



Regeneration – Planning and Building Control

Planning Committee

Report of Head of Planning and Building Control, Regeneration Directorate on 13th February 2014

Planning Committee Content Sheet

Item No	Page No	Application Number	Site Address	Proposal	Recommendation
1	1	13/1690/RM	LAND BETWEEN COLLEGE WAY AND RAILWAY FRONTING LITTLETON STREET WEST, WALSALL	Reserved Matters planning application for the construction of a business and sports hub for Walsall College together with a leadership and team building area, car parking, landscaping and associated infrastructure at Land to the North of Littleton Street West, to the East of College Way and to the South of Portland Street, Walsall. (Outline planning permission 08/0951/OL and 11/1541/TE - Walsall Gigaport).	Approve Reserved Matters Subject to Conditions
2	21	13/1529/FL	FORMER PARK TAVERN, 43 BROADWAY NORTH, WALSALL, WS1 2QG	Demolition of existing building and erection of 28 No later living retirement housing (category II type accommodation) including provision of communal facilities, landscaping and car parking.	Grant Permission Subject to Conditions and a Planning Obligation

3	39	13/1604/RM	LAND FORMER 166 TO 200 SHAKESPEARE CRESCENT, WALSALL.	Residential development comprising 29 dwellings for affordable rent, with associated footpaths, car parking and landscaping. The site forms part of the Goscote Lane Masterplan previously submitted (12/0036/OL).	Approve the Habitats Regulations Assessment Grant permission subject to conditions and subject to no further representations raising material planning issues.
4	61	13/1628/FL	FORMER GKN FACTORY, MIDDLEMORE LANE WEST, ALDRIDGE, WALSALL, WS9 8DT	Removal of conditions 6, 8, 10, 13, 15, 16 & 19; and submission of details required for condition 12a of planning permission 13/0858/FL	Delegate decision to the Head of Planning and Building Control to grant conditional planning permission subject to resolving concerns of conditions 8 and 13
5	71	13/1579/MA	FORMER CO-OP DAIRY, MIDLAND ROAD, WALSALL	Amendment of colour of new UPVC windows and doors to white (Planning permissions 12/0553/FI and 13/0177/RM).	Approve Non-Material Amendment(s)
6	77	13/1598/FL	Land at Harrowby Road, Moxley, Walsall	3 new build 2 bed 3 person bungalows for affordable rent, with associated landscaping and parking (part of larger scheme approved under permission 13/0663/FL).	Grant Permission Subject to Conditions

7	91	14/0010/FL	Land fronting 37 to 51 Stanley Road, Walsall, WS4 1EJ	Creation of car park for 8 vehicles on existing grass verge.	Grant Permission Subject to Conditions
8	99	14/0008/FL	Land fronting shops (adjacent to Monmer Court/Lucknow Road), Willenhall, WV12 4PZ	Creation of public car park, formation of access, relocation of bus shelter and landscaping.	Grant Permission Subject to Conditions
9	109	13/0482/FL	ALDRIDGE COURT FARM, LITTLE ASTON ROAD, WALSALL, WS9 0NN	New dwelling in place of previously approved barn conversion (adjacent public footpath ALD33).	Refuse
10	123	13/1697/FL	13 RICHARD PLACE, WALSALL, WS5 3QP	Erection of single storey rear extension and demolition of rear conservatory.	Grant Permission Subject to Conditions

Regeneration Directorate – Planning and Building Control

Planning Committee

Report of Head of Planning and Building Control, Regeneration Directorate on 13/02/2014

Plans list item no: 1.

Reason for bringing to committee: Major Application

Application Number: 13/1690/RM
Application Type: Reserved Matters

Case Officer: Andrew Thompson
Telephone Number: 01922 652603
Email: planningservices@walsall.gov.uk
Agent: Alliance Planning

Applicant: Walsall College

Proposal: Reserved Matters planning application for the construction of a business and sports hub for Walsall College together with a leadership and team building area, car parking, landscaping and associated infrastructure at Land to the North of Littