retained.

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

7a. Prior to the approved car park and new access/egress first being brought into use details of the proposed barrier system shall be submitted to and approved in writing by the Local Planning Authority

7b. The approved details shall be fully implemented prior to the use of the new access and car park first being brought into use by students or members of staff.

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

8a. Prior to the new car park or new access/egress onto Broadway is first brought into use by students or members of staff full details of all proposed tree planting, and the proposed times of planting shall have been submitted to and approved in writing by the Local Planning Authority

8b. All tree planting shall be implemented within 12 months of the completion of the development.

8c. Within a period of 5 years from the completion of the development, no tree, existing or proposed, shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars the local planning authority. Any topping or lopping shall be carried out in accordance with British Standard 3998:2010 (Tree Work) and in accordance with any supplied arboricultural method statement. If any tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species and planted within the first available planting season.

Reason: In order to safeguard and enhance the visual amenities of the locality in accordance with Policy ENV18 of the Walsall UDP 2005 and policies NE5 and NE9 of Walsall Council SPD, Conserving Walsall's Natural Environment

9a. Prior to the commencement of development details shall be submitted to the Local Planning Authority in conjunction with the Highway Authority, setting out where the location of parking for site operatives and visitors to the development site has been provided within the application site.

9b. The approved details shall be fully implemented prior to the commencement of the development and thereafter retained, maintained and kept available during the development process.

Reason: To prevent indiscriminate parking in the interest of highway safety.

10a. Prior to any works commencing on the site, protective fencing and ground protection such as geomembrane or scaffold boards shall be installed around all retained trees in accordance with the details shown on Drawing 1520-15-01 Rev A (Tree Retention, Removal and Protection).

10b. Following installation of the tree protection measures and prior to the commencement of works on site notification shall be given in writing to the Councils arboricultural officer (Cameron Gibson, 01922 654741) to allow a full inspection of

the protection measures.

10c. The protection measures shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition nor shall any fires be started, no tipping, refuelling, disposal of solvents or cement mixing carried out and ground levels within those areas shall not be altered, nor shall any excavation or vehicular access be made.

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

11a. The development hereby permitted shall not begin until a scheme showing details of a CCTV system including a facility for digital recording on site shall be submitted to and approved in writing by the Local Planning Authority.

11b. The scheme as approved shall be implemented before the use begins. All equipment installed as part of the scheme shall thereafter be retained and operated and maintained in full working order.

Reason: To safeguard the amenities of occupiers nearby.

12a. Prior to commencement of the new access/egress and car park, details shall be submitted to and approved in writing by the Local Planning Authority of how the car park will meet Secure by Design and in particular ParkMark principles.

12b. The scheme as approved shall be implemented before the use begins.

Reason: To safeguard the amenities of occupiers nearby.

13. Following completion of the new access off Broadway and the overspill car park first coming into use, the operation and management of the University Campus as a whole shall thereafter be implemented in accordance with the approved 'Car Park Management Plan' RQ30117T002-A submitted by Pell Frischmann as part of this application.

Reason: To ensure the satisfactory operation and management of car parking on the campus as a whole in order to minimise the potential of on-street parking on the surrounding highways, in the interests of highway safety and free flow of traffic on the public highway.

14. Following the new junction on Broadway and the permanent car park first coming into use, all vehicular and pedestrian access to the university campus from Magdalene Road shall permanently cease, with the exception of emergency service vehicles.

Reason: To remove pedestrian and vehicular traffic associated with the university campus from Magdalene Road, in the interests of the free flow of traffic on the public highway and highway safety.

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

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

Reason: To safeguard the amenities of nearby residents

Notes for Applicant

- West Midlands Police: The Police Architectural Liaison Officer has been consulted on the application and the principles of PARKMARK are to be followed in order to create a safe, secure and user friendly car parking environment. Further details can be found at <http://www.britishparking.co.uk/Guidelines-and-resources>.
- No works on the public highway shall be commenced until all engineering details have been approved by the Highway Authority and an agreement under Section 38/278 of the Highways Act, 1980 entered into. All costs are to be met by the applicant and it should be noted that any non standard materials, landscaping, highway drainage or structures etc will require a commuted sum for future maintenance. Note for applicant regarding Mud on Highway 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
- Drainage arrangements shall be provided to ensure that surface water from the driveway and/or vehicular turning areas do not discharge onto the public highway. No drainage from the proposed development shall be allowed to discharge into any highway drain or over any part of the public highway or vice versa.

5/5/16
5/5/16

Construction of new access road off Broadway



With news of the construction of new access off The Broadway together with new carpark for the University of Wolverhampton, Walsall Campus. We the undersigned have read the covering letter and object to this as this will have many negative effects on the residents that live on The Broadway, and request that an alternative route be found.

NAME (please print)	ADDRESS & POST CODE (please print)	SIGNATURE
	150 Broadway	
	150 Broadway	
	150 Broadway	
	158 Broadway	
	158 Broadway	
	160 Broadway	
	160 Broadway	
	160 Broadway	
	162 Broadway	
	164 Broadway	
	164 Broadway	
	164 Broadway	
	164 Broadway	
	166 Broadway	
	"	
	"	
	170 Broadway	
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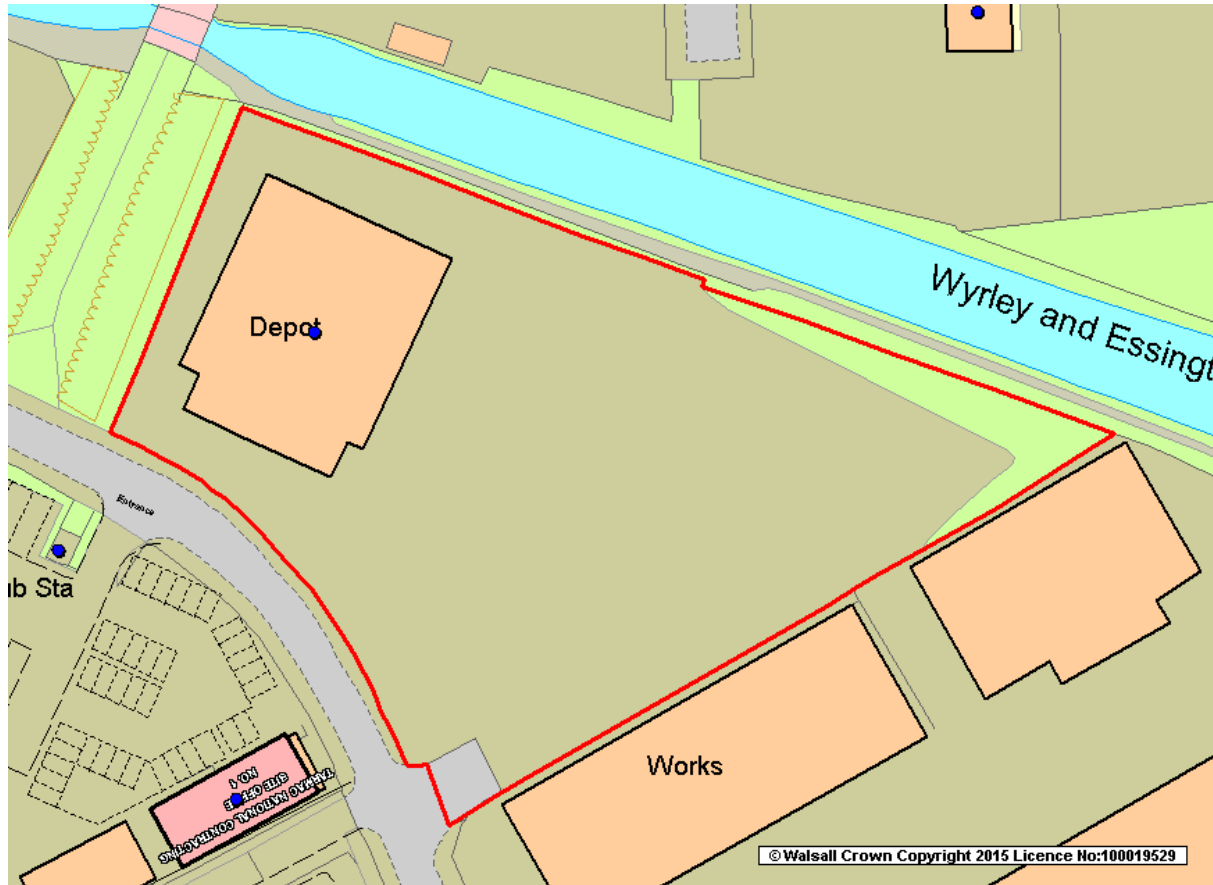
20

End of Officers Report



Planning Committee

Plans List Item Number: 2.



Officers Report

Status

The report was published on the agenda for 1st October 2015 meeting but the item was withdrawn from the agenda at the request of One Stop (as an adjoining occupier) to allow further time to comment on the submitted noise assessment and comments made by Pollution Control.

Following the deferral of the application the applicant wrote to express their concerns at the further delay in the determination of the application. Each delay is costing the company money, they confirmed that they 'have every intention of investing large amounts of capital to take the site from a derelict eyesore to something that will be aesthetically more pleasing', with benefits to the community in employment potential and business growth.

Notice has now been given to the Council from the Department of Communities and Local Government that a request has been made by a third party for the application to be determined by the Secretary of State under the Call-in procedures. If Members chose to support the officers recommendations and resolve to grant the scheme subject to conditions, the Secretary of State will then commence his consideration of the application against the Call-in policy. Sufficient time will then need to be allowed for the Secretary of State to determine if Call-in is appropriate before a decision notice is issued.

Public Participation Responses

2 further letters and a petition against the proposals have been received since the publication of the previous agenda. One objection from a local resident, further comments from One Stop and a petition of 162 signatures.

In addition to the previous comments detailed within the original report the following further objections have been raised by a local resident:

- Pelsall Lane is residential and has been considered, but no consideration to Lichfield Road which is also residential and is a continuation of Pelsall Lane. It is reasonable to believe that traffic will enter from both Pelsall Lane and Lichfield Road.
- The area is mainly residential with only a very small employment area
- There are a number of vacant industrialised sites in Aldridge near the Council waste tip and recycling centre, it would be far easier and more eco friendly for the Council to recycle the waste metal.
- Significant adverse impacts on the health & quality of life, already suffer significant increased traffic from wagons both night and day.
- Road recently resurfaced to reduce noise pollution, which cost a lot, but what is the point if now need to suffer noise from more wagons from this site.
- Will destroy another beautiful village, leave Pelsall alone.

Comments from One Stop:

- Pleased that a noise management plan is proposed as a planning condition

- Concerns about the way the application has been dealt with, One Stop have not been properly or fully consulted with, and has not received adequate responses to correspondence.
- One stop has offered their premises for noise monitoring, which has not been taken up.
- Insufficient details of the noise management plan provided, so able to comment whether appropriate or not. Further consultation on the details of the noise management plan is required to enable an assessment by One Stop on their business and head office staff.
- The nature of the proposed business will involve tipping and moving metal, which is a noisy activity, there should be a clear noise level set for impact noise and the number of occurrences in a working day.
- The 1 hour L_{Aeq} (1 hour) is helpful. One Stop would want an 8 hour L_{Aeq} working day or 24 hour L_{Aeq} added as well.
- No details of the monitoring or enforcement of the noise management plan, this should be added to the condition.

The petition of 162 signatures, objections:

- Using the proposed M6 Bloxwich route and Pelsall Lane route it is estimated 60 heavy metal laden wagons will visit the site each day, which will be 120 journeys, 1 wagon every 5 minutes running through Wolverhampton Road/Lichfield Road/Pelsall Lane. Who will monitor the wagons in and out?
- The above route is used by the emergency services as a main route they are already compromised by heavy traffic, lives could be put at risk
- There are 3 infant and junior schools in Pelsall, residents have to cross this busy road to take children to school, in an emergency what is the stopping distance for these heavy laden vehicles?
- Safety of senior citizens crossing Wolverhampton Road
- Noise and fumes from additional traffic impacting on health and wellbeing of residents along the route
- The new surfaced road will deteriorate before its time
- The traffic lights at the Apex Rd junction will need to be amended to cope with these vehicles. Added to the Council vehicles this will cause delays at both ends of the route
- Issues regarding the operational noise from the use, how will this be monitored?
- Despite being designated as core employment area, which is mainly One Stop offices, this must be regarded as a residential area, on the outskirts of a beautiful village centre, which should not be forgotten when considering the application
- This is not a case of 'not on our doorstep' but a genuine concern for the safety and wellbeing of all residents both young and old.

Observations

The site (0.8 hectares) sits within a designated core employment area of approx 22 hectares, the site is therefore not situated within a predominantly residential area. The highway implications of the proposals are detailed in the submitted transport statement and discussed in main report below.

One Stop has been consulted on the proposals in the normal way and responses given to correspondence. The application was deferred from the last committee agenda to allow One Stop further time to assess the noise assessment submitted, the published committee report and make further comments.

Pollution Control officers have advised that whilst a noise survey would not normally be required in respect of the character of the development in this location they have assessed the noise report provided by the applicant and indeed sought further information.

Whilst the impacts on One Stop may be greater than reported in the noise report, it is considered that sufficient knowledge exists of the impact the development may have on One Stop. Accordingly, it is considered the extent of any harm can be adequately managed through the use of a Noise Management Plan to manage the operations on site. This can be secured by condition and should be implemented prior to the commencement of development.

Comments have been made that the proposed noise management plan condition fails to secure monitoring and enforcement, this would however be part of the normal process for condition monitoring and enforcement. If sufficient grounds are brought to the attention of the council, officer would monitor the site, if a breach is found then our enforcement powers include a Breach of Condition Notice which could be utilised.

The petition comments on the residential nature of the Pelsall area and the increased traffic along Pelsall Road/Lichfield Road and Wolverhampton Road. It must however be remembered that this route is a classified road (A4124), part of the strategic highway network forming the main strategic route to Wolverhampton and is designed to take long distance strategic traffic. The main report discusses the traffic movements for the proposals against the extant consent of the site, and concludes that the proposals will result in only 1 additional traffic movement over the extant consent.

Of the 162 signatures on the petition there are a number within 1 mile of the site (north of Pelsall and the Ryders Hayes estate) but there are a significant number that lie more than 1 mile from the site and up to 2 miles away (Allens Lane and Marlpool Drive) from the site. It is considered that limited weight can be given to the petition given the distance of the signatories from the site.

Recommendation

The recommendation remains that planning consent be granted subject to conditions (with a an additional condition regarding the height of stored materials recommended below), however the application this is now subject to assessment under the Call-in procedure by the Secretary of State.

17. There shall be no storage above the height of the storage bays and boundary treatment.

Reason: In order to define the permission, safeguard the amenities of the occupiers of adjoining premises and safeguard the visual amenity of the area.

Original Report

Application and Site Details

The site is situated on the north eastern side of Apex Road, a no through road off Pelsall Road (A4124 part of the Strategic Highway Network (SHN)) and comprises a 0.8 hectare vacant site with open yard and 1100sqm warehouse and office building in the north western corner of the site, which is currently in a poor state of repair. The site was previously used for storage and distribution for temporary mobile buildings and has been vacant for approx 3 ½ to 4 years. The main building is double storey in height with two storey brick offices on the frontage with parking on the forecourt in front, with its own vehicle access. The main site access is situated in the south western corner of the site. The site is currently secured by a mixture of palisade and chain link fencing. The application boundary includes a 3m strip along the north eastern boundary of the site, along the Wyrley and Essington Canal. The site is situated within a designated Core Employment area known as Coppice Side Industrial Estate.

Immediately to the north east and north west of the site is the Wyrley and Essington Canal (a bend in the canal) with Brownhills Common and The Slough Site of Importance for Nature Conservation (SINC) which includes a former railway embankment with a greenway along the top and well vegetated embankments heading north from the canal (Slough Bridge). Beyond the canal to the north is a skip hire and recycling yard and a crane hire company and further engineering and industrial premises within the Coppice Side Industrial Estate.

To the west of the site at the head of Apex Road is a large car park area for staff of One Stop, who occupy the site to the south east of the site fronting Pelsall Road. The One Stop site comprises a warehousing and distribution centre as well as their head office, two large storage buildings are set to the rear of their site that back onto the boundary of the application site (7m and 12m high respectively) with a further large building fronting Pelsall Road and three/four storey office accommodation fronting Apex Road. To the south of the site is the Council Depot site and Tarmac contractors yard, all situated within the Core Employment area. The junction of Apex Road and Pelsall Road is controlled by traffic lights. Further to the south on the opposite side of Pelsall Road is the Clayhanger SSSI.

The closest residential properties are a row of semi detached houses situated approx 290m to the south east of the site within a service road on Pelsall Road. With one isolated property (122 Pelsall Road) situated approx 100m to the east along the canal towpath.

This application proposes the change of use of the site to a metal recycling site (MRS). It is proposed to re-clad and reuse the existing warehouse building and offices, install a weighbridge within the yard area, install new boundary treatment and planting to the canal towpath. This is a revised submission following a previous refusal in March 2015.

The boundary treatment would vary between 4m and 5m high concrete wall and 2m high chain link fencing. The concrete walls would form the rear of storage bays within the site. The chain link fencing would sit behind the wall along the canal boundary with existing hedging, which will be re enforced with additional planting and new planting to the remainder of the frontage.

36 concrete storage bays 6m x 4m would be provided, 20 along the southern boundary with One Stop 5m in height and 13 along the north eastern boundary with the canal between 4 and 4.5m in height. The outer side of the new boundary walls would be painted, a colour to be agreed. The existing concrete hardstanding within the yard would be retained.

This use would involve the relocation of an existing metal recycling business from a site in Birmingham to allow the company to expand. The activities would include:

- Collection of waste metal from industry, construction and demolition
- Waste would be brought in by large 8 wheeler or articulated vehicles tipped into specified areas in the yard, sorted and graded (manual and the use of cranes and mobile grabbers)
- Sorted materials would be placed in designated bays around the north and south eastern boundaries of the yard
- High value materials would be stored in the building
- All processing activities would be undertaken at a sister company elsewhere.

The scheme has been revised to reduce the tonnage of material to pass through the site on an annual basis from 75,000 on the refused scheme to 50,000 tonnes per annum now. Whilst the Environment Agency Permit already in place allows for up to 75,000 tonnes per annum the applicants are not expecting to get to that quantity and have therefore reduced the tonnage applied for. The use would require 2 x 360 degree grab cranes and forklift trucks, together with a mobile cropper and baler would be situated within the yard area. A weighbridge would be installed in the yard area and a small self bunded fuel tank would be sited to the rear of the building.

It is anticipated that the use would employ 20 staff, 10 additional to their existing staffing levels. 14 parking spaces would be provided on the forecourt of the offices together with storage for 4 cycles.

The business proposes to operate 0600 – 1800 hours Monday to Friday and 0600 – 1300 hours Saturday with no Sunday or bank holiday working.

A bespoke permit (EPR/BB3607FT) for the site has already been issued by the Environment Agency (Sept 2014) which provides restrictions to the operations at the site.

An Environmental Impact Assessment (EIA) Screen Opinion has been completed for these proposals which conclude that an Environmental Impact Assessment is not needed.

The following have been submitted in support of the proposals:

Planning Statement

This has been updated from the last application and provides details of the existing site and the revised development.

Coal Mining Risk Assessment

This has been analysed by The Coal Authority

Transport Statement & Addendum to Transport Statement

The final Transport Statement submitted is that submitted with the previous application and includes a capacity assessment of the Apex Road/Pelsall Road signal junction. The Addendum Statement looks at the revised proposals to reduce the level of through put from 75,000 to 50,000 tonnes per annum which reduces the number of HGV movements to the site.

The report assesses the traffic movements associated with the previous use of the site based on TRICS analysis would have created 59 daily 2 way vehicle movements. The report predicts that at 75,000 tonnes through put the site would generate approx 76 vehicle movements per day and at the now proposed 50,000 tonnes through put the site would generate 60 vehicle movements a day, only half of which would be HGV vehicles. This would generate only 1 additional vehicle movement a day over the previous use of the site, a reduction of 16 movements a day over the previous refused scheme.

Noise Impact Assessment

This document has been submitted to assess the noise levels that may be generated by the proposed development and the impact that may arise on the neighbouring residential and office premises. This has been considered by the Councils Pollution Officer.

Planting on the Canal Bank

This identifies planting for the canal towpath in line with comments made by Canal & River Trust and the Natural Environment team.

Relevant Planning History

BC42395P, new access, granted subject to conditions 08-11-94

BC44729P, 2.5m high fencing and gates and additional car parking, granted subject to conditions 11-10-95.

BC57551P, 3m high fencing and gates and new access and additional parking, variation of conditions on BC44729P, granted subject to conditions 11-02-99.

14/0595/CM, Change of use to metal recycling facility, including recladding of existing building, installation of weighbridge, erection of new boundary fencing and planting to the canal towpath refused 09-03-15.

Reason for refusal:

1. The proposed development would have a detrimental effect on the residents on Pelsall Road from noise and activity on the site and from the increase in traffic. As such the development would be contrary to the National Planning Policy Framework (2012) in particular paragraphs 109 and 123, contrary to the aims and objectives of the Black Country Core Strategy (2011), in particular policy WM4, and saved policies GP2 and ENV10 of Walsall's Unitary Development Plan (2005).

Relevant Planning Policy Summary

National Planning Policy

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

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

The requirements of the Directive and regulations are reflected in the current National Planning Policy for Waste (see below) and National Planning Practice Guidance on Waste (October 2014), the Waste Management Plan for England 2013, and Defra Guidance on Applying the Waste Hierarchy (June 2011), the Legal Definition of Waste (August 2012), and guidance on Energy from Waste (February 2013), which are also "material considerations" when considering an application for waste management development.

The key requirements when considering applications for a waste management facility of this type are:

- Application of the "waste hierarchy" in accordance with Article 4 of the Waste Framework Directive (Regulation 12); and
- Application of the principle of "protection of human health and the environment" in accordance with Article 13 of the Waste Framework Directive (Regulation 18 (a)).

The "waste hierarchy" is summarised in Appendix A of the National Planning Policy for Waste (October 2014) and I have explained below under Observations what this means for new waste management proposals. The guidance set out in the National Planning Policy and Planning Practice Guidance on waste set out how waste planning authorities are expected to apply the above principles.

As the proposed facility is not a waste disposal installation or an installation for the recovery of mixed municipal waste, the other key principles in the legislation, "proximity and self-sufficiency," do not apply.

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 previously been developed
- Support the transition to a low carbon future...and encourage the use of renewable resources.

Key provisions of the NPPF relevant in this case:

1. Delivering sustainable development

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

19 Planning should encourage and not act as an impediment to sustainable growth.

21 Investment in business should not be over-burdened by the combined requirements of planning policy expectations.

4. Promoting sustainable transport

32 All development should have safe and suitable access to the site for all people. Development should only be refused on transport grounds where the residual cumulative impacts of development are severe.

35 Developments should be located and designed where practical to: accommodated efficient delivery of goods, give priority to pedestrian and cycle movements, create safe and secure layouts.

7. Requiring good design

56. Good design is a key aspect of sustainable development, is indivisible from good planning.

58 Developments should function well and add to the overall quality of the area. 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. Respond to local character and history, and reflect the identity of local surroundings and materials. Create safe and accessible environments that are visually attractive as a result of good architecture.

61 Securing high quality design goes beyond aesthetic considerations.

Decisions should address the connections between people and places and the integration of the new development into the built 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.

11. Conserving and enhancing the natural environment

109 The planning system should prevent new and existing development from contributing to...unacceptable levels of soil, air, water or noise pollution or land instability.

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 if 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.

122. Local planning authorities should focus on whether the development itself is an acceptable use of the land and the impact of the use, rather than the control of processes or emissions themselves where these are subject to approval under pollution control regimes. Local planning authorities should assume that these regimes will operate effectively.

123 Planning decisions should aim to:

- avoid noise from giving rise to significant adverse impacts
- mitigate and reduce to a minimum adverse impact on quality of life arising from noise from new development, including through the use of conditions.
- recognise that development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established.
- identify and protect areas of tranquillity which have remained relatively undisturbed by noise and are prized for their recreational and amenity value.

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.

National Planning Policy (NPP) for Waste (October 2014)

The NPP for Waste should be considered alongside the NPPF. The key principles outlined in the NPP for Waste and the supplementary Planning Practice Guidance on Waste are that planning should:

- Help deliver sustainable development by driving waste up the waste hierarchy;
- Consider the need for additional waste management capacity of more than local significance.
- Consider the likely impact on the local environment and on amenity against the criteria set out in Appendix B of the NPP, which are as follows:

- a) Protection of water quality and resources and flood risk management;
 - b) Land instability
 - c) Landscape and visual impacts
 - d) Nature conservation
 - e) Conserving the historic environment
 - f) Traffic and access
 - g) Air emissions including dust
 - h) Odours
 - i) Vermin and birds
 - j) Noise, light and vibration
 - k) Litter
 - l) Potential land use conflict
- Consider the cumulative effects of waste management facilities on the well-being of the local community, including impacts on environmental quality, social cohesion and inclusion;
 - Ensure waste management facilities in themselves are well-designed, so that they contribute positively to the character and quality of the area;
 - Focus on implementing the planning strategy in the Local Plan, giving priority to the use of previously-developed land, including employment land;
 - Work on the assumption that the relevant pollution control regime will be properly applied and enforced, although regard should be had to any comments received from the relevant bodies on the potential impacts of the proposal on the environment and health; and
 - Where necessary, consider imposing planning conditions to control the effects of the development on the environment, health and amenity, and put into place adequate arrangements for enforcement and monitoring.

Planning Practice Guidance

Land stability:

The planning system has an important role in considering land stability by: helping ensure that various types of development should not be placed in unstable locations without various precautions.

Waste:

The guidance outlines the key principles of the Waste Framework Directive (2008/98/EC) and Waste Regulations 2011 (as amended), including the “waste hierarchy” and the principle of protection of human health and the environment, and explains the role of the planning system in implementing them, and the role of other regulatory authorities in controlling environmental and health effects. The main role of planning is ensuring that facilities are developed in appropriate locations.

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

The application has been assessed and is a Schedule 2 Development, but due to the site area, substantially less than 20ha it is not an EIA development.

The Development Plan

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

The Black Country Core Strategy (BCCS)

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

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.

This checklist has been published on the BCCS and Council websites. Cabinet on 24th July 2013 resolved to endorse the assessment undertaken by officers from the four local authorities and agreed that the Black Country Core Strategy is consistent with the National Planning Policy Framework, so that the Core Strategy policies should be given full weight in planning decisions.

ENV1: Nature Conservation

Development within the Black Country will safeguard nature conservation, inside and outside its boundaries by ensuring that:

- development is not permitted where it would harm internationally (Special Areas of Conservation), nationally (Sites of Special Scientific Interest and National Nature Reserves) or regionally (Local Nature Reserve and Sites of Importance for Nature Conservation) designated nature conservation sites;

CSP3: Development proposals need to demonstrate that the environmental infrastructure will be protected, enhanced and expanded at every opportunity. This includes open space, areas of importance for biodiversity and areas and buildings of high design quality.

CSP4 - develops the need for high quality place making and design

CSP5 - sets out the need to develop and manage movement and ensure that sustainable modes of transport are promoted.

EMP1 - seeks to provide for economic growth and to ensure a sufficient stock of employment land to meet demand and support the growth and diversification of the economy.

EMP3 seeks to provide for a portfolio of local quality employment land.

TRAN1 sets the priorities for the development of the transport network and promoting sustainable transport modes.

TRAN2 requires development proposals to manage transport impacts of new development

TRAN4: Cycle parking facilities should be provided at all new developments and should be located in a convenient location with good natural surveillance

TRAN5 sets out the requirement for development to focus on moving away from the reliance on the private car

DEL2 - sets out considerations in managing the balance between employment land and housing

ENV1: Adequate information must be submitted with planning applications for proposals which may affect any designated site or any important habitat, species or geological feature to ensure that the likely impacts of the proposal can be fully assessed. Without this there will be a presumption against granting permission.

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

ENV4: Seeks to ensure that canalside development gives a positive impression to the towpath and the integrity of the canal is maintained and enhanced.

ENV5: Seeks to ensure that new developments mitigate against flood risk and promote sustainable drainage.

WM1: The Black Country will aim to achieve zero waste growth by 2026 through: moving waste up the waste hierarchy and supporting proposals which involve optimum uses for waste materials.

WM2: Strategic waste management site is defined as: Forming a vital part of the Black Country's municipal waste management infrastructure; fulfil more than a local role; specialise in a particular waste stream; recovery/treatment processing facilities with annual throughput capacity of more than 50,000 tonnes per annum.

WM3: Identifies sites as strategic waste management proposals and notes other opportunities may come through other planning applications. The Black Country has an unmet demand for Municipal Solid Wastes and Commercial and Industrial Waste

WM4: Waste arising in the Black Country should be managed within Black Country where feasible. The clustering of related or complementary waste treatment, transfer and disposal operations in a specific location will also be supported, where this would not have adverse cumulative impacts on neighbouring uses. All proposals should minimise adverse visual impacts, potential detrimental effects on the environment and human health, and localised impacts on neighbouring uses from noise, emissions, odours, vermin and litter. To minimise such impacts, wherever possible, waste management operations should be contained within a building or other physical enclosure.

All proposals should minimise adverse visual impacts, potential detrimental effects on the environment and human health, and localised impacts on neighbouring uses from noises, emissions, odours, vermin and litter. Where possible, waste management operations should be contained within a building or other physical enclosure. Material Recycling/Recovery facilities are likely to be suitable on all employment land.

Sets out locational criteria for new facilities, including:

- Whether the proposal supports national and local waste strategies, objectives and targets for waste;
- Whether the proposal is well-located in relation to the sources of waste it will be managing;
- Whether the location is suitable for the type of facility and operations proposed and capable of adapting to changing;
- Whether the proposal would provide opportunities for co-location of related uses and/ or generate other benefits (for example, would it manage a range of waste types or streams, produce high quality aggregates or other useful raw materials, or supply heat and power or other forms of energy to adjacent uses);
- Whether the proposal would involve re-use of previously-developed land;
- Whether the proposal contributes towards the positive environmental transformation of the Black Country;
- Whether the proposal is compatible with neighbouring uses (taking into account the nature of the wastes being managed, the technologies used, the hours of operation and cumulative effects), and if so, whether it identifies and adequately addresses potential harmful effects on amenity;
- Whether the proposal supports economic and growth objectives for the Black Country (for example, would it create or retain local jobs, provide a service to local businesses, produce material resources for local industries, or aggregates to supply construction projects within the Growth Network);
- Whether the proposal would address impacts on the highway/ transport network (for example, has the potential to move waste by rail or inland waterway been fully considered, and does it identify and adequately address impacts on the local/ strategic highway and drainage network

In developing these criteria, regard has been had to the locational guidance and criteria in the former PPS10. Although this has since been replaced by paragraphs 4 and 5 and Appendix B of the NPP for Waste, there has been little change to the general locational guidance and preference for previously-developed land including employment land, or to the locational criteria in the Appendix. It is therefore considered in this case that the relevant provisions of the BCCS can be given full weight.

Saved policies of Walsall Unitary Development Plan

GP2: Environmental Protection

Expects all development to make a positive contribution to the quality of the environment and will not permit development which would have an unacceptable adverse impact upon the environment: i) Visual appearance, ii) The creation of, or susceptibility to, pollution of any kind, iii) Potential problems of land stability, contamination, vii) Accessibility by a choice of means of transport including adequacy of access, xix) The hours of operation.

3.6 Development schemes should, as far as possible, help to improve the environment of the borough.

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

ENV10: Pollution

a) Development of an industry or facility which may cause pollution will only be permitted if it would not:

1. Release pollutants into water, soil or air
2. Cause unacceptable adverse effect in terms of smoke, fumes, gases, dust steam, heat, light, vibration, smell, noise or other polluting emissions
3. Have an unacceptable adverse effect on nearby land uses and/or restrict the types of new development that could be permitted in the locality, or impose special conditions on them.

b) 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.

ENV14: Development of Derelict and Previously Developed Sites

Seek to bring forward derelict, vacant or underused land and buildings for new uses. Where there is contamination, stability or ground gas issues, the application must assess the level of the risk and set out a strategy for dealing with them as part of the proposed development.

ENV23: Nature Conservation and New Development

Layout of all new development must take account of potential for enhancement of the natural environment through habitat creation. The Council will require habitat creation to encourage the conservation of wildlife in proximity to a SSSI, LNR, SINC or SLINC and in proximity to wildlife corridors.

ENV24: Wildlife Corridors

New development which would sever or unacceptable harm the integrity of a wildlife corridor or of linear features such as rivers, streams, canals etc will not normally be permitted.

ENV26: Industrial Archaeology

(C) The Council will seek to protect and improve the canal heritage and new development adjacent to the canals should take full account of the opportunities created by the setting in terms of design, layout, landscape detail and boundary treatment.

ENV32: Design & Development Proposals

Poorly designed development which fails to properly take account of the context or surroundings will not be permitted.

ENV33: Landscape Design

Deals with landscape design and opportunities to create and enhance environmental quality.

ENV35: Appearance of Commercial Buildings

The design of commercial buildings should be appropriate to their setting

JP5: Core Employment Areas

These areas will be safeguarded for core employment uses

JP8 Bad Neighbour Industrial Uses.

(b) The Council will normally impose conditions on planning permissions covering the following matters:-

- I. Height of open storage.
- II. Location, within the site, of activities with a potentially adverse impact.
- III. Hours of operation.
- IV. Boundary treatment to include fencing of an approved standard, native trees and shrubs, and earth mounding as required.
- V. Proper demarcation of areas for parking, loading and manoeuvring which shall be kept clear of stored material.

T4: The Highway Network

Sets the aim of managing the flow of traffic on the Borough's road network

T7: Car Parking

All development should satisfy the car parking standards set out in Policy T13. This will involve providing an adequate level of parking to meet operational needs while not exceeding any maximum parking standards that are specified.

T10: Accessibility Standards

The Council will use planning conditions to ensure that accessibility standards continue to be met throughout the life of the development.

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

10.7: The Council will give particular attention to safeguarding the environment and protecting amenities of local residents, taking into account the proximity of the site to existing or proposed housing or other sensitive uses.

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

Supplementary Planning Documents

Designing Walsall SPD

Aims to promote a high quality environment and high standards of urban and landscape design throughout the Borough and identifies the basis on which the design of buildings and spaces will be considered during the development control process. The relevant SPD's are:

Designing Walsall SPD

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

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

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

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

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

Natural Environment SPD

Policies NE1, NE2, NE3, NE4, NE5, N8, N9 & N10 deal with the need to fully assess, protect and secure compensatory planting for trees.

Protection is proposed for protected animals, plants etc.

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

Consultations

Transportation – No objections subject to conditions relating to:

- A parking layout plan to ensure 6m reversing aisle and disabled spaces within the parking area.
- Details of boundary treatment to back of pavement adjacent to the car parking area
- Maximum of 50,000 tonnes of materials per year

- Parking and vehicles manoeuvring areas kept clear
- Details of cycle storage facilities

The Addendum Transport Assessment takes account of the reduction in the throughput of materials from 75,000 to 50,000 tonnes per annum. It predicts that the development will generate approx 60 two way vehicle movements overall per day which is a similar level of trips to the existing consent on the site which TRICS analysis estimates at 59 two way trips per day. It is therefore predicted that the development will result in only 1 additional vehicle movement per day, with an additional 3 trips in the AM peak period and 2 additional movements in the PM peak hour, the remaining trips being outside peak periods. It is therefore considered that the potential impact of the development on the Apex Road/Pelsall Road signal junction would be neutral under the current proposals.

On balance the Highway Authority considers that the cumulative impacts of the proposed development in transport terms would not be severe and is acceptable and in accordance with NPPF para 32.

Canal & River Trust - No objections subject to conditions. The proposals overcome the previous objections regarding the height and visual impact of the boundary to the canal. A condition is however recommended to ensure that storage within the site does not extend above the height of the boundary. The proposed landscaping to the canal towpath should be implemented in accordance with the submitted details and maintenance will need to be for the lifetime of the planting. The applicant will be required to secure the consent of the Trust for the works if planning consent is granted, this however is a separate matter between land owners and would be subject to a detailed agreement between the two parties which would include more specific details of the planting and the long term maintenance of the area.

Environment Agency – An Operational Permit from the Agency has already been issued.

Environmental Health – No objections.

Severn Trent Water – No objections subject to drainage condition and informative to the applicant regarding public sewers.

Natural Environment – No objections subject to conditions. Advice on a suitable ecological scheme for the canal frontage was provided under the previous application which is included in this amended scheme. Conditions are recommended to ensure that the planting on the canal towpath includes native planting, the planting is implemented prior to any commencement of works on the site and maintained in the future as well as the treatment of the gap between the boundary and the storage bins.

The Coal Authority – No objections subject to condition. Satisfied with the Method Statement submitted for site investigation and remedial works, a condition is recommended on any approval to require works to be carried out prior to commencement of any development.

Pollution Control - No objections subject to conditions regarding ground investigation and contamination survey and the requirement for a noise management Plan. The property is located in an area previously utilised as a lime works, which may result in hotspots of contaminated soil that may present Health and Safety implications to persons undertaking ground works. A Noise Management Plan is required to ensure development on the site will not result in an unacceptable loss of amenity at noise sensitive receptors surrounding the site including residential and office occupiers.

Fire Officer – No objections

Inland Waterways – No objections. It is noted that the height of the canalside boundary wall has been reduced to 4 and 4.5m, that it is to be painted dark green or a 'sky blending' shade, and will be screened by planting gaps in the canalside hedge line with native species as set out in the detailed planting scheme. These changes overcome the objections to the previous proposals. However a condition is requested to restrict the height of any storage along the canal boundary to the height of the boundary wall to protect the views from the canal.

Flood Risk Officer – As this is a change of use application with little operational development there is unlikely to be any changes in the surface water arrangements for the site and therefore no interruption to the surface water drainage system of the surrounding land as a result of the development. Provision should be made to ensure that all existing drainage systems continue to operate effectively.

Public Participation Responses

Five objections have been received, three from residents (one on behalf of a further 2 residents and one includes a history of the highway improvements proposed in the vicinity as well as information on EU Environmental Law), one from One Stop themselves and one on behalf of One Stop. Two petitions have also been submitted. Objections:

Traffic & Highway Safety

- Increase in traffic on a major route
- Pelsall Road and Lichfield Road already over used and too busy and cannot carry another extra 30/40 lorries a day
- Junction improvements to Pelsall Road/ Clayhanger Lane part of the planning consent for the major housing development off Clayhanger Lane have never been implemented.
- This is a major development which will produce a material increase in traffic on the highway. Funding for the Clayhanger Bypass highway improvement still not in place, the final decision on this planning application should be made by the Secretary of State Planning Inspectorate.
- The traffic modelling within the Transport Assessment is flawed, the potential impacts on Apex Road/Pelsall Road junction and junctions further afield are not considered. Some of these junctions have been considered for improvements which have not been carried out. It is considered that the application should consider these unimproved junctions as key feeders to the site.

Environment and impact on Amenity

- The methodology used for the submitted noise impact assessment is considered flawed, more noise measurements and calculations are required.
- Pelsall Road and Lichfield Road are residential roads with houses directly onto them.
- How much do Lichfield Road and Wolverhampton Road exceed EU limits on air pollution?
- The proposed scrap yard is likely to make existing air quality worse.
- Result in increased air pollution
- Accepted fact that exhaust fumes are a cause of premature deaths

Economic

- Concern that the Council continues to favour and support the applicant and have not made contact with One Stop to discuss the revised proposals and methodology.
- The Council is supposed to help and support local business and their interests
- One Stop frustrated that they have to spend time and money to check and challenge the Council's work every step of the way in order to protect their interests.
- The Council failed to adequately consult and did not fully engage with One Stop in respect of their objections on the previous application.

EIA

- Walsall MBC must comply with EIA Article 3 Directive 2003/35/EC
- The Council's previous committee report failed to fully explain the conclusions on the EIA screening. EIA Screening highlights noise and adverse effects on existing land uses around the site as relevant factors, this impact was not fully explained by the Council.

Contrary to Policy

- It is considered that the Council's statement that the previous application complied with planning policy is factually incorrect and misleading. Policy WM4 requires consideration of whether the proposals are compatible with neighbouring uses and whether it supports economic & growth objectives for the Black Country. The inadequate assessment of planning policy fails to consider the presence of One Stop head office adjacent to the site.

Petition of 151 signatures:

Objection and request for a ministerial public enquiry for a decision:

- Previous application refused by Committee, 75 objections
- Original public objection should still be valid
- It is a statutory development condition that the new carriageway at the junction of Pelsall Road/Clayhanger Lane and Brwnhills/Pelsall Village bypass are put in place before adding a material increase in traffic to local roads. Planning cannot contravene the developments highway infrastructure major housing development permission TCP Act 1990 sec (54) (A).

Petition of 40 signatures:

Objections:

Crate extra volume of traffic on Pelsall Road which is already over congested

There is no right turning lane into Apex Road, which will cause more congestion of vehicle backing up way past the service road making it more difficult for residents to join the line of traffic on Pelsall Road

Along with the congestion the extra pollution and noise from the metal containers being loaded and unloaded on the site which will be heard from 0600 – 1800 weekdays and Saturday mornings

Lead to believe that the area was for light industry and we don't class this as light industry.

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

Determining issues

Whether the proposals overcome the previous reason for refusal in terms of the detrimental impact on residents of Pelsall Road from noise and activity on the site and from the increase in traffic.

Other Considerations

- The Principle of the Development
- Waste Management/Hierarchy Policy
- Design and Layout
- Impact on Amenity
- Impact on the character and appearance of the area
- Highway Safety
- EIA Screening

Observations

Impact of the residents on Pelsall Road from noise and activity on the site and from the increase in traffic.

These revised proposals reduce the maximum level of throughput of waste through the site from 75,000 tonnes per annum to 50,000 tonnes per annum which will in turn reduce the numbers of vehicles coming and going to the site. The numbers of staff proposed would remain as previously (20) so staff cars would not be reduced, but the number of HGV's visiting the site would be reduced by a third. The Transport Assessment Addendum estimates a reduction from 46 HGV movements a day to 30 HGV movements a day, a reduction of 16 HGV movements a day over the previous scheme.

Whilst Pollution Control Officers confirmed on the previous application that a noise survey was not considered necessary as the site is situated within an industrial area, surrounded by other industrial users with two other waste activities located nearby in Collier Close, the applicant has chosen to submit a Noise Impact Assessment to assist in overcoming the previous reason for refusal.

Pollution Control made an assessment of the initial submission and requested additional information and readings. This information has been submitted and further assessed by Pollution Control.

The large One Stop building on the frontage of Pelsall Road sits between the residential properties in Pelsall Road and the site and would act as a buffer.

One Stop have raised objections to the likely noise from the site adversely impacting on their head office building situated on the end of their main building that fronts Pelsall Road, with the offices facing Apex Road. The offices are situated approx 52m to the south of the site, with their own warehouse buildings and main vehicle access for their own delivery vehicles situated in between. Immediately opposite the offices is the Council's depot. It is considered that the noise levels from the proposed use would not have a significant impact on the occupiers of the offices above that of the previous and still authorised use of the site for the storage and hire of portable buildings or the existing traffic movements of One Stop vehicles, immediately adjacent to the offices. Evidence held by the Council (aerial photos) clearly show as recent as March 2011 that a large number of portable buildings were stored on the site double storey, a use that would have created significant traffic movements from large vehicles and manoeuvring of units around the site.

Following discussion with the Council about the potential for harm, and the concerns of neighbouring businesses and residents, the applicants have elected to reduce the capacity of the through put of materials into the site by a third from 75,000 to 50,000 tonnes per annum which in turn will reduce the number of vehicle movements to and from the site over the previous scheme. They have also chosen to undertake a noise survey to show the impact the development may have.

The Pollution Control Officer has advised that a noise survey would not normally be required in respect of the character of development being advanced through the current proposal. Nevertheless, consideration has been given to the submitted information.

Since the site was vacated, the Pollution Control Officer notes that it is reasonable to state that surrounding developments will have experienced improvements in amenity, however there is no barrier to change in the character of the area and indeed location of the development site is, in principle, viewed as appropriate for the proposed activities.

In commenting on the work submitted by the applicants, the Pollution Control Officer notes the survey has been undertaken in accordance with British Standard BS 4142 and ISO 1996 standards. The background sound levels have been determined at the closest residential façade and the anticipated sound levels have been determined from the applicants existing operation in Birmingham with due reference to BS EN 3733 which is considered by the Pollution Officer to be a pragmatic approach.

The background noise measurement station was placed in Clifton Avenue. Whilst further away from Pelsall Road, this is a quieter street so the background noise levels are lower. Against this reduced baseline, any increase in noise levels would have a greater impact compared to the front of the houses in Pelsall Road which are already affected by traffic noise from the main road.

In respect of the site noise impacts on residential properties the Pollution Officer has confirmed that conclusions are both reasonable and are accepted taking into account the industrial operations that exist on the estate including forklift operations, loading and tipping of materials and movement of lorries.

For traffic noise associated by the development, the expected increase in traffic flow over the extant lawful use of the site is assessed at 0.1% with a HGV component of not more than 15%.

There will be no distinguishable increase in impact to the residential properties when compared against the existing impacts arising from the traffic on Pelsall Road in the opinion of the Pollution Officer.

For the One Stop premises, the Pollution Officer notes this is a commercial building and therefore is of a different characteristic to the residential properties. As it forms part of the Apex Road employment area, it is also not unreasonable in the Officers view to expect a degree of noise burden. This is a matter recognised both in policy and modern noise appraisal techniques, effectively equating to a context consideration.

Because the noise receptor measurements for the impact on commercial development have been also been based on Clifton Avenue, it is considered this is acceptable. The use of 5.0m high concrete sorting bays provides a localised barrier to noise which is more effective the closer the activity is to the barrier. The Pollution Officer considers that there would remain a good margin of allowance without causing a predicted significant impact though this would still need to be evaluated within context and not merely on noise levels or exceedances above a background value.

Although an assessment has been made for maximum noise levels, this work is considered to be flawed and beyond the scope of BS 4142. Taking this into account, the Pollution Control Officer is minded to discount the BS 4142 assessment for One Stop Ltd.

Overall the impact assessment is lacking certain qualifying information and details and does not sufficiently cater for impacts on neighbouring offices.

In respect of the impact on residential properties, the development is seen as acceptable in terms of site operations and traffic noise.

Whilst the impacts on One Stop may be greater than reported in the noise report, it is considered that sufficient knowledge exists of the impact the development may have on One Stop. Accordingly, it is considered the extent of any harm can be adequately managed through the use of a Noise Management Plan to manage the operations on site. This can be secured by condition and should be implemented prior to the commencement of development.

The Principle of the Development

The application site is in a UDP Core Employment Area, (Coppice Side Industrial Estate) where certain land uses are supported. These are research and development/light industry (B1b/c) general industry (class B2) and warehousing and

distribution (B8) uses permitted in accordance with “saved” UDP Policy JP5. The proposed land use does not fall within any of these classes and is defined as “sui generis,” (in a class of its own). However, the BCCS, which post-dates the UDP, identifies this area as “Local Quality” employment land (Economy Key Diagram, Policy EMP3). BCCS Policies EMP3 and WM4 are more flexible and allow a broader range of waste recovery facilities in this type of location.

The new Employment Land Review (ELR) published Sept 2015 confirms the site as ‘Local Quality’ and suitable for this kind of use. It should also be noted that the Sites and Allocations Preferred Option is currently out to consultation, following the ELR this also identifies the site as Local Quality retained employment land. Because this document is at consultation stage, it can only be afforded limited weight.

Policy WM4 of the BCCS defines Metal Recycling Facilities (MRFs) as operations likely to be suitable on all employment land. The UDP (para 4.4) defines core employment areas as locations of strategic importance and good accessibility which contain major concentrations of employment uses.

The proposal is therefore considered to be consistent with current Local Plan land use policy and the site is a suitable location for the proposed use.

This is a previously developed site in a sustainable location that has the potential to generate employment opportunities, the proposals would allow for the re-use of a site that has been vacant for approx 51/2 years and the improvement of a building that is now in a poor state of repair.

Waste Management/Hierarchy Policy

The waste hierarchy has five levels. Prevention is the top priority in waste management. Next best is re use, then recycle, recovery & at the bottom is disposal - the least attractive.

MRS sites are defined as a ‘recovery’ operation rather than a ‘recycling’ operation.

BCCS Policy WM4 provides the criteria for the assessment of waste developments. The BCCS does not identify any need for new MRS capacity or any targets for this as the Black Country already has surplus metal recycling capacity.

Under the Waste Regulations the Waste planning authority has a role in ensuring that waste management development is appropriately located so that it would not endanger human health or harm the environment. To assess the location of the development in relation to the source of waste, the suitability of the site for a waste use and its ability to adapt to changing circumstances must also be assessed.

A waste management land use in this location is considered acceptable. There is no conflict with national policy objectives for waste in Paragraph 1 and Appendix A of the National Planning Policy for Waste (October 2014). Although the facility would not contribute towards the requirements for new waste infrastructure identified in the current local plan (BCCS Policy WM1, Table 16), it would broaden the range of waste infrastructure available in this part of Brownhills, as there are currently no other metal recycling sites at Coppice Side, and there is also no conflict with local plan strategy towards waste management in the Black Country (BCCS Spatial Objective 9 and Policy WM1). Evidence from national surveys shows that most metal waste generated in England is currently recycled, and the proposed facility would

contribute towards the movement of this waste stream up the “waste hierarchy” in accordance with national and local policy, by providing a facility for sorting and bulking up scrap metal for recycling elsewhere.

The proposed development would also comply with current local plan policy on the location of new waste management facilities (BCCS Policy WM4). The Coppice Side Industrial Estate is identified as Retained Local Quality Employment land in the latest published Walsall Employment Land Review (2015) and Appendix 2 of the BCCS - Regeneration Corridor 15, and employment land within this category is identified in BCCS Policies EMP3 and WM4 as being suitable for development of metal recycling facilities. Having assessed the proposal against the criteria in BCCS Policy WM4, it is considered that the proposals would provide a benefit in terms of re-use of previously-developed land and job retention. Although the sources of the waste are not specified, metal waste could potentially originate from any industrial area in the West Midlands. While the site is not well-located in relation to the motorway network, it is in an area where other waste management activities are already present (e.g. Brownhills Skip Hire, Envirosol hazardous treatment facility and the Council’s Environmental Depot). This location is well-placed to serve the wider Brownhills area of Walsall, as well as north Birmingham and adjoining parts of southern Staffordshire, and to exploit a potential gap in the market, given that metal recycling facilities tend to be clustered in the older traditional industrial areas. Taking into account the impact of the previous use of the site, and the likely catchment area of the customers, a metal recycling site is unlikely to have materially greater impacts on the local highway network. The site is not near any residential areas or other sensitive land uses, apart from the canal, that could be affected by noise or dust from the facility. There is also sufficient flexibility within the scheme design to enable the site to accommodate a higher quality enclosed recycling facility at a later date, should market conditions be favourable.

Policy WM4 further requires that proposals should minimise adverse visual impacts, potential detrimental effects on the environment and human health as well as localised impacts on neighbouring uses from noise, emissions, odours, vermin and litter.

While there is potential for harmful impacts on the canal corridor, which is an important feature in the local landscape and has also been designated as a SLINC, and for heavy metal pollutants leaching into the ground or entering the canal due to surface water run-off, it is anticipated that any harmful effects can be overcome through appropriate enhancement of habitats/ boundary treatment along the canal frontage and through the regulatory controls which will be imposed under the waste permit.

The site is situated within a local quality (Core Employment) area surrounded by other B1b, B1c, B2 and B8 uses as well as other waste management facilities. The neighbouring uses are all therefore commercial activities each with their own varying activity levels, associated noise, emissions and odour. It is not considered that the proposed MRF would introduce any additional impacts on the existing surrounding commercial operators over and above the existing activity in the area. The submitted noise impact assessment confirms that the proposed activities would not adversely impact on the surrounding occupiers.

Whilst it could be argued that the proposals as a 'bad neighbour use' would conflict with UDP policy JP8 as the site is situated within a core employment area, it must be recognised that each site must be assessed on its own basis and that any conflict should be resolved through the most up to date policies. Policy WM4 and EMP3 of the BCCS are the most recent local policies that were designed to build in greater flexibility for such uses and as discussed above it is considered that the proposals comply with both.

Design and Layout

The site is large enough to allow for storage bins around the boundaries whilst retaining an appropriate space for manoeuvring and a weighbridge within the open yard. It would allow for the retention and upgrade of the existing warehouse building through recladding, which would improve the overall appearance of the building.

The existing vehicle access points to the site would be utilised, one for the main access to the yard and one for the car parking area for staff and visitors.

The scheme takes into account the adjacent canal and SINC and the proposed boundary treatment and landscaping would improve the overall appearance of the facility/site from the canal and impact on the natural environment. The proposed boundary walls (required to provide appropriate storage bays) would vary between 4m and 5m high and the redline boundary includes part of the canal towpath to allow for retention and enhancement of the planting along the canal with native planting.

Impact on Amenity

The NPPW states LPAs should concern themselves with implementing the planning strategy and not with the control of processes. The NPPF says that authorities should focus on whether the development itself is an acceptable use of the land and the impact of the use, rather than the control of processes or emissions themselves where these are subject to approval under pollution control regimes. Modern, appropriately located, well-run and well-regulated waste management facilities operated in line with current pollution control techniques and standards should pose little risk to human health. Local planning authorities should assume that these

regimes will operate effectively. While planning permission is required for the use of the site, environmental permits are required to operate it. The Environment Agency is the organisation in charge of day-to-day operations and has already issued a Bespoke Environmental Permit to the operator for the site, which will control the operations and ensure compliance with UDP policy ENV10.

As indicated above the site is situated within the Coppice Side Industrial Estate which is designated as Core Employment and is surrounded by other industrial uses including the Council's Depot, a skip hire business, a chemical treatment facility as well as other B2 and B8 uses. The closest residential properties are a row of semi detached houses situated approx 290m to the south east of the site within a service road on Pelsall Road. Although there is one isolated property (122 Pelsall Road) situated approx 100m to the east along the canal towpath from the site. This property does however sit within the core employment area and immediately adjacent to the large warehouse and office premises operated by One Stop which involves significant activity including the movement of HGV's on a regular basis.

Air Quality

Whilst the whole of Walsall MBC is an air quality management area for nitrogen oxide (NO₂), the main source of which is emissions from road traffic, the latest modelling (Sept 2013) by the Council indicates that this site is not in an area of exceedance. Pelsall Rd (A4124) is not a route where limit values are currently being exceeded, and it is considered that the net increase in trips associated with the proposed use is unlikely to add significantly to road traffic emissions on the wider highway network where limit values are exceeded.

Hours of Work

The operating hours would be restricted to 0600 – 1800 hours Monday to Friday and 0600 – 1300 hours Saturday with no Sunday or bank holiday working, normal operating hours for a business within a core employment area. The applicant has confirmed that loads are unlikely to arrive at the site until between 0700 and 0730, the request for a 0600 start would allow the site to be open and the appropriate checks made to plant and equipment prior to the first loads arriving, to avoid the potential of queuing vehicle in the highway.

Impact on the character and appearance of the area

The site is currently cleared so has a neutral impact. The previous use of the site for the hire of portable temporary buildings included significant storage of units within the open yard including double stacked units, the existing boundary treatment (mixture of palisade and chain-link fencing) allowed for full views of the storage from both Apex Road and the canal. The proposed use would include the sorting and storage of metal within storage bays/bins around the boundaries of the site screened from full views by the proposed 4 / 5m high rear walls to the bays. Whilst the walls would be visible (thou painted to improve their appearance) the storage beyond would be hidden, a condition is recommended to restrict the storage to below the height of the boundary walls. The proposed planting to the canal towpath would assist in screening the wall from full views from the canal and enhance the immediate canal environment. The site is already completely hard-surfaced, so the proposed planting to the boundary would be a significant improvement over the current situation, improving the overall appearance of the site. A condition is

recommended to ensure that the proposed planting is implemented prior to the commencement of any work on site and is maintained in the future by the applicant. The implementation of the planting will be subject to a separate agreement with the Canal and River Trust for consent to implement on their land, but without this consent the recommended conditions ensures that the use cannot be implemented.

Some views of the boundary walls would be seen against the backdrop of the existing double storey storage warehouse building on the site which has a maximum height of 18m and the southern elevation would sit adjacent to One Stop buildings 7 and 12m in height. It is considered that the appearance of the site would have no adverse impact on the amenities of the surrounding occupiers, the street scene of the canal environment.

Highway Safety

The comments and concerns from residents with regard to highway safety are noted and have been taken into consideration in the assessment of the proposals. The final

Transport Statement from the previous application includes a capacity assessment of the Apex Road/Pelsall Road signal junction and has been updated with an Addendum report which takes into account the reduced throughput of waste materials per annum through the site.

The Addendum Transport Statement predicts:

For the authorised use of the site:

59 two way vehicle movements

For the previous proposals for 75,000 tonnes per annum:

76 two way vehicle movements a day including 46 HGV movements

For the proposed 50,000 tonnes per annum:

60 two way vehicle movements a day including 30 HGV movements

It is therefore predicted that the development will result in only 1 additional vehicle movement per day, with an additional 3 trips in the AM peak period and 2 additional movements in the PM peak hour, the remaining trips being outside peak periods over the extant use of the site. The proposals represent a reduction of 16 vehicle movements a day. It is therefore considered that the potential impact of the development on the Apex Road/Pelsall Road signal junction would be neutral under the current proposals.

The Urban Traffic Control Team, which manages the signalised traffic network, has checked the submitted junction assessment and the predicted level of vehicle trips from the site and considered it acceptable.

Whilst the objections and comments from residents and surrounding occupiers are noted the Transport Statement identifies that the proposed use would have a neutral impact on the highway network over the previous existing lawful use of the site. The previous use for the storage and hiring out of portable buildings involved the movement of large vehicle to and from the site, similar to the proposals. Whilst the site has been vacant for approx 5 1/2 years, this is still the authorised use of the site and could be re-used without any further planning consent.

Whilst it is recognised that there is already significant traffic using Pelsall Road, it forms part of the Strategic Highway Network within the Borough and so by its very nature is a busy route for long distance and strategic traffic as well as local traffic. The houses, Nos 149-185 Pelsall Road sit within a service road off the main road, schemes like this are designed to improve the flow of traffic within the main road caused by individual direct access onto the main road. Part of the definition of a core employment area is that the area has good accessibility.

The very nature of a signalised junction will create queuing traffic, but the Urban Traffic Control Team have assessed the Transport Statement and consider that the proposals are acceptable and would have little adverse impact on the highway network. Coppice Road is an existing industrial access road suitable for commercial vehicles and the A4124 is strategic highway network in both directions. There are no junction improvements currently proposed.

On balance the Highway Authority considers that the cumulative impacts of the proposed development in transport terms would not be severe and is acceptable and in accordance with NPPF para 32.

Other Matters

Consideration has been given to the impact of the proposed use on the existing drainage system and water course. It is recognised that the site was previously used for storage and distribution for temporary mobile buildings and to this end the proposed use is considered similar in nature due to both schemes centred on open storage. To ensure adequate drainage facilities are provided, a condition to address both soil and surface water drainage is recommended.

It is also considered that the site and the proposed use do not present any new risks to ground instability over and above those already addressed within the Method Statement for Stabilisation of Shallow Mineworkings and Mine Entry Investigation submitted by the applicant and agreed by the Coal Authority, subject to a condition being imposed for the works to be implemented.

With regard to issues of odour, vermin or litter, these are all matters that will be addressed through the operation of the site. As indicated earlier, the NPPW states that it is the role of the Local Planning Authority to consider the planning and land use matters appertaining to the proposal and not the day to day operation of the site as this is dealt with through other legislation controlled wither by the Environment Agency through their permitting regulations or the Councils Environmental Health team.

Environmental Impact Assessment (EIA) Screening Opinion

The Town and Country Planning (Environmental Impact Assessment) Regulations 2011 distinguishes between two separate groups of development to which EIA are required. Schedule 1 Development requires an EIA in every case and Schedule 2 Development requires an EIA only if the project is judged likely to have significant effects on the environment by virtue of factors such as its size, nature or location.

The proposal does not fall within Schedule 1.

The development falls within Schedule 2 part 11(b) (ii) as it is for the disposal of waste with a site area of development that exceeds 0.5 hectares. The site is not located with a 'sensitive area'. However the development is considered unlikely to have significant adverse effects on the environment.

In light of the above an Environmental Impact Assessment for the proposed development is not needed.

Positive and Proactive working with the applicant

Negotiations have taken place with the applicant throughout the course of the application to resolve outstanding issues.

Recommendation Grant Permission Subject to Conditions subject to call in to Secretary of State

Conditions

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

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

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

- Site Location Plan submitted 25th November 2014
- Site Layout Plan Drawing TAN/BLE/02 Rev A submitted 22nd January 2015-01-26
- Plan and Elevations Drawing TAN/BLE/03 submitted 22nd April 2014
- Cross Section Drawing TAN/BLE/04 Rev A submitted 22nd January 2015
- Canalside Elevation Drawing TAN/BLE/07 submitted 23rd January 2015
- Planning Statement submitted 22nd April 2014.
- Method Statement – Stabilisation of Shallow Mineworkings & Mine Entry dated 6th January 2015 by M & J Drilling Services Ltd
- Coal Mining Risk Assessment submitted 8th September 2014
- Method Statement – Stabilisation of Shallow Mineworkings & Mine Entry Investigation Apex Road Brownhills by M & J Drilling Services Ltd submitted 6th January 2015.
- Transport Statement by Infrastructure Planning and Design Ltd submitted 1st July 2014
- Transport Statement by Infrastructure Planning and Design Ltd submitted 21st July 2014
- Transport Statement by Infrastructure Planning and Design Ltd submitted 10th September 2014

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

3. Prior to the commencement of any development on site, site investigation and remedial works as detailed in Method Statement – Stabilisation of Shallow Mineworkings & Mine Entry dated 6th January 2015 by M & J Drilling Services Ltd shall be fully implemented.

Reason: In order to satisfy the requirements of The Coal Authority to protect the public and the environment in mining areas.

4a. Notwithstanding the details within the 'Planting on Canal Bank' submitted, prior to the first occupation of the site for the use hereby approved the planting to the canal frontage shall be implemented in accordance with revised planting details and future maintenance scheme to be submitted to and approved in writing by the Local Planning Authority.

4b. The planting shall be retained thereafter and managed in accordance with the approved planting scheme. All fencing on the canal frontage shall be erected prior to the planting taking place.

Reason: To ensure the proper landscape treatment of the canal frontage and safeguard the visual amenity of the area.

5a. A revised car parking layout plan shall be submitted to and approved in writing by the Local Planning Authority showing; i) All parking spaces having a clear 6 metre

reversing aisle. ii) The disabled parking space having a 1.2 metre wide access zone to the side and rear.

5b. Prior to the development first coming into use, the car park shall be clearly demarcated on ground in accordance with the approved details and shall thereafter be retained and used for no other purpose.

Reason: The current proposed car parking layout shows a number of spaces without adequate clear reversing aisles which is likely to result in unsatisfactory operation of the car park and lead to indiscriminate parking on the public highway, contrary to UDP Policy GP2, T7 and T13 and to highway safety.

6a. Prior to the first occupation of the site for the use hereby approved full details of an appropriate boundary treatment between the car parking area and the adjacent public footway, shall be submitted to and approved in writing by the Local Planning Authority.

6b. Prior to the development first coming into use, the boundary treatment shall be fully implemented in accordance with the approved details and shall thereafter be retained.

Reason: To ensure vehicles parked on the car park do not encroach or drive over the adjoining public footway other than at the approved access point, in the interests of highway safety and in accordance with UDP policy GP2 and T7.

7. Prior to the first use of the site for the use hereby approved the public facade of the new boundary walls shall be painted a colour to be agreed with the Local Planning Authority and thereafter maintained.

Reason: To safeguard the visual amenity of the area.

8. The maximum tonnage of waste materials imported into the site shall not exceed 50,000 tonnes per year.

Reason: To ensure the predicted level of vehicle trips to the site as a result of the development does not exceed the level of predicted in the submitted Transport Statement which is based upon the expected tonnage of waste materials per annum and expected vehicle type usage. In accordance with UDP Policy GP2, T4 and Black Country Core Strategy TRAN1 and TRAN2 and in the interests of the free flow of traffic on local highway network and to highway safety. To be consistent with the Environment Agency Permit.

9. All vehicle parking, turning and manoeuvring areas within the site shall be kept free of any stored materials and shall be kept free of any obstructions at all times.

Reason: To ensure adequate turning and manoeuvring space within the site is available at all times and to ensure satisfactory completion and operation of the development and in accordance with UDP Policy GP2, T7 and T13 and highway safety.

10a. Prior to the first occupation of the site for the use hereby approved full details of the cycle shelter facility shall be submitted to and approved by the Local Planning Authority,

10b. The facility, which shall be covered and illuminated, shall be fully installed in accordance with the approved details prior to the development first coming into use.

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

11. Prior to operations commencing a ground investigation and contamination survey having regard to current best practice shall be undertaken to form a base line assessment of conditions currently in, on or under the site.
(See note to applicant CL1).

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

12. Prior to the commencement of any development on site, site investigation and remedial works as detailed in Method Statement – Stabilisation of Shallow Mineworkings & Mine Entry dated 6th January 2015 by M & J Drilling Services Ltd shall be fully implemented.

Reason: In order to satisfy the requirements of The Coal Authority to protect the public and the environment in mining areas.

13a. No development shall commence on site until details of the disposal of both surface and foul water drainage have been submitted to and approved in writing by the Local Planning Authority.

13b. The development shall be completed with the approved details and retained as such.

Reason: To ensure the development is provided with satisfactory means of drainage and to reduce the risk of flooding and pollution.

14. Permitted operating hours including collections, deliveries and despatches shall be: 0600 – 1800 hours Monday to Friday and 0600 – 1300 hours Saturday with no Sunday or bank holiday working.

(* 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 define the permission and safeguard the amenities of the occupiers of adjoining premises.

15. All loading and unloading shall take place within the curtilage of the site.

Reason: In the interests of maintaining the free flow of traffic and highway safety.

16. Prior to the commencement of development, a Noise Management Plan shall be submitted to and agreed by the Local Planning Authority in writing. The measures agreed in the Plan shall thereafter be implemented prior to the development being brought into use. External noise levels generated by the development at noise sensitive receptors shall not exceed 75 dB LAeq (1 hour) at 1.0 m from the facade of

any building and at a height above ground level of not less than 1.5m, as verified by measurement and/or calculation.

Reason: To ensure appropriate levels of amenity can be achieved in compliance with saved Walsall UDP Policy ENV 10

NOTE TO APPLICANT

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

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 "Investigation of potentially contaminated sites – Code of Practice"; British Standard BS5930: 1999 "Code of practice for site investigations"; 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.

Noise

For the purposes of condition 16, noise sensitive receptors shall be defined as any occupied residential or office premises.

Barbara Toy
Planning Department
WMBC – Civic Centre
Darwall Street
Walsall
WS1 1DG

Email: planningservices@walsall.gov.uk

21st October 2015

Dear Sirs

Re: Planning Application No: 15/0926/COUN – METAL RECYCLING PLANT – APEX ROAD

We, the undersigned, wish to object to the proposed Metal Recycling Plant in Apex Road for the following reasons:

- 1) Using the proposed M6 Bloxwich route and Pelsall Lane route, the estimated 60 heavy wagons, laden with metal, will visit the site each day. To and from site is **120 journeys = 1 wagon every 5 minutes** over a 10 hour operating period running through Wolverhampton Rd/Lichfield Road/Pelsall Lane. Who will monitor the amount of wagons in and out?
- 2) The above route is used by the **Ambulance, Police and Fire Services** as a main route, they are already compromised by heavy traffic - **lives could be put at risk.**
- 3) **There are 3 Infant/Junior schools in Pelsall.** Residents living on and around the Wolverhampton Road (including the new Riddings Housing Development) have to cross this busy road to take their children to school. **In an emergency, should a child break free from their guardian, what would the stopping distance be for a heavy, metal laden wagon.**
- 4) We also have concerns regarding the safety of our Senior Citizens when crossing the Wolverhampton Road to access their local stores. These stores provide a vital lifeline to our elderly and infirm residents .
- 5) The **noise and fumes** created from the additional traffic **would impact the health and wellbeing** of all residents living on the proposed route. Nightfreight and other delivery wagons already make our lives a misery clanking past our homes at all hours NIGHT and DAY.
- 6) The expensive recently re-surfaced Wolverhampton Road and Lichfield Road will deteriorate well within the expected 'use by' date
- 7) The traffic lights at the junction of Apex Road/Pelsall Lane/Lichfield Road will have to be amended to cope with the IN/OUT of metal wagons. This together with the Council Refuse Wagons & Grass Cutting Vehicles will impact the main route through from Brownhills to Bloxwich, causing delays at both ends of the route.
- 8) There are also issues regarding the operational noise from the Metal Recycling Plant. How will this be monitored?
- 9) Despite Apex Rd being designated as a core employment area, which is mainly One Stop Head Offices, **this must be regarded as a RESIDENTIAL area**, on the outskirts of a beautiful village centre and we should not be forgotten when considering any planning applications.

This is not simply a case of 'not on our doorstep' but a genuine concern for the safety and wellbeing of all our residents, both young and old.

Together we are saying

NO TO THE PROPOSED METAL RECYCLING PLANT – APEX RD

P1
Page 1

NO TO THE PROPOSED METAL RECYCLING PLANT – APEX RD

Name	Address	Post Code	Signature
	112 LICHFIELD RD	WS3 4HH	
	112 LICHFIELD RD	WS3 4HH	
	108 Lichfield Rd	WS34 4HP	
	104 Lichfield Rd	WS3 4HH	
	104 Lichfield Rd	WS3 4HH	
	102 Lichfield Rd	WS3 4HH	
	82 Lichfield Rd	WS3 4HH	
	80 " " "	WS3 4HH	
	74 LICHFIELD RD	WS3 4HH	
	57 Princes Ave	WS1 2DQ	
	66 LICHFIELD RD	WS3 4HL	
	62 Lichfield Rd	WS3 4HL	
	60 LICHFIELD RD	WS3 4HL	
	58 Lichfield Rd	WS3 4HL	
	54 LICHFIELD RD	WS3 4HL	
	"	"	
	"	"	
	"	"	
	52	WS3 4HL	
	52 LICHFIELD RD	WS3 4HL	
	46 LICHFIELD RD	WS3 4HL	
	203 LICHFIELD RD	WS3 3DP	
	36 LICHFIELD RD	WS3 4HL	
	77	WS3 4HL	

29/7/15
petition - 2

Petition
38 sigs
+ letter

ECONOMY AND
ENVIRONMENT

28 JUN 2015

RECEIVED

185 Pelsall Road

Brownhills

Walsall

WS8 7DR

25th July 2015

Re planning application No: 15/0926/COUN

With regard to the above planning application.

We still strongly oppose the above application, as we still feel this will create extra volume of traffic on Pelsall Road, Brownhills is already over congested.

There is no Right traffic lane for vehicles turning right into Apex Road, this will cause more congestion of vehicles backing up way past the service road, making it more difficult for us to join into the line of traffic on the Pelsall Road.

Along with the congestion the extra pollution and noise from the metal containers being loaded and unloaded on the site, which will be heard from 6.00am – 6.00pm weekdays and Saturday mornings.

We were always led to believe that the area was for LIGHT INDUSTRY – We wouldn't class this as LIGHT INDUSTRY.

This is why we strongly oppose this second application.

Please find attached signatures of people who also strongly object to this planning application.

Yours Sincerley,

24/7/15
petition

Ms. B. Toy, Planning Case Officer
Economy & Environment Development
Management
The Civic Centre
Darwall St.
Walsall
WS1 1AG

ECONOMY AND
ENVIRONMENT

28 JUN 2015

RECEIVED

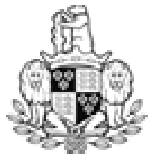
Objection/ Request to be in by Tuesday 28th July

Objection and request for a ministerial development public enquiry for a final decision the proposed change of use of the former Wernick site in Apex Road, Walsall, WS8 7EP, to a scrap metal recycling plant by new application No. 15/0926/COUN.

1. Previous application No. 14/0595/CM for the above was refused by the local planning committee on 6th March 2015 following receipt of over 75 objections.
2. The original applicant had six months in which to request a public enquiry, or enter reapplication after one year. The original public objection would also, therefore, be valid for the same period.
3. It is a statutory development condition that the new carriageway at the junction of Pelsall Road with Clayhanger Lane and the Brownhills/Pelsall village bypass are put in place before adding a material increase in traffic on the local roads. The planning inspectorate can not contravene the developments highways infrastructure major housing developments permissions, T.C.P Act 1990 sec (54)(A).

[Redacted] 70 Pelsall Road B' Hills WS8 7DJ
[Redacted] 49 Bradford Rd B' Hills WS8 7SL
[Redacted] 61 PELSALL RD BROWN HILLS WS8 7DL
[Redacted] 70 Pelsall Road B' Hills WS8 7DJ
[Redacted] 49 Bradford Road B' Hills WS8 7SL
[Redacted] 65 Pelsall Rd B' Hills
[Redacted] 65 PELSALL ROAD B' HILLS WS8 7DJ
[Redacted] 65 PELSALL ROAD B' HILLS WS8 7DJ
[Redacted] 66A ——— ——— ———

End of Officers Report



Economy and Environment, Development Management

Planning Committee

Report of Head of Planning and Building Control on 05-Nov-2015

Plans List Item Number: 3.

Reason for bringing to committee: Major application EIA development

Location: LAND OFF FRYERS ROAD, BLOXWICH, WALSALL

Proposal: application to vary details of permission 13/0725/wa for the development of a resource recovery and renewable energy production facility together with an additional site entrance from fryers road, associated infrastructure, parking and landscaping. Application accompanied by an environmental statement. Amendments relate to: site layout and access, increased stack heights and changes to building shape and elevations.

Application Number: 15/1157

Applicant: BH EnergyGap LLP

Agent: Mark Walton

Application Type: County Matters

Application

Case Officer: Alison Ives

Ward: Birchills Leamore

Expired Date: 26-Nov-2015

Recommendation Summary: Grant permission subject to conditions (including any amendments or additional conditions deemed appropriate by officers).



Officers Report

Application and Site Details

The proposal is to vary the details of permission 13/0725/WA for the development of a resource recovery and renewable energy production facility off Fryers Road. The application is accompanied by an Environmental Statement. The proposed amendments are to reposition the proposed access, to revise the site layout to accommodate the new access, to increase the stack height from 65m to 98.7m and changes to the building shape and elevations. The electrical compound and substation adjacent to the process building is increased to meet the requirements of the electricity distribution company.

The site area is 3.3 hectares of land and is located within a Core Employment Area. There is galvanised steel palisade fencing around the perimeter. There are industrial units surrounding the site. There is an existing railhead in the northern part of the site and Wyrley & Essington Canal forms the southern boundary.

The applicant has also provided landscaping details to address condition 3(a) on the earlier permission and to remove reference to specific suppliers of materials on the earlier permission (condition 22).

The proposal does not increase the overall gross floor area of the scheme which is 10,585.5m². The main height of the proposed building is 39m dropping to 31m, 24m, 22m and 16m over different parts of the building. The processing equipment and material handling areas are all enclosed within the building maintaining the same process flow as approved previously. There are 2 x 25.5m high odour control stacks terminating on the service yard side of the building and a single exhaust stack 98.7m high and 4m in diameter rising above the roof.

The facility will treat commercial and industrial waste and/or municipal waste by sorting and segregating materials such as metals, plastics and rubble. Residual materials will be used to produce energy using a thermal gasification treatment to produce heat and electricity capable of being exported from the site. The facility will divert 90% of waste from landfill providing a sustainable alternative. The proposed amendments do not alter the approved amount, nature or treatment processes or permitted vehicle movement and plant functions previously approved.

The revised proposals are to treat 300,000 tonnes of commercial and industrial waste (as previously approved) but the energy produced will increase from 19 megawatts to 27 megawatts. The plant uses 4 megawatts and the remainder of power will be exported to the National Grid to provide electricity for more than 51,000 homes which is 9,000 more homes than the earlier scheme.

There will be 50 permanent jobs created. The proposed construction period is estimated at 3 years creating a further 250 jobs related to construction, mechanical and civil engineering, instrumentation and administration.

The main building comprises of composite wall panels with grey powder coated aluminium windows and grey powder coated metal doors. Grey loading doors are proposed. A gatehouse of metal horizontal cladding is also proposed.

The proposed amendment is to relocate a new access for HGV's on Fryers Road 55m further away from the existing access which will be retained for staff and visitors access only. The new HGV access requires repositioning of the weighbridge and vehicle control. There are 26 parking spaces and 3 disabled spaces plus motor cycle spaces and 10 covered cycle racks. Provision for electric car charging is also shown.

The proposed facility will operate on a 24 hour basis, although deliveries to the facility are proposed by the applicant to be limited to 07.30- 19.00 Mondays to Fridays and 07.30 – 13.00 on Saturdays.

The Abridged Design & Access Statement –Describes the surrounding context, highlights the planning policy context, pre-application consultations, constraints and opportunities and design objectives and describes the proposals including landscaping.

The Scoping Opinion Response Checklist – Identifies where matters raised in the Scoping Opinion have been addressed in the submission.

The Tree Condition Survey – Identifies 8 individual trees and three groups of trees of which three individual trees are to be removed within category C (low quality).

The Environmental Statement – Presents the results of the Environmental Impact Assessment carried out and likely impacts on the environment arising from the proposals to amend the existing permission. It reviews the original Environmental Statement prepared in May 2013. Chapters in the Environmental Statement relating to townscape and visual assessment, air quality, transport, interactions and cumulative effects and conclusions and residual impacts have been updated as a consequence of the amendments.

The Non-Technical Summary – Describes the site and surrounding area. It explains the changes proposed to the building shape, electricity compound, air cooled condensers position, relocated HGV access and stack height increase. It summarises the environmental effects as a consequence of the proposed changes as follows:

Ground Conditions/Contamination

No change to original findings or recommended mitigation measures. Once these measures are implemented the risks of harm to human health and pollution of controlled waters is negligible.

Townscape & Visual Assessment

Considers the likely impacts on the local townscape character and visual amenity of sensitive receptors including local residential areas and the setting of any Listed Buildings or Scheduled Monuments. This identified that in the long term the proposal is likely to have an overall neutral impact on the townscape and minor adverse impact on visual amenity of users of the adjacent canal.

Air Quality

Work has commenced on detailed air quality modelling since the original permission was granted. As a consequence of trying to limit the NO_x to no more than 1% of the National Air Quality Objective the applicant has increased the height of the stack to 98.7m in order to meet the 1% NO₂ criteria but this could be reduced to 80m to meet less than 1.5% NO₂ criteria subject to agreement of the Environment Agency. The 98.7m stack is a worst case scenario in order to assess the environmental impact. Two additional stacks 25.5m high are required by the Environment Agency to disperse odour emissions. Dust control measures will be implemented to control impacts on local receptors. It concludes that good practice measures will ensure potential air quality impacts during the construction phase will be negligible at receptors of medium sensitivity. Air quality impacts during the operational phase are predicted to range between slight adverse and negligible at sensitive receptor locations in the vicinity.

Transport

The revisions to the scheme will not impact on the findings of the original Transport Assessment. The proposal will not generate significant volumes of traffic and will not have any significant impact on the operational capacity of the local highway network.

Water Flooding

No change to the overall findings of the original assessment. Impacts on water resources would either be negligible or minor beneficial once mitigation is incorporated within the development.

Socio Economic

No change to the original findings of the assessment. There will be a cumulative positive impact on the socio economic profile of Birchills Leamore with associated beneficial impacts in Walsall.

Ecology

An updated assessment of the biodiversity and nature conservation interests has been undertaken. The site does not support species or habitats of ecological importance and a detailed landscape strategy will bring forward new areas for landscaping, particularly along the canal frontage. The retention of trees and new landscaping will enhance biodiversity between the site and wildlife corridor along the canal.

Noise

A review of the previous noise survey has been carried out to determine existing background levels and noise sensitive properties. There is no increase in predicted noise levels and previously agreed mitigation measures are proposed. Provided the air conditioning units have a sound power level no greater than 68 dB, the external noise criteria will be met at the nearest residential properties in Irvine Road and Moorland Road. Additional attenuation is proposed along the canal towpath. An assessment of construction noise and vibration is proposed.

Sustainability

The proposal represents a positive contribution to the improvement in sustainability in the West Midlands and Walsall compared to historical contexts.

Heritage Assets

There are no features of national or local heritage importance on the site but 5 sites within 1km of the site. Remains on site will have been destroyed by previous mining operations. The proposals will not have an adverse impact on Bloxwich Hall (500m away) or other heritage assets in the vicinity.

Alternatives

Alternative technologies and sites have been considered but land in Fryers Road is most suitable for the proposed development.

Interactions and Cumulative Effects

Based on the implementation of suitable mitigation and remediation measures during the construction phase the proposal will have a neutral effect which will remain unchanged during the operational phase. Overall the proposals will have a neutral to positive impact on the environment.

The Planning Statement – Introduces the proposals, gives a description of the site and its location and assesses planning policy. In summary it concludes the proposals are for a proposed development of a modern waste management facility and accords with policy objectives.

The 5 Year Maintenance Plan – Gives a specification for the landscape maintenance operations and annual maintenance schedule of operations.

The Air Quality Assessment – Concludes that the predicted long-term and short-term environmental modelled pollutants and heavy metals are below the relative long-term and short-term requirements for the protection of human health. No visible plume from the stack would return to ground level to cause potential nuisance. Maximum ground level concentrations of odours at all sensitive receptors for all substances were modelled to be below the national objectives for long-term and short-term protection of human health.

The Transport Addendum – Concludes that the proposed amendments which include the relocation of a proposed HGV access and some internal rearrangement of the layout will not create severe impacts on the transport network and can accommodate the types of vehicles likely to use the facility. There is no anticipated change to the traffic levels as a consequence of the revisions and the accident records show there are no specific safety concerns. Strategies are proposed to ensure HGV traffic is discouraged from using unsuitable alternative access routes to the north of the site.

The Flood Risk Assessment - Identifies only a low on-site and low off-site flooding risk associated with the redevelopment proposals. Due to the site previously being a landfill site SuDS are not appropriate. There is an impermeable capping across the site to prevent rainwater from potentially mobilising contaminants associated with the previous use. The scheme will provide a 20% betterment over the existing by removing flows over Fryers Road.

The Preliminary Geo-Environmental Assessment – Recommends intrusive investigations and groundwater/gas monitoring. A low-medium risk of contaminants has been identified. A remediation strategy is recommended and site working practices.

Relevant Planning History

15/0787/SCOP - Environmental Impact Assessment Scoping Opinion for a proposed resource recovery and renewable energy production facility – Scoping Opinion Response given 02/07/15.

13/0725/WA – Development of a Resource Recovery and Renewable Energy Production Facility together with the construction of an additional site entrance from Fryers Road, associated infrastructure, parking and landscaping. Application is accompanied by an Environment Statement – GSC 06/09/13.

13/0320/ND - Environment Impact Assessment Scoping Opinion for resource recovery and renewable energy facility together with additional site entrance, car parking, landscaping and associated works - Scoping Opinion Response given 19/04/13.

12/0870/ND - Environment Impact Assessment Scoping Opinion for resource recovery and renewable energy facility together with additional site entrance, car parking, landscaping and associated works - Scoping Opinion Response given 13/08/12.

11/1336/TE - Extension of time to build combined heat and power (CHP) plant approved under 08/1459/FL – GSC 09/12/11.

10/1632/TE - Time Extension to 07/0449/OL/W7 and subsequent reserved matters under 08/1815/RM to allow additional time to implement the approved development – GSC 28/01/11.

08/1815/RM - Amendment to approved reserved matters (ref 07/1691/RM/W7) of planning permission reference 07/0449/OL/W7 re: condition 2(A) (Layout), 2(B) (Appearance), 2(C) (scale) and 2(D) (Landscaping) – Approved Reserved Matters 07/01/09.

07/1691/RM/W7 – Application for the approval of Reserved Matters in respect of development of industrial units, additional access, associated internal access road, parking and landscape relating to outline planning permission reference 07/0449/OL/W7 – Approved Reserved Matters 19/10/07.

07/0449/OL/W7 - Development of Industrial Units, Additional Access, Associated Internal Access Roads, Parking & Landscaping – GSC 06/06/07.

06/2115/ND/W7 - Screening Opinion: Proposed Development of Industrial Units and Associated Access Road, Parking and Landscaping – Environmental Assessment not required 22/01/07.

There are older applications for the site which are not relevant.

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 17 supports the transition to a low carbon future in a changing climate and encourages the use of renewable resources for example, by the development of renewable energy.

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 97 requires a positive strategy to promote energy from renewable and low carbon sources. Also to design policies to maximise renewable and low carbon energy development while ensuring that adverse impacts are addressed satisfactorily, including cumulative landscape and visual impacts

Paragraph 98 states that when determining applications LPA's should not require applicants for energy development to demonstrate the overall need for renewable or low carbon energy and also recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions.

Paragraph 103 when determining planning applications local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where informed by a Flood Risk Assessment.

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

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 in planning decisions.

The Vision consists of three major directions of change and underpins the approach to the whole strategy;

1. Sustainable Communities - Regeneration should aim to promote and facilitate healthy living and create environments which offer opportunities for active lifestyles and healthy choices, including provision for walking, cycling and outdoor recreation within the urban fabric of the Black Country.
2. Environmental Transformation - Delivering high quality, liveable and distinctive places which respect and make the most of the existing diversity of the Black Country’s natural and built environment.
3. Economic Prosperity Attract new employment opportunities and investment in innovation and new technology, deliver a network of successful strategic, town, district and local centres and the infrastructure and raw materials needed to support the local economy, improve the wealth and image of the Black Country and support initiatives to lift educational and skills performance.

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 above are supported by the following policies:

CSP1: Sets out targets for the sustainable regeneration of the Black Country.

CSP3: Development proposals will need to demonstrate that the strategic network of environmental infrastructure will be protected, enhanced and expanded at every opportunity.

CSP4: A high quality of design of the built and natural environment is required.

EMP1: Aims to provide industrial land and warehouse jobs in the Black Country and to protect jobs and support economic growth.

EMP2: Encourages development of high quality employment land and safeguards it for B1(b), B1(c), B2 & B8 purposes.

EMP5: Seeks to improve access to the labour market by securing recruitment and training.

DEL1: All new developments should be supported by the necessary on and off-site infrastructure to serve the development, mitigate its impacts on the environment, and ensure that the development is sustainable and contributes to the proper planning of the wider area.

TRAN1: All new developments will address the transport network and provide adequate access for all modes, including walking, cycling and public transport.

TRAN2: Proposals likely to have significant transport implications should provide an acceptable level of accessibility and safety by all modes of transport to and from all parts of a development.

TRAN4: Seeks to create an environment that encourages sustainable travel that requires new developments to link to existing walking and cycling networks.

TRAN5: Identifies priorities for traffic management including maximum parking standards and promoting measures to reduce the need to travel and facilitate a shift towards using sustainable modes of transport such as walking, cycling, public transport etc.

ENV1: Seeks to safeguard nature conservation.

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

ENV3: Seeks to deliver urban renaissance through high quality design that stimulates economic, social and environmental benefits.

ENV4: All development proposals likely to affect the canal network must: safeguard the operation of a navigable and functional waterway; protect and enhance its special historic, architectural, archaeological and cultural interest protect and enhance its nature conservation value; protect and enhance its visual amenity; protect and enhance water quality in the canal.

ENV5: Seeks to minimise the probability and consequences of flood risk.

ENV8 - Where development is proposed in areas where air quality does not meet (or is unlikely to meet) air quality objectives or where significant air quality impacts are likely to be generated by the development, an appropriate air quality assessment will be required.

WM1 - Waste transfer allows materials to be sorted into fractions suitable for different treatments and helps to minimise the amount of residual waste which has to be disposed of to landfill.

WM2 - Seeks to retain existing waste management capacity within the Black Country as far as possible, and to allow for expansion of existing facilities where appropriate.

WM3 - Identifies the site as providing 240,000tonnes per annum (Table 17) and further residual capacity for Commercial and Industrial and other waste for Walsall (Table 18). The Black Country has an unmet demand for Commercial and Industrial Waste of 510,000tonnes per annum and demand for Muncipal Waste and Recycling facilities.

WM4 - Sets out location criteria for new facilities including

- Whether the proposal supports national and local waste strategies, objectives and targets for waste;
- Whether the proposal is well-located in relation to the sources of waste it will be managing;

- Whether the location is suitable for the type of facility and operations proposed and capable of adapting to changing;
- Whether the proposal would provide opportunities for co-location of related uses and/ or generate other benefits (for example, would it manage a range of waste types or streams, produce high quality aggregates or other useful raw materials, or supply heat and power or other forms of energy to adjacent uses);
- Whether the proposal would involve re-use of previously-developed land;
- Whether the proposal contributes towards the positive environmental transformation of the Black Country;
- Whether the proposal is compatible with neighbouring uses (taking into account the nature of the wastes being managed, the technologies used, the hours of operation and cumulative effects), and if so, whether it identifies and adequately addresses potential harmful effects on amenity;
- Whether the proposal supports economic and growth objectives for the Black Country (for example, would it create or retain local jobs, provide a service to local businesses, produce material resources for local industries, or aggregates to supply construction projects within the Growth Network);
- Whether the proposal would address impacts on the highway/ transport network (for example, has the potential to move waste by rail or inland waterway been fully considered, and does it identify and adequately address impacts on the local/ strategic highway and drainage network

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:

GP2: seek to make a positive contribution to the quality of the environment, whilst protecting people and ensuring adequate and safe access is provided.

GP3: Planning obligations will be used to secure any on or off-site mitigating measures made necessary by a development.

ENV9: Seeks to deliver environmental improvement as a result of development.

ENV10: Deals with pollution effects from developments including ground contamination, air quality and noise.

ENV11: Development which involve significant external lighting will not be permitted unless they propose the minimum amount of lighting necessary to achieve its purpose and minimise glare and light spillage from the site to protect wildlife.

ENV14: seek to bring forward derelict, vacant or underused land and buildings for new uses.

ENV17: Encourages new planting.

ENV18: Seeks to protect, manage and enhance existing woodlands, trees and hedgerows.

ENV23: Proposals must take account of opportunities for nature conservation.

ENV24: New development which would sever or unacceptably harm the integrity of linear features such as canals will not normally be permitted.

ENV32: seeks the design of residential developments to create high quality living environments, well integrated with surrounding land uses and local character. Poorly designed development which fails to properly take account of the context or surroundings will not be permitted. Designing out crime' through design, layout, landscaping and boundary treatments is encouraged.

ENV33: deals with landscape design and opportunities to create and enhance environmental quality.

ENV40: Adequate foul and surface water drainage infrastructure should be provided.

JP1: Identifies the site as an Employment site to be developed (E24 being Fryers Road and 3.27ha in size)

JP5: Seeks to ensure that development protects employment land provision.

JP8: Bad neighbour industries will be given careful consideration and should be capable of providing satisfactory screening and landscaping and must be subject to stringent operational control to minimise disturbance.

LC9: The Council will expect all development alongside and near to canals to positively relate to the opportunity presented by the waterway, to achieve high standards of design, and to be sensitively integrated with the canal and any associated canal side features.

T1: Seeks to improve access and help people get around

T4: Classifies the highway network and specifies that residential streets and minor roads are those where traffic volumes and speeds should be quite low. Sometimes traffic calming measures will be required.

T7 – Car Parking

All development should satisfy the car parking standards set out in Policy T13.

T8: Encourages walking and provision in development to enhance this.

T10 (a): Refers to accessibility standards.

T11: Seeks to improve access for pedestrians, cyclists and wheelchair users.

T13: Parking Provision

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

Supplementary Planning Documents (SPD)

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

Designing Walsall SPD

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

DW2: Safe & Welcoming Places - all new development must contribute to creating places that feel safe.

DW3: Character - all new development must be designed to respect and enhance local identity

DW4: Continuity - Well defined streets with a continuity of built form are important.

DW5: Ease of Movement – connections to existing routes

DW6: Legibility - new development should contribute to creating a place that has a clear identity

DW7: Diversity – contribute to creating living places that offer a mix of activities to the widest range of possible uses

DW8: Adaptability – contribute to creating flexible and adaptable places that can easily change over time.

DW9: High Quality Public Realm - new development must seek to ensure it creates places with attractive environmental quality.

DW 10: Well Designed Sustainable Buildings - new development should make a positive contribution to creating a sustainable environment.

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.

Other Guidance

National Planning Practice Guidance for Renewable and Low Carbon Energy (NPPG)

This advises that increasing the amount of energy from renewable and low carbon technologies will help to make sure the UK has a secure energy supply, reduce greenhouse gas emissions to slow down climate change and stimulate investment in new jobs and businesses. Planning has an important role in the delivery of new renewable and low carbon energy infrastructure in locations where the local environmental impact is acceptable.

Consultations

Transportation – No objections subject to conditions to secure details of the access and parking. The proposal includes relocation of the HGV access point on Fryers Road 60m north of the current access point, with the latter being reduced to form a staff only access. An updated Transport Assessment has been submitted which identifies that the predicted vehicle trips and distribution remains unchanged from the previous scheme. The applicant has addressed the potential future closure of Bloxwich level crossing by demonstrating from the previous application assessment that HGV traffic to and from the site will be from the south onto Leamore Lane and the A34 Green Lane and should not be affected by the level crossing closure.

The number of staff is predicted to be around 50. As a result of shift patterns about 32 staff will be working during the day. 26 parking spaces plus 2 disabled spaces are proposed. The applicant is committed to implementing a staff travel plan which will encourage a modal shift away from travel by car. The parking level is considered appropriate for the development.

In terms of traffic generation and impact on the highway network, it is important to note that the site has been the subject of two previous approvals 07/0449/OL for B2/B8 Industrial units & 08/1459/FL for a Combined Heat and Power plant. The previous applications predicted higher levels of traffic generation than the current application and it was found that they would have no significant impact on the local

highway network. It therefore follows that the current scheme with less predicted traffic will also have no significant impact.

Black Country Archaeologist – No objections.

Canal & River Trust – No objections subject to conditions to secure details of landscaping, lighting, capping of the site and drainage.

Coal Authority – No objections subject to the recommended intrusive site investigations and any required remedial works being carried out prior to commencement of the development.

Ecology – No objections. Conditions to secure landscaping and ecological measures as imposed on the earlier permission are recommended.

Environment Agency – No objections.

Flood Risk Manager – The proposed amendments do not adversely affect the previously approved drainage. There is a proposed flow control restricting discharge to existing rates subject to the Canal & River Trust agreement. It has been demonstrated that infiltration based SuDs would not be a feasible method of surface water disposal so attenuation will be tanked storage and vehicle wash down areas will be directed to foul sewer. The proposal site is not at risk from pluvial or fluvial means, with the exception of a narrow section adjacent the canal.

The proposal seeks to reduce the reliance on the combined sewer network and match the existing discharge rates to the Wyrley and Essington Canal, at the south west periphery of the site. This would require Canal & River Trust agreement.

There is potential to reduce the volume of surface water runoff by the site utilising rainwater harvesting, for use by site processes. This would, in turn, reduce the total volume of water discharged to the canal but is dependent on the final design of the site.

Health & Safety Executive – The Planning Advice web site should be considered.

Highways England – No objections.

Natural England – No objections.

Network Rail – No objection providing the Bloxwich level crossing was closed prior to the development commencing. There is a proposal for Bloxwich crossing to be closed by the end of 2015. A condition requiring a method statement for works undertaken is recommended.

Police – No objections provided perimeter fencing and security measures are included.

Pollution Control – No objections. The environmental impacts and emissions from the process are regulated by the Environment Agency and controlled by conditions in

an Environmental Permit. Review of the documentation identifies that the proposed changes will not result in unacceptable environmental impact and anticipated emissions to the atmosphere meet the criteria required to comply with conditions specified in the Environmental Permit. Conditions in respect of noise, land contamination and air quality are recommended.

Severn Trent Water – No objections subject to provision of drainage details.

Structures – No objections. The site is located outside the zone of consideration for limestone mine working. It is within an area where coal mining activity has taken place in the past hence a Coal Authority report is recommended.

Public Participation Response

5 letters of objection have been received. These are summarised as follows:

- Noise from vehicles and extra activity
- How will odour and toxic fumes be managed
- Increased air pollution in a residential area which already has a lot of atmospheric pollution
- The emissions are very high in proportion to the energy generated and this is not the best available technology
- Walsall already has poor air quality
- Residents are finally getting some respite from air pollutants and industry is replaced with housing
- A recycling plant amongst housing is not a good idea
- Increased health hazard for residents
- The stack is very high and will be visible from a wider area
- Adverse effect on peace and quiet for residents
- Adverse effect on the surrounding area and local residents
- Impact local highways and any increase in traffic
- Query level of information

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

Determining Issues

- Principle of the development
- Layout and design
- Air Quality, Noise & Contamination
- Visual Impact
- Relationship to the canal
- Impact on the amenities of the surrounding area
- Highway safety, access and parking

Observations

Principle of the development

The principle of the development for a resource recovery and renewable energy production facility has already been approved under application 13/0725/WA. The proposals do not alter the proposed use so should be considered under the same principle as the earlier permission.

The application site is in a Core Employment Area and is specifically allocated for industrial development. Whilst the proposed land use is sui generis it is compatible and comparable with the industrial premises surrounding the area.

The site is also identified in the BCCS as a location for a new strategic waste management infrastructure project expected to contribute towards the Black Country's future waste management capacity requirements.

On this basis the principle of the development is acceptable.

Layout and design

The proposed amendments to the layout and design of the building are as a consequence of the operator requirements to accommodate the different processes within the building as the technical specifications of the scheme have evolved. For example a larger waste reception hall is now proposed. The building, despite the marginal change in shape does not increase the approved floor space and the processes are the same. The changes allow the amount of energy produced to be increased from 19 to 27 megawatts. The scale and massing and appearance of the building are largely the same as that already approved.

The main change to the design of the building is the incorporation of 2 x 25.5m high odour control stacks on the service yard side of the building and increased height of the approved stack from 65m to 98.7m high. These changes have arisen as a consequence of requirements from the Environment Agency to address odour and emissions. Despite the height of the stacks they are considered to be in keeping with the scale and massing of the building and are not untypical of the types of structures found within industrial areas or on buildings of this size. There is a large stack on the adjoining industrial building so the structures will be seen in comparison.

The site layout has been revised to incorporate a larger electricity compound at the request of the electricity supply company. This is located at the southern end of the building nearest the canal. It allows adequate space to incorporate appropriate landscaping along the canal and maintain planting to enhance the wildlife corridor.

The repositioning of the HGV access involves relocation of the weighbridges and gatehouse. These are positioned towards the rear of the site so are not prominent from the street. The proposed building which houses most of the activities spans the front of the site screening some of the external equipment and activities from public view.

The applicant has submitted details to commence discharge of some of the conditions on the earlier permission to allow them to begin grouting works to remediate the mine shafts on site. As it is likely that some of these matters may be determined before the current application the wording of recommended conditions may need to be revised to reflect any details already approved.

The changes to the layout and design of the site and building are considered to be acceptable as they do not significantly change the overall appearance of the site from the public view.

Air Quality, Noise & Contamination

The updated Environmental Statement identifies that the proposal to increase the stack height from 65m to 98.7m is to address Environment Agency requirements to reduce NO₂ emissions to no more than 1% of the National Air Quality Objectives. Likewise the two additional 25.5m high stacks are required by the Environment Agency to disperse odour emissions. Dust control measures are to be secured by condition. There are also conditions recommended to address ground contamination and secure ground gas monitoring as requested by pollution officers. With these measures in place the proposals are predicted to range between a slight adverse and negligible impact on sensitive receptors in the vicinity. These measures will ensure odours and fumes are managed so as to protect the amenities of nearby residents and industrial and commercial occupiers.

The proposed amendments to the scheme do not result in any increase in predicted noise levels and previously agreed mitigation measures are proposed plus additional mitigation along the canal.

Residents are concerned that there will be increased air pollution in an area which already had poor air quality and that there will be additional noise from vehicles and extra activity at the site. Despite these concerns the Environmental Statement has demonstrated that the proposed amendments to the scheme will not have a significant impact on air quality, noise and contamination and officers are satisfied the mitigation measures proposed are adequate. There are no additional vehicles proposed as a consequence of the amendments.

One resident considers the emissions are very high in proportion to the energy generated and that this is not the best available technology. Nevertheless the principle of the development has already been accepted and mitigation is proposed to address emissions as required by the Environment Agency. The amount of energy produced has increased as a consequence of the amendments.

On the basis of the above the impact on air quality, noise and contamination has been adequately addressed.

Visual Impact

The main impact of the proposal visually is the increase in the proposed height of the stack. Residents are concerned that the stack is very high and will be visible from a much wider area.

The proposed stack is over 270m away from the nearest housing on Moorland Road and over 300m away from nearest housing in Irvine Road and Water Reed Grove. There are industrial buildings surrounding the site which interrupt views of the site and the canal to the south and railway to the east provide a further buffer. On this basis, despite the increased height of the stack it is considered that it will not be obtrusive to such an extent as to cause harm to the visual amenities of the area. The stack will also be masked to some extent by the building and will be viewed in comparison to the existing stack at the adjacent site. The properties on the southern part of Moorland Road are over 450m away but this does allow a distant view of the stack. Again, this is not sufficient to cause significant harm to the outlook from these properties. The stack is clad in a grey colour so will not be a stark contrast to the sky.

The proposals will be comparable to other developed industrial sites along Fryers Road so the visual impact within the street is not significant.

The nearest views will be from the canal towpath which is approximately 93m away. Nevertheless as this is closer to the site the buildings and new and retained landscaping will provide a greater screen. The Environmental Assessment acknowledges that the proposals will have a major adverse impact on users of a section of the canal that fronts the site. Landscape mitigation is proposed as an integral part of the scheme. It concludes that in comparison with the earlier proposals the revised scheme is likely to have an overall similar impact on the townscape and visual resource within the area.

The visual impact of the revised proposals is considered to be not significantly greater than the approved scheme.

Relationship to the canal

As mentioned above the canal towpath is the closest to the proposals.

The proposals include the enlargement of the electricity compound adjacent to the canal but full details of landscape proposals and a 5 year management plan have been provided which now demonstrate how existing canal side planting will be maintained and provide additional planting along the boundary to enhance the wildlife corridor. The Canal & River Trust and Ecology officer have no objections to the amendments subject to imposition of conditions as on the earlier permission to secure these measures.

As part of a current application for discharge of conditions on the earlier permission details of lighting along the canal have been provided. If these details are satisfactory then it is recommended that the relevant condition is amended to reflect this.

The relationship to the canal is satisfactory.

Impact on the amenities of the surrounding area

The site is surrounded by other industrial premises with the exception of the canal. The relationship to the canal and the nearest housing is discussed above when considering the visual impact of the proposals and relationship to the canal.

Residents are concerned that a recycling plant amongst housing is not a good idea and poses an increased health hazard for residents. They also consider it disturbs the peace and quiet for residents and has an adverse effect due to increased pollutants. The site is within a core employment area and is surrounded primarily by industrial premises. Given the fact that there are intervening industrial premises between the site and the nearest housing the proposals are considered appropriate and do not harm the character of the area to such an extent as to disturb neighbours.

The amendments to the scheme do not alter the processes involved, operation of the premises or amount of traffic visiting the site which has already been considered to be acceptable. In the circumstances there will be no greater impact in terms of peace and quiet of residents or health hazards. The recommended conditions will protect against pollution and the premises will be licensed by the Environment Agency who also monitors the site.

The processes take place within the building and there is adequate parking and access arrangements so the proposals should not have any significant impact on surrounding industrial occupiers.

On this basis, the amendments to the proposals do not have any significant impact on the amenities of the surrounding area.

Highway safety, access and parking

The proposed revisions to the approved scheme does not alter the amount of traffic generation for the premises from that considered on the earlier permission. Despite resident concerns about potential impacts on the local highway network as a consequence of the proposals there will be no further increase in traffic. The Transportation officer is satisfied with the Transport Assessment and has recommended conditions to secure access and parking.

The proposed amendment is to reposition the HGV access further north and utilise the existing centrally positioned access for the staff car parking only. This allows for segregated access and is safer. The design of the new access is acceptable and allows adequate visibility.

The parking provision proposed is acceptable as previously considered.

The highway safety, access and parking provision is acceptable.

Positive and Proactive working with the applicant

Walsall Council seeks to work proactively with owners, developers and their agents in the public interest to promote sustainable developments in the borough. In accordance with paragraphs 186 and 187 of The National Planning Policy Framework we encourage pre application discussion in all formats to help ensure that proposed developments are delivered in the most appropriate way that creates economic growth, suitable housing and other forms of development so long as they safeguard the natural and built environment, highway safety and the amenity of citizens. In this instance the council has been able to support the proposed development and has worked with the applicant as detailed in the planning report.

Recommendation

Grant permission subject to conditions (including any amendments or additional conditions deemed appropriate by officers).

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 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 Plan (2012-057/101) received 24/07/15
- Proposed Site Plan (2012-057/120) received 24/07/15

- Approved Site Plan with Proposed Amended Overlay (2012-057/040) received 24/07/15
- Proposed Site Plan with HGV Swept Paths (2012-057/890) received 27/07/15
- Proposed Floor Plans (2012-057/220) received 24/07/15
- Proposed Elevations Sheet 1 of 4 (2012-057/225) received 24/07/15
- Proposed Elevations Sheet 2 of 4 (2012-057/226) received 24/07/15
- Proposed Elevations Sheet 3 of 4 (2012-057/227) received 24/07/15
- Proposed Elevations Sheet 4 of 4 (2012-057/228) received 24/07/15
- Proposed Sections Sheet 1 of 2 (2012-057/223) received 24/07/15
- Proposed Sections Sheet 2 of 2 (2012-057/224) received 24/07/15
- Landscape Proposals (9015-018/101 Rev B) received 24/07/15
- Proposed Finished Levels (2012-057/820) received 24/07/15
- Approved Elevations with Proposed Amended Overlay (1 of 4)(2012-057/041) received 24/07/15
- Approved Elevations with Proposed Amended Overlay (2 of 4)(2012-057/042) received 24/07/15
- Approved Elevations with Proposed Amended Overlay (3 of 4)(2012-057/043) received 24/07/15
- Approved Elevations with Proposed Amended Overlay (4 of 4)(2012-057/044) received 24/07/15
- Proposed Roof Plan (2012-057/222) received 24/07/15
- Abridged Design & Access Statement prepared by DLA Design (July 2015) received 24/07/15
- Tree Condition Survey prepared by Ruskins (0713-1343 Rev 1)

- Environmental Statement prepared by WYG (AP05677) dated July 2015 received 24/07/15
- Non-Technical Summary prepared by WYG (AP05677) dated July 2015 received 23/07/15.
- Planning Statement prepared by WYG (AP04195) dated July 2015 received 24/07/15.
- 5 Year Landscape Maintenance Plan prepared by DLA Landscape & Urban Design (9015-018-LMP) dated 26 June 2015 received 24/07/15.
- Air Quality Assessment prepared by WYG (A091353) dated June 2015 received 27/07/15
- Transport Addendum prepared by Waterman dated May 2015 (15614) received 27/07/15
- Flood Risk Assessment prepared by Curtis Consulting dated May 2013 (ED1020) received 27/07/15
- Preliminary Geo-Environmental Assessment prepared by Curtis Consulting dated 14.11.2012 received 27/07/15

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(i) Prior to built development commencing a site investigation, ground contamination survey and assessment of ground gas, having regard to current best practice shall be undertaken.(see Note for Applicant CL1)

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

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

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

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

Reason: To ensure safe development of the site and to protect human health and the environment and to ensure that the site is remediated to a satisfactory standard in order to preserve the water quality and prevent pollution of the waterway.

4. The development shall be carried out in accordance with the approved landscaping scheme shown on drawing 9015-018/101 Rev B and maintained in accordance with the 5 year Landscape Maintenance Plan (9015-018) prepared by DLA Landscape & Urban Design.

Reason: To ensure that the proposed development contributes to the preservation and enhancement of the local character, distinctiveness and ecological value of the waterway corridor in accordance with policies ENV1 Nature Conservation, ENV3 Design Quality and ENV4 Canals of the adopted Black Country Joint Core Strategy.

5a. Prior to the commencement of development details of the proposed lighting for the development including details of foundations, luminance in candelas, hours of operation etc. shall be submitted to and approved in writing by the Local Planning Authority

5b. The agreed scheme shall be fully implemented in accordance with the agreed details and retained thereafter.

Reason: The lighting at waterside developments should be designed to minimise the problems of glare, show consideration for bats and unnecessary light pollution should be avoided by ensuring that the level of luminance is appropriate for the location, is sustainable and efficient, and protects the integrity of the waterway infrastructure in accordance with policies ENV1 Nature Conservation, ENV3 Design Quality and ENV4 Canals of the adopted Black Country Joint Core Strategy.

6a. Prior to the development first coming into use, full engineering details of the following highway infrastructure works shall be submitted for technical approval in writing by the Local Planning Authority, in conjunction with the Highway Authority;-

- i. the new industrial bellmouth access point off Fryers Road and any associated carriageway marking schemes as specified on the approved plans
- ii. the reduction in size and remodelling of the existing access point on Fryers Road to form a staff car park access only
- iii. the improved pedestrian crossing facility and associated section of footway at the staff access point.

6b. The highway infrastructure works detailed and agreed above, shall be fully implemented, completed and brought into use to the satisfaction of the Highway Authority.

Reason: In accordance with UDP Policies T1, T6 T8 and T11 and in the interests of the free flow of traffic on the local highway network, highway safety and the satisfactory operation of the development.

7a. Prior to the development first coming into use, full details of a cycle shelter for the use of staff and visitors, which shall be secure, covered and illuminated and located in an appropriate convenient location near the main building entrance, shall be submitted to and approved in writing by the Local Planning Authority and the facility

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

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

8. A 2.4m x 43m visibility splay shall be provided at both access points within which no structure or planting exceeding 600mm in height above carriageway levels shall be permitted at any time.

Reason: To ensure adequate inter-visibility at the access points in the interests of highway safety.

9a. Prior to the commencement of development details shall be submitted to the Local Planning Authority setting out where the location of parking for site operatives and visitors has been provided within the application site.

9b. The approved details shall be fully implemented prior to the commencement of the development and thereafter retained, maintained and kept available during construction of the development.

Reason: To prevent indiscriminate parking in the interest of highway safety.

10a. Prior to the commencement of any development, details of wheel-cleaning apparatus shall be submitted to and approved in writing by the Local Planning Authority.

10b. The approved details shall be fully implemented prior to the commencement of the development and thereafter retained, maintained and kept available during construction of the development.

Reason: To ensure that the wheels of vehicles are cleaned before leaving the site in the interest of highway safety.

11a. Prior to the commencement of built development acoustic mitigation measures around the Air Conditioning Condensers shall be agreed in writing with the Local Planning Authority.

11b. The agreed measures shall be fully implemented prior to the first use of the development and retained thereafter.

Reason: To ensure that noise mitigation measures do not cause harm to nearby residents' amenity.

12a. Prior to the commencement of development a detailed surface water drainage scheme for the site, an assessment of the hydrological and hydro geological context of the development, shall be submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include:

- i) Full details of attenuation of surface water on site to the 1 in 100 year flood event standard plus an allowance of 20% for climate change as proposed in the Flood Risk elements of the Environmental Statement.
- ii) At the detailed design phase, details must also be provided to confirm that surface water will not leave the proposed site in the 100 year 20% climate change allowance event except at or below the agreed flow rate in part a (i) of this condition. Drainage calculations must be included (e.g. MicroDrainage or similar package calculations), including the necessary attenuation volume, pipeline schedules, network information and results summaries to demonstrate that the discharge rate as proposed in the Flood Risk elements of the Environmental Statement will be achieved across all storm events.
- iii) If the system surcharges, the location of any surcharging should be identified as should any resultant overland flood flow routes. Any excess surface water must be routed away from any proposed or existing properties. If above ground flooding is to occur, detail must be provided of where this will go and prove that the development or adjacent property will not be flooded as a result.
- iv) Full details of how the entire surface water scheme shall be maintained and managed after completion.

12b. The agreed measures shall be fully implemented prior to the first use of the site and retained thereafter.

Reason: To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of the system.

13a. Prior to the commencement of development details of proposed surface water drainage management to the canal shall be submitted to and approved in writing to by the Local Planning Authority to demonstrate the following:

- i) The flow rate into the canal to be limited to 27.1 litres per second with a velocity of 0.3 metres per second measured at 90 degrees to the direction of the waterway.
- ii) The installation of Class 1 oil interceptors.
- iii) The installation of pollution cut off valves which can be operated in the event of a pollution incident on the site. The cut off valves to be installed with adequate signage within the development to provide for emergency use to prevent contaminated effluent reaching the canal.
- iv) A long term maintenance regime for the oil separators and other pollution control devices together with 24 hours emergency contact details with the site owner and or operator or contractor to ensure any problems observed can be addressed quickly.

13b. The above agreed measures shall be fully implemented prior to the first use of the development and retained thereafter.

Reason: In order to safeguard the quality of the canal and to provide measures to prevent contaminated effluent reaching the canal.

14a. Prior to the commencement of built development a noise management plan relating to the use of audible vehicle and mechanised plant reversing alarms shall be agreed in writing with the local planning authority.

14b. The agreed measures shall be fully implemented prior to the first use of the development and retained thereafter.

Reason: To ensure satisfactory management of the service yard and reduce the need for the use of audible vehicle and mechanised plant reversing alarms.

15a. Prior to the occupation of the development, the access roads, turning areas and parking facilities shown on the approved plan shall be properly consolidated, hard surfaced and drained so that surface water from the development does not discharge onto the public highway or into any highway drain and the parking bays clearly demarcated on the ground.

15b. These areas shall be thereafter be retained and kept available for those uses at all times.

Reason: In accordance with UDP Policy GP2, T7 and T13 and in the interest of highway safety, and ensure the free flow of traffic using the adjoining highway.

16a(i) The applicant shall confirm in writing the date of the development coming into operation and the approved output levels for the chimney.

(ii) Within 3months of the development first coming into operation the a monitoring report shall be submitted to the Local Planning Authority demonstrating the output of the chimney in relation to the permitted process and controls has not been exceeded.

iii) Within every subsequent 3months thereafter further monitoring reports shall be submitted to the Local Planning Authority demonstrating the output of the chimney in relation to the permitted process and controls has not been exceeded.

16b. The plant operations shall cease in the event that

i) A report is not provided within two weeks of a 3month period expiring, or

ii) Approved output levels are exceeded from the chimney for a period of 24hours at anyone time.

16c. In the event of part b) of the condition being triggered, the operation of the site shall not be re-commenced unless it is demonstrated that output levels are acceptable.

Reason: In order to ensure that the emission output is adequately monitored and controlled.

17a. Prior to the commencement of the use a HGV traffic route plan and management strategy for operators and suppliers to the development shall be submitted to and agreed in writing by the Local Planning Authority. The route plan and management strategy shall:

i) Avoid weight restricted roads.

ii) Include alternative routes in the event of an accident on the strategic highway network.

iii) Management and monitoring mechanisms.

17b. The agreed details shall be fully implemented and retained thereafter.

Reason: In the interests of pedestrian and highway safety and to ensure that the routing of HGV vehicles only takes place on the strategic highway network.

18a. Prior to first use of the development a 5 year management plan shall be submitted to the Local Planning Authority and approved in writing. The management plan shall be carried out to an accepted methodology and provide full details of:

- How the ecological planting will be maintained through the establishment period and managed thereafter.

- How existing ecological habitats will be managed.

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

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

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

- Full details of all management operations will be set out together with a timetable for each operation.

- Monitoring and reviewing the effects of management and incorporating any remedial works required to implement the approved landscape scheme.

18b. The landscape scheme shall be managed in accordance with the approved management plan.

Reason: To ensure that the ecological and landscape quality of the proposals is appropriately managed.

19. Prior to the development being brought into use, details shall be submitted to and agreed in writing by the local planning authority that demonstrate that noise emissions shall not give rise to an assessment exceeding '*marginal significance*' as determined using the British Standard BS 4142: 1997 Method for Rating industrial noise affecting mixed residential and industrial areas.

Reason: To safeguard amenities of residents who may be affected by noise from the operations of a 24hour facility.

20. 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 on Saturdays. No plant, machinery or equipment associated with such works shall be started up or operational on the development site outside of these permitted hours. [** Bank Holidays and Public holidays for this purpose may be taken to include: Christmas Day; Boxing Day; New Year's Day; Good Friday; Easter Monday; May Day; Spring Bank Holiday Monday, and August Bank Holiday Monday.*]

Reason: To safeguard amenities of residents during construction and remediation work.

21. Waste and material deliveries shall only take place between 07.30 to 19.00 Monday to Friday and 07.30 to 13.00 on Saturdays. There shall be no waste and material deliveries on Sundays.

Reason: To safeguard amenities of residents.

22. Noise emissions from fixed plant and machinery shall not give rise to a cumulative Noise Rating exceeding NR 35 1m from the window of residential premises as determined at a height above ground level of not less than 1.5 m between the hours 23.00 and 07.00.

Reason: To safeguard amenities of residents.

23. Doors serving the waste processing and energy generation buildings shall remain closed except when used for access and egress purposes.

Reason: To safeguard amenities of residents and to prevent unnecessary noise pollution to the area.

24a. Prior to their installation, details and acoustic specification of any louvers shall be submitted to and agreed in writing by the Local Planning Authority.

24b. The louvers shall be installed in accordance with the agreed details.

Reason: To safeguard to the amenities of the nearby residents.

25. The development shall be carried out in accordance with the approved materials within the abridged Design & Access Statement prepared by DLA Design July 2015 (Section 6.7) to comprise the following or equivalent:

a) ROOF CLADDING

- Trapezoidal steel insulated roof cladding colour-Merlin grey (RAL180 40 05)
- Polycarbonate roof light 1000mm wide panels.

b) WALL CLADDING

- Composite wall panels – colour – Diamond (RAL 9023)
- Composite wall panels- colour – Silver (RAL 9006)
- Composite wall panels- colour – Steel Blue (RAL 5011)
- Composite wall panels- colour – Black (RAL 9005)
- Composite panels- colour – Pearl – (RAL9010)
- All cappings and flashings to match colour to main associated panels and colour

c) WINDOWS AND CURTAIN WALLING

- Polyester powder coated aluminium windows – colour Grey Aluminium (RAL 9007)
- All glazing to be sealed double glazed units with solar shading by specialists

d) DOORS FIRE ESCAPE AND ACCOMODATION DOORS

- Polyester powder coated metal doors and framed – colour Grey Aluminium (RAL 9007)

e) UNLOADING DOORS

- All unloading doors to be Crawford
- Megadoors (or other approved unloading doors) shall be mechanically operated sectional metal overhead doors with glazed visibility panels. All reveals will be formed with rigid board insulation with polyester powder coated steel flashings and trims to match the main cladding panels. All doors will be finished with polyester powder coated steel. Colour- Anthracite (RAL 7016) with an internal finish of Grey White (RAL 9002)
- Bollards will be incorporated as protection to the openings - colour Black/Yellow Chevrons

f) TANKS AND SILOS

- All tanks and silos to be stainless steel, carbon steel or plastic according to the fluid they contain. Insulated tanks will have aluminium metal cladding. Carbon steel tanks and plastic tanks (if any) will be painted colour – Diamond (RAL 9023)
- All balustrades and handrails to be galvanised steel.

g) CHIMNEYS

- Tubular steel chimneys, structural shell of carbon steel, colour Diamond (RAL 9023). Internal liner to be appropriate material to suit flue gas characteristics (i.e. carbon or corten steel with stainless steel caps) Chimney to be fully insulated

h) GATEHOUSE

- Metal horizontal wall cladding to match the main building. The main colour will be Steel Blue (RAL 5011)

- All constructed on a structural steel frame. All cappings and trims to match main colour. The gatehouse windows and personnel doors to be polyester powder coated aluminium with steel doors - colour Grey Aluminium (RAL 9007)
- All balustrades, handrails and metal finishes will be galvanised steel.

Reason: To ensure satisfactory development of the application site.

26. The proposed boundary treatments shall be carried out in accordance with details submitted to a colour of RAL 6005 - Moss Green

Reason: To ensure satisfactory development of the application site and appropriate boundary treatment.

Notes for Applicant

Highways

S278 Works

No work on the public highway should commence until any engineering detail of improvements to the public highway have been approved by the Highway Authority, and an agreement under S278 of the Highways Act 1980 entered into. Any agreement for street lighting should be agreed in writing with Walsall Metropolitan Borough Council's Street lighting partner Amey.

Mud on Highway

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.

Drainage

No drainage from the proposed development shall be allowed to discharge into any highway drain or over any part of the public highway.

General Comment

According to highway records, the existing palisade fencing along most of the Fryers Road frontage of the site does not appear to reflect the applicant's actual ownership boundary and appears to significantly encroach onto and enclose land considered to be public highway. The original site boundary can still be evidenced in places on site by the presence of the original concrete fencing posts situated 2 to 3 metres behind the present palisade fence. This will need to be resolved by either relocating the fence back onto its original alignment or by pursuing the appropriate legal mechanism for securing the stopping up of the highway rights.

Pollution Control

For the purpose of Condition 16, the terms 'operations' and 'plant operations' excludes initial commissioning, calibration of plant machinery and deliveries to the development.

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 "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 should be included in validation reports. This note is not prescriptive and any validation report must be relevant to specific remedial measures agreed with the Local Planning Authority.

Storage of Fuels

Storage of Fuels It is noted that fuel tanks are to be located outside the main building. Any facilities for the storage of fuels shall be provided with secondary containment that is impermeable to both the fuel and water, for example a bund, details of which shall be submitted to the local planning authority for approval. The minimum volume of the secondary containment should be at least equivalent to the capacity of the tank plus 10%. If there is more than one tank in the secondary containment the capacity of the containment should be at least the capacity of the largest tank plus 10% or 25% of the total tank capacity, whichever is greatest. All fill points, vents, gauges and sight gauge must be located within the secondary containment. The secondary containment shall have no opening used to drain the system. Associated above ground pipework should be protected from accidental damage. Below ground pipework should have no mechanical joints, except at inspection hatches and either leak detection equipment installed or regular leak checks. All fill points and tank vent pipe outlets should be detailed to discharge downwards into the bund.

Environment Agency

It is recommended that developers should:

1) Follow the risk management framework provided in CLR11, Model Procedures for the Management of Land Contamination, when dealing with land affected by contamination.

2) Refer to the Environment Agency Guiding Principles for Land Contamination for the type of information that we require in order to assess risks to controlled waters from the site. The Local Authority can advise on risk to other receptors, such as human health.

3) Refer to the Environment website at www.environment-agency.gov.uk for more information.

Canal and River Trust

A) The applicant/developer is advised to contact the Works Engineering Team in order to ensure that any necessary consents are obtained and that the works comply with the Trust's "Code of Practice for Works affecting Canal & River Trust".

B) The Canal & River Trust offer no right of support to the adjacent property. The land owner should take appropriate steps to ensure that their works do not adversely affect the canal infrastructure at this location.

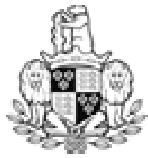
C) The proposed development indicates that surface water may be discharged to the canal. The applicant/developer is advised that Canal & River Trust' consent is required for such a discharge. Please contact the Canal & River Trust Utilities Team on 01926 626108 for further advice.

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. Application forms for Coal Authority permission and further guidance can be obtained from The Coal Authority's website at:

<http://coal.decc.gov.uk/en/coal/cms/services/permits/permits.aspx>

End of Officers Report



Economy and Environment, Development Management

Planning Committee

Report of Head of Planning and Building Control on 05-Nov-2015

Plans List Item Number: 4.

Reason for bringing to committee: Major application and Departure from the Development Plan

Location: LAND LYING TO THE WEST OF COLLEGE FARM, BOSTY LANE, ALDRIDGE, WALSALL

Proposal: CONSTRUCTION OF A SOLAR FARM COMPRISING GROUND-MOUNTED SOLAR PANELS FOR ELECTRICITY PRODUCTION (4,755KWP) ON LAND TO CONTINUE TO BE USED FOR AGRICULTURE, TOGETHER WITH ANCILLARY EQUIPMENT, DEER FENCING, PERMEABLE STONE ACCESS TRACKS AND LANDSCAPING AND BIODIVERSITY ENHANCEMENTS.

Application Number: 15/0628/FL

Applicant: Blue Planet Solar

Case Officer: Alison Ives

Ward: St Matthews, Aldridge Central And South

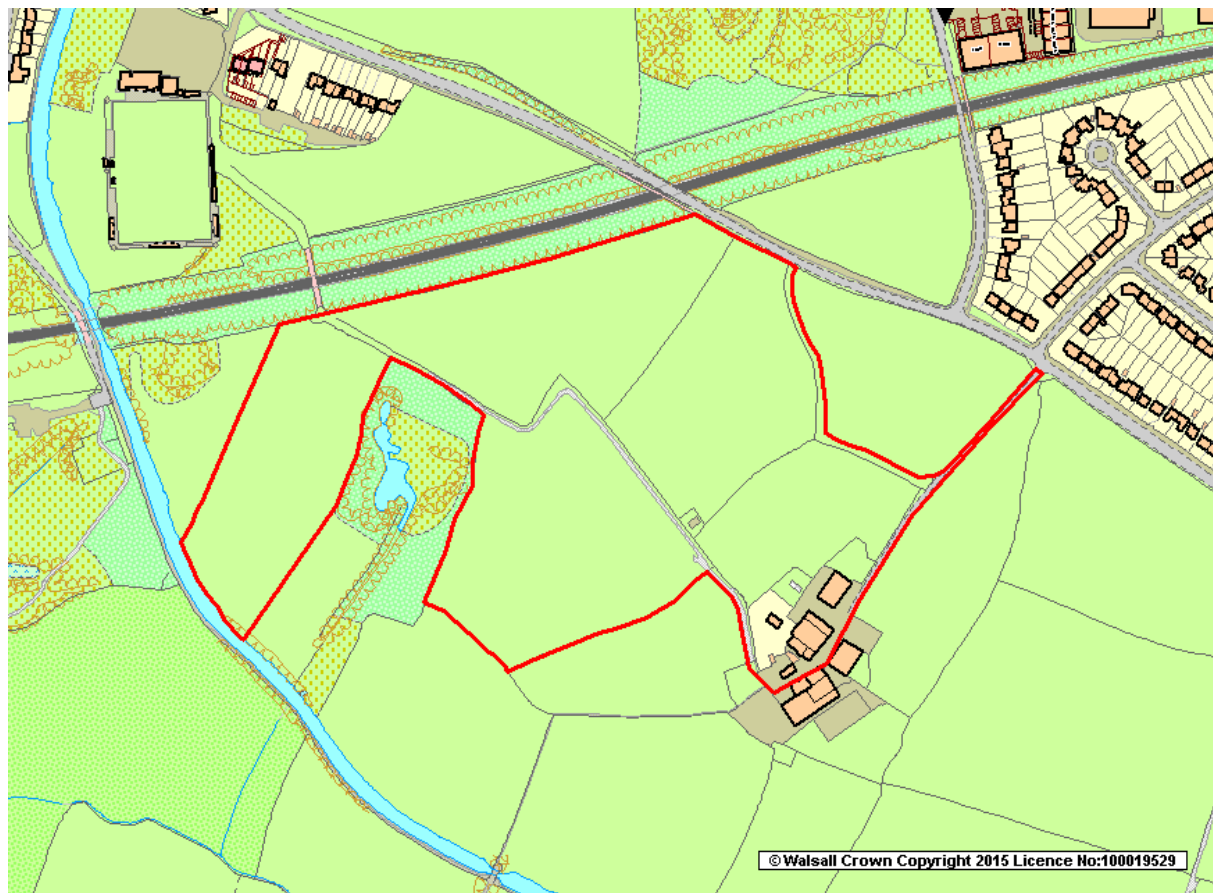
Agent: Indigo Planning

Application Type: Full Application (Major)

Recommendation Summary: Refuse

Expired Date: 26-Aug-2015

Time Extension Expiry: 13-Nov-2015



Current Status

The report was published on the agenda for 1st October 2015 meeting but the item was withdrawn from the agenda at the request of the developer to allow them the opportunity to address objections. The proposals have subsequently been amended to remove the proposed solar panels from field 4 and additional supporting information has been provided.

The revised proposal entirely removes the solar panels from field 4 adjacent to the canal. As a consequence this reduces the total electricity production from 4.4 megawatts to 3.6 megawatts of power.

The additional supporting information seeks to address the reason for refusal published on 1st October 2015 and to demonstrate how the benefits outweigh the harm to the green belt, show there are no alternative sites in the local authority area and that the impact on the openness of the green belt has been considered and mitigated as follows:

The information highlights the benefits of the development in terms of meeting policy requirements for sustainable development and that if granted this would be the first large scale renewable energy infrastructure installation in Walsall. They state there is nothing in policies ENV7 of CSP3 that would prohibit renewable energy projects in the green belt. It also states the project will contribute to local and national renewable energy and carbon reduction targets, diversification of an agricultural business (new source of income), community benefits (educational trips for school children), economic benefits (80 jobs during construction, additional business rates, opportunities for local solar panel manufacturers), biodiversity benefits (landscape and biodiversity management plan proposed) and temporary nature (25 years after which the land will be restored to its current state).

In considering the impact on the green belt the applicant highlights recent appeal decisions where Inspector's have highlighted that solar farms are not prohibited outright in the green belt and it is a matter of balancing any benefits they bring forward against any harm they would cause. The development is supported by other policies requiring such environmental infrastructure to meet sustainability and climate change policies and the applicant considers the proposal does not result in urban sprawl as there is no expansion of the populated area and is of a different character than surrounding built development, doesn't involve building houses or urban form and does not result in expansion of the settlement limits. As the development is temporary it will not affect the permanence of the green belt and given the limited views of the site it does not conflict with the purpose of the green belt. It is pointed out that solar farms are routinely granted in the countryside.

The information addresses alternative sites considered and having re-assessed the information previously submitted the applicant states there are no sites suitable or available outside the green belt or allocated for alternative uses and the local authority has not provided evidence that suitably previously developed sites outside the green belt exist or there is suitable brownfield land available.

The applicant highlights the Landscape and Visual Impact appraisal undertaken which identifies that there are few locations where the site will be visible.

Consultations

Archaeology – No objections. A programme of archaeological work should be secured by condition.

Canal & River Trust – No objections subject to conditions to secure implementation and maintenance of landscaping. Notes for applicant are recommended to ensure the integrity of the canal is maintained.

Coal Authority – No objections. The site is not within a high risk coal area. Standing advice is recommended.

Ecology – No ecological objection but there are still concerns regarding the potential precedent that approving this application will have in landscape and visual terms. Although the adverse visual impacts from the canal by removing panels from Field 4 are reduced they are not eliminated.

Health & Safety Executive – No objections.

Inland Waterways – No objections. The removal of the solar panels from field 4 is welcomed.

Natural England – No objections.

Network Rail – Holding objection. The plan still appears to include land belonging to Network Rail.

Public Participation Response

Two further letters of objection has been received which are summarised below:

- Will the land be deemed “brownfield” land after 10 years which would allow new buildings
- This site should not be redeveloped for housing in the future
- Object to solar panels anywhere on the fields
- Increased traffic including more large vehicles
- Loss of wildlife and trees has an adverse impact
- Loss of outlook
- Loss of property value
- Noise and disturbance during installation

Two representations have been received stating no objections to the proposals. One writer states the applicant is proactive in protecting wildlife and plants and there is no risk to wildlife in the area and the proposal offers benefits.

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

Observations

Impact on the Green Belt

Despite the removal of the solar panels from field 4 it is considered that the proposals for the remaining three fields still have an adverse impact on the openness

of the green belt by the introduction of the fencing, solar panels and ancillary compound areas and equipment.

The proposals still conflict with the purposes of including land within the green belt by introducing built development on the edge of the existing built up area thereby resulting in urban sprawl and encroaching into the countryside causing a technical harm to the purposes of including land in the Green Belt. This is a sensitive part of the green belt as it separates urban areas and the encroachment would reduce the openness which could lead to pressure to develop the remaining areas that surround the farmland.

It is considered that the changes to the proposals are not sufficient to outweigh the harm to the green belt by reason of inappropriate development. Although the developer confirms the use will be temporary for 25 years this is still a significant period of time sufficient to be considered to harm the character and openness of the green belt and create urban sprawl contrary to the purposes of including the land in the green belt. The technical harm to the purpose of including land within the Green Belt remains even with the amendments.

The neighbour has concerns about whether the land would become “brownfield” and capable of redevelopment for housing. They object to solar panels on the fields. The site remains green belt regardless of whether the development is allowed and unless the green belt boundaries are redrawn this site would not become a “brownfield” site capable of redevelopment. Any future application for residential development would be subject to the same scrutiny as the current application for a solar farm.

In response to the applicant’s additional information whilst there is nothing in BCCS policy explicitly stating renewable energy projects must not be sited in the Green Belt, paragraph 91 of the NPPF makes it clear that elements of many renewable energy projects will result in them being inappropriate development within the Green Belt. Also, whilst the policies are supportive of renewable energy projects generally, each application must be considered on its own merits and in accordance with National and other local plan policies.

Whilst policy CSP3 requires *‘that the strategic network of environmental infrastructure is protected, enhanced and expanded at every opportunity’* it does not override the protection afforded to the Green Belt under policy CSP2, particularly as Green Belt, agricultural land and open countryside are not included within the list provided under Policy CSP3 of land and designations that comprise the environmental infrastructure network. Consequently the proposal seeks to expand or add to the environmental infrastructure network in a location that is afforded protection under policy CSP2, along with the relevant provisions of NPPF. Also, an indication of where improvements and expansion to the network are expected to be is provided in policy CSP3 justification paragraph 2.27 *‘..Growth and regeneration will provide many opportunities to extend and increase the quality of this network, contributing to improved environmental quality, quality of life and well-being.’* Also CSP1 states that the *‘The Growth Network will be the focus of activity for all the Spatial Objectives, but in particular Objectives 1 – 8..’* as a regeneration strategy it is important to note these growth areas are not in the Green Belt.

Although some land beyond the BCCS growth network / regeneration corridors might be suitable for certain renewable energy projects these will each need to be

assessed on their own merits and the conflict between BCCS policies CSP2 and CSP3 be resolved based on whether or not sufficient benefits exist to clearly outweigh the harm to the Green Belt.

In response to the applicants claim that the proposal does not result in urban sprawl or expansion of the populated areas the proposed development is an entirely different character to what is there now and to the surrounding area. Planning inspectors have recently described solar farms as *'the regimented rows of hard surfaced solar panels would represent intrusive, utilitarian elements on an industrial scale in the open countryside. Together with its associated new buildings and structures, the proposal would have a considerable urbanising impact in this rural location, and would detract from the distinctive topography of the site and its surroundings.'* ([Para.37 - APP/D3505/A/13/2204846](#)).

This development introduces an expanse of 2 metre high security fencing, a 4.65m high substation building and a hard standing access track. Also, the proposal to mitigate the visual impact of the development by 3m high hedgerows and planting could be considered to have a detrimental impact on the landscape and the character of the area. This was considered the case in a recent appeal in which the proposed landscaping was described although having an ability *'..to some extent, screen views of the built form; it would also unfavourably affect currently valued views across the open countryside.'* ([Para. 8 - APP/Y3615/A/14/2212923](#)).

Despite the effectiveness of any proposed screening and the degree by which the development is (supposedly) hidden from view the concept of openness does not directly relate to visibility or visual harm but to a lack of development. The proposal continues to have a detrimental impact by considerably reducing the openness of the Green Belt in a particularly narrow section of the West Midlands Green Belt. This is considered to clearly outweigh the benefits that have been presented in support of the project.

Landscape and Visual Impact

The key views of the site are from the canal. As the proposals have been amended to remove all solar panels from field 4 which is closest to the canal there will be very limited landscape or visual impact on the surrounding area. A landscape and biodiversity management plan could be secured by conditions on any approval to ensure existing hedgerows are maintained to screen the impact.

The introduction of the solar panels and other structures and new fencing will inevitably have an impact on the existing landscape and visual appearance of the site but given that this is limited the potential impact is not sufficient to warrant refusal of permission on this basis.

Ecology

There are no ecological concerns but conditions are recommended to secure landscape and biodiversity management.

Relationship to surrounding properties

The removal of the solar panels from field 4 where there are views across the field from the canal will remain the same reducing the visual impact from surrounding properties. As on the earlier proposals there is likely to be some limited impact on

surrounding neighbours during construction of the solar farm but not to an extent sufficient to warrant refusal on this basis.

Despite the residents objection to loss of outlook from their home the proposed solar farm will be screened from surrounding areas by provision of fencing and maintenance of the existing hedges.

Loss of property value as claimed by the objector is not a material planning consideration. The concern over noise and disturbance during installation of the solar farm could be addressed by conditions to restrict hours of construction.

The proposal has no significant impact on residential amenities.

Access and Parking

This remains the same and the amendments have no significant impact on the surrounding highway network.

The Transportation officer is satisfied with them means of access. Apart from during the construction of the site the potential for increased traffic and larger vehicles raised as a concern by an objector is not significant. It is also noted that the farm access is already used by farm transport and machinery.

Means of access and parking is acceptable.

Recommendation

Refuse permission.

Reasons for Refusal

1. The proposed development would have an adverse impact on the character and openness of the green belt due to the introduction of inappropriate development on the land. The proposed solar farm and ancillary fencing and structures has an industrial appearance and character and encroaches into the countryside resulting in urban sprawl within this narrow section of green belt land at a sensitive location causing a harm to the green belt and a technical harm to the purposes of including land within the green belt. No very special circumstances have been justified to outweigh the harm to the green belt. For these reasons the proposals are contrary to the aims and objectives of the National Planning Policy Framework, Black Country Core Strategy policies CSP2, ENV2 and ENV7 and Walsall Unitary Development Plan Policies ENV2, ENV3 and ENV32.

The original report now follows:

Application and Site Details

The proposal is for the construction of a solar farm on land at College Farm Bosty Lane. The proposal comprises ground mounted solar panels for electricity production together with ancillary equipment, fencing, permeable stone access tracks and landscaping and biodiversity enhancements. The site area is 11.42 hectares of land and spans three fields.

The land is currently farmland used for grazing cattle and horses and there are hedges and trees along the boundaries. The fields lie to the north west of the farm buildings and border Bosty Lane, Daw End Railway Cutting, Daw End Branch canal

and other farmland. Rushall Olympic Football Club lies to the north on the opposite side of the railway cutting. Other than the farm itself the nearest housing to the north is in Bosty Lane and to the east is Bosty Lane, Middlemore Lane West and Linley Wood Road and surrounding streets. Public Right of Way Aldridge 22 lies south of the farm.

Daw End Railway Cutting is a Site of Special Scientific Interest (SSSI), Daw End Branch canal is a Site of Local Importance for Nature Conservation (SLINC) and Park Lime Pits Site of Importance for Nature Conservation (SINC) lies between fields 1, 3 and 4.

The proposed solar panels cover three fields and are mounted on the ground in rows 2.5m apart. They are tilted at a 25 degree angle and are 680mm above ground level at the front and 1900mm above ground level at the rear. They are blue/black colouring treated with translucent anti-reflective protective coating to minimise glare. The total electricity production is 4.4 megawatts which powers the equivalent of approximately 970 homes per annum. The proposed solar farm is to be fenced with high tensile deer fencing and gates 2m high with a 100mm gap underneath to allow small wildlife to pass through the site. Each field will have a transformer station accessed by a gravel track. A compound area is also indicated to the east of field 3 and a Western Power Distribution substation including switch room located at the edge of field 2 on Bosty Lane. The transformer stations are 5.1m X 2.9m with flat roofs 3.1m high and the substation is 5.4m X 4.9m with a pitched roof 4.6m high and customer metering room attached (1.6m X 1.2m X 3m).

Existing hedgerows are to be retained and managed to a height of 3m throughout the site and the perimeter. A double row hedgerow will be planted along the boundary of field 4 where visible from the canal. Any disturbed grassland will be re-seeded, plant diversity enhanced with wildflower seed mix. Long term grassland management will comprise light sheep grazing to promote diversity or infrequent mowing to develop a denser sward for barn owl foraging. Provision of bird nesting and bat boxes around the site and enhancements to Jack Holes SINC will enhance biodiversity.

Construction will take approximately 10 weeks. The operational life is 25 years after which the panels will be dismantled and removed from the land.

The Planning Statement – Identifies that the solar farm is a temporary use and that the site will remain in use for agriculture. It explains the need for the development and factors influencing site selection, describes the site and surrounding areas, describes the proposals, proposed environmental effects, an assessment against national and local policies and government advice and weighs up the harm and whether very special circumstances exist to justify the development in the Green Belt.

The Ecological Assessment Scoping Report – Defines the scope of the ecological issues to be covered in the ecology report including an assessment of designated sites, habitats and vascular plants, breeding birds, barn owl, great crested newt, bats, crayfish, reptiles, badgers and soils.

The Ecology Report – Summarises that neither the construction nor operation of the proposed solar farm has any significant adverse ecological effects. Assuming

precautionary surveys for the Barn Owl (and breeding birds if necessary) is adopted and any mitigation measures taken there would be no risk of infringing wildlife legislation. The proposed biodiversity enhancement measures include habitat creation (wildflower grassland, hedgerows and barn owl foraging habitats) and management which would yield significant enhancements at the site and at a local level. The new and enhanced habitats would strengthen wildlife networks within the site thus contributing to the wider ones in the local area.

The Flood Risk and Drainage Assessment – Explains the entire development site is within Flood Zone 1. The risk of flooding to and from the site is considered “very low”. Only small scale areas of surface water flooding may occur. Surface water run-off rates are not considered to increase post development although some compaction of soils during construction may reduce infiltration and increase run-off but the managed pasture will mitigate this potential post installation. Creation of a swale in each field will detain run-off. The proposed development will not create an increased risk of flooding the site or surrounding area.

The Heritage Statement – Concludes that the proposal will not have a direct impact on any known designated or undesignated heritage assets. There will be a physical impact on archaeological deposits on the site, if present, from service trenches, piling and other construction activity. The potential of the site to contain archaeological deposits is considered to be low to moderate for the prehistoric and low for all other periods. The rural character around nearby sites and monuments will remain the same. Following mitigation the development will result in a medium adverse impact on the setting of Jack Hole and negligible adverse impact for Lime Pits undesignated heritage assets therefore less than substantial harm. There will be a low adverse impact on Daw End Branch canal which is of regional importance. Any harm should be weighed against the public benefit of the proposals.

The Landscape & Visual Impact Appraisal - Describes the nature of the proposed development, establishes a landscape and visual baseline, landscape character classifications and value and susceptibility. It defines the magnitude of the landscape effects and overall level of landscape effects, visual amenity value, receptor susceptibility, magnitude of visual effects and overall level of visual effects.

The Agricultural Land Classification Survey – concludes that having inspected the land and considered soil texture, farming practice and soil structure against the criteria of assessment for grades in the MAFF guidelines, the land is grade 3b. This is moderate quality agricultural land capable of producing moderate yields of a narrow range of crops, principally cereals and grass or lower yields of a wider range of crops or high yields of grass which can be grazed or harvested over most of the year.

Relevant Planning History

15/0222/SCRE – Screening Opinion as to whether an Environmental Statement is required for erection of ground mounted solar panels and ancillary structures (solar farm) - Environmental Assessment not required 05/03/15.

11/0802/FL - Erection of a EWT 500KW wind turbine on a 40 metre high monopole mast (total height 67m) together with installation of ancillary equipment & works – Appeal Dismissed 21/02/13.

10/1333/ND - Screening opinion relating to the installation of a single wind turbine – Environmental Assessment not required 04/11/10.

03/0115/PT/E3 - 15 metre timber monopole with three antenna, three dishes and ground based equipment cabinets – Prior notification details approved 24/02/03.

02/2234/PT/E3 - 15m monopole and associated antennae, dishes and ground level equipment – Prior notification details refused 22/01/03

There are older applications relating to extensions to the dwelling, erection of agricultural buildings and change of use of agricultural buildings to livery for horses and a ménage.

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 17 supports the transition to a low carbon future in a changing climate and encourages the use of renewable resources for example, by the development of renewable energy.

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 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
- 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 79 highlights that the essential characteristics of Green Belts are their openness and their permanence.

Paragraph 80 defines the five purposes of the Green Belt:

- to check the unrestricted sprawl of large built-up areas;
- to prevent neighbouring towns merging into one another;
- to assist in safeguarding the countryside from encroachment;
- to preserve the setting and special character of historic towns; and
- to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

Paragraph 81 seeks to retain and enhance landscapes, visual amenity and Biodiversity in Green Belts.

Paragraph 87 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Paragraph 88 specifies that 'very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

Paragraph 91 states that when located in the Green Belt, elements of many renewable energy projects will comprise inappropriate development. In such cases developers will need to demonstrate very special circumstances if projects are to proceed. Such very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources.

Paragraph 97 requires a positive strategy to promote energy from renewable and low carbon sources. Also to design policies to maximise renewable and low carbon energy development while ensuring that adverse impacts are addressed satisfactorily, including cumulative landscape and visual impacts

Paragraph 98 states that when determining applications LPA's should not require applicants for energy development to demonstrate the overall need for renewable or low carbon energy and also recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions.

Paragraph 103 when determining planning applications local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where informed by a Flood Risk Assessment.

Paragraph 109 refers to protecting and enhancing valued landscapes, geological conservation interests and soils;

Paragraph 110 aims to minimise pollution and other adverse effects on the local and natural environment.

Paragraph 112 local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality.

Paragraph 113 requires policies against which proposals for any development on or affecting protected wildlife or geodiversity sites or landscape areas will be judged. Distinctions should be made between the hierarchy of international, national and locally designated sites, so that protection is commensurate with their status and gives appropriate weight to their importance and the contribution that they make to wider ecological networks.

Paragraph 117 local planning authorities should identify and map components of the local ecological networks, including the hierarchy of international, national and locally designated sites of importance for biodiversity, wildlife corridors and stepping stones that connect them and areas identified by local partnerships for habitat restoration or creation. They should promote the preservation, restoration and re-creation of priority habitats, ecological networks and the protection and recovery of priority species populations.

Paragraph 118 aims to conserve and enhance biodiversity and 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 and mitigate and reduce to a minimum other impacts.

Paragraph 133 states where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

Paragraph 135 the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

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

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 in planning decisions.

The Vision consists of three major directions of change and underpins the approach to the whole strategy;

1. Sustainable Communities - Regeneration should aim to promote and facilitate healthy living and create environments which offer opportunities for active lifestyles and healthy choices, including provision for walking, cycling and outdoor recreation within the urban fabric of the Black Country.

2. Environmental Transformation - Delivering high quality, liveable and distinctive places which respect and make the most of the existing diversity of the Black Country's natural and built environment.

3. Economic Prosperity Attract new employment opportunities and investment in innovation and new technology, deliver a network of successful strategic, town, district and local centres and the infrastructure and raw materials needed to support the local economy, improve the wealth and image of the Black Country and support initiatives to lift educational and skills performance.

The above are supported by the following policies:

CSP2: A strong Green Belt to promote urban renaissance within the urban area and provide easy access to the countryside for urban residents where the landscape, nature conservation and agricultural land will be protected and enhanced where practical and possible.

CSP3: Development proposals will need to demonstrate that the strategic network of environmental infrastructure will be protected, enhanced and expanded at every opportunity.

DEL1: Development proposals will only be permitted if all necessary infrastructure improvements, mitigation measures and sustainable design requirements are provided.

DEL2: All new developments should be supported by the necessary on and off-site infrastructure to serve the development, mitigate its impacts on the environment, and ensure that the development is sustainable and contributes to the proper planning of the wider area.

TRAN1: All new developments will address the transport network and provide adequate access for all modes, including walking, cycling and public transport.

TRAN4: Seeks to create an environment that encourages sustainable travel that requires new developments to link to existing walking and cycling networks.

TRAN5: Identifies priorities for traffic management including maximum parking standards and promoting measures to reduce the need to travel and facilitate a shift towards using sustainable modes of transport such as walking, cycling, public transport etc.

ENV1: Seeks to safeguard nature conservation.

ENV2: Development proposals will be required to preserve and, where appropriate, enhance local character. Development proposals will be required to preserve and where appropriate enhance aspects of the historic environment together with their settings.

ENV3: Refers to design quality requirements.

ENV5: Seeks to minimise the probability and consequences of flood risk.

ENV7: Proposals involving the development of renewable energy sources will be permitted where the proposal accords with local, regional and national guidance and would not significantly harm the natural, historic or built environment or have a significant adverse effect on the amenity of those living or working nearby, in terms of visual, noise, odour, air pollution or other effects.

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: seek to make a positive contribution to the quality of the environment, whilst protecting people and ensuring adequate and safe access is provided.

ENV1: Identifies the Green Belt boundaries.

ENV2: Seeks to control development in the Green Belt. Any engineering or other operation or the making of a material change of use of land is inappropriate in the Green Belt if it conflicts with the openness and purposes of the Green Belt.

ENV3: Relates to detailed evaluation of proposals within the Green Belt.

ENV6: The Council will seek to protect, wherever possible, the best and most versatile agricultural land from loss to inappropriate development or other uses. Proposals for the diversification of the rural economy, particularly for agriculture, forestry and related enterprises, will be supported provided that the character, scale and location of the proposals are compatible with the surroundings and in accordance with the other policies of this Plan.

ENV10: Development will not be permitted if the health, safety or amenity of its occupants or users would be unacceptably affected by pollution.

ENV11: Development which involve significant external lighting will not be permitted unless they propose the minimum amount of lighting necessary to achieve its purpose and minimise glare and light spillage from the site to protect wildlife.

ENV17: Encourage new planting.

ENV18: Seeks to protect, manage and enhance existing woodlands, trees and hedgerows.

ENV23: Proposals must take account of opportunities for nature conservation.

ENV24: New development should maintain the integrity of wildlife corridors.

ENV32: Proposals should take in to account the surrounding context including consideration of the effect on the local character of the area, vehicular and pedestrian patterns and visual relationship to surrounding areas.

ENV33: deals with landscape design and opportunities to create and enhance environmental quality.

ENV40: The quality of all water resources will be protected.

LC9: The Council will expect all development alongside and near to canals to positively relate to the opportunity presented by the waterway, to achieve high standards of design, and to be sensitively integrated with the canal and any associated canal side features.

T1: All development should conform to the accessibility standards set out in policies T10-T13.

T4: Classifies the highway network and specifies that residential streets and minor roads are those where traffic volumes and speeds should be quite low. Sometimes traffic calming measures will be required.

T7 – All development should satisfy the car parking standards set out in Policy T1.

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

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

DW2: Safe & Welcoming Places - all new development must contribute to creating places that feel safe.

DW3: Character - all new development must be designed to respect and enhance local identity

DW9: High Quality Public Realm - new development must seek to ensure it creates places with attractive environmental quality.

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.

Other Guidance

National Planning Practice Guidance for Renewable and Low Carbon Energy (NPPG)

This advises that the deployment of large-scale solar farms can have a negative impact on the rural environment, particularly in undulating landscapes. However, the visual impact of a well-planned and well-screened solar farm can be properly addressed within the landscape if planned sensitively.

Particular factors a local planning authority will need to consider include:

- encouraging the effective use of land by focussing large scale solar farms on previously developed and non agricultural land, provided that it is not of high environmental value;
- where a proposal involves greenfield land, whether (i) the proposed use of any agricultural land has been shown to be necessary and poorer quality land has been used in preference to higher quality land; and (ii) the proposal allows for continued agricultural use where applicable and/or encourages biodiversity improvements around arrays.
- that solar farms are normally temporary structures and planning conditions can be used to ensure that the installations are removed when no longer in use and the land is restored to its previous use;
- the proposal's visual impact, the effect on landscape of glint and glare and on neighbouring uses and aircraft safety;
- the extent to which there may be additional impacts if solar arrays follow the daily movement of the sun;
- the need for, and impact of, security measures such as lights and fencing;
- great care should be taken to ensure heritage assets are conserved in a manner appropriate to their significance, including the impact of proposals on views important to their setting. As the significance of a heritage asset derives not only from its physical presence, but also from its setting, careful consideration should be given to the impact of large scale solar farms on such assets. Depending on their scale, design and prominence, a large scale solar farm within the setting of a heritage asset may cause substantial harm to the significance of the asset;
- the potential to mitigate landscape and visual impacts through, for example, screening with native hedges;
- the energy generating potential, which can vary for a number of reasons including, latitude and aspect.

The approach to assessing cumulative landscape and visual impact of large scale solar farms is likely to be the same as assessing the impact of wind turbines.

The NPPG also includes advice given in a *Ministerial statement 25th March 2015: Solar energy: protecting the local and global environment where it was highlighted that "Substantial weight is to be given to the best and most versatile agricultural land*

ALC 1,2, and 3a. Proposals that involve the best ALC will require the most compelling of evidence to overcome the harm."

Consultations

Transportation – No objections. A condition to secure a Construction Methodology Statement is recommended. This should include; the number and type of construction vehicles expected to visit the site, the suitability of the access points in terms of geometry, construction details and visibility along Bosty Lane including a Autotrack analysis demonstrating the vehicle can safely and satisfactorily manoeuvre in and out of the access(s), where the parking and turning facilities for site operatives and construction deliveries will be located together with full details of the wheel cleansing arrangements to prevent mud or other material from being deposited on the highway during the period of construction.

Archaeology – An archaeological evaluation should be provided and mitigation in the form of either targeted excavation beforehand or a watching brief during the development. A programme of archaeological work should be secured by condition.

Canal & River Trust – No objections. The proposed hedgerow planting to field 4 will provide screening but should be conditioned so that it is established and maintained to screen views from the towpath and canal. The proposed landscaping has the potential to impact on the integrity of the waterway therefore the future maintenance responsibilities for the planting need to be determined. The land owner should take appropriate steps to ensure that their works do not adversely affect the canal infrastructure at this location. The drainage methods of new developments can have significant impacts on the structural integrity, water quality and the biodiversity of waterways. It is therefore important that full details are submitted and agreed prior to the first use of the new development. Conditions to secure details of landscaping maintenance and swales should be included on any permission.

Coal Authority – The application site is located within the defined Development Low Risk Area and there is no requirement for a Coal Mining Risk Assessment to be submitted. The Coal Authority's Standing Advice should be included as an informative on any decision.

Ecology – Concerns regarding the potential precedent that approving this application will have in landscape and visual terms. The applicant has proposed reducing the area of development in Field 4 and although the adverse visual impacts on Field 4 are reduced they are not eliminated. Proposals for habitat protection, management and enhancement proposed in the Landscape and Biodiversity Management Plan and Ecology Report should be secured through a condition on any planning permission.

Environmental Health – No objections.

Flood Risk Manager – Solar panels have the potential to change land drainage regimes, and without appropriately sized and managed SuDs techniques, have the potential to increase overland flow and affect vegetation cover under each mounted panel. Localised SuDS are to be incorporated to help control any additional run-off by virtue of the panels and details of the swales are required. A condition to secure drainage details is recommended.

Health & Safety Executive – No objections.

Inland Waterways – Objects. Daw End Branch canal is a historic waterway and a valuable amenity and recreational corridor, providing leisure boating, walking, angling, cycling and nature conservation benefits to the area. Inland Waterways is concerned about the visual impact on the rural setting to the canal to the detriment of the amenity value and regional tourism and regeneration benefits. The proposal has an industrial appearance and field 4 in particular would damage the visual amenity of the area contrary to BCCS policy ENV4 giving it an urbanised appearance. The screen planting proposed would have little immediate impact and during winter would still expose the site to views. Field 4 should be excluded entirely. The whole development is inappropriate development in the Green Belt for which very special circumstances have not been demonstrated.

Local Access Forum (Walsall Ramblers) – There is no impact on rights of way but the walking environment will be compromised as the ability to enjoy a countryside location will be lessened by the commercial appearance of the solar farm. Although the proposals would be an intrusion into the Green Belt, methods to screen the development from views have been incorporated.

Natural England – No objections to the proposal and welcomes the biodiversity enhancements which it is recommended are secured on any planning approval. If approved, a note for applicant is recommended to locate a potential source of green hay to help improve the site's wildlife value.

Network Rail – Holding objection as the application site boundary overlaps operational railway land. Notes for applicant regarding works adjacent to the railway are recommended to ensure that during construction, and after completion of works on site, the development does not affect the safety, operation or integrity of the operational railway, Network Rail land and its infrastructure or undermine or damage or adversely affect any railway land and structures. A Risk Assessment and Method Statement (RAMS) should be submitted to the Network Rail Asset Protection Engineer. Network Rail request that no trees are planted next to the boundary with their land and the operational railway. Network Rail would request that only evergreen shrubs are planted and we would request that they should be planted a minimum distance from the Network Rail boundary that is equal to their expected mature growth height.

Police – No objections provided that details of security measures are provided as solar farm thefts are on the increase. Specifically CCTV, perimeter detection and monitoring should be considered.

Pollution Control – No objections but a condition is recommended to ensure nearby residents will not be affected by tonal noise. Conditions to secure a Construction Management Plan and to control hours of construction are recommended to protect the amenities of nearby residents.

Public Participation Response

Four letters of objection have been received. This is summarised as follows:

- The solar panels would be higher than the present hedgerows and are obtrusive from the surrounding area including public footpath
- Grazing beneath the solar panels would not help the visual aspect

- The wind turbine was rejected and a solar farm is equally unacceptable
- Adverse impact on the open green aspect
- The land should remain for agricultural/livestock rural use
- A solar farm should not be allowed in this area
- Adverse impact on wildlife (including Buzzards)
- Adverse impact on the aesthetic view
- To cover the fields with unsightly solar panels is a waste of green space

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

Determining Issues

- Principle of development for renewable energy
- Impact on Agricultural Land
- Impact on the Green Belt
- Landscape and Visual Impact
- Ecology
- Relationship to surrounding properties
- Access and parking

Observations

Principle of development for renewable energy

The NPPF (paragraph 17) and policy ENV7 of the BCCS support the development of renewable energy sources provided the proposal accords with local, regional and national guidance and would not significantly harm the natural, historic or built environment or have a significant adverse effect on the amenity of those living or working nearby, in terms of visual, noise, odour, air pollution or other effects. For reasons to be discussed in the following report the principle of the renewable energy for a solar farm does not significantly harm the natural, historic or built environment or have significant adverse effect on the amenity of those living or working nearby and is therefore acceptable in principle only.

Impact on Agricultural Land

The site is within the Green Belt and the land is presently used for agricultural purposes (grazing). The NPPF and local development plan policies support the protection of agricultural land. Further the NPPG advises that large scale solar farms should be encouraged on previously developed non agricultural land, provided it is not of high environmental value. Where a proposal involves greenfield agricultural land it must be shown to be necessary and poorer quality land used in preference to higher quality land and the proposal should allow for continued agricultural land and biodiversity improvements.

The applicant has provided an Agricultural Land Classification Survey which identifies that the land is Class 3b. This class of land is not afforded the same level of protection as the best and most versatile agricultural land. It is also identified that the land would continue to be used for agricultural purposes for sheep grazing. In the circumstances the proposal is not located on higher quality agricultural land and would allow for continued agricultural use.

The objectors consider the land should remain for agricultural use for livestock grazing. The applicant has identified that sheep grazing can continue beneath the solar panels so the agricultural use would continue.

The proposal includes biodiversity enhancements as discussed in the ecology section below which meets another criterion in the guidance in the NPPG.

As the land is lower quality agricultural land, agricultural use will continue on the land and biodiversity enhancements are proposed the proposal will not have an adverse impact on agricultural land.

Impact on the Green Belt

Character and Openness

The current fields are open in character as they have no permanent structures on them. The proposal will have an adverse impact on the openness of the Green Belt as the ground mounted solar panels, perimeter fencing, transformer stations, compound area and substation structures cover an extensive area of the site. These structures are industrial in character and would significantly alter the character of the land from open farm land to a solar farm. The proposal is considered to have an adverse impact on the character and openness of the green belt.

Objectors are concerned about the adverse impact on the current open green aspect of the site. Although the structures are proposed for a temporary period of 25 years the permanent structures will still have an adverse impact on the openness of the Green Belt and are industrial in character.

Purpose of including land within the green belt

The NPPF, BCCS and UDP all define the five purposes of Green Belt land as follows:

- to check the unrestricted sprawl of large built-up areas;
- to prevent neighbouring towns merging into one another
- to assist in safeguarding the countryside from encroachment;
- to preserve the setting and special character of historic towns; and
- to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

The site is within a part of the green belt that is on the edge of the built up area and as a consequence the key green belt functions which it performs are to check the unrestricted sprawl of large built up areas and to assist in safeguarding the countryside from encroachment. It is a relatively narrow area of Green Belt that separates urban areas. The proposed solar farm encroaches into the countryside extending the built up area where there is presently farm land and is contrary to this purpose of including land within the green belt. Objectors are also concerned about this impact as they consider unsightly solar panels are a waste of green space.

Very Special Circumstances

As the proposal is inappropriate development in the Green Belt the developer has to demonstrate very special circumstances to outweigh the harm to the Green Belt. The developer has stated a case that the need to provide renewable energy, limited degree of harm on the landscape and visual amenities and the fact that the use is temporary and reversible coupled with biodiversity enhancements outweigh the harm to the green belt by reason of inappropriateness or any other harm.

Any national environmental benefits from renewable energy production could equally well be obtained from sites on land outside the Green Belt.

Objectors consider that the solar farm is equally unsuitable for the site as the wind turbine proposal was which was refused and dismissed at appeal.

For the reasons given above this is not considered sufficient to outweigh the harm to the openness and character of the Green Belt or purposes of including the land within the Green Belt.

Landscape and Visual Impact

There are limited views across the site from surrounding areas due to the presence of the existing hedgerows and topography of the land. The key view is from the canal adjacent to Field 4. The plans have been amended to reduce the extent of the solar panels on field 4 and incorporate additional planting and double hedgerows. This will screen the view and limit any adverse visual impact.

The panels are designed to reduce any potential impact from glare.

Objectors consider that grazing amongst the solar panels will not help the visual aspect of the site which will remain industrial in appearance. They also consider that the site will be visible above the hedgerows and obtrusive to views from the public footpath and adjacent canal. The hedgerows will be managed to a height that will screen fencing and the panels and the additional planting will help screen the views of the site from within the surrounding landscape.

Due to the nature of the topography the landscape and visual impact of the proposals is not significant considering the measures highlighted in the landscape and biodiversity management plan could be secured through conditions.

Ecology

A landscape and biodiversity management plan has been provided to support the proposal that identifies new planting, establishment, maintenance and management and additional biodiversity measures. Tree and hedgerow planting is indicated and enhancements on Jack Holes SINC. These measures are welcomed and will help protect the adjacent Jack Holes SINC and wildlife corridors to benefit the ecology of the area and local wildlife. The proposals have been amended to reduce the extent of solar panels on field 4 and to enhance the landscaping to enhance biodiversity.

Objectors are concerned about the potential adverse impacts on wildlife but the proposed landscape and biodiversity management plan could be secured by conditions if the application were being recommended for approval.

Relationship to surrounding properties

The nearest property is the farm house itself and beyond this the residential properties on Bosty Lane to the north and residential areas to the north and east (Middlemore Lane West/Bosty Lane/Linley Wood Road/Redhouse Lane areas). The housing on Bosty Lane is over 140m away from field 2 which is nearest. Given the existing hedgerows will be managed to a height of 3m this will screen the deer fencing and solar panels from view from the housing.

The farm house is over 80m away from the compound area which is nearest and fields 2 and 3 but is well screened by existing trees and hedgerows. The proposal will not be prominently viewed from the farm house. It is likely that there will be some

disturbance during construction of the solar farm but given this is a working farm and there are surrounding farm buildings then the construction will not have undue adverse effects on the residential amenities at the farm house.

The closest relationship is that with the canal to the north of field 4 from where there are views across the field. The proposal has been amended to reduce the extent of solar panels across this field so that the enclosed area is now 80m away from the canal. A new double thickness hedgerow along the boundary with the canal is proposed and a further hedgerow outside the fenced compound and along the edges of the field to be managed to 3m height. This will screen views from the canal to reduce the impact.

In terms of potential for construction traffic to cause disturbance to surrounding neighbours a construction management plan would be secured by an appropriate condition if the application were recommended for approval in order to protect residential amenities.

The relationship to surrounding properties is considered acceptable.

Access and parking

The proposal includes utilisation of the existing farm access with new gravel access tracks formed to each of the four fields leading to the transformer stations. This will allow access for maintenance.

The Transportation officer is satisfied with the means of access but has requested a Construction Methodology Statement to secure an appropriate method of construction traffic management.

The proposal does not have any impact on the adjacent public footpath.

The means of access and parking is satisfactory.

Positive and Proactive working with the applicant

Officers have discussed the significance of the proposals with the applicant and their agent and discussed the process for determining this application. In response to this advice relevant supporting information and additional revised plans have been submitted. However, in light of the impact on the green belt officers are unable to support the scheme.

Recommendation Summary: Refuse

Reasons for Refusal

1. The proposed development would have an adverse impact on the character and openness of the green belt due to the industrial nature of the proposed solar farm and ancillary fencing and structures and would encroach into the countryside resulting in industrial sprawl within the green belt at a sensitive location contrary to the purposes of including land within the green belt. No very special circumstances have been justified to outweigh the harm to the green belt. For these reasons the proposals are contrary to the aims and objectives of the National Planning Policy Framework, Black Country Core Strategy policies CSP2, ENV2 and ENV7 and Walsall Unitary Development Plan Policies ENV2, ENV3 and ENV32.

End of Officers Report



Economy and Environment, Development Management

Planning Committee

Report of Head of Planning and Building Control on 05-Nov-2015

Plans List Item Number: 5.

Reason for bringing to committee: Major Application

Location: 2 SPRING LANE, WALSALL, WS4 1AZ

Proposal: 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.

Application Number: 15/0747/FL

Applicant: Mr Sean Wordley

Agent: Not Known

Application Type: Full Application (Major)

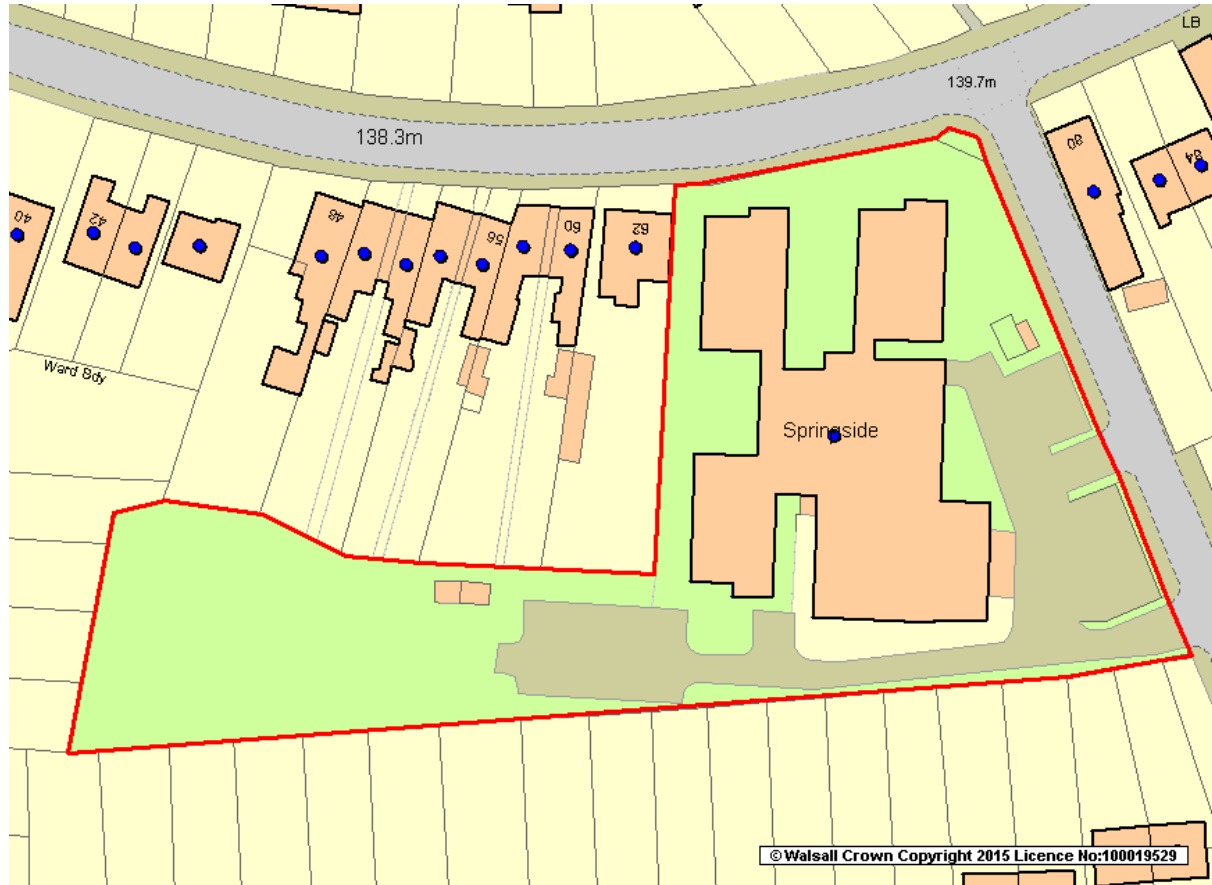
Case Officer: Alison Ives

Ward: Pelsall, Rushall-Shelfield

Expired Date: 09-Sep-2015

Time Extension Expiry: 27-Nov-2015

Recommendation Summary: Grant permission subject to conditions and a Section 106 Agreement to secure the tenure of the properties as affordable housing and for urban open space contributions.



Current Status

The application was deferred by Planning Committee on 1st October 2015 to enable the applicant to be present at the November committee to explain the proposals further.

Application and Site Details

The proposal is for change of use of the existing building from a Class C2 (residential institution) to Class C3 (dwellings) converting the premises to 17 x 1 bedroom self contained flats for occupation by persons with learning disabilities plus ancillary office accommodation. The proposal includes minor changes to the elevations of the building as part of the conversion.

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.

The applicant has identified that they propose to lease the premises to Inclusion Housing Community Interest Company (CIC) who are a Registered Provider.

The proposal is to convert the premises by dividing the existing rooms and installing bathrooms and kitchens and minor elevation changes to create new door openings to form self-contained flats. Some flats are served by a shared corridor but others have individual access. An office is included for staff of Inclusion Housing CIC.

The Design & Access Statement – Explains the previous use as a care facility for younger adults and the proposal to change the use to housing for residents with learning difficulties. It describes the proposed changes and car parking and access.

Relevant Planning History

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

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 in planning decisions.

The Vision consists of three major directions of change and underpins the approach to the whole strategy;

1. Sustainable Communities - Regeneration should aim to promote and facilitate healthy living and create environments which offer opportunities for active lifestyles and healthy choices, including provision for walking, cycling and outdoor recreation within the urban fabric of the Black Country.

2. Environmental Transformation - Delivering high quality, liveable and distinctive places which respect and make the most of the existing diversity of the Black Country's natural and built environment.

3. Economic Prosperity Attract new employment opportunities and investment in innovation and new technology, deliver a network of successful strategic, town, district and local centres and the infrastructure and raw materials needed to support the local economy, improve the wealth and image of the Black Country and support initiatives to lift educational and skills performance.

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 above are supported by the following policies:

CSP2: Outside strategic centres and regeneration corridors a mix of good quality residential areas where people choose to live should be provided.

CSP3: Development proposals will need to demonstrate that the strategic network of environmental infrastructure will be protected, enhanced and expanded at every opportunity.

CSP4: A high quality of design of the built and natural environment is required.

DEL1: Development proposals will only be permitted if all necessary infrastructure improvements, mitigation measures and sustainable design requirements are provided.

DEL2: All new developments should be supported by the necessary on and off-site infrastructure to serve the development, mitigate its impacts on the environment, and ensure that the development is sustainable and contributes to the proper planning of the wider area.

HOU2: Advises on housing density, type and accessibility and the need to achieve high quality design and minimise amenity impacts. All developments should aim to achieve a minimum net density of 35 dwellings per hectare, except where higher densities would prejudice historic character and local distinctiveness as defined

HOU3: Seeks to secure 25% affordable housing on all sites of 15 dwellings or more where this is financially viable.

HOU5: Supports new health and education facilities well related to neighbourhood services and amenities.

TRAN1: All new developments will address the transport network and provide adequate access for all modes, including walking, cycling and public transport.

TRAN2: Proposals likely to have significant transport implications should provide an acceptable level of accessibility and safety by all modes of transport to and from all parts of a development.

TRAN4: Seeks to create an environment that encourages sustainable travel that requires new developments to link to existing walking and cycling networks.

TRAN5: Identifies priorities for traffic management including maximum parking standards and promoting measures to reduce the need to travel and facilitate a shift towards using sustainable modes of transport such as walking, cycling, public transport etc.

ENV1: Seeks to safeguard nature conservation.

ENV2: Development proposals will be required to preserve and, where appropriate, enhance local character. Development proposals will be required to preserve and where appropriate enhance aspects of the historic environment together with their settings.

ENV3: Refers to design quality requirements.

ENV5: Seeks to minimise the probability and consequences of flood risk.

ENV7: All residential developments of 10 units or more must incorporate generation of energy from renewable sources sufficient to offset at least 10% of the energy demand of the development.

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: seek to make a positive contribution to the quality of the environment, whilst protecting people and ensuring adequate and safe access is provided.

GP3: Planning obligations will be used to secure any on or off-site mitigating measures made necessary by a development.

ENV10: Development will not be permitted if the health, safety or amenity of its occupants or users would be unacceptably affected by pollution.

ENV14: Encourages reclamation and development of derelict and previously developed land where possible in accordance with other policies.

ENV18: Seeks to protect, manage and enhance existing woodlands, trees and hedgerows.

ENV23: Proposals must take account of opportunities for nature conservation.

ENV32: Proposals should take in to account the surrounding context particularly within or adjacent to the Green Belt including consideration of the effect on the local character of the area, vehicular and pedestrian patterns and visual relationship to surrounding areas.

ENV33: deals with landscape design and opportunities to create and enhance environmental quality.

ENV40: The quality of all water resources will be protected.

H3: Encourages provision of housing through re-use of previously developed sites provided a satisfactory residential environment can be achieved, the site is not required to be retained for employment, there is good accessibility and residential development does not constrain the development of adjacent sites .

H5: Promotes housing for people with special needs including groups requiring specialist accommodation.

LC1: Residential developments will be required to make financial or other contributions which will enable the provision of new, or the improvement of existing urban open spaces.

T1: All development should conform to the accessibility standards set out in policies T10-T13.

T4: Classifies the highway network and specifies that residential streets and minor roads are those where traffic volumes and speeds should be quite low. Sometimes traffic calming measures will be required.

T5: Seeks to implement selective improvements to highway infrastructure and states highway improvement schemes should be designed to minimise any adverse impact on the environment or the amenity of residents.

T7 – All development should satisfy the car parking standards set out in Policy T13.

T8: Encourages walking and provision in development to enhance this.

T10 (a): Refers to accessibility standards.

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

Flats with communal provision: 1.5 spaces per unit

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

DW2: Safe & Welcoming Places - all new development must contribute to creating places that feel safe.

DW3: Character - all new development must be designed to respect and enhance local identity

DW4: Continuity - Well defined streets with a continuity of built form are important.

DW5: Ease of Movement – connections to existing routes

DW6: Legibility - new development should contribute to creating a place that has a clear identity

DW7: Diversity – contribute to creating living places that offer a mix of activities to the widest range of possible uses

DW8: Adaptability – contribute to creating flexible and adaptable places that can easily change over time.

DW9: High Quality Public Realm - new development must seek to ensure it creates places with attractive environmental quality.

DW 10: Well Designed Sustainable Buildings - new development should make a positive contribution to creating a sustainable environment.

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.

Supplementary Planning Document for Affordable Housing

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

Supplementary Planning Document Urban Open Space

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

Consultations

Transportation – No objections. The site has 17 car parking spaces which is considered more than adequate to cater for the development as residents are likely to have low car ownership levels. There is a concern that the flats may be sold or let on the open market to the general public and in this instance there would be a significant under provision of parking as UDP policy T13 requires 26 car parking spaces plus 2 disabled parking spaces for this number of flats. It is recommended that a condition is imposed or a S106 legal agreement completed to ensure the development is used solely for the intended use to ensure an appropriate level of parking is provided.

Ecology – No objections. No bat survey is required. The proposal does not show changes to the external layout so does not affect the existing trees within the site which are to remain. Tree protection measures should be secured by condition to protect the trees from damage during construction.

Environmental Health – No objections.

Equality & Diversity – No objections.

Housing Strategy – The proposal triggers the need for affordable housing provision. Based on policy requirements this would be 25% which equates to 4 units. This requirement needs to be met off site as normally a registered provider would not take on 4 units on a leasehold basis within the block. This would be secured by the developer providing a commuted sum of £120K (4 x £30K).

Pollution Control – No objections.

Severn Trent Water – No objections subject to securing drainage details. A condition is recommended to secure this.

Public Participation Response

Three letters of objection have been received from one household. These are summarised as follows:

- Noise and disturbance created by occupiers as previously experienced
- Concern over personal safety and wellbeing
- Could residents be violent or have criminal records
- There is no mention of provision of permanent staff to supervise residents
- Query the use permitted use class
- Any extensions at first floor or on the car park to accommodate the 17 flats would affect neighbouring properties
- Loss of property value

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

Determining Issues

- Principle of residential development
- Layout and Design
- Relationship to surrounding properties
- Access and parking
- Provision for Affordable Housing and Urban Open Space
- Local Finance Considerations

Observations

Principle of development

Redevelopment of the existing premises for a residential use is acceptable as it is a previously developed site in a sustainable urban location and is in accordance with the NPPF and BCCS and local development plan policies.

The objector has queried the permitted use but as this was previously a care home the current permitted use is Class C2 – residential institutions. The proposal, although some support is given to occupants, provides independent living and is Class C3 dwellings as self contained flats are proposed.

The proposal for self contained flats for occupation by people with learning disabilities is welcomed as it provides for people with special needs requiring specialist accommodation in accordance with UDP policy H5.

The premises were previously occupied as a care home with 23 rooms so the principle of a residential use is already established and is acceptable.

Layout and Design

The layout of the site remains unaltered as the proposal is to convert the existing building. Some minor alterations are proposed including provision of doorways to a couple of flats by replacing window positions. The design remains in keeping with the original building. No changes to parking and access are proposed.

There is a small office included for staff members who will provide support and supervision to occupiers. This is an ancillary facility given the intended future occupation of the building by Inclusion Housing CIC for residents with learning disabilities.

As there are numerous trees throughout the site a condition is recommended to ensure their protection throughout the development process. This addresses the ecology officer comments.

The layout and design of the proposals are considered acceptable subject to resolving tree officer concerns.

Relationship to surrounding properties

The building is not being extended so the relationship between facing habitable room windows and surrounding properties remains unaltered. The proposed doorways to the self contained flats are positioned in existing elevations replacing existing openings. There are no first floor extensions proposed or extensions on the car park so the neighbour concern about potential overlooking is not changed from the existing situation and is acceptable.

The objector is concerned for personal safety and wellbeing due to the nature of future occupiers and queries whether they will be violent or have a criminal record. The likelihood of residents being violent or having criminal records is no greater than that from existing residents in the area. The applicant has indicated that the site will be leased to Inclusion Housing CIC and they will supervise future occupiers. Personal safety and wellbeing of neighbours will not be significantly harmed by the proposals.

A condition to restrict construction working hours is recommended to protect the amenities of nearby residents.

Loss of property value mentioned by the objector is not a material planning consideration.

The relationship between dwellings and to surrounding properties is considered acceptable.

Access and parking

The means of access and car parking at the site is to remain as existing. There is a barrier across the access and exit to prevent unauthorised parking.

There are 17 car parking spaces provided. This is below the requirement for 17 flats which would normally require 26 spaces plus 2 disabled spaces. The Transportation officer is prepared to make an exception to the level of parking required given the proposed future occupiers are people with learning disabilities and are less likely to own a vehicle. On this basis the level of parking is acceptable but as an exception to the parking standards has been made a condition or legal agreement is required to define the future occupiers to ensure the development is used solely for the intended use and to ensure an appropriate level of parking is provided.

A condition is recommended to secure marking out of two disabled parking spaces and to secure cycle parking provision as requested by the Transportation officer.

The access and parking arrangements are considered acceptable.

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 4 units. The Housing Strategy officer advises that a contribution of £120K towards off-site provision should be secured rather than on-site provision. This would normally be secured by a S106 Agreement.

The developer has advised that the premises will be leased to Inclusion Housing CIC, a Registered Provider of social housing. In the circumstances the entire development will be 100% affordable housing which should be secured by a S106 Agreement.

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 £14,790.00 normally secured by a S106 Agreement. The developer has advised that they are prepared to enter a S106 Agreement to secure this provision.

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 17 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

Officers have discussed the significance of the proposals with the applicant and their agent and discussed the process for determining this application. In response to this advice relevant supporting information and plans have been submitted. In light of the submitted details officers are able to support the scheme.

Recommendation

Grant permission subject to conditions and a Section 106 Agreement to secure the tenure of the properties as affordable housing and for urban open space contributions.

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: -

- Location Plan received 11/06/15
- Site Plan (1749-04) received 14/05/15
- Proposed Floor Plan (1749-03) received 14/05/15
- Proposed Elevations (1749-06) received 14/05/15
- Existing Floor Plan (1749-02) received 14/05/15
- Existing Elevations (1749-05) received 14/05/15
- Design & Access Statement received 14/05/15

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

3. Notwithstanding the provisions of the Town & Country Planning Act 1990 (or any subsequent amendments) and Town & Country Planning (General Permitted Development)(England) Order 2015 (or any subsequent amendments) the development hereby permitted shall be used for residential flats for people with learning disabilities only (Class C3) and for no other purposes.

Reason: To allow for assessment of parking levels for any future changes of use of the premises to ensure adequate off-street parking is available to prevent any severe impacts on the highway network.

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

4b. The development shall be completed with the approved details and retained as such.

Reason: To ensure the development is provided with satisfactory means of drainage and to reduce the risk of flooding and pollution. Drainage is below ground infrastructure that needs to be resolved before construction of any new dwellings is commenced.

5a. Prior to the development first coming into use, two parking spaces shall be allocated for disabled users located in a convenient position as near as possible to an accessible building entrance and the spaces shall be clearly demarcated accordingly.

5b. All parking spaces shall thereafter be retained and used for no other purpose.

Reason: To ensure adequate parking for disabled users In accordance with UDP Policy GP2, T7 and T13.

6a. Prior to the development first coming into use, full details of a secure, covered and illuminated cycle shelter for the use of staff, residents 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.

6b. The cycle shelter facility shall thereafter be retained and used for no other purpose.

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

7. Prior to the development first coming into use, improvements to the existing bellmouth access/egress points on Spring Lane, in the form of the installation of two pairs of tactile pedestrian dropped crossings, shall be implemented to the satisfaction of the Highway Authority, full engineering details of which shall be submitted in advance to the Local Planning Authority for approval in writing.

Reason: To improve accessibility to the site and for the general public for disabled people and the visually impaired in accordance with UDP Policy GP2 and T1 and in accordance with DfT Inclusive Mobility guidance.

8. All external facing materials for the proposed alterations shall match those of the existing building.

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

9. None of the existing trees on the site shall be lopped, felled or root pruned and the development shall be implemented in accordance with tree protection measures that comply with the recommendations of BS5837:2012. The tree protection measures shall be maintained throughout the development.

Reason: To safeguard the trees on the site.

10. During site preparation and building operations no storage of materials, equipment or waste, nor passage of vehicles, nor lighting of fires shall take place beneath the canopy of any tree to be retained.

Reason: To safeguard the trees on the site.

11. No digging of trenches or changes in ground level shall be undertaken within the canopy of any tree to be retained on the site without the written approval of the Local Planning Authority.

Reason: To safeguard the trees on the site.

12. No demolition, construction or engineering works, (including land reclamation, stabilisation, preparation, remediation or investigation), shall take place on any Sunday, Bank Holiday or Public Holiday*, and such works shall only take place

between the hours of 08.00 to 18.00 Mondays to Fridays and 08.00 to 14.00 Saturdays. No plant, machinery or equipment associated with such works shall be started up or operational on the development site outside of these permitted hours.

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

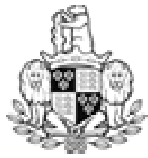
Reason: To protect the amenities of surrounding occupiers.

Notes for applicant

Highways

1. The applicant will be expected to obtain the necessary Road Opening Permit from the Highway Authority for the access improvement works within the existing public highway.

End of Officers Report



Economy and Environment, Development Management

Planning Committee

Report of Head of Planning and Building Control on 05-Nov-2015

Plans List Item Number: 6.

Reason for bringing to committee: Major application and Departure from the Development Plan

Location: , 138, GREEN LANE, SHELFIELD, WALSALL, WS4 1RR

Proposal: CHANGE OF USE FROM HORSE RIDING ESTABLISHMENT TO STORAGE OF LEISURE VEHICLES, PRIMARILY TOURING CARAVANS, AND ASSOCIATED GROUND WORKS

Application Number: 15/0964/FULL

Applicant: Mrs Sylvia Timmins

Agent:

Application Type: Full Application

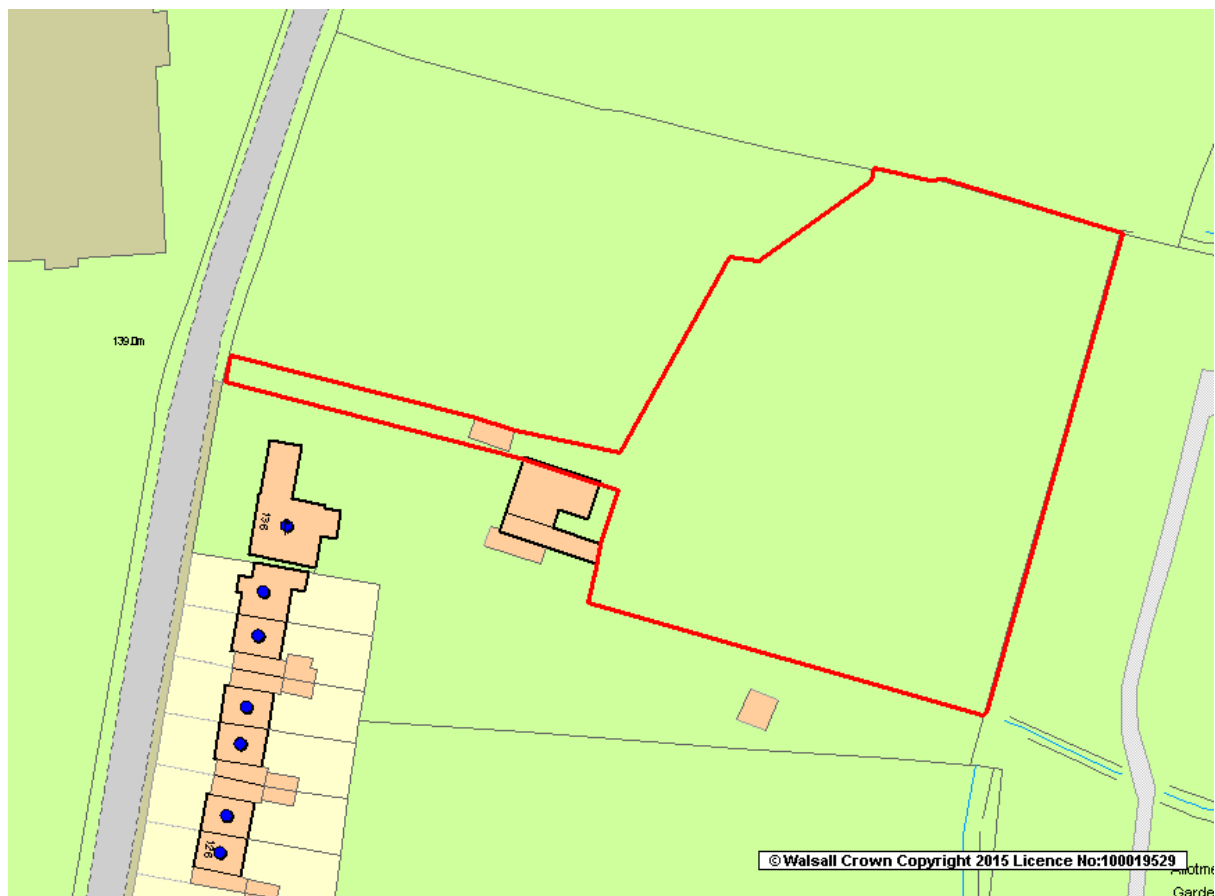
Case Officer: Alison Ives

Ward: Rushall-Shelfield

Expired Date: 09-Aug-2015

Time Extension Expiry: 09-Nov-2015

Recommendation Summary: Grant permission subject to conditions subject to referral to the National Planning Casework Unit as part of the departure procedure if required.



Application and Site Details

The proposal is for a change of use from a horse riding establishment to storage of leisure vehicles, primarily touring caravans, and associated ground works.

The site comprises a field at the rear of the current stables and yard belonging to the owners of 138 Green Lane. This is a large detached house with surrounding grazing pastures but also has a lawful use for storage and repair of up to three lorries for the current occupier within the yard at the rear of the dwelling. To the north and south of the site are grazing fields and there are allotments to the rear. There are trees and hedges along the field boundaries and fencing along the allotment boundary. The site is at the edge of the built up area and 138 Green Lane is the end property on this side of Green Lane. The grounds of Shelfield Academy border the opposite side of Green Lane.

The site is in the Green Belt and there is a Tree Preservation Order (1/2006) on the group of trees on the field boundary to the north hence the exclusion of this land from the application site.

The proposal utilises the existing access for 138 Green Lane leading to a gated access to the field where it is proposed to lay out five rows of caravan storage (approximately 80 plots) with 8m roadways between. The plots or parking bays are 4m wide and 8m long. An earth mound is proposed around the perimeter of the field with 2.4m high galvanized palisade fencing around all boundaries at the rear of the mound. The proposed soil mound is 2.8m wide and 1.5m high to be grass seeded with a native mix hedgerow in the centre. The field is to receive 150mm of road planings on a geo-textile membrane to accommodate the caravan storage. A further native mix hedgerow is proposed on the outside of the fencing to the northern and southern boundaries plus some additional bulb and tree planting in an area near the southern boundary within the land also owned by the landowner. Low level solar controlled lighting bollards are proposed throughout the site.

The field is 0.4 hectares.

The Supporting Statements – Acknowledges that the proposals are inappropriate development in the Green Belt and identifies the applicant's consideration of the very special circumstances to outweigh this harm. The site will create 80 plots which at £350 per plot will generate an income of £28,000 per annum and help support the on-site transport business. They describe the planning history, agricultural land classification, need and demand for secure caravan storage, planning policies and very special circumstances. They also incorporate a Design & Access Statement and Transport Statement and consider security features and crime factors.

The report calculates that 360 caravan parking spaces will be required in Walsall up to 2026 (the BCCS plan period) to cater for projected new housing. The site offers the opportunity to meet this need and recent specialist insurance company survey identifies that only 3% of caravan crime was committed on approved storage sites giving a compelling argument in support of the proposals. The statement also identifies that owners' demand for secure storage is influenced by discount

insurance premiums and the need to remove caravans from driveways at houses to free up space for parking vehicles.

The applicant acknowledges that the proposal is inappropriate development in the Green Belt but considers there are very special circumstances to outweigh this harm. This include regenerating an area of urban land that has limited use, economic benefits to the applicant storage for the local caravan club and improved visual appearance of the site.

The Preliminary Ecological Appraisal – Concludes that there is no evidence of protected species on the site so no further surveys are required. In the unlikely event that protected species are found works should cease and advice should be sought from a suitably qualified and experienced ecologist. It recommends the ecological value of the site can be enhanced through planting native species of value to wildlife.

The Botanical Survey – The grassland is considered as common and widespread of limited ecological value and as such is not a priority habitat. There are no obvious and immediate implications for the development with regard to habitats present.

The Arboricultural Impact Assessment – Identifies significant trees, their condition and category. The proposal does not impact on trees and consequently there is no detrimental effect on their amenity value. It is recommended that no construction of foundations or installation of services should take place within root protection areas.

Landscaping Scheme for Bund Planting - Describes the planting proposed for the bund and planting method, spacing, tree protection and aftercare.

Relevant Planning History

BC46799P – Certificate of Lawful Existing Use or Development for parking (excluding vehicle repairs other than minor maintenance & storage) of no more than three 2 axle lorries by the occupier of the dwelling at 138 Green Lane – Certificate granted 09/09/97.

BC12957 – Erection of a garage and alterations to front entrance – GSC 23/08/79.

BA6932 – Change of use of land from agricultural use to horse riding establishment – GSC 09/11/77.

EAB4286 – Outline application for residential development of land fronting Green Lane and Greenfields Road – Refused 23/08/72 for two reasons relating to (1) inappropriate development in the Green Belt (2) inappropriate foul sewage.

There have also been applications for prior approval of the siting and appearance of a 15m high mast and associated telecommunications equipment at the site which were refused (02/0113/PT/E3 & 05/1198/PT/E3).

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

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

Key provisions of the NPPF relevant in this case:

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 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 14 sets out a presumption in favour of sustainable development.

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
- 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 advises that to deliver social, recreational and cultural facilities and services the community needs planning policies and decisions should plan positively for provision of such to enhance the sustainability of communities.

Paragraph 79 highlights that the essential characteristics of Green Belts are their openness and their permanence.

Paragraph 80 defines the five purposes of the Green Belt:

- to check the unrestricted sprawl of large built-up areas;
- to prevent neighbouring towns merging into one another;
- to assist in safeguarding the countryside from encroachment;
- to preserve the setting and special character of historic towns; and
- to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

Paragraph 81 seeks to retain and enhance landscapes, visual amenity and Biodiversity in Green Belts.

Paragraph 87 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Paragraph 88 specifies that 'very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

Paragraph 103 when determining planning applications local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where informed by a Flood Risk Assessment.

Paragraph 109 refers to protecting and enhancing valued landscapes, geological conservation interests and soils;

Paragraph 110 aims to minimise pollution and other adverse effects on the local and natural environment.

Paragraph 113 requires policies against which proposals for any development on or affecting protected wildlife or geodiversity sites or landscape areas will be judged. Distinctions should be made between the hierarchy of international, national and locally designated sites, so that protection is commensurate with their status and gives appropriate weight to their importance and the contribution that they make to wider ecological networks.

Paragraph 117 local planning authorities should identify and map components of the local ecological networks, including the hierarchy of international, national and locally designated sites of importance for biodiversity, wildlife corridors and stepping stones that connect them and areas identified by local partnerships for habitat restoration or creation. They should promote the preservation, restoration and re-creation of priority habitats, ecological networks and the protection and recovery of priority species populations.

Paragraph 118 aims to conserve and enhance biodiversity and 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 and mitigate and reduce to a minimum other impacts.

Paragraph 133 states where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

Paragraph 135 the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

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

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 in planning decisions.

The Vision consists of three major directions of change and underpins the approach to the whole strategy;

1. Sustainable Communities - Regeneration should aim to promote and facilitate healthy living and create environments which offer opportunities for active lifestyles and healthy choices, including provision for walking, cycling and outdoor recreation within the urban fabric of the Black Country.

2. Environmental Transformation - Delivering high quality, liveable and distinctive places which respect and make the most of the existing diversity of the Black Country's natural and built environment.

3. Economic Prosperity Attract new employment opportunities and investment in innovation and new technology, deliver a network of successful strategic, town, district and local centres and the infrastructure and raw materials needed to support the local economy, improve the wealth and image of the Black Country and support initiatives to lift educational and skills performance.

The above are supported by the following policies:

CSP2: A strong Green Belt to promote urban renaissance within the urban area and provide easy access to the countryside for urban residents where the landscape, nature conservation and agricultural land will be protected and enhanced where practical and possible.

CSP3: Development proposals will need to demonstrate that the strategic network of environmental infrastructure will be protected, enhanced and expanded at every opportunity.

DEL1: Development proposals will only be permitted if all necessary infrastructure improvements, mitigation measures and sustainable design requirements are provided.

DEL2: All new developments should be supported by the necessary on and off-site infrastructure to serve the development, mitigate its impacts on the environment, and ensure that the development is sustainable and contributes to the proper planning of the wider area.

TRAN1: All new developments will address the transport network and provide adequate access for all modes, including walking, cycling and public transport.

TRAN4: Seeks to create an environment that encourages sustainable travel that requires new developments to link to existing walking and cycling networks.

TRAN5: Identifies priorities for traffic management including maximum parking standards and promoting measures to reduce the need to travel and facilitate a shift towards using sustainable modes of transport such as walking, cycling, public transport etc.

ENV1: Seeks to safeguard nature conservation.

ENV2: Development proposals will be required to preserve and, where appropriate, enhance local character. Development proposals will be required to preserve and where appropriate enhance aspects of the historic environment together with their settings.

ENV3: Refers to design quality requirements.

ENV5: Seeks to minimise the probability and consequences of flood risk.

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: seek to make a positive contribution to the quality of the environment, whilst protecting people and ensuring adequate and safe access is provided.

ENV1: Identifies the Green Belt boundaries.

ENV2: Seeks to control development in the Green Belt. Any engineering or other operation or the making of a material change of use of land is inappropriate in the Green Belt if it conflicts with the openness and purposes of the Green Belt.

ENV3: Relates to detailed evaluation of proposals within the Green Belt.

ENV5: Refers to stabling and riding of horses and sets criteria for consideration.

ENV10: Development will not be permitted if the health, safety or amenity of its occupants or users would be unacceptably affected by pollution.

ENV11: Development which involve significant external lighting will not be permitted unless they propose the minimum amount of lighting necessary to achieve its purpose and minimise glare and light spillage from the site to protect wildlife.

ENV17: Encourages new planting.

ENV18: Seeks to protect, manage and enhance existing woodlands, trees and hedgerows.

ENV23: Proposals must take account of opportunities for nature conservation.

ENV24: New development should maintain the integrity of wildlife corridors.

ENV32: Proposals should take in to account the surrounding context including consideration of the effect on the local character of the area, vehicular and pedestrian patterns and visual relationship to surrounding areas.

ENV33: deals with landscape design and opportunities to create and enhance environmental quality.

ENV40: The quality of all water resources will be protected.

T1: All development should conform to the accessibility standards set out in policies T10-T13.

T4: Classifies the highway network and specifies that residential streets and minor roads are those where traffic volumes and speeds should be quite low. Sometimes traffic calming measures will be required.

T7 – All development should satisfy the car parking standards set out in Policy T1.

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

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

DW2: Safe & Welcoming Places - all new development must contribute to creating places that feel safe.

DW3: Character - all new development must be designed to respect and enhance local identity

DW9: High Quality Public Realm - new development must seek to ensure it creates places with attractive environmental quality.

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

Transportation – No objections. It is recommended that a condition is imposed to restrict leisure vehicle or caravan sale or hire from the premises as there are no parking facilities for this type of use.

Allotments Officer - The allotment land adjacent to 138 Green Lane is leased to BGPW Allotment Association who should be consulted.

Allotment Society – No response.

British Horse Society – No objections. The proposal involves the loss of a potentially profitable horse riding establishment which is a much more appropriate use of Green Belt land than an unsightly caravan storage facility surrounded by high security fencing but there are no public rights of way through the site or immediately adjacent to it, and the number of vehicles accessing a riding establishment and a caravan storage facility are not likely to be significantly different.

Community Safety Team – Express concerns that the caravans should not be utilised as permanent residences on this site and that sufficient effective security is in place to prevent unauthorised access to the vehicles and to the site itself.

Drainage – No objections. There appears to be no change in the surface of the field and therefore the flood risk is unlikely to alter.

Ecology - Objects. The application is undesirable in landscape terms but could be blended in to the landscape through careful screening and changes to boundary treatments. Insufficient information is provided on the ecological impacts of the proposed development. This site is immediately south of part of the Jockey Fields Site of Local Importance for Nature Conservation (SLINC) and separated from the Jockey Fields Site of Scientific Interest (SSSI) by the Greenfields allotments. These SLINC and SSSI sites are important for their grassland habitats.

Environmental Health – No objections.

Natural England – No objections in relation to statutory nature conservation sites. Consideration of protected species and impact on local sites for nature conservation should be made.

Police – No objections providing the necessary levels of security are in place. There is a lack of natural surveillance around the site and given the potential value of caravans to be stored on site security fencing and CCTV is recommended.

Pollution Control – No objections. Conditions are recommended to mitigate the effects of noise and light emissions upon adjacent residential premises.

Severn Trent Water – No objections. A condition to secure drainage details is recommended.

Public Participation Response

Twelve letters of support have been received. These are summarised as follows:

- A local secure storage for caravans is required and welcomed in the area
- This would be an ideal local facility and save journey time
- Caravans have been damaged and stolen from the area so local secure storage is welcomed
- Existing local caravan storage is full so owners are forced to keep caravans on driveways which is not ideal
- Parking caravans/motor homes on individual driveways takes up parking for cars
- There are waiting lists for existing caravan storage sites
- The site is an ideal commuting distance for secure caravan storage
- Ideal location for this
- Better security at this site for caravan

One letter of objection has been received but does not state the reason for objection.

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

Determining Issues

- Principle of development for proposed use
- Impact on the Green Belt
- Layout and Design
- Ecology & Trees
- Relationship to surrounding properties
- Access and parking

Observations

Principle of development for proposed use

The proposal is to develop the site for use for storage of leisure vehicles and touring caravans. This is a class B8 use and is inappropriate development in the Green Belt. The NPPF, BCCS and UDP policies on Green Belt state that inappropriate development in the Green Belt is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The principle of the development for this use is therefore only acceptable if very special circumstances can be demonstrated to outweigh this harm. Whether very special circumstances exist is discussed in the following part of this report.

Impact on the Green Belt

Character and Openness

The proposals will inevitably affect the openness and character of the Green Belt as they introduce new surfacing, fencing and external storage of leisure vehicles and touring caravans. The site is well screened from public view by existing trees and hedging and despite the installation of new palisade fencing this is the same as already installed at the site and the proposal includes a landscaped bund on the inside of the fencing and native hedge planting on the outside of the fencing to provide additional screening.

The only permanent features proposed are the fencing, bund and low level lighting. As explained above the fencing and bund will help screen the vehicles stored which will presumably be less during the summer months which is the main holiday season. The change to the surface will not be visible and as it is only a membrane with loose road planings which can easily be removed to return the pasture to grassland. The allotments bordering the site also have fencing around the perimeter, an access road throughout the site and the separate allotments are divided up and have individual sheds which has a similar impact on the openness of the Green Belt.

On this basis the proposals are considered acceptable in terms of potential impact on the character and openness of the Green Belt.

Purpose of including land within the green belt

The NPPF, BCCS and UDP all define the five purposes of Green Belt land as follows:

- to check the unrestricted sprawl of large built-up areas;
- to prevent neighbouring towns merging into one another
- to assist in safeguarding the countryside from encroachment;
- to preserve the setting and special character of historic towns; and
- to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

The proposals are on a part of Green Belt land that lies between the developed part of the property at 138 Green Lane and adjacent allotments. It lies behind the existing lorry storage and stables and would not result in unrestricted urban sprawl given the limitations for any further expansion imposed by the existing developed areas to the east and west. Neither does it result in towns merging into one another or affect the setting and special character of a historic town. It does create some encroachment into the countryside but the fencing will be well screened and there are no significant permanent features proposed on the land. Whilst there may be other sites in urban areas that could accommodate this type of use, the proposal does provide a secure facility and evidence provided by the applicant to demonstrate very special circumstances exist highlights the need for a proposal of this nature in this area.

On this basis the proposal does not have any significant impact on the purposes of including land within the Green Belt.

Very Special Circumstances

The applicant has demonstrated that there is an estimated need for 360 caravan parking spaces in Walsall during the development plan period until 2026. This site offers the opportunity to meet some of this need for secure storage and its location on the edge of the urban area is ideal for potential users and sustainable in terms of

reducing the need to travel. This is borne out by the representations received from owners who support the proposals as it offers a secure site close to their homes and will allow them to free up parking space on their driveways.

The applicant also considers the proposals will make more effective use of the land to support the existing business on site and will help improve the appearance of the site by introduction of new planting.

This is a unique opportunity to provide for an identified need. The proposals do not have a significant impact on the character and openness of the green belt or upon the purposes of including land within the green belt. In the circumstances the very special circumstances demonstrated are considered to outweigh the harm to the green belt by virtue of inappropriateness or any other harm.

Layout and Design

The layout is to fence around the field with palisade fencing to match that already installed on the boundary to the horse riding establishment and lorry storage yard. A condition is recommended to ensure the new fencing is powder coated a green colour to enhance the appearance. There is also additional hedge planting proposed plus an earth mound to help screen the site further. The vehicles will be parked in five rows with 8m wide circulation roads within the site. Low level solar powered lighting will be installed throughout the site details of which are to be secured by a recommended condition. Additional tree planting is proposed to the southern boundary of the site.

The police have requested that fencing is at least 3m high and recommends weld mesh type or similar rather than palisade fencing to provide improved security. The proposed 2.4m high fencing coupled with CCTV and controlled access to be secured by recommended conditions are considered adequate and limit the visual impact that any higher fencing would have on the character of the green belt.

Severn Trent Water has requested details of drainage which can be secured by a condition.

A condition is recommended to prevent the leisure vehicles and touring caravans stored at the site from being used as a permanent residence as very special circumstances have not been addressed in this respect. This also addresses the concerns of the community safety officer.

Ecology & Trees

The proposal introduces new native mix hedgerows around the perimeter of the site and new tree planting to the southern boundary. This should address the Ecology officer's objections in terms of screening the proposals but further comments are awaited. A suitable mix of planting can be secured by condition to enable the proposals to enhance the natural environment benefits and wildlife corridor in order to address other ecological concerns.

The site has excluded the area of protected trees adjacent to the northern boundary which will be protected from damage or removal. A condition is recommended to secure their protection.

The matters relating to ecology can be addressed and there are no significant impacts on trees.

Relationship to surrounding properties

The vehicles will be stored at the rear of the lawful stables and lorry storage areas so are not prominently visible from the highway. Although they will be visible from the allotments the new hedge planting will help screen the stored vehicles.

There will be increased comings and goings to the site as customers drop off and pick up their vehicles which could potentially impact upon residential amenities. Pollution control officers have recommended conditions to restrict the times of operation of the storage to limit any potential for noise and disturbance. It is also worth noting that most movements will be carried out during the summer months so the comings and goings will not be constant.

There has been only one objection from a neighbour but they do not specify a reason. This site is segregated from nearby housing by the remaining fields and is over 25m away from the nearest garden boundary. The distance coupled with new planting and limited lighting will not cause significant harm to the outlook or privacy of these neighbouring properties.

A significant number of letters of support have been received from people welcoming the proposal due to the lack of secure caravan storage provision in the area, reducing commuting distance, potential for increased security of the vehicles and the opportunity to remove caravans from individual driveways freeing up parking space. These factors are considered reasonable in support of the proposals.

The Allotment Society has been consulted but no response has been received.

The relationship to surrounding properties is considered acceptable.

Access and parking

The proposed access is considered acceptable and the layout of the site allows sufficient space for manoeuvring vehicles to be stored. The use of the access will be infrequent and is considered suitable to cater for the size of vehicles to be stored. The Transportation officer is satisfied with the means of access and parking but recommends a condition to prevent use for sales or hire of leisure vehicles.

The means of access and parking is satisfactory.

Positive and Proactive working with the applicant

Officers have discussed the significance of the proposals with the applicant and their agent and discussed the process for determining this application. In response to this advice relevant supporting information and details have been submitted to enable support to be given to the proposals.

Recommendation

Grant permission subject to conditions subject to referral to the National Planning Casework Unit as part of the departure procedure if required.

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 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: -

- Location Plan (EY1) received 15/06/15
- Proposed Caravan Storage (EY2) received 15/06/15
- Elevation A (Elev1) received 21/07/15
- Landscape Proposals (BIR4998_01) received 16/09/15
- Solar Nova Bollard/Column Light Details (BC13) received 16/09/15
- Palisade Fencing Details received 21/07/15
- EY2A Block Plan (EY2A) received 15/06/15
- Drawing EY3 (EY3) received 15/06/15
- Supporting Statements prepared by E Young dated 08/06/15 and 15/09/15
- Supporting Documents EY4-EY11 received 15/06/15
- Preliminary Ecological Appraisal prepared by Worcestershire Wildlife Consultancy (2015/083 – May 2015) received 15/06/15
- Botanical Survey prepared by Worcestershire Wildlife Consultancy (2015/083B – 14 September 2015)
- Arboricultural Impact Assessment prepared by ArborCultural (AC.104.084 – 10 April 2015) received 15/06/15
- Tree Constraints & Protection Plan (TPP-01 Rev A) received 15/06/15
- Landscaping Scheme for Compound Bund Planting prepared by ArborCultural (AC.2014.084 – 20 April 2015) received 21/07/15

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

3a. Prior to the commencement of the development drainage details for the disposal of both surface water and foul sewage shall be submitted to and approved in writing by the Local Planning Authority. The details shall include measures for incorporation of sustainable drainage techniques (SuDS) where possible.

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

Reason: To ensure the development is provided with satisfactory means of drainage and to reduce the risk of flooding and pollution. As drainage is below ground infrastructure it needs to be addressed prior to commencement of the development.

4a. Prior to the installation of any lighting at the site a scaled plan identifying the number and position of the lighting bollards shall be submitted to and approved in writing by the local planning authority.

4b. The lighting bollards shall thereafter be implemented and maintained in accordance with the agreed details and shall comply with the recommendations of the Institute of Lighting Engineers guidance notes for the reduction of obtrusive light.

Reason: To prevent light pollution and maintain security of the site.

5. The fencing hereby approved shall be powder coated in a green colour to be first agreed in writing with the local planning authority and implemented in accordance with the approved details and maintained thereafter in accordance with the approved details.

Reason: To ensure the satisfactory appearance of the development and maintain security.

6a. Prior to the first use of the site for leisure vehicle/touring caravan storage details of enhanced security such as CCTV and access control measures shall be submitted to and approved in writing by the local planning authority.

6b. The enhanced security measures shall thereafter be implemented and maintained in accordance with the agreed details.

Reason: To ensure the satisfactory security of the site.

7. No collection or delivery of leisure vehicles shall take place outside the hours of 08:00hrs to 18:00hrs Monday to Saturday or outside the hours 10:00hrs to 16:00hrs on any Sunday, Bank Holiday or Public Holiday*.

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

Reason: To protect local amenity

8a. None of the existing trees on the site or trees adjacent to the site protected by Tree Preservation Order 1/2006 shall be lopped, felled or root pruned other than those to be first agreed in writing with the local planning authority, and the development shall be implemented in accordance with tree protection measures that comply with the recommendations of BS5837:2012. The tree protection measures shall be maintained throughout the development.

8b. During site preparation and building operations no storage of materials, equipment or waste, nor passage of vehicles, nor lighting of fires shall take place beneath the canopy of any protected tree or tree to be retained.

8c. No digging of trenches or changes in ground level shall be undertaken within the canopy of any protected tree or tree to be retained on the site without the written approval of the Local Planning Authority.

Reason: To safeguard the protected trees and trees on the site.

9a. Prior to the commencement of any development above damp proof course level, and notwithstanding the submitted landscape proposals (BIR4998_01) a revised 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.

9b. The approved landscaping shall be implemented within 12 months of the completion of the development.

9c. All planting shall be maintained for a period of 5 years from the full completion of the scheme. Within this period any trees, shrubs or plants which dies, becomes seriously diseased, damaged or is removed shall be replaced with a tree, shrub or plant of the same or greater size and same species as that originally required to be planted.

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

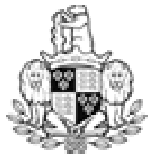
10. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 2015 none of the leisure vehicles or touring caravans stored on site shall be occupied as a permanent residence.

Reason: No very special circumstances have been justified for the provision of permanent residential accommodation at this Green Belt location which is contrary to policy ENV2 of Walsall UDP.

11. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 2015 at no time shall leisure vehicles or touring caravans be offered for sale or hire from the site.

Reason: To define the permission and to ensure that any potential intensification of the access road is kept to a minimum and on the basis that no customer parking facilities are provided on site, in accordance with UDP Policy GP2, T7 and T13.

End of Officers Report



Economy and Environment, Development Management

Planning Committee

Report of Head of Planning and Building Control on 05-Nov-2015

Plans List Item Number: 7.

Reason for bringing to committee: Major Application

Location: UNIT 3, BLOXWICH LANE INDUSTRIAL ESTATE, BLOXWICH LANE, WALSALL, WS2 8TF

Proposal: CHANGE OF USE FROM CLASS B2 (GENERAL INDUSTRIAL USE) TO CAR SALES\STORAGE WITH ANCILLARY OFFICES AND MAINTENANCE WORKSHOP (SUI GENERIS USE).

Application Number: 15/1223

Applicant: Clickcarcredit.com Ltd

Agent: Miss S Tomlinson

Application Type: Full Application (Major)

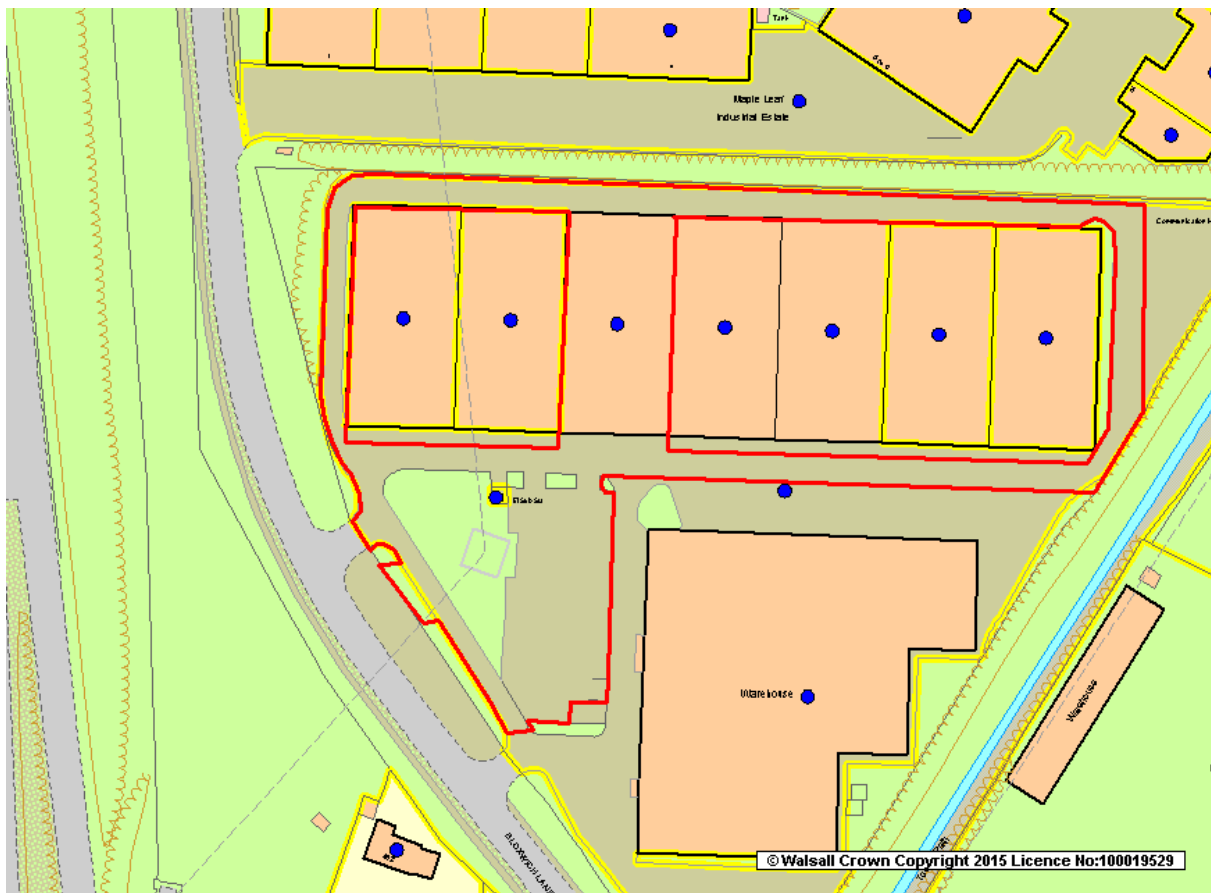
Recommendation Summary: Grant Permission Subject to Conditions

Case Officer: Alison Ives

Ward: Birchills Leamore

Expired Date: 01-Dec-2015

Time Extension Expiry:



Reason for Bringing to Committee –Major application

Application and Site Details

The proposal is for change of use of Unit 3 Bloxwich Lane Industrial Estate from Class B2 (general industrial use) to car sales and storage with ancillary offices and maintenance workshop (sui generis use). The premises are currently vacant. The potential occupier is ClickCarCredit. Advertisement consent has already been granted for new signs at the premises.

The proposal involves internal changes only to create a four bay vehicle workshop at the rear of the building and a customer interview area at the front of the building next to the existing offices and toilets. A new customer waiting area is also created by converting an existing office. The remainder of the floor space is for storage of vehicles for sale.

The proposed use operates as pre-arranged appointments for car sales and financing.

The parking and access arrangements are to remain as existing with HGV's using a one-way system that travels around the perimeter of the building and customer parking is opposite the unit in a shared parking area.

The Additional Information – Highlights that the premises have not attracted any industrial users due to the poor access, loading and unloading for HGV's and has remained vacant since 2011 following a refurbishment in 2010. The landlord has provided details of 26 viewings since September 2014 without successfully securing a tenant. Due to the space requirements of ClickCarCredit a town centre unit of this size is difficult to source and if large enough the rent would be too expensive so not a viable option. The Bloxwich Lane Industrial Estate has good transportation links for customers collecting cars. As the car sales are only finalised following internet sales the proposed visitors will be by appointment only and the predominant use for storage of the cars remains in keeping with surrounding occupiers.

The Transport Statement – Identifies that no changes to parking arrangements are proposed and HGV access for delivery of vehicles will utilise the existing arrangements for the industrial estate. A marginal reduction in associated trips is identified given the appointment only operation of the premises. The proximity of the site to local bus services is also highlighted. It concludes that the proposals would not have a severe impact on the local highway network or strategic network.

Relevant Planning History

15/1215 - Display of 2 non illuminated fascia signs on the front of the building – Advert consent granted 30/09/15.

12/0365/FL – Change of use from industrial units to car showroom/warehouse with external alterations to units – Withdrawn 18/09/12.

09/1296/FL - Alterations to elevations and change of use to B1, B2 and B8 (Business, General Industry and Storage/Distribution respectively) – GSC 03/12/09.

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 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
- 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 103 when determining planning applications local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where informed by a Flood Risk Assessment.

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 120 seeks to prevent unacceptable risks from pollution and land stability.

Paragraph 121 Development sites should be suitable for new uses taking account of ground conditions and land instability, including from natural hazards or former activities such as mining and pollution.

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

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 in planning decisions.

The Vision consists of three major directions of change and underpins the approach to the whole strategy;

1. Sustainable Communities - Regeneration should aim to promote and facilitate healthy living and create environments which offer opportunities for active lifestyles and healthy choices, including provision for walking, cycling and outdoor recreation within the urban fabric of the Black Country.

2. Environmental Transformation - Delivering high quality, liveable and distinctive places which respect and make the most of the existing diversity of the Black Country's natural and built environment.

3. Economic Prosperity - Attract new employment opportunities and investment in innovation and new technology, deliver a network of successful strategic, town, district and local centres and the infrastructure and raw materials needed to support the local economy, improve the wealth and image of the Black Country and support initiatives to lift educational and skills performance.

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 above are supported by the following policies:

CSP2: Outside strategic centres and regeneration corridors free-standing employment sites to provide local employment opportunities to serve communities outside the corridors will be supported.

CSP3: Development proposals will need to demonstrate that the strategic network of environmental infrastructure will be protected, enhanced and expanded at every opportunity.

EMP1: Aims to provide industrial land and warehouse jobs in the Black Country and to protect jobs and support economic growth.

EMP2: Encourages development of high quality employment land and safeguards it for B1(b), B1(c), B2 & B8 purposes.

EMP3: Provides for local quality employment land.

EMP5: Seeks to improve access to the labour market by securing recruitment and training.

DEL1: All new developments should be supported by the necessary on and off-site infrastructure to serve the development, mitigate its impacts on the environment, and ensure that the development is sustainable and contributes to the proper planning of the wider area.

TRAN1: All new developments will address the transport network and provide adequate access for all modes, including walking, cycling and public transport.

TRAN2: Proposals likely to have significant transport implications should provide an acceptable level of accessibility and safety by all modes of transport to and from all parts of a development.

TRAN4: Seeks to create an environment that encourages sustainable travel that requires new developments to link to existing walking and cycling networks.

TRAN5: Identifies priorities for traffic management including maximum parking standards and promoting measures to reduce the need to travel and facilitate a shift

towards using sustainable modes of transport such as walking, cycling, public transport etc.

ENV1: Seeks to safeguard nature conservation.

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

ENV5: Seeks to minimise the probability and consequences of flood risk.

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: seek to make a positive contribution to the quality of the environment, whilst protecting people and ensuring adequate and safe access is provided.

ENV10: Development will not be permitted if the health, safety or amenity of its occupants or users would be unacceptably affected by pollution.

ENV14: Encourages reclamation and development of derelict and previously developed land where possible in accordance with other policies. Where previous uses have affected the stability of the site the application must be accompanied by a site investigation report.

ENV32: Proposals should take in to account the surrounding context including consideration of the effect on the local character of the area, vehicular and pedestrian patterns and visual relationship to surrounding areas.

ENV33: deals with landscape design and opportunities to create and enhance environmental quality.

ENV35: refers to the appearance of commercial buildings.

JP7: Seeks to protect the use of land and buildings in other employment areas for employment uses.

JP8: Bad neighbour industries will be given careful consideration and should be capable of providing satisfactory screening and landscaping and must be subject to stringent operational control to minimise disturbance.

T1: All development should conform to the accessibility standards set out in policies T10-T13.

T4: Classifies the highway network and specifies that residential streets and minor roads are those where traffic volumes and speeds should be quite low. Sometimes traffic calming measures will be required.

T5: Seeks to implement selective improvements to highway infrastructure and states highway improvement schemes should be designed to minimise any adverse impact on the environment or the amenity of residents.

T7: All development should satisfy the car parking standards set out in Policy T13.

T8: Seeks to improve pedestrian access.

T13: Development will provide adequate on-site parking to meet its own needs, and that there will be no adverse effect on highway safety and the environment. As the proposed use is sui generis it does not fall within one category for calculating parking requirements. The following are considered relevant:

Garages and vehicle repair workshops: 5 car park spaces per service bay. At least 1 bike stand for every 10 car parking spaces with a minimum of 2 bike stands plus taxi facilities.

Car showrooms: 10% of the gross site area for car parking. At least 1 bike stand for every 10 car parking spaces with a minimum of 2 bike stands, plus taxi facilities.

Supplementary Planning Documents (SPD)

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

Designing Walsall SPD

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

DW2 - Safe and Welcoming Places

DW3 - Character

DW9 - High Quality Public Realm

DW10 - New development should make a positive contribution to creating a sustainable environment.

Consultations

Transportation – No objections. The proposed use is sui generis and the developer has identified that the premises will operate on an appointment only arrangement with about 10 customers per day expected. A TRICS analysis has been submitted to compare trip generation and compares the existing B2 use and proposed sui generis use (using B8 category). It has been demonstrated that the proposed use is predicted to result in a marginal decrease in vehicle trips to the site. In the circumstances the development will not have severe transport related impacts and is acceptable.

Canal & River Trust – No objections.

Coal Authority – No objections. Although the site falls within a high risk area for former coal mining the proposal is for change of use only and the development proposed does not break the ground or present risks to coal mining features. On this basis no coal mining risk assessment is required. A note for applicant is recommended to highlight health and safety issues in respect to former coal mining.

Ecology – No objections.

Environmental Health – No objections.

Pollution Control – No objections.

Public Participation Response

One objection letter has been received from an adjacent business. The objections are summarised as follows:

- Additional traffic at peak times when roads around the site are busy
- Entry and exit measures at the site are difficult to negotiate and hazardous
- Do the numerous signs on the verge need consent?
- Traffic calming and gates in the site causes confusion to visitors
- Danger to pedestrians and school children in the vicinity as the proposed use will result in drivers using unfamiliar vehicles

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

Determining Issues

- Principle of development
- Layout and Design
- Relationship to surrounding properties
- Means of access and parking

Observations

Principle of Development

The premises are located in an employment area where there are established industrial uses adjacent. In accordance with policies EMP2 and EMP3 of the BCCS and JP7(a) of the UDP these types of sites are safeguarded for employment uses including classes B1, B2 and B8. The BCCS Appendix 2 identifies this area indicatively as being suitable for potential high quality industry, which does not include car sales. Nevertheless it is considered that the current layout of the industrial estate is not suitable for the needs of modern industry as access for HGV's is poor. On this basis car sales can be supported provided it does not impinge on the existing industrial occupiers.

Objections have been received from an existing industrial occupier in the vicinity regarding access and parking arrangements for the site as a whole and consider the proposals would increase highway safety problems due to the proposed use. This is considered to be an objection to the operation and management of the traffic circulation and parking throughout the site rather than an objection in principle to the proposed use.

The change of use brings employment to a currently vacant unit. The developer has demonstrated that the premises have had numerous viewings by potential occupiers including industrial occupiers but has been unsuccessful in securing a tenant. The current applicant is the only proposed tenant in over a year.

For these reasons the principle of the proposed use is acceptable.

Layout and Design

The proposal does not make any changes to the layout of the site or design of the building. There are only internal changes to provide the necessary accommodation but this does not affect the appearance of the building or external layout.

The objector queries whether various signs on the grass highway verges need consent. As these advertisements are outside the application site boundary it is not a matter for consideration here but highways officers will be making further inquiries in this respect.

The layout and design of the proposal are acceptable.

Relationship to surrounding properties

The proposal does not make any physical changes to the design or layout of the existing premises or alter existing access arrangements. In the circumstances it is considered that there will be no significant adverse impact upon the surrounding industrial premises. Despite being a car sales and storage with ancillary offices and

maintenance workshop it is considered that the proposed use is compatible with the surrounding units. The applicant has indicated that car sales are carried out over the internet and visitors are by appointment and the Transport Statement identifies that the proposals will result in marginally fewer vehicle movements than the current permitted use.

The nearest housing is in Bloxwich Lane over 200m away from the unit. The proposal does not alter the premises such to impact significantly on these neighbours.

On this basis there is no significant adverse impact on surrounding occupiers as a consequence of the change of use of the premises.

Means of access and parking

The proposal is to utilise the existing access and parking arrangements. The HGV and customer parking are segregated to maintain highway safety. The proposed use will operate on an appointment only basis with 10 customers per day expected. The Transportation Officer is satisfied with the evidence provided in the Transport Statement which identifies that compared to the permitted Class B2 use this use will result in a marginal decrease in vehicle trips.

The objector is concerned that additional traffic at peak times and entry/exit and traffic calming measures which are difficult to negotiate could cause a highway hazard. The evidence provided demonstrates that the proposals will marginally decrease vehicle trips compared to the permitted Class B2 use so there will not be significant additional traffic such as to cause a significant highway safety hazard.

The means of access and parking are unaltered and are acceptable for the proposed use.

Positive and Proactive working with the applicant

Officers have discussed the significance of the proposals with the applicant and their agent and discussed the process for determining this application. In response to this advice relevant plans and supporting information has been submitted. In light of the submitted details officers are able to support the scheme.

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 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: -

- Location Plan (15-2074/02) received 07/08/15
- Floor Plans, Elevations & Section as existing (15-2074/01) received 07/08/15

- Floor Plans, Elevations and Section as proposed (15-2074/03) received 07/08/15
- Transport Statement prepared by JMP (Issue 002) received 07/08/15
- Additional Information prepared by GH Design (15/2074) received 28/09/15

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

3. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) the proposed use shall operate on a customer appointment basis only and shall not at any time operate for general passing trade or to customers/visitors without an appointment.

Reason: To define the permission and to ensure the development conforms with the information contained within the submitted Transport Statement particularly relating to parking, servicing and operating arrangements, in accordance with UDP Policy GP2, T7 and T13, to ensure the satisfactory operation of the site and adjacent businesses and in the interests of highway safety.

4. There shall be no more than 10 customer appointments per day and 5 car transporter deliveries per week.

Reason: To ensure that the proposed use is in scale and keeping with the employment uses on the remainder of the estate and to maintain highway safety.

5. No vehicles shall be displayed for sale outside the building.

Reason: To protect parking and manoeuvring on the industrial estate.

Note for applicant

Coal Authority

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

It is recommended that information outlining how the former mining activities affect the proposed development, along with any mitigation measures required (for example the need for gas protection measures within the foundations), be submitted alongside any subsequent application for Building Regulations approval (if relevant). Your attention is drawn to The Coal Authority Policy in relation to new development and mine entries available at:

<https://www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries>

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action.

Property specific summary information on past, current and future coal mining activity can be obtained from: www.groundstability.com

If any of the coal mining features are unexpectedly encountered during development, this should be reported immediately to The Coal Authority on 0345 762 6848.

Further information is available on The Coal Authority website at:

www.gov.uk/government/organisations/the-coal-authority

End of Officers Report



Economy and Environment, Development Management

Planning Committee

Report of Head of Planning and Building Control on 05-Nov-2015

Plans List Item Number: 8.

Reason for bringing to committee: Major Application

Location: FORMER WESSON STEEL WORKS, BULL LANE, WEDNESBURY, WS10 8RS

Proposal: ERECTION OF TWO BUILDINGS TO BE USED IN EITHER B1C, B2 OR B8 USE CLASSES, WITH ANCILLARY CAR PARKING, SERVICE YARDS, CYCLE AND MOTORCYCLE PARKING AND LANDSCAPING WITH ACCESSES TAKEN FROM BULL LANE.

Application Number: 15/0801/FL

Case Officer: Katie Parsons

Applicant: British Airways Pension Trustees Ltd

Ward: Darlaston South

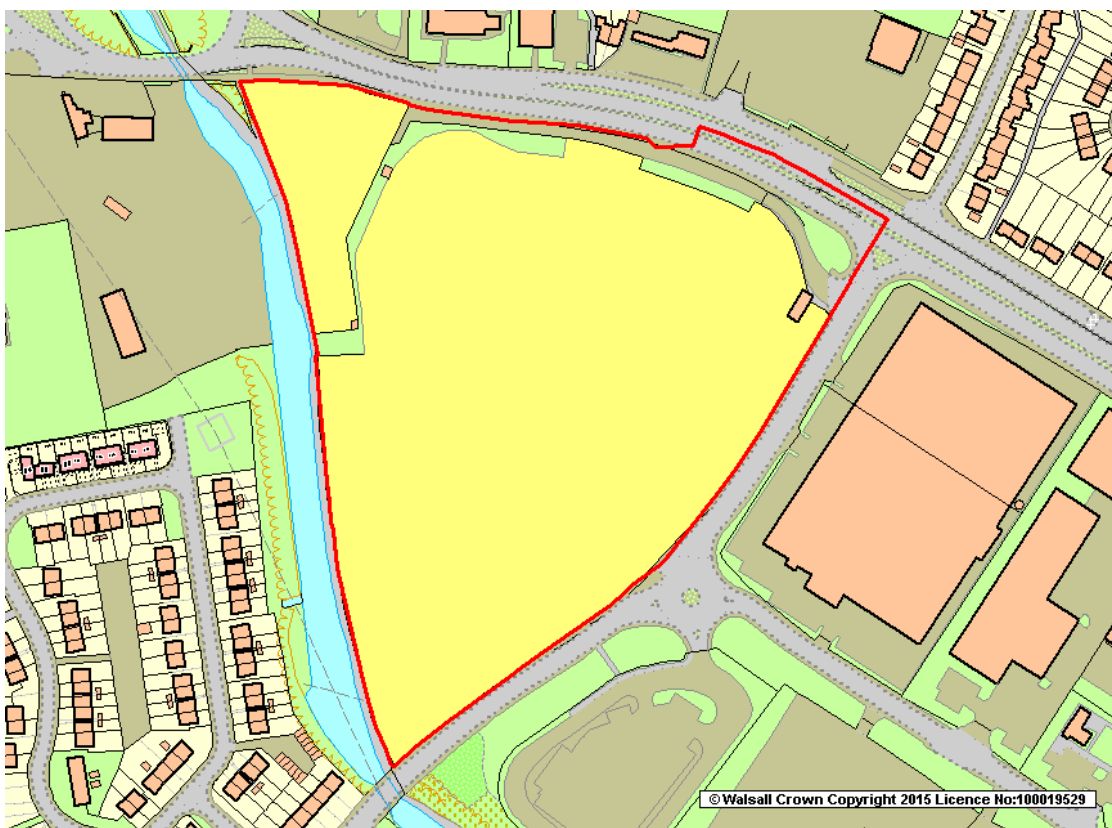
Agent: Hale Architecture Limited

Expired Date: 07-Sep-2015

Application Type: Full Application (Major)

Time Extension Expiry: 16-Nov-2015

Recommendation Summary: Approve with conditions (including any amendments or additional conditions deemed appropriate by officers)



Application and Site Details

The site is the former Wesson Steel Works site in Wednesbury. It is a triangular site of 4.9 hectares, bounded by the Black Country New Road to the north, Bull Lane to the east and Walsall Canal to the west. The site has been vacant since 2009 and the buildings were demolished to slab level in 2011.

There is a mixture of industrial, commercial and residential development in the vicinity of the site. Walsall Canal is a Site of Local Importance for Nature Conservation (SLINC). The site is within the Coal Development High Risk Area.

The application proposes the erection of two warehouses to be used in either B1(c), B2 or B8 use classes, with ancillary offices, car parking, service yards, cycle and motorcycle parking and landscaping. Unit 1 would provide 17095 square metres of floor space and Unit 2 would provide 3922 square metres. A total of 145 parking spaces including 13 disabled spaces are proposed. The existing main access from Bull Lane would be retained. Other existing access points would be closed and there would be three additional new accesses from Bull Lane. This allows each unit a primary access and a service yard access, to segregate visitors from heavy vehicle movements. The existing substation would also be incorporated into the new site layout.

The proposal has been amended whilst being considered as one of the units now has a potential pre-let tenant and the unit sizes and layouts were amended to suit their requirements, and to address consultee comments. Otherwise this is a speculative scheme. Permission was previously granted for a similar scheme in 2013.

The application has been supported by a design and access statement, a planning statement, an ecological appraisal, an energy strategy, a flood risk assessment, ground investigation reports including coal mining assessments, a transport statement, a landscape management scheme, a noise impact assessment and a drainage strategy.

As the site area is below 5 hectares, the proposal does not need to be screened under the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (as amended).

Relevant Planning History

13/0175/FL - Proposed industrial building (Use Class B2) with ancillary warehousing (Use Class B8) and offices (Use Class B1a) with associated access from Bull Lane, car parking, service area and landscaping – approved subject to conditions 13th May 2013

Relevant Planning Policy Summary

Planning law requires that planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF) is a material consideration in planning decisions and sets out 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)."

National Planning Policy Framework 2012 (NPPF) and associated guidance

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*".

It is based on 12 **core planning principles**. Those particularly relevant in this case are:

- Proactively drive and support sustainable economic development
- 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 characters of different areas
- Support the transition to a low-carbon future in a changing climate
- Contribute to conserving and enhancing the natural environment and reducing pollution
- Encourage the effective reuse of land

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.

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.

The Black Country Core Strategy (BCCS)

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

The Vision consists of three major directions of change and underpins the approach to the whole strategy:

1. Sustainable Communities - Regeneration should aim to promote and facilitate healthy living and create environments which offer opportunities for active lifestyles and healthy choices, including provision for walking, cycling and outdoor recreation within the urban fabric of the Black Country.

2. Environmental Transformation - Delivering high quality, liveable and distinctive places which respect and make the most of the existing diversity of the Black Country's natural and built environment.

3. Economic Prosperity Attract new employment opportunities and investment in innovation and new technology, deliver a network of successful strategic, town, district and local centres and the infrastructure and raw materials needed to support the local economy, improve the wealth and image of the Black Country and support initiatives to lift educational and skills performance.

The above are supported by the following key policies, as relevant to this application:

CSP1: The Growth Network

CSP3: Environmental Infrastructure

CSP4: Place Making

CSP5: Transport Strategy

EMP1: Providing for Economic Growth
EMP2: Actual and Potential Strategic High Quality Employment Areas
TRAN2: Managing Transport Impacts of New Development
TRAN5: Influencing the Demand for Travel and Travel Choices
ENV1: Nature Conservation
ENV3: Design Quality
ENV4: Canals
ENV5: Flood Risk, Sustainable Drainage Systems and Urban Heat Island
ENV7: Renewable Energy
WM1: Sustainable Waste and Resource Management

These Policies are considered to be consistent with the NPPF.

Walsall's Unitary Development Plan (UDP)

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

The key 'Saved' Policies relevant to this proposal are:

GP2: Environmental Protection
GP5: Equal Opportunities
GP6: Disabled People
ENV10: Pollution
ENV11: Light Pollution
ENV13: Development Near Power Lines, Substations and Transformers
ENV14: Development of Derelict and Previously-Developed Sites
ENV17: New Planting
ENV23: Nature Conservation and New Development
ENV24: Wildlife Corridors
ENV32: Design and Development Proposals
ENV33: Landscape Design
ENV40: Conservation, Protection and Use of Water Resources
JP5: Core Employment Areas
T1: Helping People to Get Around
T4: The Highway Network
T7: Car Parking
T8: Walking
T9: Cycling
T10: Accessibility Standards – General
T11: Access for Pedestrians, Cyclists and Wheelchair Users
T12: Access by Public Transport (Bus, Rail, Metro and Ring and Ride)
T13: Parking Provision for Cars, Cycles and Taxis

These 'Saved' Policies are considered to be consistent with the NPPF.

Supplementary Planning Documents

http://cms.walsall.gov.uk/index/environment/planning/planning_policy/local_development_framework/ldf_supplementary_planning_documents.htm

Where relevant BCCS and UDP policies are consistent with the NPPF, the related SPD(s) will also be consistent provided they are applied in a manner consistent with NPPF policy. The SPDs relevant to this application are:

- Designing Walsall
- Conserving Walsall's Natural Environment

Consultations

Area Partnership Darlaston/Bentley – Comments to be updated at planning committee.

Building Control - Comments to be updated at planning committee.

Canal and River Trust – No objections subject to conditions and informatives.

Centro - Comments to be updated at planning committee.

Coal Authority – No objection subject to imposition of conditions to secure construction details prior to commencement.

Community Safety Team – No objections.

Economic Regeneration - Comments to be updated at planning committee.

Environment Agency – The risk posed by mobile contaminants to Controlled Waters is considered to be low so no objections. Condition for unidentified contamination recommended.

Environmental Health – No objections or comments.

Flood Risk Planning and SuDs Officer - There is some risk from surface water flooding and infiltration is not an option given the ground conditions, therefore on-site mitigation measures will be required, with a preference for above ground SUDS features. No objection subject to conditions.

Highway Authority – No objections. Conditions recommended. (Expanded in report)

Inland Waterways – No objections.

National Grid – No objection but apparatus in the vicinity which may be affected; applicant advised to contact them directly.

Natural and Built Environment Team (Ecology) – No objections and no conditions required.

Natural and Built Environment Team (Landscape) – No objections. Conditions recommended.

Natural and Built Environment Team (Trees) – Would prefer to see more tree/screen planting along the length of the canal and supplementary tree planting in the area of existing trees and shrubs to the north of the site. This could be dealt with by condition.

Pollution Control – Conditions recommended to address localised ground contamination and ground gas issues and to protect local amenity during construction and site operation.

Public Lighting Manager – Comments to be updated at planning committee.

Severn Trent Water – No objection subject to imposition of conditions to secure drainage details.

South Staffordshire Water - Comments to be updated at planning committee.

SRF Moxley - Comments to be updated at planning committee.

Vodafone – Fixed apparatus within the vicinity of the site so network information passed on to the applicant.

Western Power - Comments to be updated at planning committee.

West Midlands Crime Prevention Design Advisor – No objections or comments.

West Midlands Fire Service - Comments to be updated at planning committee.

Public Participation Responses

No representations have been received from local residents.

Determining Issues

- Suitability of proposed land use
- Highways and transport matters
- Residential amenity
- Natural and built environment
- Ground conditions
- Flood risk and drainage

Observations

Suitability of proposed land use

The site is located within the settlement boundary, within a Core Employment Area. UDP 'saved' Policy JP5 reserves the site for uses falling within classes B1(b/c), B2 or B8. The proposal is in accordance with 'saved' UDP policy JP5 and with Core Strategy Policies EMP1 and EMP2 which promote economic growth, therefore the development is welcomed and supported.

Highways and transport matters

There is no objection to the principle of this development.

The application proposes to construct two B1(c), B2, B8 units totalling 21,017sqm GFA; one larger unit of about 17,100 sqm GFA and one about 3900sqm GFA. A total of 145 parking spaces are proposed inclusive of 13 disabled spaces. This is significantly fewer than the 226 spaces approved under the previous scheme (13/0175/FL).

UDP Policy T13 parking policy states that the maximum overall parking provision requirement for two separate units is:

B1(c) = 792 spaces
B2 = 222 spaces
B8 = 103 spaces

Proposed parking;

Unit 1 - 105 spaces + 9 disabled spaces,
Unit 2 - 27 spaces + 4 disabled spaces,

Total = 145 spaces

Taking into account that B1(c) 'Light Industry' use is more likely to be similar to B2 'General Industry' use rather than the other B1(a) (b) uses, the policy maximum of 792 car parking spaces is considered to be excessive in this instance. The proposed 145 spaces, which falls roughly between to B2 and B8 use requirements is considered acceptable. Furthermore the development will be supported by a Travel Plan which will be developed to encourage sustainable travel and reduce the reliance on car travel.

A similar quantum of development was previously approved under 13/0175/FL totalling 18,812 sqm GFA. The current scheme is only 2,205sqm GFA greater than that previously accepted. A Transport Statement has been submitted to support the application which updates the previously approved Transport Assessment which demonstrates that the fairly modest increase in GFA under the current scheme is not likely to have any significant detrimental impact on the highway network over and above that previously approved. It is considered there is sufficient capacity on the immediate highway network to accommodate the revised development.

Overall the Highway Authority considers the development will not have severe transportation implications and is acceptable in accordance with NPPF para 32, subject to the imposition of conditions to secure construction details, cycle facilities and a travel plan.

Residential amenity

The nearest dwellings are on Curtin Drive on the opposite side of the canal, approximately 40m from the western site boundary. Due to this separation distance, it is not considered that any overshadowing, overbearing or loss of privacy would occur.

The proposed layout would minimise noise disturbance as the active frontages of the buildings would face into the site and away from adjacent boundaries. An acoustic bund and screen barrier is proposed to reduce noise from the Unit 1 service yard travelling to residential occupiers on the opposite side of the canal on Curtin Drive, which should be secured by condition.

As full external lighting details have not been submitted with the application, a condition is recommended to secure details before installation, to protect residential amenity.

Conditions are recommended requiring submission of a Construction Management Plan and restricting hours of construction, and also to control noise emanating from the site once it is operational, to protect local amenity.

In summary, the proposal is considered to be acceptable in relation to residential amenity, subject to the recommended conditions.

Natural and built environment

The site is immediately to the east of the Walsall Canal Site of Local Importance for Nature Conservation (SLINC). The submitted ecological report was based on survey carried out in January 2013. A Walkover of the site was carried out in January 2015 and an update summary provided. Given the previous industrial use of the site, its nature conservation value is low and opportunities to improve this are limited in the context of industrial redevelopment of the site. A landscape scheme has been submitted to improve existing landscaped areas on the site and provide new areas, including a buffer strip to the canal frontage. This will increase the biodiversity value of the site. Some amendments to the landscaping scheme were requested to ensure adequate screening is provided and native species are used. The tree officer has requested some additional tree planting. Other than this matter, the amended landscaping scheme is considered to be acceptable and should be

secured by condition. A lighting scheme should also be secured by condition to ensure there is no unnecessary lighting to the canal, as this is a wildlife corridor.

It would have been preferable for the scheme to be designed to animate the canal side but the nature of the proposal requires an acoustic barrier to protect the amenity of local residents, therefore it has not been possible to secure this in this instance. A 4 metre tall acoustic barrier would be provided between the Unit 1 service yard and the housing on the opposite side of the canal on Curtin Drive. It is considered that this would not have a negative impact on the setting of the canal.

The existing boundary wall to the Black Country New Road and Canal boundaries would be retained and repaired. To the Bull Lane boundary, the existing boundary treatments would be removed and replaced with new fencing to open up views into the site from Bull Lane.

Unit 1 would measure 180.6m x 92.6m with a maximum height of 17.3m. Unit 2 would measure 76.6m by 47.4m with a maximum height of 14.2m. Both would have grey steel cladding walls and roof with roof lights and would provide warehouse floor space as well as ancillary offices and staff facilities. The amount of development proposed is similar to what previously existed when Wessons was operational, and also similar to the previously approved 2013 planning application. The design and construction would incorporate energy and CO2 reduction measures and the scheme would be compliant with Building Regulations in terms of accessibility.

The units are not as tall as the warehouse approved under the previous planning permission and are similar to other warehouses in the vicinity. The site sits approximately 1m higher than the canal and 4-5m lower than the Black Country New Road, and is approximately the same level as Bull Lane. In this context, it is considered that the scale and appearance of the proposed buildings would be acceptable.

Ground conditions

The site is located within the Coal Development High Risk Area. Initially some of the required information was missing but this has since been submitted. The Coal Authority has some concerns about building works directly over mine entries. Despite initially objecting on the basis that further details are required before the application is determined, the Coal Authority has agreed that these could instead be secured by condition and submitted before development commences and has withdrawn the objection subject to imposition of this condition.

Pollution Control has recommended conditions to address localised ground contamination and ground gas issues.

The Environment Agency has confirmed no objections to the scheme but has recommended a condition in case of any unidentified contamination being encountered, to ensure Controlled Waters are not affected by the proposals.

The Canal and River Trust has advised that the details of the proposed works will also need to be agreed with them to ensure the structural stability of the canal and that measures to prevent contamination of Controlled Waters during construction are required (the latter is already covered by the Pollution Control conditions). They also have records of Japanese Knotweed and Giant Hogweed in the vicinity of the site and any identified on site must be dealt with. The agent has confirmed there is no Giant Hogweed on the site and the Japanese Knotweed was recently treated in accordance with relevant legislation.

Flood risk and drainage

The site is located within Flood Zone1, so the main risk to consider is surface water flooding. This can be mitigated on-site through appropriate design to mitigate and route any surface water. Above ground SUDS features would be preferred to oversized pips and storage tanks. The submitted drawings indicate swales and ponds could be utilised, as well as permeable paving, and the final details should be secured by condition. Severn Trent Water has confirmed no objections subject to conditions.

Conclusions

On balance, the application is considered to be acceptable subject to the recommended conditions.

Positive and Proactive working with the applicant

Walsall Council seeks to work proactively with owners, developers and their agents in the public interest to promote sustainable developments in the borough. In accordance with paragraphs 186 and 187 of The National Planning Framework we encourage pre application discussion in all formats to help ensure that proposed developments are delivered in the most appropriate way that creates economic growth, suitable housing and other forms of development so long that they safeguard the natural and built environment, highway network and the amenity of citizens.

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including any representations that may have been received, and following submission of negotiated amendment to the application, subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Recommendation

Approve with conditions (including any amendments or additional conditions deemed appropriate by officers):

Conditions

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

REASON: To comply with Section 91 of the Town and Country Planning Act 1990.

2. The development shall be carried out in accordance with the following approved plans and details:

PL001 Rev B 'Site Location Plan'
PL002 Rev K 'Masterplan'
PL010 Rev E 'Unit 1 Site Plan'
PL011 Rev C 'Unit 1 Ground Floor Plan'
PL012 Rev C 'Unit 1 First and Second Floor Office Plans'
PL013 Rev A 'Unit 1 Roof Plan'
PL014 Rev D 'Unit 1 Elevations'
PL020 Rev E 'Unit 2 Site Plan'
PL021 Rev C 'Unit 2 GA Floor Plans'
PL022 Rev A 'Unit 2 Roof Plan'
PL023 Rev D 'Unit 2 Elevations'
PL031 Rev B 'Bull Lane Site Elevation Proposed Boundary Condition'

REASON: to define the permission and ensure the development is carried out as approved.

3. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended) and the Town and Country Planning (General Permitted Development) Order 2015 (as amended), or in any equivalent provision in any statutory instrument revoking and re-enacting those Orders with or without modification, the premises permitted by this grant of planning permission shall be used for purposes falling within use classes B1(c) light industrial, B2 general industrial or B8 storage/distribution only and for no other purpose. The offices shown on the approved plans shall be used only as ancillary to the principal use of the units falling within the authorised use classes.

REASON: In the interests of the proper planning of the area and to ensure that all impacts of the development on the local area have been considered and mitigated as required.

4. A. No development shall take place until a schedule of external facing materials has been submitted to and approved in writing by the Local Planning Authority.
B. The development shall be constructed in accordance with the approved details.

REASON: To ensure a satisfactory appearance of the development.

5. A. No development shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles, has been submitted to and approved in writing by the Local Planning Authority. The submitted surface water drainage scheme shall include:
 - i) The limitation of surface water run-off to greenfield rates;
 - ii) The ability to accommodate surface water run-off on-site up to the critical 1 in 100 year event plus an appropriate allowance for climate change, based upon the submission of drainage calculations; and
 - iii) Responsibility for the future maintenance of drainage featuresNote: 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.
B. The development shall not be brought into use until the approved drainage scheme has been implemented in accordance with the approved details.

REASON: To prevent the increased risk of flooding, to protect the integrity of the waterway structure and water quality of the canal and to ensure the future maintenance of any sustainable drainage structures.

6. The development shall include designing for exceedance and flood routing to store pluvial flows in extreme events and towards landscaped areas, as referenced in section 5.6.6 and 7.1.2 of the submitted Flood Risk Assessment.

REASON: To lessen the impact of flooding to the proposed buildings and to ensure no off-site impacts.

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

8. No development shall take place until:
- a. A scheme of intrusive site investigations, to include locating and assessing the mine entries on the site and the investigation of the potential shallow coal mine workings has been submitted to and approved in writing by the Local Planning Authority; and
 - b. The approved scheme of intrusive site investigations has been completed; and
 - c. A report has been submitted setting out the findings of the intrusive site investigations; and
 - d. A scheme of remedial works in relation to shallow coal mine workings at the site, to include a remediation strategy for the mine entries and any foundation designs which may be required for building over the mine entries, and the shallow coal mine workings, has been submitted to and approved in writing by the Local Planning Authority; and
 - e. The approved remedial works have been fully completed.

REASON: To ensure that historic underground coal workings at shallow depth are treated.

9. A. No development shall take place until 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)
B. The remedial measures as set out in the approved "Remediation Statement" pursuant to part A of this condition shall be implemented in accordance with the agreed timetable.
C. If during the undertaking of remedial works or the construction of the approved development unexpected ground contamination not identified by the site investigation required by part A of this condition is encountered, development shall cease until the "Remediation Statement" required by part B of this condition has been amended to address any additional remedial or mitigation works required and has been approved in writing by the Local Planning Authority.
D. The development shall not be brought into use until a validation report confirming the details of the measures implemented together with substantiating information and justification of any changes from the approved remedial arrangements has been submitted to and approved in writing by the Local Planning Authority. (see Note for Applicant CL3)

REASON: To ensure safe development of the site and to protect human health and the environment, including controlled waters.

10. A. No engineering and/or construction activities shall take place until a Construction Management Plan setting out how the works will be undertaken and giving details of arrangements for the control of noise, dust and debris has been submitted to and approved in writing by the Local Planning Authority

B. Development shall take place only in accordance with the approved Construction Management Plan.

REASON: To ensure neighbouring sensitive receptors are not unduly affected by noise, dust, and debris.

11. 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 nearby residential occupiers.

12. Any fixed plant and/or machinery shall be located within the building or located within acoustic enclosures to ensure that the maximum sound levels will not exceed 58 dB(A) at a distance of 1 metre.

REASON: To ensure neighbouring sensitive receptors are not unduly affected by site activities.

13. All doors and windows facing residential premises shall be kept closed other than when in use for access, egress, to facilitate the loading and unloading of vehicles, or in the event of an emergency.

REASON: To ensure neighbouring sensitive receptors are not unduly affected by site activities.

14. No amplification equipment or public address systems, other than emergency alarms, shall be installed in the premises.

REASON: To ensure neighbouring sensitive receptors are not unduly affected by site activities.

15. A. No part of the development shall be brought into use until the acoustic barrier has been completed in accordance with the approved details.
B. The acoustic barrier shall be maintained in an impermeable basis for as long as industrial/commercial activities are conducted on the application site.

REASON: To ensure neighbouring sensitive receptors are not unduly affected by site activities and to protect the stability and visual amenity of the canal.

16. A. No development shall take place until comprehensive details of hard and soft landscaping, including a programme for the phasing of works, has been submitted to and approved in writing by the Local Planning Authority.
B. All planting shown on the approved plans shall be carried out and completed in accordance with the approved scheme in the nearest planting season (01 October to 31 March inclusive) to the completion of the development, or prior to first occupation of the development whichever is the sooner. All other works shown on the approved landscape plans shall be carried out and completed in full accordance with the approved scheme prior to first occupation of the development.
C. Any trees or other plants (either retained or forming part of the approved soft landscaping scheme or planted as a replacement for another tree or plant) which,

during the course of the development or within a period of 5 years from the either the completion of the development of the planting of that tree or plant (whichever is the later), die, are removed, uprooted, destroyed, are significantly damaged, become diseased or deformed, shall be replaced during the nearest planting season (01 October to 31 March inclusive), either with others of the same size, species and quality as approved and shall be planted in the same place, or in accordance with a revised soft landscaping scheme which has first been submitted to and approved in writing by the Local Planning Authority.

D. The submitted Landscape Management Scheme shall be adhered to.

E. Any areas shown for soft landscaping purposes on the approved plans shall be retained as such and shall not be removed or used for any other purpose.

REASON: In the interests of nature conservation, good landscape design and the visual amenity of the area.

17. A. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), or in any equivalent provision in any statutory instrument revoking and re-enacting that Order with or without modification, no external lighting shall be installed on the application site except in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. Such details should include the location, type, technical specifications, angle of installation and hours of operation for the lighting, and light spill plans. The lighting scheme shall be designed to direct light away from residential properties and the canal corridor and shall comply with the recommendations of the Institute of Lighting Engineers guidance notes for the reduction of obtrusive light. The submitted scheme shall include details of regular reviews of the lighting system (at least once every six months) to ensure continuing compliance with the recommendations of the Institute of Lighting Engineers/Professionals for guidance notes for the reduction of obtrusive light.
- B. The approved scheme shall be complied with following installation of the approved lighting scheme.

REASON: in the interests of visual amenity, residential amenity and nature conservation.

18. A. No development shall take place until a full condition survey of the part of existing boundary wall in the north-west corner of the site (part of the former Frost's factory building), being a retaining wall supporting the adjacent public highway footway, together with any proposed repair/remediation works, has been submitted to and approved in writing by the Local Planning Authority.
- B. The development shall not be brought into use until any approved repairs and/or remediation works have been completed in accordance with the approved details and to the satisfaction of the Local Highway Authority.

REASON: To ensure the integrity of the retaining wall is maintained, in the interests of highway safety.

19. A. No development shall take place until full engineering details of the following highway infrastructure improvement and adoptable highway works have been submitted to and approved in writing by the Local Planning Authority:
- i) The provision of a tactile pedestrian dropped crossing point across the retained service access road at the NE corner of the site near the junction of Bull Lane and Black Country New Road;
 - ii) The widening out of the existing narrow public footway along the western side of Bull Lane, from the roundabout in a northerly direction to the Black Country New Road, to 2 metres;

- iii) The alterations to the existing roundabout including the removal of the deflection hatching on the western side of the northern arm (including removal of redundant access point at this location) and replacement with full height kerbs;
 - iv) The removal of all redundant pedestrian guard railing along the site frontage;
 - v) The construction of all new site access points or modification of existing site access points where necessary to include tactile pedestrian crossing facilities in appropriate positions;
 - vi) The closure and reinstatement of all existing redundant accesses and vehicular crossovers onto Bull Lane back to full kerb height.
- B. The development shall not be brought into use until all highway infrastructure works detailed in 3(a) above have been fully implemented in accordance with the approved details and to the satisfaction of the Highway Authority.

REASON: In the interests of the free flow of traffic on the local highway network, highway safety and the satisfactory operation of the development.

20. A. No development shall take place until a construction methodology statement has been submitted to and approved in writing 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.
- B. The approved construction methodology statement shall be implemented in full and all provisions 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.

21. A. No part of the development may be brought into use until all vehicle hard standing areas, service yards, turning facilities, access ways and parking areas have been fully consolidated, hard surfaced and drained so that surface water run-off from these areas does not discharge onto the adoptable or existing highway or any highway drain, together with the demarcation of all parking bays and brought into use.
- B. 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.

22. A. The development shall not be brought into use until 2.4m x 43m visibility splays have been provided at all new or modified vehicle access points.
- B. The visibility splays shall at all times be kept free of any structures and planting exceeding 600mm in height above carriageway level.

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

23. A. The development shall not be brought into use until full details of the proposed cycle shelter facilities for the use of staff and visitors, which shall be covered and illuminated, have been submitted to and approved in writing by the Local Planning Authority.

- B. The development shall not be brought into use until the facilities have been fully implemented in accordance with the approved details.
- C. The cycle shelter facilities shall thereafter be retained and used for no other purpose.

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

24. 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 David Tucker Associates 'Framework Travel Plan' dated 20th May 2015, shall be fully developed and implemented into a full Travel Plan and thereafter 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.

Notes to Applicant

1. Pollution Control – Contaminated Land

CL2

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

CL3

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

2. Highway Authority

S38/278 Works

The applicant will be expected to enter into an agreement under S38/278 of the Highways Act 1980 with the Highway Authority for all adoptable highway works and works with the existing public highway. Any agreement for street lighting should be agreed in writing with Walsall Metropolitan Borough Council's Street lighting partner Amey.

Mud on Highway

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.

Drainage

No drainage from the proposed development shall be allowed to discharge into any highway drain or over any part of the public highway.

3. Environment Agency

The applicant / developer should refer to our 'Groundwater Protection: Principles and Practice' (GP3) document, available from our website at www.environment-agency.gov.uk. 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)
- Management of groundwater resources
- 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.

It is noted that piled foundations or vibro-improvement techniques have been recommended as a potential foundation solutions on the site. The applicant should refer to the Environment Agency's document 'Piling into Contaminated Sites' available from our web-site. This provides guidance on what factors should be considered when piling into contaminated sites and a framework for the applicant to follow to prove that such operations will not pose a risk to 'Controlled Waters'.

4. Canal and River Trust

The applicant/developer is advised to contact the Works Engineering Team on **0303 040 4040** in order to ensure that any necessary consents are obtained and that the works comply with the Trust's "Code of Practice for Works affecting Canal & River Trust".

The Canal & River Trust offer no right of support to the adjacent property. The land owner should take appropriate steps to ensure that their works do not adversely affect the canal infrastructure at this location.

The applicant/developer is advised that if surface water is to be discharged to the canal, consent from Canal & River Trust is required for such a discharge. Please contact the Canal & River Trust Utilities Team on **0303 040 4040** for further advice.

5. Coal Authority

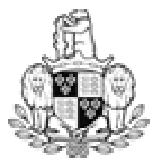
The proposed development lies within an area that has been defined by The Coal Authority as containing potential hazards arising from former coal mining activity. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas 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.

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 01623 646 333. Further information is available on The Coal Authority website www.gov.uk/government/organisations/the-coal-authority

End of Officers Report



Economy and Environment, Development Management

Planning Committee

Report of Head of Planning and Building Control on 05-Nov-2015

Plans List Item Number: 9.

Reason for bringing to committee: Major Application

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

Proposal: 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.

Application Number: 15/0385/OL

Applicant: Shipinvest No.1 Ltd

Agent: RPS

Application Type: Outline Application

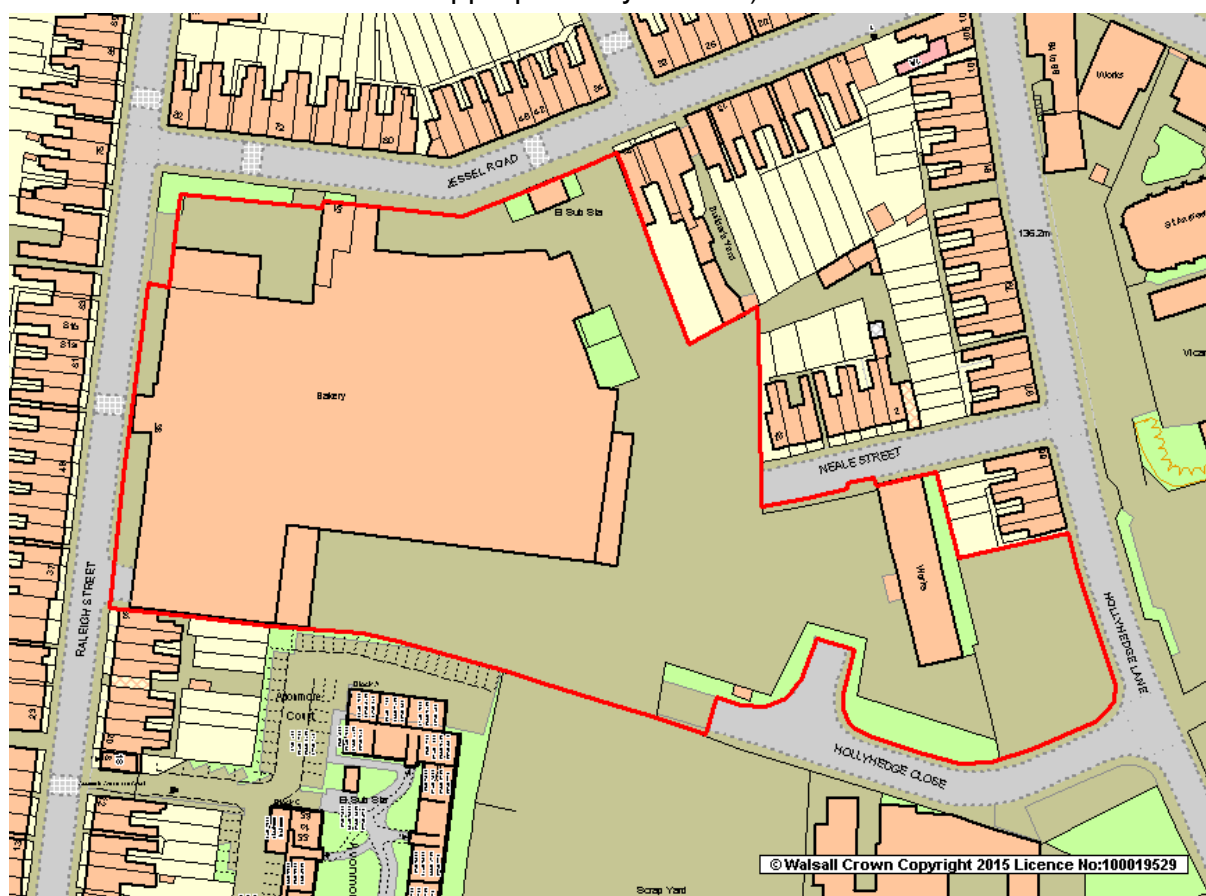
Case Officer: Katie Parsons

Ward: Pleck

Expired Date: 08-Jul-2015

Time Extension Expiry: 16-Nov-2015

Recommendation Summary: Approve with conditions (including any amendments or additional conditions deemed appropriate by officers).



Application and Site Details

The application site previously accommodated the Harvestime Bakery (also known as Maple Leaf Bakery). All buildings on the site have recently been demolished to slab level under a separate prior approval application. The total 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. Sharing the Hollyhedge Close access is a vacant former scrap yard under separate ownership. The site is located within the Coal Development High Risk Area.

The application seeks outline planning permission for the demolition of all buildings on site and the erection of up to 80 dwellings, with all matters reserved except means of access, which would be taken from Hollyhedge Lane and Jessel Road. The existing electricity substation fronting Jessel Road would be retained. The proposal has been amended during the course of the application in response to consultee comments.

Drawings have been submitted showing the proposed access and illustrative drawings of how the site could accommodate the proposed development, including an illustrative site layout and illustrative street scenes.

The application is supported by a Planning Statement and Design and Access Statement setting out the context of the proposals. Technical reports in relation to transport, air quality, noise, demolitions, flood risk, ground investigations, ecology, bats, community consultation and planning obligations/viability have also been submitted.

The proposal has been screened under the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (as amended) and was determined not to be EIA development.

Relevant Planning History

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

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

Relevant Planning Policy Summary

Planning law requires that planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise. The

National Planning Policy Framework (NPPF) is a material consideration in planning decisions and sets out 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)."

National Planning Policy Framework 2012 (NPPF) and associated guidance

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*".

It is based on 12 core planning principles. Those particularly relevant in this case are:

- Proactively drive and support sustainable economic development
- 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 characters of different areas
- Support the transition to a low carbon future
- 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

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.

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.

The Black Country Core Strategy (BCCS)

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

The Vision consists of three major directions of change and underpins the approach to the whole strategy:

1. Sustainable Communities - Regeneration should aim to promote and facilitate healthy living and create environments which offer opportunities for active lifestyles and healthy choices, including provision for walking, cycling and outdoor recreation within the urban fabric of the Black Country.

2. Environmental Transformation - Delivering high quality, liveable and distinctive places which respect and make the most of the existing diversity of the Black Country's natural and built environment.

3. Economic Prosperity Attract new employment opportunities and investment in innovation and new technology, deliver a network of successful strategic, town, district and local centres and the infrastructure and raw materials needed to support the local economy, improve the wealth and image of the Black Country and support initiatives to lift educational and skills performance.

The above are supported by the following key policies, as relevant to this application:

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
TRAN2: Managing Transport Impacts of New Development
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

These Policies are considered to be consistent with the NPPF.

Walsall's Unitary Development Plan (UDP)

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

The key 'Saved' Policies relevant to this proposal are:

GP2: Environmental Protection
GP3: Planning Obligations
GP5: Equal Opportunities
GP6: Disabled People
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
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

These 'Saved' Policies are considered to be consistent with the NPPF.

Supplementary Planning Documents

http://cms.walsall.gov.uk/index/environment/planning/planning_policy/local_development_framework/ldf_supplementary_planning_documents.htm

Where relevant BCCS and UDP policies are consistent with the NPPF, the related SPD(s) will also be consistent provided they are applied in a manner consistent with NPPF policy. The SPDs relevant to this application are:

- Affordable Housing SPD
- Conserving Walsall's Natural Environment
- Designing Walsall SPD
- Urban Open Space SPD

Emerging Policy

Whilst not adopted, the Site Allocations Document is currently being prepared and a draft document has been consulted upon. However as this is at an early stage of preparation, the weight that can be attached to this is limited.

Consultation response (summarised)

(Officer comments in italics where relevant)

Archaeologist – I have no objection to this application, however I would advise that an archaeological condition is placed on permission if it's given, requiring a program of work in advance of/during development. The area is within 500m of a medieval moated site/manor house, and while outside the limits of the medieval town is fairly close to one of the main routes. The site is also the location of a late 19th century purpose built lock works. Looking at the maps I have (which isn't a full set, unfortunately), it is possible that the remains of this lock works survive to the south of the site, near to Neale Street. I'd suggest that an archaeological Desk-Based

Assessment is conducted in order to research the history of the lock works and to assess its importance locally and regionally, and to check the later map sequence to determine the extent of later 20th century development on any surviving remains. Dependant on the results of the DBA, further work in the form of evaluation or watching brief might be necessary.

Birchills Project Reference Group - Comments to be updated at planning committee.

Building Control – Comments to be updated at planning committee.

Canal and River Trust – No comments.

Coal Authority – The application site falls within the defined Development High Risk Area; therefore within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application.

The Coal Authority records indicate that the site is in an area of likely historic unrecorded underground coal mine workings at shallow depth.

The planning application is supported by a Ground Investigation Interpretative Report, dated March 2015 and prepared by RPS Group Limited. This report has been informed by an appropriate range of sources of information including intrusive site investigations.

The report states that boreholes have been drilled on site to depths of up to 25m. The report notes that there was an absence of coal in boreholes 1 and 2 but that boreholes 3 and 4 encountered coal at 11.2m and 14.2m depth. The report concludes that on the basis of the findings of the intrusive works risk from shallow coal workings beneath the site is low. However, the report notes that the ground conditions seen in borehole WS13 indicate potential localised mining and further works are recommended in this area. The report also recommends the carrying out of additional intrusive site investigations to cover the western half of the site which is currently occupied by buildings. Additional gas monitoring is also proposed. The findings of these further intrusive site investigations should inform any mitigation measures which may be required.

Community Safety Team – As outlined in the illustrative site layout plan, this site has the potential to become a serious ASB and crime hotspot. The area around the site has suffered from historical ASB and crime and there are a number of issues which should be “designed out” at this stage.

- Points of access between properties should be removed or securely gated.
- Access to the site from Jessel Road will need to be secured with a barrier method such as demountable “P” barriers for restricted access by push bikes and pedestrians only. Demountable barriers will still allow access for emergency vehicles when required but will restrict access by motorbikes.
- The point where Neale Street meets the site should be clarified for boundary treatment.
- The area marked “Green” should be reconsidered as this will form a singular attraction within the wider area, representing a serious potential for ASB and crime. This would present one of a very limited number of spaces within the

surrounding streets which are conducive to high level ASB in particular. Despite there being a sightline for the open space to be overlooked, this is less likely to improve security than it is to raise the nuisance level for those residents in Avonmore court. This level would be further increased should the wall currently restricting view of the site be removed.

- Additional information on all boundary treatments and maintenance proposals for “the green” and for soft landscaping are also required.

I concur with all advice and support offered by the Police architectural liaison officer and recommend that the building be produced to secured by design standard.

(Relates to reserved matters)

Education Walsall - Comments to be updated at planning committee.

Environment Agency – No objections. Taking the site history and setting into account, the sensitivity of ‘Controlled Waters’ receptors on and in the vicinity of the site is considered to be ‘low’. The RPS report suggested that piled foundations may be required in parts of the site. Given the thickness of the Made Ground in the southern part of the site, this area is most likely to require deep foundations to be adopted. However, the presence of hydrocarbon impacted groundwater perched within the former clay pit must be carefully considered; piled foundations in this area may create preferential pathways for this contaminated water to migrate downwards to the underlying Secondary A aquifer. If piled foundations are to be adopted, it should be demonstrated that this activity will not pose an unacceptable risk to ‘Controlled Waters’ receptors.

It should be noted that the drainage of water through the contamination present in the ground due to former site uses could act to mobilise that contamination therefore posing a risk to ‘Controlled Waters’ receptors (the groundwater in the underlying Secondary A aquifer). However such issues do not necessarily preclude the use of soakaways at the site. Rather, the assessment of the risk posed by the contamination to ‘Controlled Waters’ receptors will need to consider the additional infiltration from any surface water drainage system.

The conclusion of the RPS report stated that additional investigation is required to provide additional information on the contaminated soils and groundwater around borehole WS02 and the possibly disturbed ground around borehole WS13. We agree that more work is required to fully characterise the site as large parts of the site have not been inspected, presumably due to restricted access whilst the buildings remain on site. The additional phase of intrusive investigation should look to accurately delineate the extents of the infilled clay pit and ascertain the potential suitability of the site for the adoption of infiltration soakaways, as well as the recommendations made in section 11.1.1 of the RPS report.

Conditions recommended.

Environmental Health – No objections.

Flood Risk Planning and SUDS Officer – There is a risk of pluvial flooding which should be landscaped or rationalised as part of the reserved matters, ensuring water is not simply diverted off-site. Slightly raised floor levels are also suggested. Brownfield to Greenfield betterment for discharge rates is proposed and is

supported. Infiltration is unlikely to be feasible given land contamination. Conditions recommended.

Friends of the Earth - Although away from the site in question there is a right of way between Cairns Street and Raleigh Street. It may also be possible to have a cycle pedestrian route from Neal Street which comes off Hollyhedge Lane through to Raleigh Street. Talking to residents in the Raleigh Street area they have concerns regarding the extra amount of traffic in Raleigh Street.

Greenspace Services - In accordance with the Green Space Strategy and Urban Open Space SPD any developer contributions towards open space improvements will be allocated to improving green space and facilities at Reedswood Park and nearby greenways. No maintenance of any open space or facilities would be accepted without a commuted sum.

Highway Authority – Initially objected to the application on the basis that a single point of vehicle access to the site would be contrary to Highway safety and failed to provide adequate sustainable and inclusive pedestrian and cycle permeability of the site. No objections to the revised scheme subject to conditions.

Housing Strategy – Residential development supported on this site. 20 affordable rent units should be provided, with the mix determined as part of the reserved matters. All houses would be acceptable.

Local Access Forum - The site is bordered by older Victorian terrace properties along Raleigh Road, Neale Street and Jessel Road and attempts will be made to blend the new properties in with these older buildings. However, whilst there are no existing ROWs currently involved with the site, the plans propose a pedestrian/cyclist access to the new estate from Jessel Road which is something we believe we would largely approve of. We think there is potential to have a route from Jessel Road through this estate to Hollyhedge Road defined as a Right of Way so that it is protected in the future.

National Grid – Apparatus in the vicinity of the site. Comments passed on to applicant.

Natural Environment Team (Ecology) – No ecological objections. The applicant's ecologist's recommendations can be enshrined in planning conditions.

Natural Environment Team (Landscape) – I am quite positive about this scheme and hope that redevelopment of this area will lead to improvements on derelict land outside the site. No objections but will require a reserved matter for landscaping

Natural Environment Team (Trees) – There are few significant trees on the site. Providing the layout provides for replacement tree planting of a medium to large ultimate size we have no objection to the application on tree grounds. The applicant will have to demonstrate that significant tree planting can be introduced without causing undue problems of shading or other nuisance. *(Tree planting is a reserved matter)*

Pollution Control – Recommends conditions to mitigate construction impacts, and address contaminated land, ground gases and noise issues.

Primary Care Teaching Trust - Comments to be updated at planning committee.

Public Rights of Way Officer – There are no recorded public rights of way across or adjoining the application site and therefore no public rights of way objections to the proposed development. The proposed pedestrian, cycle and emergency access from Jessel Road and pathways around the proposed LEAP green space can be included within the S.38 Agreement as necessary and there are no additional public rights of way requirements. There are some worn tracks present across the site so please include a note to applicants.

Public Lighting Manager – No comments.

Severn Trent Water – The submitted 'Conceptual Levels and Drainage Strategy' (drawing ref: FRA SK 1 revision: A) shows all foul sewage is proposed to discharge to the public 375mm combined sewer adjacent to the site, and all surface water is proposed to discharge to the public 600mm surface water sewer adjacent to the site, with surface water restricted to a discharge rate of 8.2 litres/second. As soakaways have been demonstrated to not be suitable on site (within the Flood Risk Assessment, ref: AAC5128), and the proposals are in line with Development Enquiry ND/WEST/34919, I can confirm we have no objection. Condition recommended.

South Staffordshire Water - Comments to be updated at planning committee.

Structures and Geotechnics – The above site is located outside the Zone of consideration for limestone mine working and therefore not affected by the limestone issue. However, the site appears to be within the area where other mining activities may have taken place in the past hence a Coal Authority report is recommended.

Town Centre Manager - Comments to be updated at planning committee.

Vodafone – No fixed apparatus in the vicinity of the site.

Walsall Health Authority – Comments to be updated at planning committee.

Walsall Housing Group – Comments to be updated at planning committee.

Western Power – Comments to be updated at planning committee.

West Midlands Fire Service – This Fire Authority has no objections to this application providing that all parts of the dwellings can be reached within 45m from the pump appliance and suitable water supplies for fire fighting should be provided. This shall be subject to consultation with West Midlands Fire Service once a Water Scheme plan has been produced and approved by the relevant Water Company.
(Relates to reserved matters)

West Midlands Police Crime Prevention Design Advisor – For the purpose of Policing, Walsall Borough is split into 20 Neighbourhood Police Beat Team areas. This development is situated on the Pleck Neighbourhood Police Beat Team area. This beat has experienced over 1168 crimes during the last 12 months, of these over 100 have been burglary and almost 200 vehicle related crimes. Due to the high crime experienced in this area and the lack of any natural surveillance around the

car park and parts of the building, I would strongly recommend that this site achieve Full Secure By Design standards. (*Relates to reserved matters and can be secured by condition*)

Wildlife Trust – Comments to be updated at planning committee.

Public Participation Responses

Two representations were received from local residents raising the following comments in objection to the application:

- What are the proposals for maintaining and repairing/resurfacing Neale Street?
- Will property owners be made aware of the obligations as this is a private road? Properties will be built on the back of Neale Street and will have responsibility for it.
- Will Neale Street be brought up to adoptable standards?

Officer comment - Neale Street is outside the red line of the site. The application does not propose any links or changes to Neale Street. Whether or not any adjacent properties have to contribute to the upkeep of Neale Street is a civil matter.

Determining Issues

- Principle of development
- Highways and transport
- Natural and built environment
- Pollution control and ground stability
- Drainage and flood risk
- Planning obligations

Observations

Principle of development

The site has previously been occupied by employment uses but as these have vacated and the buildings have been demolished, the employment floor space has already been removed from employment land supply figures. The site has been vacant for some time and there are no Development Plan policies protecting the site for employment or allocating any other use. Given that the site is located in a residential area it is not considered suitable for new industrial development therefore it is considered that the loss of an industrial site is acceptable in accordance with UDP Policy JP7. The redevelopment for housing is acceptable in principle. 80 units would equate to 43 dwellings per hectare which is considered suitable for this location.

Highways and transport

The application seeks outline planning permission (access only for consideration) for a residential development of up to 80 dwellings. The revised scheme proposes two vehicle access points to serve the development off Jessel Road and Hollyhedge Close which is considered a betterment to the previous single vehicle access point via Hollyhedge Close and provides for improved accessibility and permeability for

pedestrians and cyclists and links to the surrounding residential areas and also allows for vehicular traffic to distribute more evenly onto the local highway network and take some pressure off the Hollyhedge Close/Hollyhedge Lane junction. It may also reduce the potential for on- street parking in Raleigh Street where there are already known problems. The grounds for the initial objection from the Highway Authority have therefore been overcome by the amended plans.

A Transport Assessment has been submitted to support the development. Using TRICS data, netting off the vehicle trips of the extant B2/B8 use compared to the predicted trips of the residential use, the development is predicted to generate +11 trips in the am peak and +23 pm peak. An appraisal of traffic flows on Hollyhedge Lane shows that the additional traffic generated by the development would equate to an additional 13 trips – one every 4 minutes – which would not have any material effect on the operation of the Wolverhampton Road/Hollyhedge Lane signal junction. The revised scheme with an additional vehicle access onto Jessel Road will also help distribute traffic onto the wider network potentially lessening any impact on the signal junction.

On balance the Highway Authority considers the revised scheme will not have severe transportation implications and is acceptable in accordance with NPPF para 32, subject to further design details being submitted with the Reserved Matters. Conditions have been recommended to secure these details.

It is noted that local residents requested either access via Neale Street, resurfacing works or potential adoption of the road. However this application does not propose to utilise Neale Street as an access point to the development and it is outside the red line of the planning application, therefore no works can be requested to Neale Street by the Local Planning Authority given that it is a private road. Whilst it is possible that any new houses adjoining Neale Street may have to contribute to its maintenance, this is a civil matter and outside the remit of this planning application.

Natural and built environment

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.

The layout, scale, design and appearance of the development and its landscaping would be secured through a reserved matters application. Indicative details have been provided to show one possible layout for the proposed number of units, together with illustrative street scenes. Up to 80 units are proposed and the illustrative layout shows a mixture of one and two bedroom flats and two, three and four bedroom houses. Heights are predominantly two storeys to match the local vernacular, with some two-and-a-half storey designs within the site. The 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 significantly once reserved matters are submitted. It is considered that the illustrative layout demonstrates that the number of units proposed could be accommodated on the site with a satisfactory layout which would relate appropriately to surrounding patterns of development. It is considered that parking spaces could relate better to the units they would serve, as a lot of rear-access car parking may encourage indiscriminate on-street parking and remote parking courts are not ideal.

As the detail of the scheme will not be determined by this application, it is not possible to fully assess impacts on residential amenity at this time. The illustrative site layouts broadly respects existing residential amenity and suggests that suitable levels of residential amenity for future occupiers should be achievable, subject to some amendments to the proposed plots to ensure sufficient private amenity space and separation distances between existing and proposed dwellings. Flats should also be provided with private amenity space. The reserved matters would also be expected to address issues of secure design to ensure adequate residential amenity and security for both existing and future occupiers.

It is likely that some amendments to the proposed layout would be requested if a similar layout were to be submitted at reserved matters stage but it is sufficient at this stage to demonstrate that the proposed maximum number of units could be accommodated on the site.

There are no designated wildlife sites which are likely to be adversely affected by this proposal. There are few protected species likely. Bats are unlikely to roost on this site which is well away from interlinked green infrastructure they could use as foraging habitat. However, 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. (Although as the buildings have already been demolished pursuant to the prior approval, the condition relating to nesting birds is no longer required.) There is little landscaping on the site and none worthy of retention. A full landscaping plan with new tree planting would come forward as part of the reserved matters.

Pollution control and ground stability

The applicant was advised about issues that could potentially affect the site during a Development Team meeting. From a Pollution Control perspective this included:

- Air quality
- Contaminated Land
- Noise
- Dust and debris

The applicant has submitted reports on all of the above.

Air Quality

Air Quality Assessment by RPS, Ref Project number JAP7418, dated 12 February 2015

The above report has identified that air quality is an issue near to the development site, however, 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 would agree with the findings of the Air Quality Survey and also agree that dust mitigation measures should be implemented during the demolition\construction phases.

Contaminated Land

Ground Investigation Interpretive Report by RPS, Ref Project number: JER5888, March 2015

The above report indicates that only select areas of the site that were easily accessible have been investigated by undertaking bore hole and window sampling, and subsequent chemical testing of soils and ground gas analysis. 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 do not disagree with the findings of the investigation report. It is our recommendation that the additional contaminated land investigations should take place when there is full access to the site i.e. post demolition (and clearance). Once site clearance has occurred and a full report on contaminated land investigation received by the developer, then they should be in a better position to determine their remediation strategy and agree details in writing with the Local Planning Authority.

Noise

Residential Suitability Assessment by RPS, Project number: JAE 8459, 29 April 2015

The report provides a generic assessment that advises the site is suitable for a residential development. A detailed acoustic assessment is required to better inform on acoustic mitigation design.

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. Additionally mitigation measures need to be agreed in writing with the Local Planning Authority in case the scrap yard comes back into use.

In addition to the above, there is a need for a Construction Management Plan to ensure disruption to nearby residential premises and the road network is minimised. The plan should include:

- Construction working hours
- Measures to prevent flying debris
- Dust mitigation measures (particularly as the contaminated land investigation has indicated that land is contaminated)
- Measures to prevent site drag-out (including need for wheel cleaning and use of a road-sweeper)
- Noise and vibration (if piling and/or ground stabilisation is to be conducted) mitigation measures

The Environment Agency has also recommended conditions relating to contaminated land that could present risks to controlled waters.

The application site falls within the defined Development High Risk Coal Area. Within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application. The Coal Authority 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, should planning permission be granted, for the proposed development requiring these site investigation works prior to commencement of development. In the event that the site investigations confirm the need for remedial works to treat the areas of shallow coal mine workings to ensure the safety and stability of the proposed development, this should also be conditioned to ensure that any remedial works identified by the site investigation are undertaken prior to commencement of the development. A condition is recommended to ensure this is submitted with the reserved matters.

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

Drainage and Flood Risk

The site is located in flood zone 1 so is not at high risk of flooding. The submitted 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 has confirmed that surface water flood risk could be adequately mitigated through the detailed design and has recommended conditions. Severn Trent Water has confirmed no objection to the proposals as connections would be made to mains sewers, subject to a condition to secure details. Their permission to connect will be

required therefore an informative is also recommended. The Environment Agency has also recommended conditions to ensure that surface water drainage does not pose any risk to controlled waters.

Planning obligations

A development of this size would usually be required to enter into planning obligations to secure delivery of matters such as affordable housing and urban open space. It is likely that 20 affordable rented houses would have been requested, together with an urban open space contribution calculated on the number of units and bedrooms proposed and the amount of open space proposed on site. The applicant has submitted an independent, confidential viability assessment, which has been reviewed by a Council Valuation Surveyor, which is considered to demonstrate that the scheme would not be viable if any planning obligations for contributions or on-site provision were required. This is largely due to the costs of remediating the site to make it suitable for housing development, due to the past industrial use. For a development predominantly comprising houses, it is considered that the current maximum proposed is at the upper limit of what could be accommodated on site therefore there is no scope to improve viability by increasing the number of units provided. On balance, the benefits of regenerating the site are considered to outweigh the need to secure planning obligations in this instance, therefore none have been sought.

A play area is shown on the illustrative plans and this would be welcomed as the site is quite remote from existing play areas, but the Council would be unlikely to take on maintenance of the play area. If the reserved matters submission includes a play area, it would also need to include details for on-going management and maintenance.

Conclusions

The application is considered to be acceptable subject to suitable conditions.

The applicant is encouraged to submit detailed proposals for pre-application discussions prior to submission of any reserved matters application.

Positive and Proactive working with the applicant

Walsall Council seeks to work proactively with owners, developers and their agents in the public interest to promote sustainable developments in the borough. In accordance with paragraphs 186 and 187 of The National Planning Framework we encourage pre application discussion in all formats to help ensure that proposed developments are delivered in the most appropriate way that creates economic growth, suitable housing and other forms of development so long that they safeguard the natural and built environment, highway network and the amenity of citizens.

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including any representations that may have been received, and negotiating amendments with the applicant before determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Recommendation

Approve with conditions (including any amendments or additional conditions deemed appropriate by officers):

Conditions

1. No development shall take place until approval of the Reserved Matters has been obtained from the Local Planning Authority. The Reserved Matters are:
 - i. Appearance
 - ii. Landscaping
 - iii. Layout
 - iv. Scale

REASON: Pursuant to article 5 of the Town and Country Planning (Development Management Procedure)(England) Order 2015.

2. Application(s) for approval of any Reserved Matter shall be made within 3 years of the date of this decision.

REASON: To comply with Section 92 of the Town and Country Planning Act 1990.

3. The development must be begun not later than 2 years from the final approval of the Reserved Matters, or in the case of approval on different dates, the final approval of the last Reserved Matter to be approved.

REASON: To comply with Section 92 of the Town and Country Planning Act 1990.

4. The development shall be carried out in accordance with the following approved plans:

0002-02 'Site Location Plan'
0024-03 'Site Block Plan'
0026-01 'Demolition Plan'
JNY7954-02 'Proposed Site Access Arrangements'

REASON: to define the permission

5. A. The details to be submitted in accordance with condition 1 above (the reserved matters) shall include a report of findings arising from further intrusive site investigations for shallow coal workings (such investigations shall not take place until the scheme has been approved by the Coal Authority) and a scheme of proposed remedial works for the shallow coal workings.
B. Any remedial works approved pursuant to part A shall be implemented in accordance with the approved details.

REASON: To ensure that the Reserved Matters submission is comprehensive.

6. The details to be submitted in accordance with condition 1 above (the reserved matters) shall include details of how the development will meet Secure By Design specifications. (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.

7. The details to be submitted in accordance with condition 1 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.

8. A. 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 that portion of the unadopted highway 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.
 - d. A Traffic Regulation Order imposing a 20mph speed limit on the new estate roads.

B. 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.

9. A. Upon first occupation of the first dwelling on the development, the measures and commitments contained within the submitted Residential Travel Plan shall be implemented.
B. Once implemented, the Travel Plan shall be monitored and reviewed in accordance with the details contained within the approved document for the lifetime of the development.

REASON: To encourage sustainable modes of travel.

- 10.A. 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
- B. 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.

- 11.A. 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.
- B. 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.

- 12.A. 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).

B. The remedial measures set out in the approved "Remediation Statement" shall be implemented and completed in accordance with the agreed timetable.

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

D. 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: To ensure safe development of the site and to protect human health and the environment.

13. A. No development shall take place until a remediation strategy that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved in writing by the local planning authority:

i) A preliminary risk assessment which has identified:

- all previous uses
- potential contaminants associated with those uses
- a conceptual model of the site indicating sources, pathways and receptors
- potentially unacceptable risks arising from contamination at the site.

ii) A site investigation scheme, based on (i) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

iii) The results of the site investigation and the detailed risk assessment referred to in (ii) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

(iv) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (iii) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

B. The approved scheme shall be fully implemented in accordance with the approved details.

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. As such, this work should be undertaken following the demolition and clearance of the existing buildings from the site.

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

REASON: To ensure noise will not be an issue to future residents the following conditions shall be addressed:

15. A. No development, including any works of demolition or 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.
B. 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.

16. A. 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.
B. 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.

17. A. No development shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles, 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
iv) Connections into the existing public sewerage system will be subject to approval from Severn Trent Water; 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.

Note: 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.
B. 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 prevent the increased risk of flooding and pluvial inundation and to ensure the efficient working of the drainage system and future maintenance.

18. A. 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.
B. 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.

19. A. No infiltration of surface water drainage into the ground is permitted unless it has first been approved in writing to the Local Planning Authority. Such infiltration will only be approved for those parts of the site where the developer has demonstrated that there is no resultant unacceptable risk to Controlled Waters.
B. The development shall be fully carried out in accordance with the approval details.

REASON: To protect the quality of Controlled Waters receptors on and in the vicinity of the site.

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. This would have to be dealt with through the necessary stopping up or diversion order prior to development should a claim be received.

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](http://www.securedbydesign.com/pdfs/SBD_New_Homes_2010.pdf)

All external door and windows sets should comply to PAS 24 2012 standards. (This includes French doors)

All ground floor and accessible windows should contain a pane of laminated glass which complies with BS EN 356:2000 class P1A. This will improve the standard of security to the more vulnerable ground floor windows.

All ground floor apartment windows and all the ground floor front facing windows on the houses should have an area of defensible space across their width. This should be made up of densely planted shrubs. 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. Where plants / shrubs 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. Plants and shrubs should also suit the environment they are to be located in terms of soil and light.

Perimeter and Boundary fencing in general should be at least 2.1m in height, the fencing should be erected so that the smooth face is always facing

outwards so that the frame cannot be used as a climbing aide. Anti Climb Trellis topping can be incorporated to achieve the required height offering greater protection of the vulnerable rear of the properties e.g. 1.8m fencing plus 300mm anti climb trellis = 2.1m. 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.

All side gates should be as close to the building line as possible to improve natural surveillance by removing or limiting the depth and number of recess's

Due to the national increase in metal thefts where possible lead substitute products should be used.

All the buildings on this development should be suitably fitted with an intruder alarm.

The Design and Access statement states that Secure By Design principles have been considered, however SBD states that the safest place to park a vehicle is in locked driveway in front of the vehicle owners property. Vehicles need to be parked in a position whereby they can clearly be seen by the owner, from their property, this includes garages. This is not the case as it stands. As a result there is an increased vulnerability to a large number of vehicles on this site. The current layout of this development creates large scale vulnerabilities to both garages and allocated parking areas. Not only does the current layout expose the vehicles parked in these areas, it also exposes the vulnerable rear gardens of the plots that back onto these areas due to the lack of natural surveillance. NB Garage doors should be to LPS1175 Security 2 rating.

Offenders should not be able to gain open access around the apartment block therefore the fencing plan should prevent this.

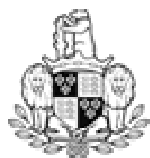
Care needs to be taken that where low level fencing adjoins higher levels of fencing that the lower levels do not create a climbing aid to assist offenders.

The green area causes me some concern especially as there appears to be no defensible space separating the building line from public space, I have seen all too often such designs create issues around ASB and crime due to the close proximity of the green space to dwellings. The green should be fenced and hedged to create a barrier and provide privacy for the residents who are adjacent to the green. The privacy hedge should not be more than 1m in height when mature. There should be a private area in front of the properties overlooking the green defined by a hedge or fencing.

Rear access alley ways should be avoided at all costs as they provide sheltered routes to the rear of properties for offenders. A majority of offenders have stated they will use such alleyways when committing crimes if they exist (see Secure By Design New Homes 2014). If rear access alley ways are unavoidable all of the fencing along the alley way should be at a height of

2.4m, with 2.4m gates into each garden served by the rear alleyway, the gates should be key lockable from both sides. The access point to the rear alleyway itself needs to be gated to the same specifications, the gate should contain a mortise type lock which is key lockable from both sides and also have a self- closing mechanism incorporated to maintain the security of the gate, the gate should be sited as near to the front building line as possible.

End of Officers Report



Economy and Environment, Development Management

Planning Committee

Report of Head of Planning and Building Control on 05-Nov-2015

Plans List Item Number: 10.

Reason for bringing to committee: Called in By Councillor Sean Coughlan

Location: CAR PARK, UNION STREET, WILLENHALL, WV13 1PB

Proposal: CHANGE OF USE OF CAR PARK TO 24 HOUR TAXI RANK AND HAND CAR WASH FACILITY.

Application Number: 15/0684/FL

Applicant: A2Z

Agent: Mr Lee Mitchell

Application Type: Full Application

Recommendation Summary: Grant Subject to Conditions & No New Information

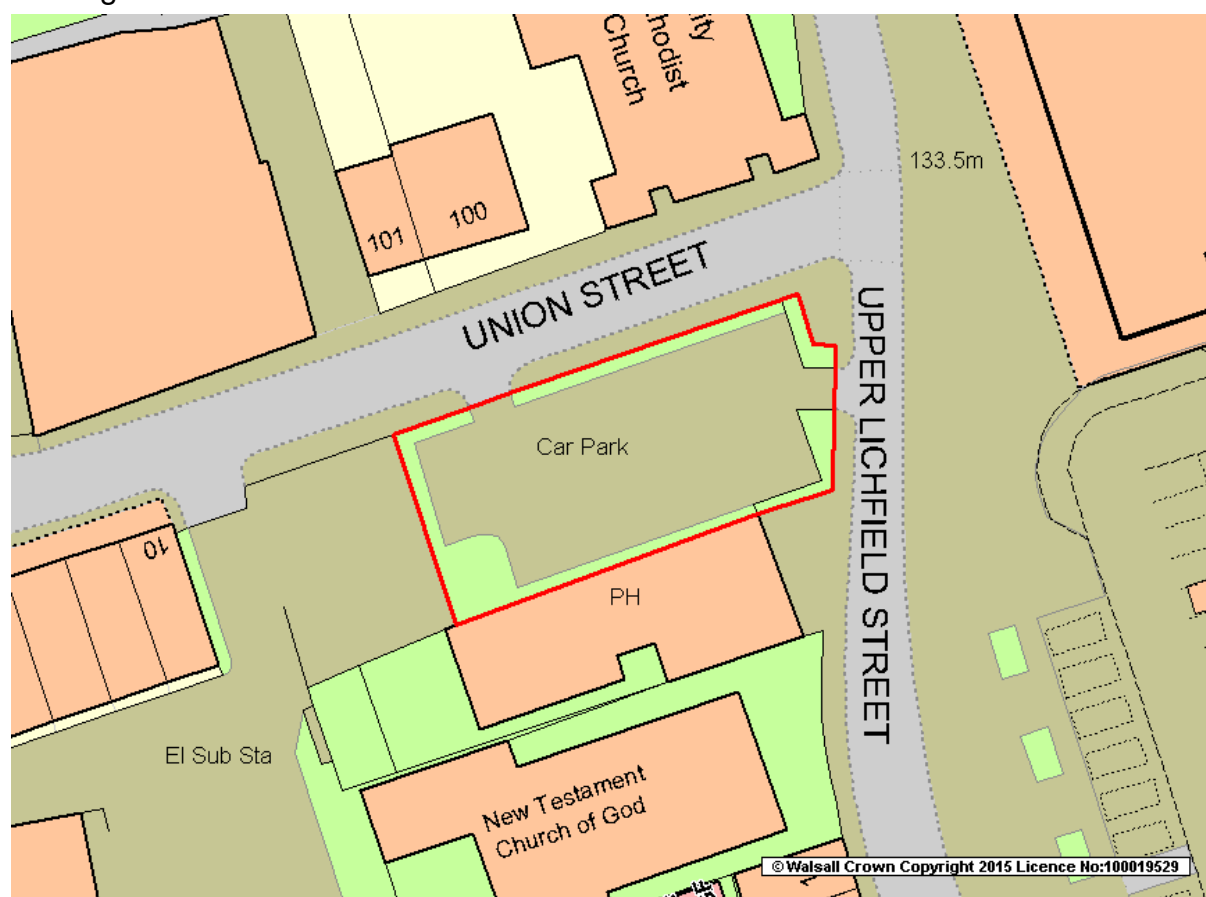
Raising New Material Issues

Case Officer: Barbara Toy

Ward: Willenhall South

Expired Date: 03-Jul-2015

Time Extension Expiry: 13-Nov-2015



Status

Councillor Coughlan has called the application in to Committee as he considers that the application would lack parking resulting in on street parking, would have inadequate access and could be detrimental to highway safety, could generate significant vehicle movements over and above a level that the existing road network could cope with, the development would be detrimental to the character and/or the visual amenities of the area, would impact on the amenity of the neighbours, cause disturbance to neighbours by virtue of noise, and the development could be detrimental to the viability and vitality of the district centre.

Application and Site Details

The site is situated on the corner of Union Street and Upper Lichfield Street and comprises a former Council car park. The land was sold by the council in 2009, it is currently a private car park for 23 vehicles, with vehicle access points onto Upper Lichfield Street and Union Street. Union Street is a one way street in a westerly direction only. The site is situated within Willenhall district centre and Willenhall Conservation Area.

To the east is Morrisons supermarket and car park, to the south is a public house and church, to the west a car park and service yard for the shops in Union Street and Stafford Street. To the north is Life and Light Christian Church a Grade II listed building, two derelict buildings owned by the church (locally listed) and vacant warehouse premises.

This application proposes the change of use of the car park to a 24 hour taxi rank and hand car wash facility. The scheme has been amended since submission and the use would now involve the provision of a single storey pitched roofed modular building at the western end of the site, which would accommodate the taxi base, staff facilities and store for the car wash use. 8 parking spaces would be provided along the northern boundary of the site along the back of pavement with Union Street, which would be split between the taxi and car wash use. A hand car wash facility would operate on the remainder of the site, with defined washing, drying and valeting areas. A one way traffic system would operate through the site in via Upper Lichfield Street and out into Union Street. The plans indicate the installation of an interceptor across the site and ACO drains at both vehicle access points. Signage would be provided and marking on the ground to direct vehicle into and within the site. A boundary wall with piers and railings (1675mm max height) would be provided to back of pavement with gates to each vehicle access.

The taxi use would operate from a pitched roof single storey modular building 12.7m x 6.7m with maximum height of 3.9m, situated across the western end of the site. The building would have a tiled roof and a colour finish to be agreed.

Due to the temporary nature of the modular building and the ultimate aim to provide a permanent building on the site when funds allow the applicant has agreed to a temporary consent.

The taxi base would operate on a 24 hour basis, the car wash would be open 1000 – 1700 hours Mon – Fri, 1000 – 1600 Sat – Sun. The Taxi use would employ 5 staff to man the base with all drivers off site, and the car wash would employ 4 staff.

The scheme has been amended since submission to amend the design and size of the building from two storey to single storey, revised layout, revisions to the boundary treatment and provide additional ACO drainage channels at the two access points.

Relevant Planning History

07/0639/FL/W2, Outline: Demolition of existing buildings and provision of retail (use class A1), residential (use class C3), premises for retail, service or office use (use classes A1, A2, A3, A4, A5 or B1), link road, car parking and other associated works granted subject to conditions 12-03-08.

Whilst the site formed part of this outline application it did not form part of the reserved matters application.

Relevant Planning Policy Summary

National Planning Policy

National Planning Policy Framework (NPPF)

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

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

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

Key provisions of the NPPF relevant in this case:

- ***NPPF 1 – Building a Strong, Competitive Economy***
- ***NPPF 2 – Ensuring the Vitality of Town Centres***
- ***NPPF 7 - Requiring good design***
- ***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

- ENV2: Historic Character and Local Distinctiveness
- ENV3: Design Quality
- TRAN1: Provides for the Development of the Transport Network
- TRAN2: Managing Transport Impact of New Development
- CEN3: Growth in the Strategic Centres
- CEN6: Meeting Local Needs for Shopping & Services

Unitary Development Plan

- GP2: Environmental Protection
- ENV10: Pollution
- ENV14: Development of Derelict and Previously Developed Sites
- ENV29: Conservation Areas
- ENV32: Design and Development Proposals
- S1: Definition of Town Centre Uses
- S2: Hierarchy of Centres
- S4: Town & District Centres: General Principles
- S6: Meeting Local Needs
- S8: Housing in Town Centres
- T7 - Car Parking
- T13: Parking Provision for Cars, Cycles and Taxis

Supplementary Planning Document

Designing Walsall

- Policy DW3 - Character
- Policy DW9 – High Quality Public Realm

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

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

Consultations

Transportation – No objection to the amended details showing the revised layout, boundary treatment and inclusion of ACO channels. Whilst concerns have been raised about the potential for traffic queuing into the highway, it is considered that the

use would be unlikely to cause any significant increase in queuing over and above that of the existing car park. It is considered that the proposed one way operation could remove some vehicle conflicts at the existing Upper Lichfield Street two way entrance/exit and allow cars to move quickly off the highway. Subject to the proposed site management plan being fully implemented, appropriate signage to indicate the one-way operation and the various internal parking areas and the improved drainage it is considered that the development will not have severe transportation implications in accordance with para 32 of the NPPF.

Pollution Control – No objections to the amended scheme showing the revised layout and improved boundary treatment subject to conditions to address potential land contamination issues.

Severn Trent Water – No objections subject to drainage condition. Despite the details provided on the submitted plans the applicant needs to contact the Trade Effluent team to discuss as the proposals will result in contaminants entering the public sewerage system and the flow of this water will need to be controlled.

Conservation Officer – The amended plans overcome the previous concerns raised. No objections subject to conditions to ensure a temporary consent, removal of the modular building after 3 years, the materials and finish to the building and boundary wall.

Town Centre Management Team – No objections subject to control over the bricks for the boundary wall, details of landscaping and confirmation of the colour of the modular unit.

Public Participation Responses

One comment, one objection received from Councillor Diane Coughlan and a petition from Light and Life Christian Centre (49 Signatures).

Comment:

Site should not have the same postcode as the New Testament Church of God opposite, as the addresses are different.

Objections to car wash:

- The town centre is not the place for such a use, water and suds everywhere
- Situated on the main one way road through the town
- Although the application details state no queuing allowed, any queuing will be on the main road opposite Morrisons where shoppers cross the road to get to the town centre.

Petition of objection (49 signatures).

Objections:

- The congregation of the church object to the change of use of the ground. The use will have an adverse effect on access and usage of parking for church members who may be disabled.
- Opposite the entrance there is a public transport point which would cause hindrance to the service

- The congregation is upward of 250 persons per Sunday and other weekday meetings, plus weddings and funerals etc
- The car wash would have a detrimental effect on the usage of the church.

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

Following re-consultation on the amended design of the proposed building, the revised period of consultation expires on the 6th November. The recommendation reflects this requirement.

Determining issues

- The Principle of the Proposed Use
- Layout, Design ,Operation of the Site and Impact on the Conservation Area
- Impact on Amenities of the Surrounding Occupiers
- Highway Implications

Observations

Principle of the Proposed Use

The site comprises a private car park now used by the public, but had been closed off for sometime previously following its sale.

The site is situated within the Willenhall district centre surrounded by commercial uses. UDP policy S1 defines town centre uses, which includes public services and sui generis uses which attract a significant number of trips. Both the proposed car wash and taxi office uses would be regarded as sui generis uses which would provide a public service and are considered appropriate for the location.

The site currently provides 23 parking spaces and is open for general use on a 24 hour basis. The centre contains a number of late night uses that would benefit from the taxi business and the car wash would allow for shared trips to the centre.

It is not considered that the proposals would detract from the district centre or have an adverse impact on the vitality or viability of the centre.

The site was originally a Council public car park but was sold off a number of years ago as part of the outline consent for the development of Morrisons. The site did not however form part of the reserved matters consent for the development of Morrisons and has since been sold by them to the current owner.

Layout, Design, Operation of the Site and Impact on the Conservation Area.

The site layout has been amended since submission to move the car wash element towards the rear of the site away from the back of pavement to ensure no overspray onto the footpath or highway.

The taxi business would operate the car wash facility and the building on site would provide staff and storage facilities for both uses as well as the taxi call base.

The one way route through the site will allow vehicles to enter off Upper Lichfield Street and leave onto Union Street, with a clear route through the site to parking areas and car wash areas. The plans indicate that signage will be situated at the entrance to the site to advise no waiting on street and a management policy for waiting cars will be used to direct cars to parking spaces or asking them to return at a later time if the site is full. The layout however will allow for approx 5 vehicles to be worked on/waiting and a further 5 parking spaces for the car wash use, with a further 3 parking spaces allocated for the taxi office staff use. No taxi drivers will wait at the site, their jobs will be allocated by radio only. Drivers will only call at the site for administration purposes.

The site layout identifies a drainage channel across the site in the area of the car wash linked to an existing manhole and ACO drains at both access points to prevent any water leaving the site onto the footpath or road. The amended details also now includes a boundary wall with railings to back of pavement, which would further prevent any water escaping the site and would improve the overall appearance of the site within the street scene. The height of the wall/railing combination has been amended since submission to provide appropriate visibility at the access points and on advice from the conservation officer.

The proposed modular building would sit across the western end of the site blocking views of the galvanised palisade fencing and service yard/parking area to the adjacent shops which has a poor visual appearance. The scheme has been amended since submission to reduce the building from two storeys to single storey and provide a dual pitched tiled roof. The materials and finish of the building would be agreed with the conservation officer prior to installation. Despite the temporary nature of the building it is considered that the improved appearance and reduced height make the building acceptable on a temporary basis and reduce any adverse impact on the appearance of the conservation area. The applicant has agreed to temporary 3 year consent however due to the nature of the temporary modular building and the proposed use, a one year consent is considered appropriate in order to monitor the use and its impacts on the district centre and the conservation area.

The applicant has also agreed to a condition to provide landscaping within the site to improve the overall appearance of the site within the street scene. The applicant is aware of the importance of the appearance of the site as it sits within the conservation area and has agreed to a condition to approve the bricks to be used in the boundary wall. It is considered that the proposals would provide an improved overall appearance over the existing poorly maintained car park and would have no adverse impact on the character and appearance of the conservation area.

Impact on Amenities of the Surrounding Occupiers

The closest residential premises are 14 and 15 Upper Lichfield Street approx 29m to the south beyond the pub and New Testament Church of God. It is not considered that the residents would be affected by the proposed use in terms of noise or disturbance over and above the existing situation created by living within a busy district centre. The properties sit directly opposite Morrisons car park. Policy S8 of the UDP indicates that it must be recognised that the particular benefits of living in a centre could mean the acceptable level of residential amenity may not be the same as that expected in suburban locations.

The remainder of the surrounding properties are commercial or community activities and it is considered that the proposed use would not have any additional adverse impact on the amenities of the surrounding occupiers over and above the existing situation. An hours of use condition is proposed for the car wash element of the development restricting operations to 10:00 to 17:00 Monday to Friday and 10:00 to 16:00 Saturdays, Sundays and Bank or Public Holidays

Highway Implications

The site currently operates as a private public car park for 23 vehicles, available for use on a 24 hour basis, however at any time the land owner could withdraw the use of the site by the public and the adjacent church.

The revised scheme would provide an improved internal layout, appropriate drainage to ensure no water seepage onto the highway and appropriate visibility splay at the exit. The scheme also includes a one way vehicle movement route and a site management plan to ensure that no vehicles queue within the public highway. It is considered that the use would be unlikely to cause any significant increase in queuing over and above that of the existing car park which allows vehicles to both enter and leave the site at both access points onto Upper Lichfield Street and Union Street, which could cause a conflict of vehicles and waiting traffic in the highway. It is considered that the proposed one way operation could remove some vehicle conflicts at the existing Upper Lichfield Street two way entrance/exit and allow cars to move quickly off the highway.

Whilst it is recognised that the proposed one way traffic route through the site would mean that all vehicles leave via the existing one way system of Union Street and Stafford Street, this is an existing option for the users of the car park and it is considered that the proposed use would not generate any additional vehicle movements through this road network over that of the existing situation.

Recommendation

Subject to no new material planning matters arising, permission be granted to the Head of Planning & Building Control to Grant permission subject to conditions.

Conditions

1. The use hereby permitted shall cease no later than one year from the date of this consent, the modular building removed from site and the site left in a neat and tidy condition, unless a further planning application for the continued use or the removal of this condition has been approved by the Local Planning Authority.

Reason: In order to give the Local Planning Authority an opportunity of assessing the impact of the development on the district centre and the conservation area.

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

Location Plan and Proposed Layout Drawing 100/319/01 Rev E submitted 26th October 2015

Proposed Floor Plan and Elevations Drawing 100/319/02 Rev B submitted 21st October 2015

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

- 3i) Prior to built development commencing a site investigation and ground contamination survey, having regard to current best practice shall be undertaken. (see Note for Applicant CL1)
- ii) Prior to built development commencing a copy of the findings of the site investigation and ground contamination survey, together with an assessment of the hazards arising from any land contamination shall be forwarded to the Local Planning Authority. (see Note for Applicant CL2)
- iii) Prior to built development commencing a "Remediation Statement" setting out details of remedial measures to deal with the identified and potential hazards of any land contamination present on the site and a timetable for their implementation shall be submitted to and agreed in writing by the Local Planning Authority. (see Note for Applicant CL2)
- iv) The remedial measures as set out in the "Remediation Statement" required by part iii) of this condition shall be implemented in accordance with the agreed timetable.
- v) If during the undertaking of remedial works or the construction of the approved development unexpected ground contamination not identified by the site investigation required by part i) of this condition is encountered development shall cease until the "Remediation Statement" required by part iii) of this condition has been amended to address any additional remedial or mitigation works required and agreed in writing by the Local Planning Authority.
- vi) A validation report confirming the details of the measures implemented together with substantiating information and justification of any changes from the agreed remedial arrangements shall be submitted to and accepted in writing by the Local Planning Authority prior to the development being brought into use. (see Note for Applicant CL3)

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

- 4a. Prior to the installation of the boundary wall and modular building hereby approved details of the bricks and colour finish of the railings to be used for the boundary wall and the colour finish and roof tiles of the modular building shall be submitted to and approved by the local planning authority.
- b. The approved details shall be fully implemented prior to the first occupation of the site for the uses approved.

Reason: In order to protect the visual amenity of the Conservation Area.

5. Prior to the first occupation of the site for the uses hereby approved the drainage scheme detailed on Drawing 100/319/01Rev C shall be fully implemented.

Reason: In order to ensure the satisfactory drainage of the site.

- 6a. Prior to the first use of the site for the car wash facility hereby approved drainage plans for the disposal of surface water and foul sewage shall be submitted to and approved by the Local Planning Authority.
- b. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

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

- 7a. Prior to the first occupation of the site for the uses hereby approved a soft landscaping scheme for the site shall be submitted to and approved in writing by the Local Planning Authority.
- b. The scheme shall be completed in accordance with the approved details before the first use of the site. All planting shall be maintained for a period of 3 years from the full completion of the scheme. Within this period any trees, shrubs of plant which dies, becomes seriously diseased, damaged or is removed shall be replaced with a tree. Shrub or plant of the same or greater size and same species as that originally required to be planted.

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

- 8a. Prior to the proposed car wash facility or the taxi base first coming into operation;-
- i) All parking spaces together with the various areas designated for the elements of the car wash operation shall be clearly demarcated on the ground and signed accordingly,
 - ii) The drainage channels shown on drawing no. 100/319/01 Rev C shall be fully installed and commissioned,
 - iii) The one-way access arrangement shall be clearly signed both internally and externally
- b. These areas shall thereafter be retained and used for no other purpose and the drainage channels shall be maintained in good working order at all times.

Reason: To ensure the safe and satisfactory operation of the development, in accordance with UDP Policy GP2 and T7 and to prevent waste water from operation from discharging onto the public highway or into any highway drain, in the interests of highway safety.

9. The on-site operational management plan for the car wash, details of which are shown on drawing no. 100/319/01 Rev C submitted 26th October 2015 to control customer access to the site, shall be fully implemented at all times during the operational times of the car wash.

Reason: To minimise the potential of customer vehicles queuing on Upper Lichfield Street whilst waiting to enter the facility, in the interests of the free flow of traffic on the public highway and to highway safety.

10. The pedestrian visibility splay at the exit point on Union Street shown on drawing no. 100/319/01 Rev C shall at all times be kept clear of any temporary or permanent solid structures exceeding 600mm in height above footway level other than those gates, railings and posts shown on the approved plan.

Reason: To ensure adequate pedestrian/vehicle inter-visibility is retained at the exit point in the interests of highway safety and UDP policy GP2.

11. At no time shall any waste water or spray from the proposed operation discharge over or across the public highway or into any highway drain.

Reason: In the interests of highway safety.

12. The hand car wash hereby approved shall only operate between the hours of open 1000 – 1700 hours Mon – Fri, 1000 – 1600 Sat – Sun and Bank or Public Holidays.

Reason: In order to define the permission and safeguard the residential amenity of nearby residents.

13. No taxis shall park/wait at the site for customers.

Reason: To ensure sufficient on-site parking is available for both uses on the site, in accordance with UDP Policy GP2, T7 and in the interests of the free flow of traffic on the public highway and to highway safety.

14. At no time shall the proposed gates at the entrance and exit points open outwards across the public highway.

Reason: In the interests of highway safety.

15. No public address or similar system or sound reproduction or amplification equipment (mechanical or electrical), shall be installed or used in or adjacent to any part of the site at any time for the purpose of external use.

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

Notes for Applicant

Contaminated Land

CL1

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

CL2

When making assessments of any contaminants identified as being present upon 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.

Drainage

The applicant should contact the Trade Effluent Team at Severn Trent Water on 01332 683369.

End of Officers Report



LIGHT & LIFE

15 / 0684 / FL

permitted
7/10/15

ECONOMY AND
ENVIRONMENT

07 OCT 2015

RECEIVED

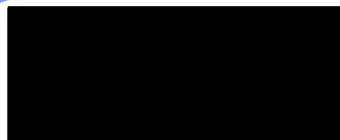


Light & Life

Christian Centre,

Union Street,

Willenhall



15 / 0684 / FL

Ref: Planning application regarding proposed car wash opposite main entrance of church.

We the undersigned and the congregation of the church, most vehemently object to the change of use of this piece of ground. Plus the fact it will have an adverse effect on access and usage of parking particularly for church members who may be disabled. Additional to this opposite the entrance there is a loading/unloading point for public transport, which would cause hindrance to their service.

Our congregation is probably upwards of 250 persons per Sunday and other weekday meetings, plus wedding/Funerals.

We feel that on these grounds a car wash would have a detrimental effect on our usage of our church and ask that you consider our objection to this application.

Pastors



WV107DG
22 KINGS ROAD CALF HEATH



Treasurer



WS66AP



LIGHT & LIFE

1

Petition against planning application for change of use from car park
to car wash opposite Christian centre, Union Street.

[REDACTED]

21 PELSALL Rd Alridge

[REDACTED]

[REDACTED]

[REDACTED]

Grannery Cottage

Dark Lane Cross green
Coven

●

[REDACTED]

[REDACTED]

High high poplar lane
Hatherton canock.

[REDACTED]

12th Shower Rd Wolverhampton

[REDACTED]

●

[REDACTED]

27 SITOWELL RD
WOLVERHAMPTON

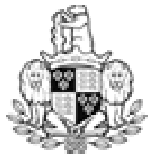
[REDACTED]

[REDACTED]

Old Hall cottage Wheaton Aston

[REDACTED]

[REDACTED]



Economy and Environment, Development Management

Planning Committee

Report of Head of Planning and Building Control on 05-Nov-2015

Plans List Item Number: 11.

Reason for bringing to committee: Disposal of Council Owned Land

Location: FORMER QUESLETT CENTRE, LAKEVIEW CLOSE, WALSALL, B43

Proposal: REDEVELOPMENT OF FORMER QUESLETT CENTRE FOR 7 DETACHED HOUSES AND ASSOCIATED WORKS INCLUDING ACCESS ROAD.

Application Number: 15/1364

Case Officer: Karon Hulse

Applicant: Mr Joel Maybury

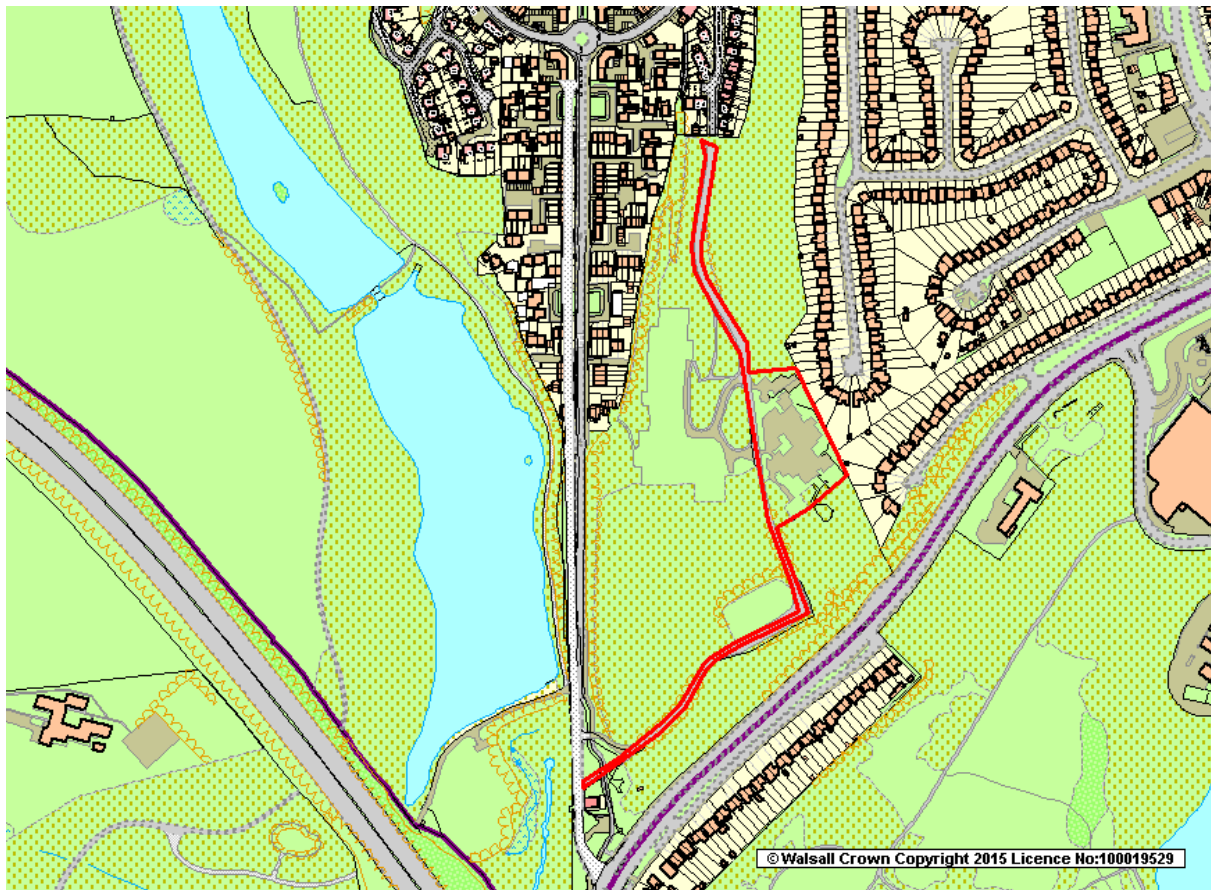
Ward: Pheasey Park Farm

Agent: Cushman & Wakefield - Ms Claire Biddle

Expired Date: 01-Nov-2015

Application Type: Full Application

Recommendation Summary: Grant Permission Subject to Conditions



Application and Site Details

Outline planning permission was granted subject to conditions for the residential development at the Queslett Centre in November, 2010 with access, layout and scale to be reserved matters which were subsequently approved in 2013. The applicants (the council) has submitted this full application as the extant permission has not been implemented and expires on 25th October 2015

The site is situated on the eastern boundary of the former St Margaret's hospital site and previously included the former hospital school buildings and caretakers house. The school buildings had an irregular footprint of predominantly single storey buildings, with some taller elements, the caretakers house was to the south of the school buildings and was a two storey utilitarian building. Both the school buildings and the house were constructed in the 1970's, the site has now been cleared (conservation area consent for demolition of the buildings granted December 2007) with only the concrete pad of the footprint of the buildings remaining (1770.35sqm).

St Margaret's Hospital occupied part of the Great Barr Hall estate a Grade II * listed building. The site is situated within the Great Barr Conservation Area and is a registered historic garden and in the Green Belt. Tree Preservation Order 19 of 1995 protects all the trees on the site and on adjoining land. The site, together with the remainder of the former hospital site, is designated within the UDP proposals map as an existing development site in the Green Belt.

Lakeview Close runs along the western boundary of the site and to the north and west and is an unadopted access road accessed off Nether Hall Avenue (off Queslett Road). The drive gives the main access to the redevelopment of St. Margaret's hospital

Immediately to the east of the site are residential properties in Foxwood Avenue and Queslett Road, bounded by mature protected trees, immediately to the north and south by woodland areas (all trees protected) designated as a Site of Local Importance for Nature Conservation (SLINC) and to the west a site cleared of four former hospital buildings. Beyond to the west and north is the new residential estate which consists of 445 dwellings mostly having now been constructed. The wider site contains a Site of Importance for Nature Conservation (SINC). St. Margaret's Hospital grounds, along with Great Barr Hall and Estate, whilst providing a unique development opportunity, remain one of the most sensitive sites within the Borough.

This application again proposes redevelopment of the site for residential development with all matters to be determined at this time.

The layout proposed shows 7 detached two storey houses facing west, positioned around a crescent created off Lakeview Close, each property with a large private rear garden, a garage and driveway parking. Access to the site would be from the south only, along Lakeview Close. The crescent formation would allow vehicles to turn and leave the site in a southerly direction. The combined footprint of the 7 houses would be 649sqm. To the north would be an access link for emergency purposes only.

The applicant has submitted the following documents in support of the application:

- **Design and Access Statement**
This provides an analysis of the site and its physical context, landscape character, views, townscape character, access and movement, the master plan and details of the access, layout and scale elements for determination.
- **Planning Statement**
Describes the site and proposals and provides an analysis of both local and national planning policy, details of the pre-application consultation, and an analysis of the planning principles and merits of the proposals.
- **Tree Survey Report**
This provides a full assessment of all the trees on the site on the site.
- **Transport Statement**
The statement provides an assessment of the existing and proposed development, existing transport conditions, access arrangements and trip generation. The report identifies the use of the existing drive via Lakeview Close with an emergency access through to the north of the site.
- **Ecological Appraisal**
It identifies one statutory site of local conservation importance approx 450m to the south west of the site and a SLINC immediately to the south, west and north of the site. Five further SINC's within 1km including St Margaret's hospital grounds. The report provides an analysis of habitats and provides results of initial bat and bird survey work. Bats were confirmed within the building and a separate bat report and mitigation strategy undertaken (detailed below). The appraisal recommends that works to remove any trees or hedgerows should take place outside the bird breeding season.
- **Bat Survey Report and Mitigation Strategy**
It concludes that the site is of limited value to wildlife, this restricted to the scrub and scattered trees. The site has limited value to foraging bats, as it is generally open, although the trees provided some limited cover for foraging. Regardless of this, there is little vegetation to attract prey items as the majority of the site is hardstanding. The trees also provided some limited habitat for nesting birds.

The site area of 0.93 hectares would provide a density of 7.5 dwellings per hectare.

The previous Reserved Matters approval granted details of the external appearance and landscaping, details of emergency access arrangements to the north of the site, details of vehicle visibility splay at the southern access point from the crescent and details of improvements to Lakeview Close in a southerly direction from the crescent, including details of carriageway surfacing and street lighting. All these details have been brought forward with this application.

Relevant Planning History

BD3471 - Erection of hospital school, approved 7/1/76.

BD8662 - Construction of footpath from St Margaret's Hospital School to Queslett Road, refused 6/4/78

BD10295 - Erection of caretaker's house at Queslett School, approved 12/10/78.

07/2120/CC/E10 - Conservation area consent for the demolition of existing school buildings, granted subject to conditions 3/12/7.

10/1262/OL - Outline application for residential development (access, layout and scale for determination) granted subject to conditions 12/11/10.

13/1197/RM - Reserved Matters: Landscaping and External Appearance for outline residential scheme approved under Planning Application 10/1262/OL, together with details required by conditions 15, 16 and 17. Granted 25/10/13

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

- proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs;
- always seek 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
- encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value

Key provisions of the NPPF relevant in this case:

6. Delivering a wide choice of high quality homes

47. To boost significantly the supply of housing, local planning authorities should:

- use their evidence base to assess needs for market and affordable housing in the housing market area,
- identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements (plus a 5% buffer, which might have to be increased to 20% *"where there has been a record of persistent under-delivery"*).

48. Local planning authorities may make an allowance for windfall sites in the five-year supply if they have compelling evidence that such sites have consistently become available in the local area

50. To deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities,

55. To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For

example, where there are groups of smaller settlements, development in one village may support services in a village nearby. Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances

7. Requiring good design

58. High quality development will be expected to include/meet the following criteria:

- Will function well and add to the overall quality of an area
- Establish a strong sense of place
- Respond to local character and history and reflect the identity of local surroundings and materials

64. Permission should, be refused for development of poor design

9. Protecting Green Belt land

79. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

80. Green Belt serves five purposes:

- to check the unrestricted sprawl of large built-up areas;
- to prevent neighbouring towns merging into one another;
- to assist in safeguarding the countryside from encroachment;
- to preserve the setting and special character of historic towns; and
- to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

81. Once Green Belts are defined, authorities should plan positively to enhance the beneficial use of the Green Belt such as improve damaged and derelict land.

87. As with previous Green Belt policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

88. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

89. A local planning authority should regard the construction of new buildings as inappropriate in Green Belt. Exceptions to this are:

- buildings for agriculture and forestry;

11. Conserving and Enhancing the Natural Environment

109. The Planning System should contribute to and enhance the natural and local environment by:

- Protecting and enhancing valued landscapes

12. Conserving and Enhancing the Historic Environment

132. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be.

134. Where development proposals will lead to less than substantial harm to the significance of a designated heritage asset this harm should be weighed against the public benefits of the proposal.

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

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 in planning decisions.

CSP2: Green Belt boundaries will be maintained and protected from inappropriate development.

CSP4: A high quality of design of the built and natural environment is required.

Design of spaces and buildings will be influenced by their context.

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

ENV3: Encourage high quality design that stimulates economic, social and environmental benefits.

HOU2: Density and type of new housing will be informed by:

- The need for a range of types and sizes of accommodation to meet sub regional and local needs
- The level of accessibility
- The need to achieve high quality design and minimise amenity impacts

It is considered in this case that the relevant provisions of the BCCS are consistent with the NPPF

Saved Policies of Walsall's Unitary Development Plan (2005)

3.6, 3.7, & GP2: seek to make a positive contribution to the quality of the environment, whilst protecting people and ensuring adequate and safe access is provided.

ENV1: Defines the purpose of the Green Belt.

ENV2: Allows limited infilling or redevelopment of major existing developed sites in accordance with policy ENV4.

ENV3: Identifies more detailed considerations for proposals in the Green Belt.

ENV4: allows for infilling or redevelopment of major developed sites in the Green Belt provided proposals have no greater impact than the existing development on the openness and purpose of the Green Belt.

ENV8: New development on Great Barr Hall and Estate and St. Margaret's Hospital other than that which is normally appropriate in the Green Belt will be limited to the replacement footprint of existing buildings. All proposals must provide for preservation, enhancement and improvement of the character of buildings of architectural or historic interest, and management of the historic landscape and SINC's, and preservation and enhancement of Great Barr Conservation Area.

ENV14: The Council will encourage the reclamation and development of derelict and previously developed land.

ENV18: Seeks to protect, manage and enhance existing woodlands, trees and hedgerows.

ENV23: Proposals must take account of opportunities for nature conservation.

ENV24: New development should maintain the integrity of wildlife corridors.

ENV29: Development should preserve or enhance the character and appearance of a Conservation Area. In the event the Council grants permission for demolition of a Conservation Area property possessing architectural or historic interest the Council will require a building recording scheme.

ENV32: Seeks the design of developments to create high quality environments, well integrated with surrounding land uses and local character. Poorly designed development which fails to properly take account of the context or surroundings will not be permitted.

ENV33: deals with landscape design and opportunities to create and enhance environmental quality.

ENV40: Adequate foul and surface water drainage infrastructure should be provided.

6.3 & H3: Encourage the provision of additional housing through the re-use of previously developed land provided a satisfactory residential environment can be achieved.

T7: All development should satisfy the car parking standards set out in Policy T13.

All parking provision should be well designed and sensitively integrated into the townscape or landscape, respecting the character of the local area, and with appropriate use of materials and landscape treatment.

T13: Car parking standards

4 bedroom houses and above - 3 spaces per unit

Supplementary Planning Document: Designing Walsall (Feb 2008)

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

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

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

DW4- Continuity -attractive spaces within new development should be defined or enclosed by buildings, structures or landscape;

DW5 Ease of movement- Create places that are easily connected, safe to move through;

DW6 – Legibility - new development should contribute to creating a place that has a clear identity;

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

DW 10 – new development should make a positive contribution to creating a sustainable environment.

Annexe D: Numerical Guidelines for Residential Development ... identifies privacy and aspect distances between dwellings including 24m separation between habitable windows for two storeys and above, 13m separation between habitable room windows and blank walls exceeding 3 metres in height, 45° code and garden dimensions of 12m in length and 68m² for housing. 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.

Supplementary Planning Document: Conserving Walsall's Natural Environment (April 2008)

Expands on the policies contained within the environment chapter of the UDP.

NE1 and NE4: all relevant applications to be supported by an adequate impact assessment.

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

Annex 1 provides guidance for European Protected Species including detailed guidance on bats and survey requirements.

Consultations

Transportation – No objections

Pollution Control – No objections subject to contaminated land investigation and any necessary remediation being undertaken.

Landscape – No objections

Natural Environment – No comments received

Conservation Officer – No objections.

Severn Trent Water – no objections subject to a condition requiring details for the disposal of foul and surface water

Fire Service – no comments received

Public Right of Way Officer – no objections. There are no recorded public rights of way within the area of the proposed development.

Police ALO – no objections subject to Secure by Design standards

Public Participation Responses

One letter of objection received objecting on the following grounds:

- Stewards Field Drive at the northern end of Lakeview Close is a residential road and is currently blocked by a temporary fence this needs to be gated appropriately so that only emergency access is available.
- Increase in traffic if the route is opened up to general traffic and will be used as a cut through
- Appropriate traffic calming measures need to be in place

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

Determining Issues

- Policy
- Design /Appearance
- Landscaping
- Access Arrangements
- Issues raised by objector
- Local Finance Considerations

Observations

Policy

There have been changes in national and local planning policy since the granting of the previous outline and reserved matters application. These include the adoption of the BCCS and the introduction of the NPPF. BCCS Policy CSP2 states that the areas outside the Strategic Centres and Regeneration Corridors will provide a strong Green Belt and a mix of good quality residential areas where people choose to live, with a constant supply of small-scale development opportunities. Paragraph 89 of the NPPF states that the construction of new buildings should be regarded as inappropriate in the Green Belt, with certain exceptions including the redevelopment of previously developed land which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.

However, these policies are substantially the same as the policies that were in place at the date of the outline consent and on balance the proposed development can be supported on policy grounds.

Design /Appearance

As per the outline and previous reserved matters approvals, the seven houses would be set fronting a crescent off Lakeview Close, which would provide a street frontage to each house despite its remote location within the overall site. A traditional row of houses would be provided with a footprint to reflect the previous consents, with each house individual with no two designs the same, including differing roof designs and either an integral garage or single storey side garage.

The designs include features from the Victorian and Georgian periods with simple window and door casements, some chimneys and bay windows incorporated. A mix of red facing bricks and light coloured render would be incorporated and slate or peg tiles for the roofs. Gable features have been omitted and roof pitches lowered to ensure that the designs draw on historical features and maintain low height simple domestic scale properties that would sit comfortably within the conservation area and the Green Belt.

The design and appearance of the properties is considered appropriate for the location within the Green Belt and the Great Barr Conservation Area.

Landscaping

The submission includes details of both hard and soft landscaping as well as boundary treatment.

The existing brick retaining wall to the eastern boundary will be retained, repaired and cleaned where necessary. A 1.8m high fencing will separate the rear gardens and low picket fencing separate the front gardens, with the frontages remaining open, this is considered appropriate for the overall appearance of the development within this setting.

Whilst the access road and crescent would be surfaced with tarmac other forms of more decorative paving would be used for the driveways and paths, which again reflects the area and will also be more suitable for the design of houses and the layout of the development.

15 native species trees (extra heavy and heavy standard size) will be planted around the frontage of the properties and within the crescent island, this will mitigate for the loss of 14 of the protected trees on the site which was also previously agreed under the outline consent. They will enhance and soften the view of the development from Lakeview Close. Additional soft landscaping (hedging and shrubs) would be situated around the frontage of the development which is considered appropriate for the location.

The soft and hard landscaping details proposed are considered appropriate for this location within the Green Belt and Conservation Area and would sit comfortably within the existing landscape and protected trees.

Access / Rights of access

The outline consent required details of the emergency access arrangements to the north of the site to be submitted for approval as part of the reserved matters application. The submitted details show the extent of the route which is approx 370m to the north of the development to run into Horseshoe Crescent (via Stewards Field Drive) within the main Netherhall Park residential development. The route is currently inaccessible and closed off at the end of Stewards Field Drive. The width of the access route varies along its length, but was previously considered satisfactory by the Fire Service for emergency access provided that any gates included have easy access.

Details of its operation and how it will be accessed are to be required by way of a planning condition. This is considered acceptable to ensure the necessary controls.

Details of vehicle visibility splay at the southern access point from the crescent show a visibility splay of 2.4m x 43m in a southerly direction from the centre of the southern vehicle access, this would allow appropriate visibility at the access. Whilst it will require the removal of one additional dead oak tree, tow tree stumps and minor re-grading of the banked edge of the road, this is considered acceptable and will allow for this quality development to be brought forward.

The visibility splay details are considered satisfactory.

Improvements were required to Lakeview Close in a southerly direction from the crescent. These included details of carriageway surfacing and street lighting. The submitted details show the extent of the carriageway surfacing, southwards from the crescent to where Lakeview Close joins Netherhall Avenue. 11 Lighting columns are to be provided, including 2 within the crescent itself and 9 along the length of Lakeview Close. The positions and specifications provided are considered satisfactory by the Public Lighting Manager of the Council. Lakeview Close is currently an unadopted road and it is intended that it would remain private. The surfacing and lighting details for Lakeview Close are considered satisfactory, the improvements are to be welcomed.

Issues Raised by Objectors

The link road to the north will purely be for emergency access purpose only and at no time shall it be allowed to be used for general public access. Measures to control this will be put in place and required by way of planning conditions.

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 7 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

Consultation between the case officer and the agent was undertaken prior to submission. Further consultation during the course of the application has resulted in the submission of additional information to satisfy concerns that were raised.

Recommendation Summary: Grant Permission Subject to Conditions

Conditions

1. The development to which the permission relates must be begun not later than the expiration of 2 years from this approval of reserved matters.

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 approved plans and documents except in so far as may be otherwise required by conditions: -

- Site Plan (DD/01) submitted 7/9/15
- Block Plan (autotracking) (4265-SK-09) submitted 7/9/15
- Illustrative Masterplan (4265-SK-01) submitted 7/9/15
- Emergency Access Details (10/1262/1) submitted 7/9/15
- Lakeview Close Improvements (10/1262/3) submitted 7/9/15
- Vehicle Visibility Splay (10/1262/2) submitted 7/9/15

- Tree constraints plan (15275/A1/TCP/01 – REV A) submitted 7/9/15
- Tree protection plan (15275/A1/TPP/01) submitted 7/9/15
- Topographical survey (14188OGL) submitted 7/9/15
- Preliminary ecological appraisal report (Indigo Surveys) submitted 7/9/15
- Trees and construction (indigo Surveys) submitted 7/9/15

- Hard Landscape Plan (DD42050/1) submitted 7/9/15
- Soft Landscape Plan (DD42050/2) submitted 7/9/15
- Site Layout and Elevations (QU-E 03) submitted 7/9/15

- House Type 1 - Proposed Elevations/Plans (QU-P 04) submitted 7/9/15
- House Type 1 - Proposed First Floor (QU-P 4.5) submitted 7/9/15
- House Type 1A - Proposed Elevations/Plans (QU-P 05) submitted 7/9/15
- House Type 1A - Proposed First Floor (QU-P 5.5) submitted 7/9/15

- House Type 2 - Proposed Elevations/Plans (QU-P 06) submitted 7/9/15
- House Type 2 - Proposed First Floor (QU-P 6.5) submitted 7/9/15
- House Type 2A - Proposed Elevations/Plans (QU-P 07) submitted 7/9/15
- House Type 2A - Proposed First Floor (QU-P 7.5) submitted 7/9/15

- House Type 3 - Proposed Elevations/Plans (QU-P 08) submitted 7/9/15
- House Type 3 - Proposed First Floor (QU-P 8.5) submitted 7/9/15
- House Type 3A - Proposed Elevations/Plans (QU-P 09) submitted 7/9/15
- House Type 3A - Proposed First Floor (QU-P 9.5) submitted 7/9/15

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. No development shall commence until samples of all facing and roofing materials (including size, colour and texture) have been submitted to and approved in writing by the Local Planning Authority.

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

Reason: To ensure the facing and roofing materials harmonise with those in the surrounding vicinity and the Great Barr Conservation Area.

4a. No development shall commence on site until details of the disposal of both surface and foul water drainage have been submitted to and approved in writing by the Local Planning Authority.

4b. The development shall be fully completed with the approved details and retained as such.

Reason: To ensure the development is provided with satisfactory means of drainage and to reduce the risk of flooding and pollution.

5a. No development shall be carried out until full details of existing and proposed levels of the site, access way and floor levels for the proposed dwellings, have been approved in writing by the Local Planning Authority. The submitted details shall include full details of any retaining structures required to ensure the stability of the site and any drainage or other works necessary to facilitate this development.

5b. The development shall be fully carried out and retained in accordance with these approved details.

Reason: In the interests of the amenity of the area and to ensure satisfactory development of the site.

6a. No development other than site clearance works shall commence until proposals to incorporate bat roosting features into the proposed buildings have been received and approved in writing by the Local Planning Authority.

6b. The approved scheme shall be incorporated into the development before any part is brought into use and retained thereafter.

Reason: To conserve local bat populations.

7a. Prior to the commencement of any works on site, the submitted tree protection measures, including the erection of barriers and ground protection in accordance with the standards set out in BS5837:2005 shall be fully implemented on site.

7b. The measures shall be retained until development is completed and the land so enclosed shall be kept clear of all contractors' materials and machinery at all times, as laid out in BS5837:2005.

Reason: To safeguard the trees included in the Tree Preservation Order on the site.

8. Prior to the commencement of any development on site in order to address potential impact from land contamination the following matters shall be addressed:

I. A desk study and site reconnaissance shall be conducted to identify the potential for contaminants and/or ground gases likely to present a risk to proposed structures or future occupants of the development to be present on site. Results of the desk study and site reconnaissance shall be submitted to and agreed in writing prior to built development commencing. (see Note for Applicant CL 4)

II. In the event that the desk study and site reconnaissance indicates the potential presence of contamination and/or ground gases on site. Prior to built development commencing a site investigation, ground contamination survey and assessment of ground gas, having regard to current best practice shall be undertaken. (see Note for Applicant CL1)

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

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

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

VI. 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 ii) 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.

VII. 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.

9a. No development shall commence until details of proposed measures to achieve a high quality sustainable design have been submitted to and agreed in writing by the Local Planning Authority. Examples may include the following measures: -

- i. Measures to reduce energy consumption and carbon dioxide emissions (e.g. building insulation, energy display devices, drying space, energy labelled white goods, low and zero carbon technologies, cycle storage, home office)
- ii. Measures to reduce water consumption (e.g. recycling surface water or grey water)

- iii. Responsible sourcing of materials
- iv. Reduction of surface water run-off (e.g. surface water management and management of flood risk)
- v. Household recycling, construction waste management and composting facilities
- vi. Means of reducing pollution and emissions
- vii. Health and wellbeing measures (e.g. daylighting, sound insulation, private space, Lifetime Homes)
- viii. Management opportunities (e.g. home user guide and considerate constructors scheme)
- ix. Ecological enhancements

9b. The development shall be carried out in accordance with the approved measures referred to in Condition 9a, and the dwellings shall not be occupied before the approved measures have been fully installed and made available for use by the occupiers of the dwellings.

Reason: In order to secure the sustainable means of construction to Level 3 or above of the Code for Sustainable Homes in accordance with policy ENV3 of the Black Country Core Strategy.

10a. Prior to first occupation of the development, the access drive, parking and manoeuvring shown on the approved plan shall be fully consolidated, surfaced and drained.

10b. the areas shall thereafter be retained for this purpose only.

Reason: To ensure availability of adequate off-street parking.

11a. Prior to first occupation of any dwelling hereby approved. A vehicle visibility splay at the southern access point from the proposed crescent in a southerly direction along Lakeview Close shall be fully implemented in accordance with approved drawing 10/1261/2 submitted on 27/8/15.

11b. The visibility splay shall thereafter be kept clear of any structures or planting above 600mm in height.

Reason: To maintain highway safety.

12a. Prior to any part of the development first being occupied details of the operation and maintenance of the emergency access link together with details of surface improvements, lighting and any barriers to prevent unauthorised access shall be submitted to and approved in writing by the Local Planning Authority

12b. The approved details shall be fully implemented prior to first occupation and thereafter retained and used for no other purpose.

Reason: In the interests of public safety and in order to ensure satisfactory emergency access

13a. Prior to the first occupation of any dwelling hereby approved, improvements to Lakeview Close in a southerly direction including carriageway surfacing and street

lighting shall be fully implemented in accordance with approved drawing 10/1262/3 submitted on 7/9/15.

13b. The details shall thereafter be retained.

Reason: To ensure safe and appropriate access arrangements

14a. The soft and hard landscaping of the site shall be implemented in accordance with approved Soft Landscape details drawing DD42050/2 (deposited 7/9/15) and Hard Landscape details drawing DD42050/1 (deposited 7/9/15) within 12 months of the development being completed.

14b. All planting shall be maintained for a period of 3 years from the full completion of the scheme. Within this period any trees, shrubs or plants which dies, becomes seriously diseased, damaged or is removed shall be replaced with a tree, shrub or plant of the same or greater size and same species as that originally required to be planted.

Reason: To enhance the ecological value of the site and the adjacent Site of Local Importance for Nature Conservation, to safeguard the visual amenity of the conservation area and green belt and mitigate for the loss of protected trees.

15a. During demolition, site preparation and building operations no storage of materials, equipment or waste, nor passage of vehicles, nor lighting of fires shall take place beneath the canopy of any tree to be retained.

15b. Upon the completion of the development the area used shall be fully reinstated to its former condition, prior to the first occupation of any dwelling hereby approved.

Reason: To safeguard the trees included in the Tree Preservation Order on the site.

16. No digging of trenches or changes in ground level shall be undertaken within the canopy of any tree to be retained on the site without the written approval of the Local Planning Authority.

Reason: To safeguard the trees included in the Tree Preservation Order on the site.

17. None of the existing trees on the site shall be lopped, felled or root pruned.

Reason: To safeguard the existing trees on the site not included in the Tree Preservation Order.

18. No demolition, engineering or construction works (including land reclamation, stabilisation, preparation, remediation or investigation) shall take place on any Sunday, Bank Holiday or Public Holiday*, and otherwise such works shall only take place between the hours of 0700 to 1800 weekdays and 0800 to 1400 hours 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 Years Day; Good Friday; 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 for Applicant

- West Midlands Police advise that Secure By Design specifications and guidelines can help secure the development from future crimes. Such information can be found at <http://www.securedbydesign.com/pdfs/SBDNewHomes2014.pdf>

In addition the following is recommended:

1. New windows/ roof lights / patio / French doors/ windows should conform to PAS 24 2012 PS1A Standard with at least one pane of 6.4mm laminated glass in all ground floor windows,
2. There should be an area of defensible space in front and across the length of each 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 and make access to them by offenders more difficult.
3. All external door sets should be to PAS 24 2012 standards. If a euro profile cylinder lock is to be utilised this doors testing and certification should incorporate a TS-007 3star cylinder lock.
4. 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.
5. Where panel and concrete post style fencing is to be used there needs to be a fixing between panel / slats around the posts which should create a secure mechanical bond. This should provide a chain linking effect where each panel and post acts in concert with the next to resist attack by pushing, pulling and lifting. Fixings should be made of galvanized steel or stainless steel with a design life to match the timber components.
6. All gates should be 2.1m in height and be key lockable from both sides. They should be positioned as close to the front building line as possible.
7. Fencing should be located as near to the front building line as possible.
8. 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.
9. The property should be fitted with a suitable intruder alarm utilising dual

technology sensor or above and alarm sirens front and back of building.

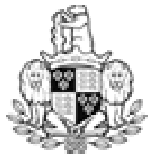
- CL1 - Ground investigation surveys should have regard to current “Best Practice” and the advice and guidance contained in National Planning Policy Framework; British Standard BS10175: 2011+A1:2013 “Investigation of potentially contaminated sites – Code of Practice”; British Standard BS5930: 1999 “Code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

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

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

CL4 - The desk study and site reconnaissance shall have regard to the previous unknown filled ground and “Model Procedures for the Management of Contamination” (CLR 11, DEFRA/Environment Agency). The results of the desk study and reconnaissance will be used to determine the need for further site investigation and remediation.

End of Officers Report



Economy and Environment, Development Management

Planning Committee

Report of Head of Planning and Building Control on 05-Nov-2015

Plans List Item Number: 12.

Reason for bringing to committee: Significant Community Interest

Location: LAND ADJACENT TO 64 HIGH STREET, WALSALL, WS10 8RT

Proposal: AMENDMENT TO APPROVED DRAWINGS - VARIATION OF CONDITION 2 (DORMER WINDOW) OF APPLICATION 15/0143/FL

Application Number: 15/1230

Case Officer: Karon Hulse

Applicant: MJAS Developements - Mr
Jeetinder Saud

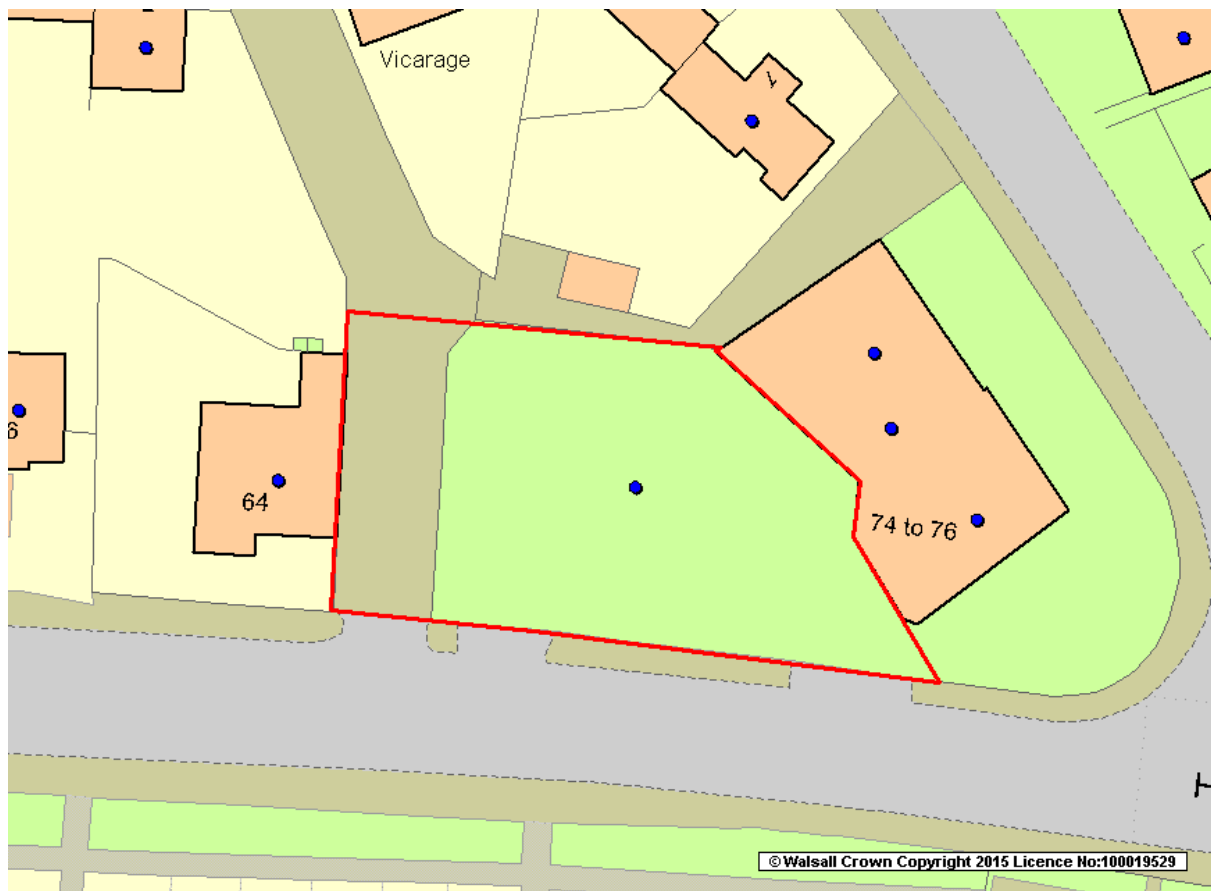
Ward: Darlaston South

Expired Date: 04-Oct-2015

Application Type: Full Application

Time Extension Expiry:

Recommendation Summary: Grant Subject to Conditions



Officers Report

Application and Site Details

This application seeks consent for a minor material amendment to the previously approved scheme for the erection of six two and half storey high houses in two blocks of three on land adjacent to 64 High Street, Moxley.

The proposed amendments are to raise the eaves height from 5.1 mts to 5.858 mts, the ridge height to remain as previously approved namely 8.788 mts. This will allow for dormer windows to be inserted into the rear, the approved scheme previously included dormers at front, this will provide an additional bedroom in each property (a total of 4 bedrooms per house).

Each house will have four bedrooms and separate rear and front gardens with the ground floor providing separate lounge and kitchen.

The site includes part of the unadopted pedestrian route which runs between High Street and Sutton Road formerly known as Moxley Rope Works. This will be partly utilised to provide a new access to a 9 space car park at the side of the proposed houses whilst maintaining the 3 metre wide access between the High Street and Sutton Road.

The area is a mix of residential styles and sizes consisting of single, two and two and half storey houses. There is also an element of commercial and retail to the north and east along Burns Road. There is a car sales business along the eastern site, a pedestrian walkway along the western boundary, the front of the site fronts onto High Street and the rear shares its boundary with the vicarage and two residential properties.

There is a car sales adjacent to the site and is within the Moxley local centre.

The site is currently vacant, cleared and secured with palisade fencing.

The site is basically level, however from its rear boundary it falls away down towards Sutton Road by approximately 2 mts. meaning the houses at the rear of the site are at a lower level.

There will be between 30 metres and 40 metres between habitable room windows of the approved development and existing houses at the rear in Sutton Road.

Relevant Planning History

07/0162/FL/W3 - Substitution of house types for previously approved scheme for 5 dwellings. Granted Subject to Conditions 26th March 2007

04/0674/FL/W3 - Construction of 5 two bed dwellings with associated car parking. Granted subject to conditions 14th October, 2004

15/0143/FL – Proposed 6 new houses. Granted 15/4/15

Relevant Planning Policy Summary

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

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

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

- 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 4 - Promoting sustainable transport***
- ***NPPF 5 - Supporting high quality communications infrastructure***
- ***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

- CSP1: The Growth Network
- CSP2: Development Outside the Growth Network
- CSP3: Environmental Infrastructure
- CSP4: Place Making
- DEL1: Infrastructure Provision
- HOU1: Delivering Sustainable Housing Growth
- HOU2: Housing Density, Type and Accessibility
- HOU3: Delivering Affordable Housing
- TRAN1: Priorities for the Development of the Transport Network
- TRAN4: Creating Coherent Networks for Cycling and for Walking
- TRAN5: Influencing the Demand for Travel and Travel Choices
- ENV1: Nature Conservation
- ENV3: Design Quality

- GP2: Environmental Protection
- ENV10: Pollution
- ENV32: Design and Development Proposals
- H1: Renewal of Existing Residential Areas
- H3: Windfall Sites on Previously Developed Land and Conversion of Existing Buildings
- T1 - Helping People to Get Around
- T8 – Walking
- T13: Parking Provision for Cars, Cycles and Taxis

Supplementary Planning Document

Designing Walsall

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

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

Consultations

Transportation – no objections subject to conditions

Pollution Control –previous comments support this development subject to works being implemented to investigate and remediate any localised ground contamination and ground gas issues associated with the petrol station and a noise survey should also be carried out to British Standard BS8233: 2014.

Public Participation Responses

Three representations have been received from occupiers at the rear of the site (no.s 1,2 and 3 Sutton Road).

Their comments relate to the following:

- height of the proposed property take away the privacy of houses situated on Sutton Road
- Building on top of petrol tanks
- 3 storey building feels like a 4 storey building from my property
- extra windows will double the number of windows overlooking me.
- Unnecessarily obtrusive and a limitation of my privacy.
- Provision of car parking spaces difficult due to the levels difference
- more parking needed for 4-bedroomed homes

- Where is the “900mm high Brick Wall with 900mm high Timber Palisade Fence above” to be sited?
- Is the fence to be along the boundary?
- Or just the a new timber fence of height 900mm on top of the existing retaining wall

Determining Issues

- Development, policy, design, layout, security, character/trees, access and parking and Local finance considerations
- Residential amenity
- Parking

Observations

Development, policy, design, layout, security, character/trees, access and parking and Local finance considerations

The principle of the development, policy, design, layout, security, character/trees, access and parking and local finance considerations were all previously considered and determined as being acceptable.

Residential amenity

The provision of additional dormer windows in the rear plane of the roof space will not have any impact on the amenity of the residents in Sutton Road to the rear. The proposed additional dormer windows maximises the houses potential whilst complying with the designing Walsall standards in respect of distances between habitable room windows. In this case the properties to the rear at no.s 1, 2 and 3 Sutton Road are in excess of 30 metres away.

No 1 is at a 45 degree angle to the rear of the site and at a lower ground level this will result in views over and across the tops of the roofs in Sutton Road not directly at them.

On balance the additional rear facing dormer windows is acceptable.

Parking

Whilst the additional dormers will result in the increase of number of bedrooms per dwelling from 3 to 4, under policy T13 of the unitary development plan 4 bedroom dwellings require 3 spaces which equates to a policy requirement of 18 spaces. The approved plan includes 9 spaces which is half the requirement.

However, the site is located within Moxley Local Centre with a range of commercial and community facilities within close proximity and is on frequent bus service routes to main centres. 2011 census data in the immediate area of the site shows that only about 15% of households have 2 cars. On balance it is therefore considered that the level of parking provided is likely to meet its operational needs and as such is in accordance with UDP Policy T7. Furthermore, there are double yellow parking restrictions on Moxley Road to control any indiscriminate parking.

The Highway Authority considers the revised scheme will not have severe transport related implications and is acceptable in accordance with NPPF Paragraph 32.

Comments on other issues raised

- Building on top of petrol tanks - *ground contamination condition has been imposed on the previous approval, this will be brought through to this application*
- Provision of car parking spaces difficult due to the levels difference - *an additional condition will be imposed requiring levels across the site existing and proposed and for the applicant to be able to demonstrate that it can be developed without any detrimental impact .*
- more parking needed for 4-bedroomed homes - *this is considered to be in a sustainable location and on balance the provision of parking is satisfactory*
- Where is the “900mm high Brick Wall with 900mm high Timber Palisade Fence above” to be sited? Is the fence to be along the boundary? Or just the a new timber fence of height 900mm on top of the existing retaining wall - *the new boundary treatment will be along the boundary as illustrated by the deposited red line location plan and will consist of 900mm high Brick Wall with 900mm high timber palisade fence*

Positive and proactive working with the applicant

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

Recommendation Summary: Grant 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 approved plans and documents: -

- Proposed site plan 1002.02 rev D received 10/8/15
- Proposed floor plan and elevations 1002.03 rev B received 10/8/15
- Design and access statement rev A received 9/2/15

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 any development commencing full details of existing and proposed levels of the site, accessway and floor levels shall have been submitted to and approved in writing by the Local Planning Authority.

3b. The submitted details shall include full details of any retaining structures require

to ensure the stability of the site or adjoining land, and any drainage or other works necessary to facilitate the development

3c. The approved details shall be fully implemented and thereafter retained.

Reasons: To ensure the satisfactory development of the site and safeguard the amenities of nearby residents and occupiers.

4a. The development hereby permitted shall not begin until drainage plans for the disposal of surface water and foul sewerage have been submitted to and approved in writing by the Local Planning Authority.

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

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

5. In order to address potential impact from land contamination the following matters shall be addressed:

i) Prior to built development commencing a site investigation, ground contamination survey and assessment of ground gas, having regard to current best practice shall be undertaken. (see Note for Applicant CL1)

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

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

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

vi) A validation report confirming the details of the measures implemented together with substantiating information and justification of any changes from the agreed remedial arrangements shall be submitted to and accepted in writing by the

Local Planning Authority prior to the development being brought into use. (see Note for Applicant CL3)

Reason: To ensure the safe development of the site and to protect the amenities of future occupiers

6a. Prior to the commencement of the development, full engineering details of the following works shall be submitted to and approved in writing by the Local Planning Authority:

- i) the reconstruction and resurfacing of the part of the access road within the site known as 'Rope Walk',
- ii) the means of closure of 'Rope Walk' on the northern site boundary to prevent the route being opened up to through vehicular traffic whilst allowing pedestrians and cyclists to pass unhindered,
- iii) drainage to prevent surface water from the access road from discharging onto the public highway or into any highway drain.
- iv) the reinstatement of the two existing redundant bell mouths back to full kerb height, together with the reconstruction of the existing 'Rope Walk' access point from the kerbed bell mouth at present to a dropped kerb footway crossing type.

6b. Prior to the first occupation of any dwelling on the development, the approved engineering works set out in 6a. shall be fully implemented and thereafter retained and maintained.

Reason: To ensure the satisfactory completion and operation of the development

7a. Prior to the first occupation of any dwelling on the development, the car parking area shall be fully consolidated, hard surfaced and drained and the parking bays clearly demarcated on the ground.

7b. 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.

8a. Prior to commencement of any development on site details of parking and turning facilities for site operatives and storage compound for materials within the application site shall be submitted to and approved in writing by the Local Planning Authority.

8b. The approved details shall be fully implemented and retained throughout the construction period.

Reason: In order to discourage indiscriminate on street parking by site operatives near to the Community Centre entrance.

9a. Prior to the commencement of any development on site details of all facing and roofing materials shall be submitted to and approved in writing by the Local Planning Authority.

9b. The development shall be completed in accordance with the approved details and retained as such.

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

10a. Prior to the commencement of development, a detailed landscaping scheme and maintenance strategy 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:

- Measures to be taken to replace existing trees lost during construction, particularly along Public Right of Way.
- Topsoil specification to relevant British Standard – If existing soils are to be used, details of its retention, improvement, cultivation or safe storage for re-use should be specified.
- Specification and depths of topsoil/ subsoil/ growing medium and any mulches.
- Full specification for walls, fences, gates (boundary and internal, showing materials, heights and location), and paving (materials and layout).
- Further details of any 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 all Hard surfaces
- Arrangements to be made for the disposal of surface water

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

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

Reason: In order to safeguard and enhance the visual amenities of the locality in accordance with Policy ENV18 of the Walsall UDP 2005 and policies NE5 and NE9 of Walsall Council SPD, Conserving Walsall's Natural Environment.

11a. No development shall be carried out until details of the proposed refuse and waste recycling facilities have been submitted and approved in writing by the Local Planning Authority.

11b. The approved scheme shall be fully implemented before the development is brought into use, and shall be thereafter retained.

Reason: To ensure the satisfactory functioning of the development and ensure the visual amenity of the area.

12a. Prior to the construction of the development above damp proof course full details of the existing and proposed boundary treatment of the site has been submitted to the Local Planning Authority and approved in writing. The submitted scheme shall include any internal site divisions.

12b. The approved scheme shall be implemented before the development is brought into use and shall thereafter be retained.

Reason: To ensure the satisfactory appearance of the development.

13a. Prior to the construction of the development above damp proof course full details shall be submitted to and approved in writing by the Local Planning Authority demonstrating that the development will meet Secure By Design specification.

13b. The approved details shall be fully implemented prior to first occupation of any house and thereafter retained

Reason: To ensure the safety of future occupants.

14a. Prior to the first occupation of any dwelling on the development the driveway, parking area and pedestrian access ways associated with the dwellings shall be fully consolidated, hard surfaced and drained in such a way that surface water from the development does not discharge onto the public highway.

14b. These areas shall thereafter be retained and used for no other purpose.

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

15. The access road known as 'Rope Walk' shall be retained and maintained to allow free passage by the public including pedestrians and cyclists who have rights of access over the route.

Reason: To ensure satisfactory access for the public as recommended under Manual for Streets 1 and in the interests of highway safety.

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

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

Reason: To safeguard the amenities of nearby residents.

17. No ground fires shall be permitted on the demolition site.

Reason: To safeguard the amenities of nearby residents.

Notes for Applicant

- Note for Applicant regarding Rights of Way
You are advised that although the permission has been granted you must also respect any ownership rights of other legal agreements including rights of way.
- Note for Applicant regarding Secure by Design (condition 13)
West Midlands Police: The Police Architectural Liaison Officer has been consulted on the application and has made the following comments:
 1. The developer should be aware of Secure By Design specifications which will significantly increase the security of the building (doors and windows). Information can be found at http://www.securedbydesign.com/pdfs/SBD_New_Homes_2010.pdf
 2. All door sets both external and internal should comply to PAS 24 standards.
 3. 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.
 4. All ground floor, accessible windows and doors should contain at least one pane of 6.8mm laminated glass, this includes French and Patio doors.
 5. All door sets both external and internal should comply to PAS 24 standards. Due to the ever increasing number of 'lock snapping' burglaries both locally and nationally, it is recommend that where euro profile cylinders are to be used only door sets rated to PAS 24 containing Euro profile cylinders to Secure by Design and Sold Secure Diamond standard that meet TS007- 3 star rating should be used e.g. ASB Anti Snap Euro Cylinder.

It is recommended 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. There are thumb locks on the market that cannot be 'by passed', that have been tested in PAS 24 doorsets

- 6. 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.

Where plants / shrubs 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. Plants and shrubs should also suit the environment they are to be located in terms of soil and light.

7. 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 in order to offer protection of the vulnerable rear of the properties.

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.

8. Rear access alley ways should have fencing which is of a robust construction and at a height of 2.4m, with 2.4m gates into each garden served by the rear alleyway, the gates should be key lockable from both sides. The access point to the rear alleyway itself needs to be gated to the same specifications, with a self closing mechanism incorporated to maintain the security of the gate, the gate should be sited as near to the front building line as possible.

9. Due to the national increase in metal thefts where possible lead substitute products should be used.

10. All the buildings on this development should be suitably fitted with an intruder alarm.

- Note for Applicant regarding S38/S278 Works
No works on the public highway shall be commenced until all engineering details have been approved by the Highway Authority and an agreement under Section 38/278 of the Highways Act, 1980 entered into. All costs are to be met by the applicant and it should be noted that any non standard materials, landscaping, highway drainage or structures etc will require a commuted sum for future maintenance. Note for applicant regarding Mud on Highway: 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.
- Note for Applicant regarding Drainage over the public highway
Drainage arrangements shall be provided to ensure that surface water from the driveway and/or vehicular turning areas do not discharge onto the public highway. No drainage from the proposed development shall be allowed to discharge into any highway drain or over any part of the public highway or vice versa.
- Notes for Applicant regarding 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 any records and results of post remediation ground gas testing should be included in validation reports. This note is not prescriptive and any validation report must be relevant to specific remedial measures agreed with the Local Planning Authority.

End of Officers Report



Economy and Environment, Development Management

Planning Committee

Report of Head of Planning and Building Control on 05-Nov-2015

Plans List Item Number: 13.

Reason for bringing to committee: Called in by Councillor Russell on the grounds of lack of parking, inadequate access, traffic capacity, character of area, overdevelopment, impact on a listed building and conservation area

Location: FORMER 5 AND 6, DOVERIDGE PLACE, WALSALL

Proposal: ERECTION OF A PAIR OF SEMI-DETACHED DWELLINGS (6 BEDROOM)

Application Number: 15/1183

Applicant: Mr & Mrs G & J Benning

Agent: GT Designz Ltd

Application Type: Full Application

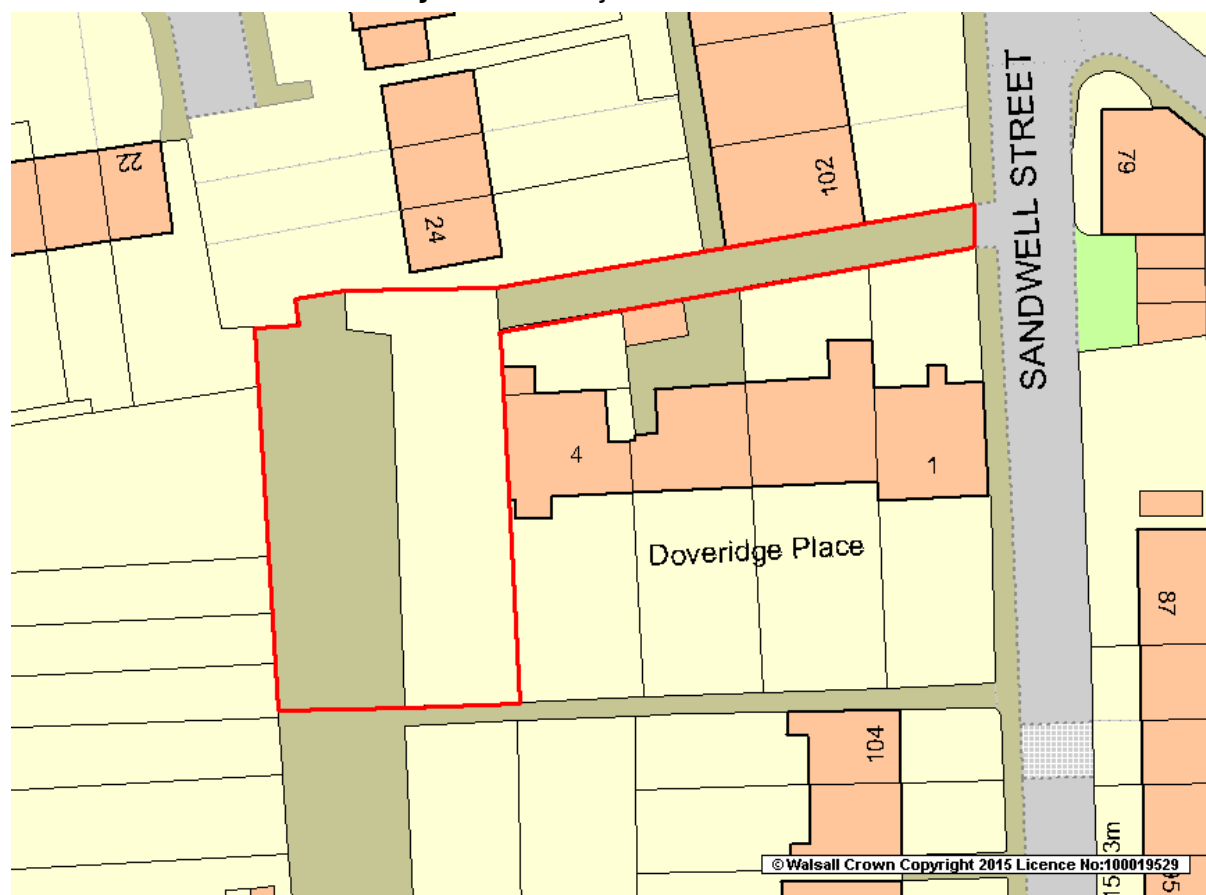
Recommendation Summary: Grant Subject to Conditions

Case Officer: Karon Hulse

Ward: St Matthews

Expired Date: 05-Oct-2015

Time Extension Expiry:



Application and Site Details

This application is a resubmission following two recent refusals for the erection of two six bedroom houses to replace two properties which were demolished some years ago.

The applicant states that this application now addresses both the previous reasons for refusal. In addition the applicant has undertaken a heritage statement and made amendments to the proposals following comments received from both the conservation officer and ecologist in respect of trees.

A heritage statement which explains how the buildings have been designed with regard to their setting has been submitted.

The proposed dwellings would be constructed at the end of a terrace of four properties.

The existing row (listed buildings) of terraced properties is three storey in height on the southern elevation (front) and two storey to the rear. The proposed pair of houses will have asymmetric rooflines with the front being three storeys and the rear being two storeys, the roof at the rear also extends out over two centralised rear wings giving a lower eaves height over these two sections which replicates the design of no. 1 Doveridge Place.

All the dwellings are served by an unmade rear access drive and by a pedestrian access only at the front. The application dwellings would also be served in this way. Each would have three parking spaces at the rear. The ownership of the rear access is unknown. The site has become very overgrown with some self-set trees which would need to be removed from the site. There is no Tree Preservation Order on any part of the site

The terrace of dwellings is formed by houses, which differ slightly in style. The design of the proposed houses is closest to that of no.1 Doveridge Place.

The proposed houses, in common with the remainder of the terrace, would have no rear gardens, only a yard. The front gardens provide the amenity space for the existing and proposed dwellings.

Nos. 1-4 Doveridge Place are Grade II Listed Buildings. The site is within Highgate Conservation Area and Highgate Conservation Area Article 4(2) Direction Area 1991.

The houses will be detached from the existing terrace and therefore does not require listed building consent.

Relevant Planning History

04/2061/FL/W3 - Reconstruction of two terraced six bedroom houses. Granted 2nd August, 2005

04/2058/LB/W3 - Listed Building Consent for the above. Granted 2nd August, 2005

05/1254/TR/T3 - Fell one ash, 2 willow and 13 sycamore. No proposal for a Tree Preservation Order – 19th July, 2005

09/1466/TR - Fell one sycamore and prune 2 sycamores. No proposals for a Tree Preservation Order – 18th December, 2009

10/0918/TE – Extension of time to implement previous permission (04/2061/FL). Granted 25th February, 2011

15/0369/FL - Erection of a pair of semi-detached dwellings (6 bedroom). Refused 15th June, 2015 for the following reasons:

1. The proposal is out of character with the adjacent listed buildings by reason of the proposed Bi-folding doors in the front elevation of the proposed dwellings being an incongruous feature within the street scene of the Highgate Conservation Area and Highgate Conservation Area Article 4(2) Direction Area 1991.

2. The close proximity of the proposed development to the side elevation of the existing listed building will compromise the amenity of the owner of the listed building in terms of the owner's ability to maintain that building and as such the proposed development would have a detrimental impact on this heritage asset contrary to the aims of the NPPF (section 12), BCCS Policy ENV2, UDP Policy GP2, ENV29, ENV31 and ENV32 and security.

15/0903/FULL - Erection of a pair of semi-detached dwellings (6 bedroom). Refused 12th August, 2015 for the following reasons:

1. The proposal is out of character with the adjacent listed buildings by reason of the patio doors in the front elevation of the proposed dwellings being an incongruous feature and out of character within the street scene of the Highgate Conservation Area and Highgate Conservation Area Article 4(2) Direction Area 1991. The proposal is therefore considered to be contrary to the aims of the NPPF (section 12), BCCS ENV2, UDP Policy GP2, ENV29 and ENV32.

2. The close proximity of the proposed development to the side elevation of the existing listed building will compromise the amenity of the owner of the listed building in terms of the owner's ability to maintain that building and as such the proposed development would have a detrimental impact on this heritage asset contrary to the aims of the NPPF (section 12), BCCS Policy ENV2, UDP Policies GP2, ENV29 and ENV32.

Relevant Planning Policy Summary

National Planning Policy Framework (NPPF)

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

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

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

- Seek to secure high quality design and good standards of amenity for all existing and future occupants
- Take account of the different roles and character of different areas
- Contribute to conserving and enhancing the natural environment
- Conserve heritage assets in a manner appropriate to their significance

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,

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. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.

53. Local planning authorities 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. The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

57. It is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes.

58. Local and neighbourhood plans should develop robust and comprehensive policies that set out the quality of development that will be expected for the area. Such policies should be based on stated objectives for the future of the area and an understanding and evaluation of its defining characteristics.

- Planning policies and decisions should aim to ensure that developments:
 - 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, create and sustain an appropriate mix of uses (including incorporation of green and other public space as part of developments) 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.

63. In determining applications, great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in the area.

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

109. The planning system should contribute to and enhance the natural and local environment:

- Protecting and enhancing valued landscapes

12. Conserving and enhancing the historic environment

129. LPS's should identify and assess the particular significance of any heritage asset that may be affected by a proposals.

131. In determining planning applications, local planning authorities should take account of:

the desirability of new development making a positive contribution to local character and distinctiveness.

132. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

134. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

On **planning conditions** the NPPF says:

Planning conditions should only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. Costs imposed on developments should pay careful attention to viability and take account of market conditions.

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

The Development Plan

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

Local

Nos. 1-4 Doveridge Place are Grade II Listed Buildings. The site is within Highgate Conservation Area and Highgate Conservation Area Article 4(2) Direction Area 1991. The purpose of the latter is to protect the visual amenity of the area through the restriction of permitted development rights.

The Black Country Core Strategy (BCCS) (2011)

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 key policies are:

ENV2: Historic Character and Local Distinctiveness - States that development proposals will be expected to preserve and, where appropriate, enhance local character and distinctiveness. Development proposals will be required to preserve and, where appropriate, enhance local character and those aspects of the historic environment together with their settings which are recognised as being of special historic, archaeological, architectural, landscape or townscape quality.

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 Key planning policy references include saved policy ENV2

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:

2.2, 2.6, 3.7, & GP2 requires development to make a positive contribution to the urban environment seek to make a positive contribution to the quality of the environment, whilst protecting people and ensuring adequate and safe access is provided, to strengthen and diversify the economy of the Borough and promote economic revitalisation.

ENV17, ENV18, 3.64: encourages new planting as part of landscape design and seeks to protect existing vegetation.

ENV27 requires the special architectural and historic value of listed buildings to be retained.

ENV23: Proposals must take account of opportunities for nature conservation.

ENV29 requires development to protect or enhance the appearance of conservation areas.

ENV31: Continued Protection of the Historic Built Environment

Policy ENV32 requires development to take account of its context

ENV33: deals with landscape design and opportunities to create and enhance environmental quality.

H3 encourages the provision of housing on previously developed sites.

H10 requires development to create a high quality living environment.

Residential Development Standards were adopted on 25.4.05 . These require, amongst other matters, 12 metres minimum length of private garden.

T13 sets out car parking standards. 3 parking spaces would be required for each dwelling.

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:

Supplementary Planning Document “Designing Walsall” (February 2008) Aims to promote a high quality environment and high standards of urban and landscape design throughout the Borough and identifies the basis on which the design of buildings and spaces will be considered during the development control process.

It identifies eight key urban design principles for consideration including sustainability- environmental, social as well economic, safe and welcoming places, character, continuity, ease of movement, legibility, diversity and adaptability.

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

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

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

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

DW 10 – new development should make a positive contribution to creating a sustainable environment.

Annexe D: Numerical Guidelines for Residential Development identifies privacy and aspect distances between dwellings. 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 – advises on the information requirements and survey standards for protected species to accompany planning applications.

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

Consultations

Transportation – no objections

Pollution Control – no objections subject to conditions regarding noise during construction and engineering works

Regeneration Services (Conservation) – The amended plans result in a better design outcome and can be reassessed from “substantial harm” to “less than substantial harm” and be subject to Para 134 of the NPPF.

The removal of the stone lintels, lowering of roof height is a better design outcome and would be a better fit to the street scene and does not compete as much with the existing listed buildings. I would still suggest the removal of the oriel windows to the rear

Regeneration Services (Landscaping) – no comments received to this application. The previous applications the landscape officer confirmed no objections

Regeneration Services (Ecology/Trees) – no objections subject to conditions.

Severn Trent Water – confirm no objections to the proposals subject to the inclusion of the following condition. ‘The development hereby permitted should 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. The scheme shall be implemented in accordance with the approved details before the development is first brought into use. This is to ensure that the development is provided with a satisfactory means of drainage as well as to reduce of creating or exacerbating a flooding problem and to minimise the risk of pollution.’

no comments received but previously no objections subject to drainage condition

Fire – no comments received to this application. The previous applications the fire officer confirmed no objections

Public Participation Responses

The objections to this application are as follows:

- current access road is dangerous
- further 6 cars will place all pedestrians and road users of Sandwell Street at further risk, as well as the current residents.
- more sense for access to be gained through Buckle Close.
- The right of way at the rear of Doveridge Place has many problems
- it is not tarmaced,
- it is narrow and the exit on to Sandwell St is blind.
- Vehicles having to reverse out are particularly at risk of hitting pedestrians
- The Council does not have details of where the lateral drains and sewers run which may collapse under the extra use.
- ambulances and fire engines - will they be able to reach our houses should the plans be passed?

- who will be responsible for any damage to it or the pipework for our amenities?
- Lateral Drains and Sewers - The previous owner of No. 4 thought the drains from her property went straight to Bath Street. As Walsall Council does not have a plan of these drains to Doveridge Place houses, how will they be found and who will be responsible should they be damaged?
- Can't cut or prune trees in our gardens but several quite large mature ones will be felled to build 2 houses
- Giant Hog Weed
- is 0.9 metres sufficient space to erect scaffolding

Determining Issues

- **Does this third planning application overcome the previous reasons for refusal?**
- **Previous considerations: material changes since previous consent, conservation/design, natural environment (landscape, trees and habitat), highway safety/parking, amenity and conditions**
- **Public participation comments received**
- **Local Finance Considerations**

Observations

Does this third planning application overcome the previous reasons for refusal?

The Conservation Officer confirms the previous concerns such as proportions, heights, stone lintels have now been satisfactorily addressed and removed where required.

The proposed design is acceptable in this location as it is clear that the terrace is dependent upon symmetry and has a common character of its appearance. The proposed design, following comments made by the conservation officer, now results in this design being acceptable.

The proposal does not require Listed Building Consent, as the proposed two dwellings will not be attached to the existing listed terrace, with a 1.15 metre gap.

The applicant's heritage statement explains how the buildings have been designed taking account of the setting.

The two proposed houses are in line with the existing terrace and will be seen in context and proportions with the adjacent existing listed terrace.

The stone lintels above the 3rd storey have been removed and the proportions of the sash windows have been amended to reflect those of the listed buildings.

Whilst the proposals retain the oriel windows to the rear of the houses, which the conservation officer still has concerns, as this design feature does not reflect the existing terrace, overall this small design element is insufficient grounds to refuse the planning application and is considered will not harm the setting of the listed

buildings, whilst contributing to the originality of the two proposed houses, adding to their originality of character.

Previous reasons for refusal:

The patio doors (and bi-fold doors) were considered out of character with the adjacent listed buildings

These have now been removed from the proposal, so this reason for refusal has been overcome

The close proximity of the development to the side elevation of the existing listed building will compromise the amenity of the owner of the listed building to maintain

The gap between the proposed houses and number 4 has been increased to 1.15 mts, the National Access & Scaffolding Confederation (NASC) have confirmed that this width will allow adequate access for the erection of a four board scaffold which allows more space for storage of materials when maintaining the property. It is considered this change overcomes the reason for refusal.

It is considered, that the amended proposal has overcome the previous reasons for refusal and is recommended for approval.

Previous considerations: material changes since previous consent, conservation/design, natural environment (landscape, trees and habitat), highway safety/parking, amenity and conditions

The principle of the development, amenity and landscape have been addressed in previous reports. In terms of conservation it is now considered that the design on balance does not constitute substantial harm as set out in Para 132 and 133, the balance of the decision will sit against Para 134 which states 134 that 'where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use'.

Previous considerations: material changes since previous consent, conservation/design, natural environment (landscape, trees and habitat), highway safety/parking, amenity and conditions

Objections – Again objections received to this application raise no additional new to those which were previously reported to the committee and as such and on the basis that the amendments satisfactorily address all the previous reasons for refusal this application is on balance again 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 2 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

Officers have discussed the significance of the proposals with the applicant’s agent and discussed the process for determining this application. In response to this advice relevant supporting information and revised plans have been submitted to enable full support to be given to the scheme.

Recommendation Summary:

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: -

- Location Plan received 11/8/15
- Existing Block Plan (GT D5/6DP – 01B) received 11/8/15
- Proposed Block Plan (GT D5/6DP – 02B) received 11/8/15
- Proposed Front Elevations (GT D5/6DP – 04C) received 7/9/15
- Proposed Rear and Side Elevations (GT D5/6DP – 05C) received 7/9/15
- Proposed Layouts (GT D5/6DP – 03B) received 11/8/15
- Proposed Site Layout (GT D5/6DP – 06B) received 11/8/15
- Proposed Roof Layout (GT D5/6DP – 07B) received 11/8/15
- Proposed Street Scene (GT D5/6DP – 08B) received 7/9/15
- Tree Survey Plan (TSP-1) received 11/8/15
- Tree Survey received 11/8/15
- Design & Access Statement received 12/8/15
- Planning Statement received 12/8/15
- Heritage Statement received 7/9/15 and 14/10/15
- Phase 1 Bat Survey received 11/8/15

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

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

3b. The scheme shall be implemented and retained in accordance with the approved details before the development is first brought into use.

Reason: The development of this site is dependant upon the installation of a satisfactory drainage scheme as such it is considered important and necessary to require this information prior to commencement to ensure that the development is provided with a satisfactory means of drainage. In addition it is necessary to ensure and reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution in accordance with UDP policy ENV40.

4a. No development shall commence until full details of all materials plus details of the external (curtilage) boundary treatments of the site have been submitted to and approved in writing by the Local Planning Authority.

4b. The approved details shall be fully implemented prior to first occupation.

Reason: It is considered important to establish the details of the materials prior to any commencement in order to ensure the development enhances and conserves the adjacent listed buildings and conservation area and to ensure the satisfactory appearance of the development.

6a. Prior to any part of the development commencing full details of replacement tree planting shall be submitted to and approved in writing by the Local Planning Authority. Details shall include species, numbers, specifications, locations of all trees.

6b. Details shall include specifications for planting pits, management during the establishment period and the means of providing protection from damage.

6c. The approved scheme shall be fully implemented in accordance with the approved details and retained thereafter.

Reason: to ensure continuity of tree cover in the neighbourhood.

7a. No development, including initial site clearance or demolition, shall take place until a written scheme for the removal and future control of giant hogweed from the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include:

- i. A report informed by a site survey undertaken by a suitably qualified person, detailing the extent and location of giant hogweed on the site;
- ii. A programme, including timings, for the treatment and removal of the giant hogweed from the site (including demarcation measures to prevent further spread) by a suitably qualified person, to include the submission of written monitoring reports to the Local Planning Authority at appropriate timings;
- iii. Details of how the giant hogweed will be disposed of;
- iv. An ongoing monitoring and maintenance scheme, including measures to be taken

should giant hogweed be found on the site in the future and the submission of written monitoring reports to the Local Planning Authority at appropriate timings.

7b. The giant hogweed shall be treated, removed from the site and disposed of in accordance with the approved scheme.

7c. The approved monitoring and maintenance scheme shall be adhered to.

7d. Monitoring and verification reports shall be submitted to the Local Planning Authority in accordance with the approved programme until no giant hogweed has been recorded at the site for 12 consecutive months.

Reason: To eradicate and prevent the spread of giant hogweed which is an invasive species. The condition is required in order to avoid any potential damage caused to the nature conservation value of the site contrary to National Planning Policy as set out in the National Planning Policy Framework paragraph 109, which requires the planning system to aim to conserve and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible.

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, or succeeding Orders, no extensions shall be carried out to any of dwelling.

Reason: To ensure the satisfactory appearance of the development.

9. No dwelling shall be occupied until the driveway immediately in front of that dwelling has been hard-surfaced in accordance with the approved plans, or such other material as may be agreed in writing by the Local Planning Authority.

Reason: To ensure the satisfactory functioning of the development.

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

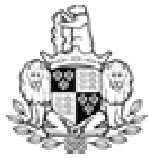
Reason: To safeguard the amenities of the occupiers of adjoining premises.

Notes for Applicant

- Bats - Although the application does not require a formal bat survey, there is still a risk that bats may be using your house for roosting. It is therefore important that you are satisfied that there are no bats using the buildings affected by the development before work is carried out. Any damage, destruction or disturbance to bats roosts is a criminal offence. Care should be taken during building works. Stripping ridge and roof tiles should be carried out carefully by hand. If any bats or evidence of bats are

discovered work should stop and advice should be sought from Natural England. They can be contacted on Tel: 0845 6014523 or e-mail: wildlife@naturalengland.org.uk

End of Officers Report



Economy and Environment, Development Management

Planning Committee

Report of Head of Planning and Building Control on 05-Nov-2015

Plans List Item Number: 14.

Reason for bringing to committee: Significant Community Interest

Location: 1, CRAMP HILL, DARLASTON, WEDNESBURY, WS10 8ES

Proposal: CHANGE OF USE OF RETAIL UNIT (A1) TO CAR VALET (B1)

Application Number: 15/1009/FULL

Applicant: Mr Mohammed Nabil Nazir

Agent:

Application Type: Full Application

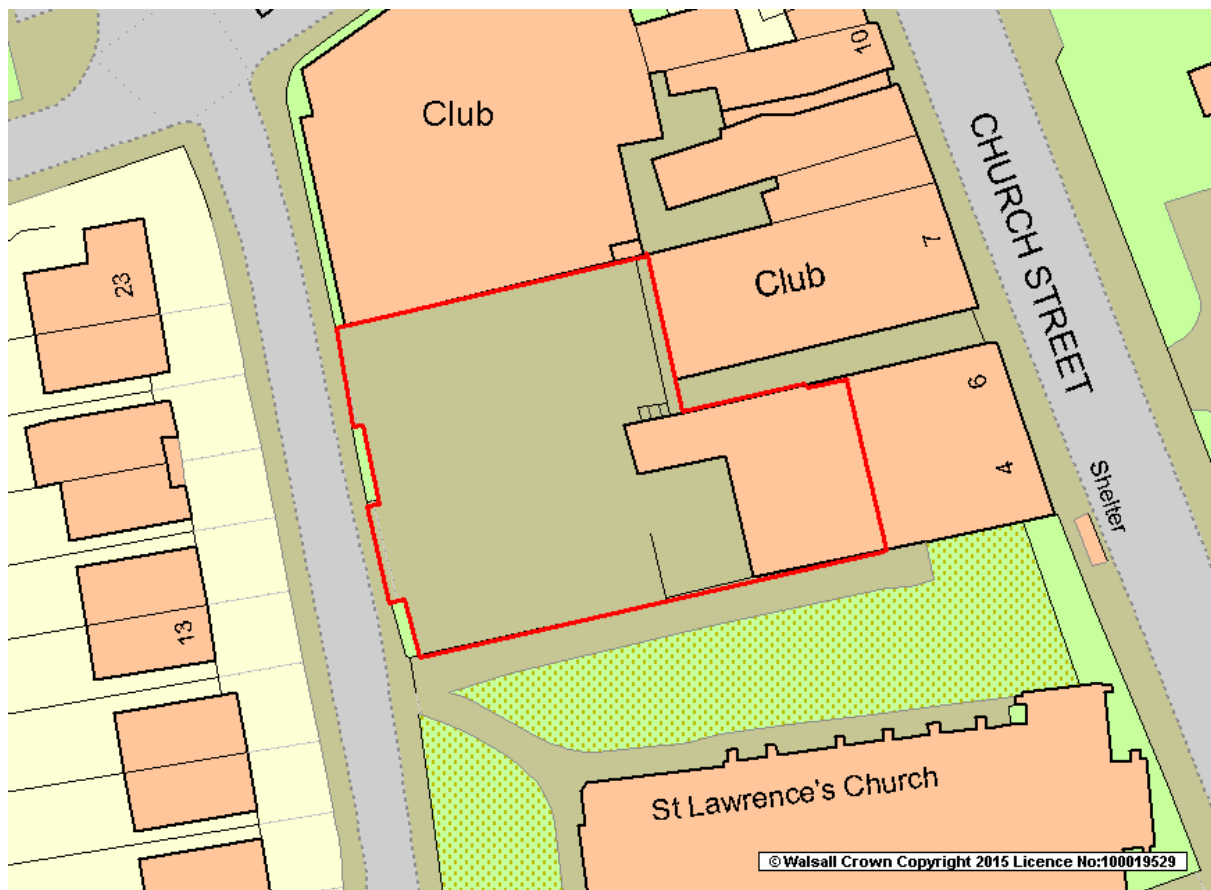
Recommendation Summary: Grant Subject to Conditions

Case Officer: Stuart Crossen

Ward: Bentley And Darlaston North

Expired Date: 27-Oct-2015

Time Extension Expiry:



Officers Report

Application and Site Details

The application proposes to change the use of a retail unit (A1) (previously a furniture and carpet shop, 50% retail, 50% storage) to a micro car valeting unit (B1), with two car parking space outside, which were solely used by the previous business.

The proposal includes the provision of a protective fence to the driveway where a wall currently exists and new drainage measures, the layout of both the ground floor and first floor, which has two offices and a lounge, would remain the same as existing.

Cars would access the car park via a shared access across an existing car park which is used by neighbouring clubs, shops and residential properties.

The application has been submitted with confirmation from Severn Trent of a trade effluent licence.

There would be 2 full time and 1 part time members of staff.

The opening hours would be 10am to 5pm Monday to Friday and 10am to 4pm on Saturday.

The application site is at the rear of number 4 and 6 Church Street which have commercial uses.

There is residential opposite the site 37 metres away, and to the south is St. Lawrence's church which is a Listed Building.

The site is within the Darlaston district town centre inset plan, it is close to the town centre and bus station.

The Design and Access Statement clarifies that the following services would be provided:

Detailing – polishing cars and making them look as good as new.

Supagard protection – protection for paintwork on new cars.

Valeting – Thorough washing of cars inside and out.

Paint repair – minor stone chips and scratches no major sprays or body repairs.

Relevant Planning History

13/0732/FL - Change of use from warehouse and offices to retail, warehouse and offices. Granted Subject to Conditions 26/07/13 – The application confirms this was the last use and the Council has no evidence to dispute this.

Planning Policy

National Planning Policy Framework (NPPF)

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

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

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

- Always seek to secure high quality design and good standards of amenity for all existing and future occupants

Key provisions of the NPPF relevant in this case:

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, business and industrial units, infrastructure and thriving local places that the country needs;
- Always require high quality design and a good standard of amenity for all existing and future occupants of land and buildings.
- contribute to conserving and enhancing the natural environment and reducing pollution
- Encourage effective use of land by reusing land that has been previously developed
- Take account of the different roles and character of different areas, promoting the vitality of our main urban areas

Key provisions of the NPPF relevant in this case:

1. Building a strong, Competitive economy

18. committed to securing economic growth in order to create jobs.

19. support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth.

4. Promoting sustainable transport.

29. The transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel.

32. opportunities for sustainable transport modes should be taken up depending on nature and location of site and safe and suitable access to the site can be achieved for all people.

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.

57. Important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes.

58. Local and neighbourhood plans should develop robust and comprehensive policies that set out the quality of development that will be expected for the area. Such policies should be based on stated objectives for the future of the area and an understanding and evaluation of its defining characteristics.

- Planning policies and decisions should aim to ensure that developments are visually attractive as a result of good architecture and appropriate landscaping.

63. In determining applications, great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in the area.

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

109. The planning system should contribute to and enhance the natural and local environment by:

- protecting and enhancing valued landscapes, geological conservation interests and soils;
 - recognising the wider benefits of ecosystem services;
 - minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;
 - preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability;
- and
- remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

123. Planning policies and decisions should aim to:

- avoid noise from giving rise to significant adverse impacts²⁷ on health and quality of life as a result of new development;
- mitigate and reduce to a minimum other adverse impacts²⁷ on health and quality of life arising from noise from new development, including through the use of conditions;
- recognise that development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established;²⁸ and
- identify and protect areas of tranquillity which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason.

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

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 in planning decisions.

The relevant policies are:

ENV2 and ENV3 states that all development should aim to protect and promote nature conservation, the special qualities, design quality and local distinctiveness of the Black Country.

ENV5 – seeks to prevent flooding and promotes sustainable drainage methods
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:

Policies GP2, 3.6, 3.7 seeks to make a positive contribution to the quality of the environment, whilst protecting people and not permitting development which would have an unacceptable adverse impact on the environment. Considerations to be taken into account in the assessment of development proposals include:

I. Visual appearance.

VI. Overlooking, loss of privacy, and the effect on daylight and sunlight received by nearby property.

VII. The adequacy of the access, and parking.

ENV10: Pollution

(a) The development of an industry or facility which may cause pollution will only be permitted if it would not:-

I. Release pollutants into water, soil or air, whether on site or elsewhere, which would cause unacceptable harm to health and safety or the natural environment.

II. Cause unacceptable adverse effect in terms of smoke, fumes, gases, dust, steam, heat, light, vibration, smell, noise or other polluting emissions.

III. Have an unacceptable adverse effect on nearby land uses and/or restrict the types of new development that could be permitted in the locality, or impose special conditions on them.

(b) 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 as identified in part

(a) of the policy.

3.113, 3.114, 3.115, ENV32 & 3.116: new development should be considered in relation to its setting and should create high quality of built and landscape design, well integrated with surrounding land uses and local character. Designing out crime' through design, layout, landscaping and boundary treatments is encouraged.

ENV14 encourages the development of previously developed land.

ENV40 : adequate foul and surface water drainage infrastructure is available to serve the proposed development.

4.4, 4.34 and JP5

Core employment uses are defined as industry and distribution in Classes B1b, B1c, B2 and B8 of the Use Classes Order. Core employment areas are locations of strategic importance and good accessibility which contain major concentrations of these uses, together with better quality buildings and/or development opportunities - referred to as best quality sites.

(a) The core employment areas are shown on the Proposals Map. These areas will be safeguarded for core employment uses, permissions for which may be subject to conditions to prohibit change to other uses, such as Class B1(a) offices. Proposals for other uses will only be permitted where it can be demonstrated that:-

I. A need would be met which could not be satisfied elsewhere in the Borough; or

II. The range and quality of employment opportunities would be significantly increased.

(b) When windfall sites or buildings in core employment areas come forward for reuse or redevelopment they will normally be safeguarded for core employment uses according to the above policy.

The core employment areas on the Proposals Map are defined on the basis that they contain major concentrations of core employment uses and/or good quality buildings or development opportunities. The policy will ensure that these areas, the best industrial areas that Walsall has to offer, will be retained for these uses.

T7: Car Parking

All development should satisfy the car parking standards set out in Policy T13, and be well designed.

T13: Parking Provision

No specific parking requirement

DA5: The provision of housing within and around the centre will be encouraged by means of new building and the conversion of suitable premises including upper floors above shop and service outlets. DA5.2 identifies the application site as an opportunity for residential development.

DA6: The vitality of the town centre would undoubtedly improve if additional non-shopping uses were introduced. This would have the effect of bringing people into town for other purposes and at times outside shopping hours. Proposals for such uses should be encouraged and assessed on their merits having regard to the existing uses and the contribution that the use will make to the community.

It is considered in this case that the relevant provisions of Walsall's saved UDP are consistent with the National Planning Policy Framework.

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 (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 -design to respect and enhance local identity;

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 SPDs are:

Designing Walsall

It is considered in this case that the relevant provisions of the BCCS, Walsall's saved UDP policies and Designing Walsall SPD are consistent with the NPPF. **Policies are available to view online:** http://cms.walsall.gov.uk/planning_policy

Consultation Replies

Building Conservation – No objections

Environmental Health – No objections

Pollution Control – No objections subject to conditions

Transportation – No objections subject to conditions

Public Participation Responses

1 petition received with 11 signatures from 11 households, objecting on the following grounds:

Do not want a car wash, there are seven already. (*Competition is not be a determining issue of a planning application*)

Noise and nuisance

Previous use caused no problems

Cause Traffic problems

Loss of outlook

Not enough parking, evidence provided illustrating the car park is full on a Sunday. (*application does not propose Sunday opening*)

Frozen water from the car wash could cause accidents to pedestrians.

Days of opening not mentioned in Design and Access statement (*they are listed on the application forms*)

No noise is heard from Sprintz contrary to the Design and Access statement. (*Officers do not rely on comments made in the Design and Access Statement which only forms part of the assessment*).

Not clear what the office is for. (The office would be used ancillary to the main use if approved.)

A second petition has been received following re consultation on amended details from the same signatories confirming the amendments do not overcome their concerns.

2 objections have been received which raise the following additional concerns:

Water from car wash could go onto the pavement causing a slip hazard in the winter.

Damage to existing car park through increased use and pressure washers (*this is a private matter*)

4 further objections have been received which raise no additional concerns but confirm previous objections still stand. These comments follow a reconsultation on an amendment to description from "Car Wash" to "Car Valet".

Determining Issues

- Principle of Development

- Design of Extension and Character of Area
- Amenity of Nearby Residents
- Parking and Traffic

Observations

Principle of Development

Concern has been raised about the use of the site as a car wash. Further information provided by the applicant confirms that the proposal is not for a car wash, but for car valeting. Car valeting is a different use class to a car wash, the processes involved with car valeting such as polishing and applying protective car sealants are different, taking substantially more time to undertake than to wash a car and are considered more akin to industrial processes. This is considered to be the key difference between the two uses.

The application would bring an empty unit back into use, the proposed non-shopping use in this location could have the effect of bringing people into town for other linked trips which in particular complies with policy DA6.

Design and Character of Area

A condition can be attached which requires further details of the proposed fencing which would be the most significant change to the appearance of the site. For this reason the proposed design is considered acceptable, would have little if any impact on the character of the area and is unlikely to result in a loss of outlook to any neighbouring houses as the fencing would be seen against the existing industrial units.

Amenity of Nearby Residents

The applicant, in their Car Valet Planning Document, has proposed to conduct the car washing and valeting activities between the hours of 10.00 am to 5.00 pm to coincide with the Severn Trent trade effluent licence, this is considered by Pollution Control Officers sufficient to protect the amenity of nearby residential properties Monday to Saturday. They recommend that 10.00 am to 3.00 pm on Sundays would be more reasonable. These restrictions would be stated in any planning conditions associated with this application.

Additional measures are recommended by Pollution Control to control incidental noise from radios (operators own and those of customers) and behavioural noise – shouting etc. by employees which can be attached if permission is granted.

Many of the objections received relate to general car wash concerns which is a different use, the low numbers of cars which are likely to use the proposed service is considered would have little impact on neighbouring amenity anymore than the existing car park has or the previous permitted shop use had.

Parking, Traffic and highway Safety

The application has two dedicated spaces for customer cars and is next to a shared car park, a condition can be attached to restrict the numbers of customers parking at any one time and taking account of the previous retail use the proposal is considered would not result in a significant increase in parking requirements and the proposal is supported by the Transportation Officer.

The limited opening hours and numbers of likely customers are unlikely to raise any significant traffic increase than the previous retail use and is considered acceptable.

The proposed drainage is considered acceptable by Severn Trent and subject to the details being fully implemented which can be conditioned, is unlikely to result in water on the highway causing a slip hazard which in any case can be controlled through separated legislative powers.

Positive and Proactive working with the applicant

Amended plans and additional details have been submitted so that the application can be fully supported by the case officer.

Recommendation: Grant 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, as amended.

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

- Existing and Proposed Plans (1504 AL 01 revision B) deposited 03/09/15
- Design and Access Statement deposited 02/09/15

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 drainage details described in the submitted Severn Trent letter dated 28/04/15 shall be fully implemented prior to the development commencing and retained thereafter.

Reason: To ensure the drainage measures are satisfactory and raises no public health risk which is required prior to any operations and to comply with UDP policies GP2 and ENV40.

4: Noise associated with this development shall not give rise to a Rating Level exceeding +5 dB as determined in accordance with the methodologies contained British Standard BS 4142: 2014 – “Method for Rating and assessing industrial noise and commercial sound”.

Reason: To ensure the satisfactory amenity of surrounding occupiers and to comply with policy GP2 of Walsall’s Unitary Development Plan.

5: Plant and equipment used for the purpose of vehicle washing shall be situated within building structures or suitable acoustic enclosures, as approved in writing by the local planning authority.

Reason: To ensure the satisfactory amenity of surrounding occupiers and to comply with policy GP2 of Walsall's Unitary Development Plan.

6: Vehicle washing and valeting operations shall be restricted to 10.00 am to 5.00 pm Mondays to Saturdays and 10.00 am to 3.00 pm on Saturdays and at no other times.

Reason: To ensure the satisfactory amenity of surrounding occupiers and to comply with policy GP2 of Walsall's Unitary Development Plan.

7: No public address or similar system shall be installed on any part of the site as part of the development hereby permitted.

Reason: To ensure the satisfactory amenity of surrounding occupiers and to comply with policy GP2 of Walsall's Unitary Development Plan.

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

Reason: To ensure the satisfactory amenity of surrounding occupiers and to comply with policy GP2 of Walsall's Unitary Development Plan.

9: Notwithstanding the submitted information, there shall be no more than 3 customer cars parked on the site at any one time.

Reason: To define the permission, in the interests of amenity and suitable parking provision in accordance with UDP policies GP2, T7 and T13.

Notes for applicant

Current guidance, procedures, recommendations and information to assist in the completion of a suitable noise survey may be found in British Standard BS 4142: 2014 – Method for Rating and assessing industrial noise and commercial sound. Noise surveys may need to adequately establish the spatial variation of noise across a proposed development site using one or more measurement and/or calculation point, and may also need to take account of changes in noise levels on account of height above ground floor level to account for noise exposure at sensitive receptor points. Additionally, a noise survey may have to take into consideration changes in noise climate between normal weekdays, and weekends, effects of holiday periods, and require continued monitoring over a 24 hour period or longer. Secondary 'spot check' surveys may be required to corroborate a single noise survey. Submitted noise measurement data should include details of all instrumentation used (microphones, sound level meters, data loggers, acoustic calibrators) inclusive of performance verification checks, recordings of prevailing climatic conditions on site of the course of noise measurements incorporating air temperature, wind speeds and direction as a minimum. Sound level measuring instrumentation shall conform to either: 'Type 1' of either British Standard BS 5969: 1981 'Specification for sound level meters', and/or BS EN 60651: 1994 'Specification for sound level meters', and/or BS 6698: 1986 'Specification for integrating-averaging sound level meters', and/or BS EN 60804: 1994/2001 'Specification for integrating-averaging sound level meters' and/or 'Class 1' of BS EN 61672: 2003 'Electroacoustics- Sound Level Meters - Part 1: Specifications' (or any superseding standards as applicable).

Instrumentation shall have been verified either in accordance with British Standard BS 7580 'Specification for the verification of sound level meters' Part 1: 1996 'Comprehensive procedure' or BS EN 61672: 2003 'Electroacoustics - Sound Level Meters - Part 3: Periodic Tests' within a preceding 2 year period of measurements being conducted, or else verified with a multifunction acoustics calibrator that has been UKAS certified within a preceding 2 year period.

Noise Policy Statement England (NPSE)

The NPSE sets out the long term Government noise policy which includes a Noise Policy Vision to 'promote good health and a good quality of life through the effective management of noise within the context of Government policy on sustainable development'. Noise Policy Aims are threefold. Through the effective management and control of environmental, neighbour and neighbourhood noise within the context of Government policy on sustainable development:

- i) avoid significant adverse impacts on health and quality of life;
- ii) mitigate and minimise adverse impacts on health and quality of life; and
- iii) where possible, contribute to the improvement of health and quality of life.

End of Officers Report



Economy and Environment, Development Management

Planning Committee

Report of Head of Planning and Building Control on 05-Nov-2015

Plans List Item Number: 15.

Reason for bringing to committee: Application by Member of Staff

Location: 25, THISTLE DOWN CLOSE, STREETLY, SUTTON COLDFIELD, B74 3EE

Proposal: PROPOSED NEW SINGLE STOREY REAR EXTENSION TO CREATE DAYROOM.

Application Number: 15/1354

Applicant: Mr David Sherwood

Agent: Mr Kevin Coomes

Application Type: Full Application

Case Officer: Helen Smith

Ward: Streetly

Expired Date: 01-Nov-2015

Recommendation Summary: Grant Permission Subject to Conditions



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Application and Site Details

The application house is a modern detached house located in a residential area consisting of similar houses and an area of urban open space to the rear.

This house has an existing 2.2 metres deep single storey extension near to its shared northern boundary with no. 29 Thistle Down Close, which lies at right angles to the application house.

This proposal is to add a single storey day room extension to the rear of the house which would be 1.2 metres from the shared side boundary with no. 23 Thistle Down Close. This new addition would extend 4 metres from the existing rear elevation of the application house and would be 3.6 metres wide. The new roof would have a gable design and would be 2.3 metres high to the eaves and 3.3 metres high to the ridge.

The extension would include a side facing habitable room window which would have a separation distance of 7 metres to the shared boundary with no. 29 and two roof-lights.

The application house is positioned to the north of no. 23 Thistle Down Close which has an existing 4.5 metres deep conservatory extension built along the shared side boundary with no. 25. This conservatory has a brick wall with high level, obscurely glazed windows, facing the rear garden of no. 25.

There would be a separation distance of 19 metres between the proposed extension and rear facing habitable room windows in no. 29.

There is 1.8 metres high timber fencing defining the rear garden boundaries and mature vegetation in the rear garden of no. 29 providing additional screening. The length of the remaining rear garden would be 19 metres.

Relevant Policies

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

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

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

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

- Find ways to enhance and improve places in which people live their lives
- Always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings

Key provisions of the NPPF relevant in this case:

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

On **planning conditions** the NPPF says:

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

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

The Black Country Core Strategy (BCCS) (2011)

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 advised 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 weight they 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.

This checklist has been published on the BCCS and Council websites. Cabinet on the 24 July 2013 resolved to endorse the assessment undertaken by officers from the four local authorities and agreed that the Black Country Core Strategy policies should be given full weight in planning decisions.

The relevant policies are:

CSP4: Place Making

ENV1, ENV2 and ENV3 states that all development should aim to protect and promote the natural environment, special qualities, design quality and local distinctiveness of the Black Country.

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

The Council will expect all developments to make a positive contribution to the quality of the environment and will not permit development which would have an unacceptable adverse impact on the environment.

ENV32: Design and Development Proposals.

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

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

Supplementary Planning Documents (SPD)

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 SPDs are:

Designing Walsall SPD

Provides guidance on how to achieve good urban design within Walsall, including a range of key issues that developers must address. For residential developments, 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. This will normally mean designing developments that, as a minimum, meet the numerical guidelines contained in Appendix D (listed below) although distances greater than these guidelines state will be applicable where it is appropriate to the character of the area. It may be possible to achieve shorter distances through creative design or in order to protect an area's character.

- 24m separation between habitable windows in two storeys (and above) developments. This standard will be applied more robustly at the rear than across roads at the front
- 45 degree code: particularly where new development impacts on existing (details of this code are available on request or can be downloaded from www.walsall.gov.uk).
- Garden dimensions: 12m in length or a minimum area of 68 square metres for houses and 20 square metres of useable space per dwelling where communal provision is provided.

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 SPDs are consistent with the NPPF.

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

Relevant Planning History

BC64179P - Rear single storey extension - granted permission subject to conditions 6/9/01

Consultation Replies

None

Representations

Representations have been received from one neighbour making the following comments;

- What are the timings for commencement and completion if approved? *(If planning permission is granted the applicant would have 3 years to implement the permission. If the works were implemented within these 3 years the length of time to complete the extension is currently indefinite)*
- What are the hours of the day and days of the week that any work will be undertaken if approved?

Determining Issues

- Amenity of Nearby Residents

Observations

Amenity of Nearby Residents

The northerly orientation of the proposed extension and the existing conservatory extension to the rear of no. 23 Thistle Down Close are considered would result in this proposal having little additional impact on the existing light and amenity currently enjoyed by the occupiers of no. 23.

The proposal would meet the aims of the Council's 45 degree guidance, as referred to in Appendix D of Designing Walsall SPD in respect of habitable room windows in no. 23. This advice is the Council's tool to guide development and planning applications in relation to neighbour's light and outlook.

The proposed extension would be screened from rear habitable room windows in no. 29 Thistle Down Close by the existing rear extension to no. 25, existing boundary fencing and mature vegetation within the rear garden of no. 29.

Whilst the habitable room window to window separation distance between the proposed extension and no. 29 would be 5 metres less than the recommended separation distance of 24 metres, as referred to in Appendix D of Designing Walsall, it is considered that in this instance there would be little impact on residents existing privacy because of the intervening features and vegetation and would not sustain a refusal reason.

Building works do cause some disruption to residents. In this instance, it is considered, as the extension is relatively minor, it would be unreasonable to include a planning condition to limit the hours of construction. It is necessary to balance the

speed of completion against the level of disruption likely to be caused during construction, and in this instance it is considered potential disturbance for neighbours is likely to be limited.

The proposal is considered to accord with the aims and objectives of relevant Council policy and guidance. There are no objections from significant consultees and no significant community interest has been expressed, which could be considered to be contrary to the recommendation.

Positive and Proactive Working with the Applicant

Officers have confirmed to the applicant's agent that no changes to the proposal are considered necessary.

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, as amended.

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

- Proposed Rear Extension, Drawing no. ACL1525 01A, deposited 07/09/15

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

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

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

4: Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, or succeeding Orders, no additional side facing windows or doors or rear facing window in the single storey rear extension, 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.

End of Officers Report



Economy and Environment, Development Management

Planning Committee

Report of Head of Planning and Building Control on 05-Nov-2015

Plans List Item Number: 16.

Reason for bringing to committee: Called in by Councillor

Location: 1C, CHUCKERY ROAD, WALSALL, WS1 2DT

Proposal: SINGLE STOREY REAR EXTENSION PLUS DORMER TO FRONT

Application Number: 15/1246

Case Officer: Mike Brereton

Applicant: Mr M Farooq

Ward: Paddock

Agent:

Expired Date: 19-Oct-2015

Application Type: Full Application

Time Extension Expiry: 27-Nov-2015

Recommendation Summary: Refuse



Application and Site Details

This application is for a single storey rear extension to provide an extended dining area and internal alterations to layout along with a dormer to front to provide an additional 5th bedroom in the loft space.

The application house is a traditional semi with a pitched roof, bay window and canopy to front and two storey section and further single storey extension at rear. The adjoining semi has retained much of its original features and has a small courtyard to front. The nearby area is a mix of detached, semi-detached houses and traditional terraces that vary in design. A modern two storey mosque building exists at the junction with Selbourne Street and a single storey church exists further along Chuckery Road with multi-gable frontage. A modern three storey residential development exists at the junction with Tong Street which includes bird mouth windows at ground floor and turreted roof. Open space, a children's play area and communal car parking is present opposite the application house with Chuckery Primary School at rear accessed via a pedestrian walkway to the side of the application house.

The single storey rear extension would measure 2.7m wide, 5.3m long and 3.9m high to ridge reducing to 2m using a pitched roof which would terminate at a parapet wall which would be 0.4m higher than the existing 2m high boundary wall along the pedestrian access to the school. Original submitted plans showed the dormer would sit directly above existing eaves and amended plans have been submitted setting it at 0.2m above the eaves. No other changes have been made and the proposed front dormer would measure 3.8m long, 4.4m wide and 2.7m high using a pitched roof positioned 0.9m set in from both sides, 0.2m above the existing eaves and in-line with the existing ridge.

Relevant Policies

National Planning Policy Framework (NPPF)

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

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

- Always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings
- Take account of the different roles and character of different areas, promoting the vitality of our main urban areas

Key provisions of the NPPF relevant in this case:

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

On **planning conditions** the NPPF says:

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

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

Local Policy

Black Country Core Strategy

- ENV3: Design Quality

Unitary Development Plan

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

Supplementary Planning Document

Designing Walsall

- Appendix D

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

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

Relevant Planning History

None

Consultation Replies

Pollution Control – No objection.

Representations

None.

Determining Issues

- Design and Character of Area
- Amenity of Nearby Residents
- Parking

Observations

Design and Character of Area

The proposed single storey rear extension is considered to be of a scale and design that would not harm the character of the host dwelling or nearby area and the proposed additional 0.4m higher boundary wall to provide a parapet is considered acceptable as this would effectively be screened by the remainder of the 2m high boundary wall along the rear garden. The nearby area is a mix of detached houses, semi-detached houses and traditional terraces that vary in design along with a modern two storey mosque building at the junction with Selbourne Street and a single storey church further along Chuckery Road with multi-gable frontage. Further along Chuckery Road, at the junction with Tong Street, a modern three storey residential development exists which includes a 'gateway' corner plot with bird mouth windows at ground floor and turreted roof. There are no nearby examples of dormers visible in the street scene. The application house, along with the adjoining semi No.1 are both traditional forms of development with bay windows, lintels to first floor windows and shallow pitched roofs and are considered to provide a positive contribution to the street scene. The row of traditional terraces at Walsingham Street, at a right angle to the application house, are of similar traditional design i.e. back of pavement development, shallow pitched roofs and sash style windows, and this helps to provide a sense of continuity at this section of the street.

It is recognised that the area is not characterised by a particular style and that some nearby modern developments may have altered the character of the area over time. This is likely to be due to decisions made with reference to design or policy guidance at that time and new development should be encouraged to be sensitive and sympathetic in its design to help integrate it into its setting. A good example is the two modern detached houses next to the semis at No.15 and No.17 which are of a more simple design than other modern development further along at Tong Street and more closely reflect the character of the nearby area through the use of pitched roofs and brickwork detail above and below windows at first floor similar to the appearance of lintels (as exists in the pair of semis).

On balance, the introduction of a large front dormer is considered would result in a top heavy addition to the dwelling, giving the appearance of a three storey dwelling which would be incongruous and unbalance the pair of semis. Furthermore, the gable end of the application house sits in a prominent position in the street scene when approaching from Selbourne Street and it is considered that the addition of a large front dormer would result in an overly dominant appearance to the detriment of the nearby area. It is understood that the applicant's family require the extra space to be able stay within this community, to be close to family members and amenities such as local religious community facilities and schools. Officers provided advice to the applicant to ask that they consider replacing the proposed front dormer with a rear dormer which would be seen against a backdrop of the existing two storey section at the application house and therefore would have less of an impact on the street scene. The school at rear includes an enclosed play space and this would be 70m away from a rear dormer and is considered would not result in any significant additional overlooking and the existing two storey sections at the application house and adjoining semi would help to minimise any additional potential overlooking or loss of privacy to this neighbour. A 5.5m wide pedestrian access exists between the application house and School House and it is considered this, along with the deep set in position of the neighbours dwelling, would help to minimise any potential additional overlooking or loss of privacy to this neighbour. It should be noted that rear dormers can be installed without the need for planning permission subject to a number of restrictions and conditions such as not exceeding the height of the original

ridge and being set at least 0.2m above existing eaves. No amended plans have been received to date to provide a rear dormer instead of the front dormer. Whilst some weight should be given to the applicant's personal circumstances, it is considered that the space required could be achieved by providing a rear dormer.

Amenity of Nearby Residents

The proposed single storey rear extension includes two roof lights and does not include any side or rear facing windows and would not result in any additional impacts on neighbours' amenity. The proposed front dormer would overlook the open space, play area and parking at front but would not result in any loss of privacy or overlooking to neighbours habitable rooms or private amenity space.

Parking

The proposal would increase the number of bedrooms at the house from 4 to 5. There is no off-road parking available within the curtilage of the application house and parking outside the front of the application house is prohibited and to be kept clear for the school at rear. Communal parking for residents is also provided opposite. Nevertheless, the parking requirements under Policy T13 are the same for a 4 or 5 bedroom property where 3 spaces are required. On balance it is considered the proposal would not result in any significant detrimental impacts on highways safety.

Positive and Proactive working with the applicant

Officers have spoken with the applicant regarding concerns over the scale, mass and design of the proposed front dormer, amended plans have been submitted to set the dormer in 0.2m from the existing eaves but this is not considered sufficient to be able to support the proposal.

Recommendation

Refuse

Refusal Reasons

1. The introduction of a large front dormer is considered would result in a top heavy and oversized addition to the dwelling, giving the appearance of a three storey dwelling which would be incongruous and unbalance the pair of semis. The gable end of the application house sits in a prominent position in the street scene when approaching from Selbourne Street and it is considered that the addition of a large front dormer would result in an overly dominant appearance to the detriment of the nearby area and would be contrary to the National Planning Policy Framework including paragraph no's 56, 57, 58, 63 and 64; the Black Country Core Strategy policies ENV2 and ENV3 and Walsall's Unitary Development Plan, in particular policies GP2, and ENV32, Appendix D of Designing Walsall SPD.

Recommendation Summary: Refuse

End of Officers Report



Economy and Environment, Development Management

Planning Committee

Report of Head of Planning and Building Control on 05-Nov-2015

Plans List Item Number: 17.

Reason for bringing to committee: Significant community interest.

Location: 74, LICHFIELD ROAD, BLOXWICH, WALSALL, WS3 3LY

Proposal: REAR EXTENSION TO FORM ENLARGED KITCHEN/DINING/FAMILY ROOM WITH MASTER BEDROOM AND ENSUITE OVER.

Application Number: 15/1001/FULL

Case Officer: Jenny Townsend

Applicant: Mr B. Gisbourne

Ward: Bloxwich East

Agent: J E Keeling Planning Consultant

Expired Date: 17-Aug-2015

Application Type: Full Application

Recommendation Summary: Grant Subject to Conditions



Reason for bringing to Committee-

Application and Site Details

This application is for extensions to a detached house that would add a utility room and family room/kitchen at ground floor with an enlarged bedroom with en-suite shower room at first floor level. An existing larder is to be converted to a shower room with the existing kitchen access door blocked up. The plans show an existing 4th bedroom/store at second floor level.

The application house is a traditional design with a gable roof and a two storey wing on the rear with a longer single storey section which has a pitched roof over part and a flat roof over the remainder. There are original brick walls to both side boundaries that are approximately 1.8 metres high. The area is a mix of detached and semi detached houses that vary in design but this part of the road is mainly similar traditional styled houses, many of which have been extended at the rear.

The original plans proposed a two storey extension 6.2 metres long with a gable roof 1.2 metres higher than the roof over the existing rear wing. These plans showed the flat roof over the single storey part of the extension to be 3 metres high. Following discussions with officers, amended plans have been received which have reduced the length of the two storey extension. Further amended plans were submitted which show the height of the flat roof over the single storey extension increased to 3.4 metres high to allow for the floor level to be carried through from the main part of the house.

The proposed two storey extension would lie alongside and in line with the existing rear wing adjacent the boundary with number 72. A 2 metre wide gap is to be retained between the rear two storey wall of the main part of the house and the front of the extension to allow light to the existing rear ground floor dining room and first floor bedroom.

A gable roof is proposed over this part of the extension that would be the same height and mirror the existing roof over the first floor wing. A chimney on the end of the original wing is to be removed. This has not been included in the description of the application and does not require planning permission.

A new window to the enlarged bedroom is proposed in the rear elevation and the existing window is to be re-positioned to a more central position. In the front wall of the extension (facing back towards the house) there are two narrow windows at ground floor to the utility room and a small window to the en-suite shower room above. All three of the windows are to be obscurely glazed.

The ground floor part of the extension would be 8.1 metres long from the rear of the existing two storey wing. The boundary next to number 72 angles away towards number 72 and the plans show the extension would be adjacent to the boundary for approximately 3.5 metres then continue in a straight line so that the end of the extension would be set in approximately 1.5 metres from the boundary.

Two windows to the kitchen and double doors with full length panels either side are proposed in the side elevation facing the boundary with number 76 and on the rear one single full length panel.

A lantern roof light approximately 0.4 metres high is proposed in the middle of the roof of the ground floor extension.

Number 76 Lichfield Road is a traditionally styled semi detached house to the left (east) of the application house. There is a driveway approximately 2.8 metres wide belonging to the application house which runs alongside the boundary between the houses. Number 76 has windows at both ground and first floor level in part of the side elevation that face towards the blank two storey side flank wall of the number 74. The section towards the rear of the house is blank. To the rear of 76 there is a habitable room window at ground floor which faces an out building approximately 1.0 metre from the rear of the house. The rear two storey part of number 76 is approximately in line with the rear of the first floor wing of the application house.

Number 72 is to the right (west) of the application house and has a similar first floor wing that is approximately 0.5 metres forward from the rear of the first floor of no. 74. Number 72 has double doors on the rear and three windows in the side elevation of the ground floor part of the house, which is a similar length to the ground floor part of the application house.

The application house has out buildings in the rear garden and a paved area to the front.

In their responses regarding this application, neighbours have commented on a new wall that has been erected to the front of the house and works to the driveway. The applicant's agent has confirmed that the wall replaced an original lower height wall and that an application to retain this wall is to be made shortly.

Relevant Policies

National Planning Policy Framework (NPPF)

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

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

- Always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings
- Take account of the different roles and character of different areas, promoting the vitality of our main urban areas

Key provisions of the NPPF relevant in this case:

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

On **planning conditions** the NPPF says:

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

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

Local Policy

Black Country Core Strategy

- ENV3: Design Quality

Unitary Development Plan

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

Supplementary Planning Document

Designing Walsall

- Appendix D

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

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

Relevant Planning History

10/0787/FL Conversion of existing detached garage block to elderly parent living accommodation. Granted Subject to Conditions 22/09/10.

13/0466/FL Two storey and single storey bedroom, bathroom, kitchen and family room extension. Withdrawn 23/09/15.

Consultation Replies

None.

Representations

In respect of the original plans three letters of objection and one of concern on the following grounds have been received:

- Duplication of previous proposal;
- No on-site measurements resulting in in-accuracies on plans;
- Locational plan is wrong and no block plan has been provided – block plans should include any other buildings within the site and the existing summerhouse building at the rear of the house has not been included;
- Work carried out to front driveway resulting in water runoff and wall increased to a height that requires planning permission;

- Size and placement of existing chimney breasts are misleading;
- Concerns that could be a future application to infill the 'light well' or windows inserted into the side wall that would overlook their property;
- Design of two storey extension precludes light into the rooms and could have an adverse impact on their own property and general wellbeing;
- No reference or details of loft conversion;
- Application form does not record that there is a mature Silver Birch tree within falling distance of the extension;
- Size and siting of extension represents an un-neighbourly form of development that would be close to their house, cause a loss of daylight and sunlight;
- First floor extension would project more than any other house at the rear and the windows on the rear would overlook garden causing a loss of privacy;
- Height of the roof would impact on natural daylight to their kitchen/dining/family room and the rear bedrooms;
- Building such a large extension will affect day to day life and children's freedom to play in rear garden;
- Development would be out of character with other houses in the area and affect the ambience and nature of area;
- Height and position of extension are completely out of sympathy with surrounding existing buildings;
- 'Building traffic' generated by such a large build together with recent parking restrictions that have been implemented would cause them to bear the brunt of the parked builders vehicles;
- Have recently had planning application refused for height of front wall- Planning Authority should be consistent about what is acceptable.

Various plans, forms and photographs have been included to support some of the neighbours comments.

In response to the amended plans, two emails from neighbours stating that they have seen the amended plans and have nothing further to add.

Determining Issues

- Design and Character of Area
- Amenity of Nearby Residents
- Parking

Observations

Design and Character of Area

The extension would be to the rear of the house and would be barely seen from the road.

The reduced size of the two storey part of the extension and the lower matching gable roof are considered would be similar to other houses nearby.

The single storey extension would be approximately 1.0 metre shorter than the existing ground floor part of the house and would be in keeping with additions to a

number of nearby houses of a similar style and age on both sides of this part of Lichfield Road.

The proposal is considered would be in keeping with the existing character of the area.

Amenity of Nearby Residents

The two storey part of the extension would be in line with the existing first floor part of the house and would not project beyond the rear of number 76. The roof would be the same height as the existing roof and is considered would cause no additional shading or loss of light to the rear of number 72 Lichfield Road.

The extension would be to the west of number 76 Lichfield Road and whilst it is acknowledged that the two storey part of the extension would be closer to the side of number 76 than the existing house, the side wall of number 76 opposite the extension is blank and the nearest two windows are obscurely glazed. On balance it is considered that there would not be a significant change to the existing situation with regards to light or outlook from number 76 as a result of the two storey part of the extension.

The ground floor extension would be approximately 1.0 metre shorter than the existing ground floor part of the house but would be approximately 1.0 metre higher than the existing flat roof over the end section.

In relation to number 76, the orientation to the west of 74, the 2.8 metre wide driveway to the side of the extension, the outbuilding close to the rear of 76 and the existing tall boundary wall are considered mitigating factors that would minimise any loss of light, outlook or privacy from the proposed extension to the rear of number 76.

The increased height of the extension adjacent to the boundary with number 72 is acknowledged would cause some additional shading to the side windows of this house because of the orientation of the extension to the east of number 72. However there are double doors with panels either side on the rear elevation which serve the long family/kitchen/dining room with the side windows secondary to these larger panels. The side windows are already subject to some shading from the existing ground floor part of the application house and on balance it is considered that the additional shading would not significantly worsen the living conditions of the occupiers of this property sufficient to refuse the application for this reason alone.

The new bedroom window proposed on the rear elevation would be further from the boundary than the existing bedroom window and is considered would not affect the privacy of the occupiers of number 72 significantly. The proposal would improve the existing situation as the existing bedroom window is to be re-positioned further from the boundary which would reduce the potential for overlooking to the rear garden of number 72.

With regard to the neighbour's comments, the Local Authority cannot control application submissions; the plans are considered reflect the existing situation; an amended block plan has been submitted; an application for the front wall is to be submitted; permitted development allows for windows to be inserted in the original side walls of the house, the walls of any extension can be protected by condition;

amended plans include the loft room; the tree in the rear garden has been noted but is considered would not be affected by the development and would not therefore change the existing amenity and ambience of the area; separate legislation (Building Regulations and The Party Wall Act) cover building works close to the boundary; parking restrictions on the road in front of the site are not a material planning consideration; an application for the works to the wall and driveway has been requested.

It is considered that the amended scheme has addressed the concerns of the neighbours.

Parking

The proposal would not increase the number of bedrooms at the house and there is sufficient parking space on the front and side driveway to accord with UDP policy for a house with 4 or more bedrooms.

Positive and Proactive working with the applicant

Officers have spoken with the applicant's agent and in response to concerns raised regarding the height, length and design of the extension, amended plans have been submitted which enables full support to be given to the scheme.

Recommendation

Conditions

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

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

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

Location plan deposited 17 June 2015;

Block plan deposited 8 October 2015;

Existing elevations and floor layout plans drawing 1503-155-01 deposited 17 June 2015;

Proposed elevations and floor layout plans drawing 1503-155-03 Rev E deposited 23 September 2015.

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

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

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

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

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

Notes for Applicant

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to The Coal Authority on 0345 762 6848. It should also be noted that this site may lie in an area where a current licence exists for underground coal mining.

Further information is also available on The Coal Authority website at:
www.gov.uk/government/organisations/the-coal-authority

Property specific summary information on past, current and future coal mining activity can be obtained from: www.groundstability.com

This Standing Advice is valid from 1st January 2015 until 31st December 2016

Recommendation Summary: Grant Subject to Conditions

Conditions

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This Standing Advice is valid from 1st January 2015 until 31st December 2016

End of Officers Report



Economy and Environment, Development Management

Planning Committee

Report of Head of Planning and Building Control on 05-Nov-2015

Plans List Item Number: 18.

Reason for bringing to committee: Significant Community Interest

Location: , 6, HIGHMOOR CLOSE, WILLENHALL, WV12 5UU

Proposal: SINGLE STOREY REAR AND FRONT EXTENSION TO CREATE SUN LOUNGE AND LOUNGE EXTENSION AND DETACHED DOUBLE GARAGE AT THE FRONT OF THE HOUSE.

Application Number: 15/0914/FULL

Applicant: Ajaib Singh

Case Officer: Devinder Matharu

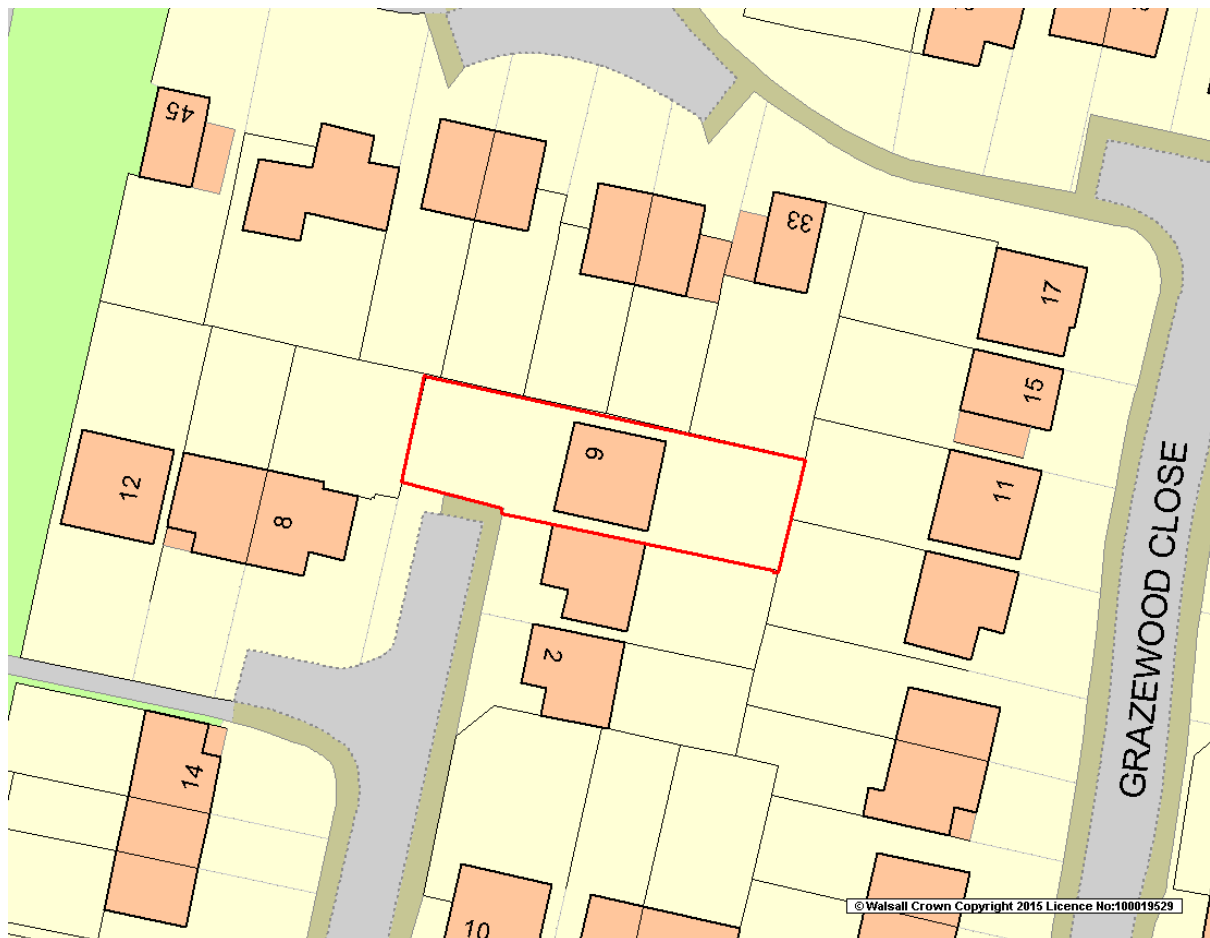
Ward: Willenhall North

Expired Date: 06-Sep-2015

Time Extension Expiry: 16-Oct-2015

Application Type: Full Application

Recommendation Summary: Grant Permission Subject to Conditions



Application and Site Details

Number 6 Highmoor Close is located on the north eastern corner of Highmoor Close, a large detached property at the end of the cul de sac. The area in front of the house is tarmac and used as a parking area. The ground floor front elevation of the house extends further forward of the main house to include a tiled canopy across the frontage.

The boundary treatment around the front tarmac area of the property and at the rear of the property is a 1.8m high close board fence positioned on gravel boards. The rear garden is paved with a small section of grass to the northern part of the garden. A shed stands in the rear garden towards the boundary with 11 Grazewood Close.

The application proposes a single storey rear and front extension to create a sun lounge and lounge extension and detached double garage.

The ground floor front extension measures 1.6m in length by 3.3m in width, 2.2m to the eaves and 3.3m to the pitch.

The ground floor rear extension would measure 5.2m in width, 3.6m in length, 2.3m to the eaves with a mono pitch roof being 2.6m at the lowest part and 3.5m at the highest part of the roof.

The garage would measure 5.3m by 5.3m and would be 2.1m to the eaves and 3.3m to the pitch. The garage would be located in the north eastern part of the site adjacent the rear garden boundaries of numbers 8 Highmoor close and 39 and 41 Hillbury Drive.

The area is residential in character with numbers 41, 39, 27, 35 and 33 Hillbury Drive being located to the north of the site and numbers 11 and 9 Grazewood Close to the east and number 4 Highmoor Close to the south and number 8 Highmoor Close to the west of the site.

Relevant Policies

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

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

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

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

- Find ways to enhance and improve places in which people live their lives
- Always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings

- Encourage the effective use of land by reusing land that has previously been developed

Key provisions of the NPPF relevant in this case:

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

On **planning conditions** the NPPF says:

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

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

Local Policy

Black Country Core Strategy

- CSP4: Place Making
- ENV3: Design Quality

Unitary Development Plan

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

Supplementary Planning Document

Designing Walsall

- Policy DW3 Character
- Appendix D

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

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

Relevant Planning History

None for the application site

39 Hillbury Drive

BC52718P- two storey sided and rear extension and single storey rear extension granted subject to conditions 25/9/1998

33 Hillbury Drive

BC49474P- conservatory at the side granted subject to conditions 13/2/1997

Consultations

Transportation – No objection subject to a condition to ensure the garage doors are roller shutter doors only.

Representations

Five letters from four residents have been received objecting to the proposal on the following grounds:

- Existing house blocks light and view
- Height of garage will result in loss of light and shadow
- Excessive height of garage
- Metal roller shutter on garage would be noisy
- Unable to grow plants due to light deprivation
- Garden slopes down towards the house
- House purchase due to large garden
- Garden fence can be no higher than 1.83m
- Wall visible from rear windows result in loss of visual amenity
- Loss of outlook
- Trees previously pruned in area of proposed garage with intention of preparing planning application
- More akin to a granny flat
- Long term intention for two building to be joined extending across the back of the property resulting in loss of light
- restrict right of light and air
- sun lounge obstruct view
- restrictive covenants the land in front of properties to remain open plan
- damage to rear garden fence
- larger homes in area if owner wants more space
- building works cause disruption

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

Determining Issues

- Design of Extension and Character of Area
- Amenity of Nearby Residents
- Parking

Observations

Design of Extension and Character of Area

The proposed single storey rear extension will be located on the eastern elevation of the existing house towards the boundary with number 33 Hillbury Drive with rear windows facing towards 11 Grazewood Close and patio door facing towards 4 Highmoor Close. The design of the proposed rear single storey is considered acceptable.

The single storey front extension will blend in with the existing front extension and would only marginally project out from the existing house by 0.5m. It is considered that this small extension would not unduly impact upon the character and setting of the house or street scene to warrant refusal of the application. The proposed works are considered acceptable and would not unduly impact upon the existing character of the street scene.

The proposed garage would be positioned in the north western corner of the front of the site adjacent the boundary with 8 Highmoor Close and numbers 39 and 41 Hillbury Drive. The garage would be set back into the site and would not unduly detract from the character and setting of the street scene. The proposed garage would have two doors that would break up the mass of the double garage in the street scene.

Amenity of Nearby Residents

The proposed extensions will be constructed within the red line boundary and within the applicant's own land without impinging on neighbouring land, there is no right to light or air in planning, as the application will be assessed on what impact, if any, the proposals have on neighbouring occupiers.

Objectors state that garden fences can be no higher than 1.83m and the excessive height of the garage will result in loss of light and create shadow, as well as the wall being visible from rear windows resulting in loss of visual amenity and loss of outlook. They also state that they will be unable to grow plants due to light deprivation. The existing boundary fence will be retained that forms the boundary with 8 Highmoor Close and numbers 39 and 41 Hillbury Drive.

The proposed garage would be 2.1m to the eaves, resulting in 0.3m of the wall of the proposed garage being visible above the boundary fence. The roof would be a pitched roof and would slope away from the boundary to a height of 3.3m. It is considered that collectively, the small part of the garage wall that would be visible above the boundary fence would not unduly result in loss of amenity or outlook for the occupiers of 41 and 39 Hillbury Drive to warrant refusal of the application. The proposed garage would be located to the south of numbers 39 and 41; however, due to the design of the roof, being a pitch, it is considered that sunlight would still be available to the occupiers of these properties without having a detrimental impact upon their amenities or impacting upon their enjoyment of the garden area.

The proposed garage would be set away from any nearby habitable rooms, whilst number 8 Highmoor Close would have views across towards the garage, it is considered that the use of the garage and the roller shutter type doors would not unduly impact upon the amenities of neighbouring occupiers to warrant refusal of the scheme.

Objectors state the garden slopes down towards the rear of the house. If there is any limited shading to the rear gardens of 31 and 49 Hillbury Drive, it would be to the very bottom of the rear gardens and as such unlikely to have a detrimental impact upon these occupiers in terms of shading and loss of light to warrant refusal of the application.

The roof would slope away from the rear boundaries of numbers 39 and 41 which would not unduly result in loss of outlook for these neighbouring occupiers to the north of the application site.

Objectors state that the proposed garage is more akin to a granny annexe and the long term intention for two building to be joined extending across the back of the property resulting in loss of light. A planning condition can be attached to any decision to ensure the proposed detached garage is only retained as a garage. Any further extensions to link the detached garage and house together would require

planning permission and at the time the merits of the case would be considered. The dimensions of the garage are not uncommon for a detached double garage.

Objectors state they purchased the house purchase due to large garden and trees have been previously pruned in area of proposed garage with intention of preparing planning application. The neighbours can still enjoy a large garden for their enjoyment, as the proposal does not impact on any neighbouring garden space. With regards to the trees, the tree was not protected by a tree preservation order and therefore not protected.

The proposed single storey extension will sit in line with a small section of the rear garden of 35 and 33 Hillbury Drive. A small section of the proposed rear extension would be seen above the boundary fence 1.8m at the highest point to the pitch of the roof. Due to the design of the proposed lean to roof, light over the roof would still be available to neighbouring rear gardens. It is considered that the proposed rear extension would not unduly impact upon the amenities of the adjoining residential occupiers in terms of loss of light, privacy or overlooking to warrant refusal of the scheme.

The proposed single storey extension will be set off the boundary with numbers 33 and 35 Hillbury Drive. Any issues regarding damage of property would be a civil matter. The single storey rear extension would have habitable room windows on the rear elevation and southern elevation. It is considered that the existing boundary fences would retain the privacy between the existing and neighbouring occupiers, a condition ensuring the boundary fence remains at all times will be attached to the decision.

There is adequate space within the application site to undertake the proposed extensions. Under permitted development rights a rear extension from the original rear elevation of number 6 can be extend up to 4m. With regards to loss of light and shading, the proposal would not unduly result in loss of light or shading to warrant refusal of the scheme.

To minimise any disruption to neighbouring occupiers, a planning condition restricting the working hours will be imposed.

Any issuers relating to restrictive covenants are civil matters to be pursued outside of the planning legislation.

Parking

Policy T13 of the UDP would only apply if the proposal is seeking to create additional bedroom/s, in this case the proposal does not seek to provide any additional bedrooms. The detached double garage would provide 2 off road parking spaces including parking for an additional car within the curtilage of the property.

Transportation have advised that the hard standing area fronting the garage is 4.8m in length and when a standard sized vehicle is parked on the driveway fronting the garage, there would be insufficient space to open the up and over or outward opening garage doors without the vehicle overhanging the highway. On these grounds, the garage doors shall be of a roller shutter type.

Positive and Proactive working with the applicant

The design of the proposed front and rear single storey extensions are considered acceptable and in keeping with the existing house. The proposed extensions and garage would not unduly impact upon the amenities of surrounding residential occupiers in terms of noise, loss of privacy, overlooking, loss of light or shading to warrant refusal of the application.

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, as amended.

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

- Drawing number AS215-03B entitled "proposed single storey extension and detached garage" submitted 16th October 2015.
- Drawing number AS215-02B entitled "proposed single storey extension and detached garage" submitted 16 October 2015.
- Location and block plans submitted 13th July 2015

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

3: The walls and roof of the front and rear extensions and the detached double garage shall comprise facing materials that match, in size, colour and texture as those which are used in the existing building as it exists at the time of this application, and shall be retained as such after completion of the extension.

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

4: Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, or succeeding Orders, no side facing windows or doors, other than as shown on the deposited plans, shall be installed in any part of this development.

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

5: The existing 1.8m high boundary treatments with numbers 33, 35, 37, 39 and 41 Hillbury Drive, 11 and 9 Grazewood Close and numbers 4 and 8 Highmoor Close shall be retained at all times.

Reason: To protect the amenity of the existing occupiers at number 6 and the neighbouring residential occupiers.

6: No construction or engineering works, (including land reclamation, stabilisation, preparation, remediation or investigation), shall take place on any Sunday, bank or public holiday*, and such works shall only take place between the hours of 08:00 to 18:00 Mondays to Fridays and 08:00 to 14:00 on Saturdays. No plant or machinery or equipment associated with such works shall be started up or operational on this development outside of the permitted hours. (*bank and public holidays for this purpose shall be Christmas Day, Boxing Day, New Years Day, Good Friday, Easter Monday, May Day, Spring bank holiday and August bank holiday Monday).

Reason: To protect the amenities of the neighbouring occupiers.

End of Officers Report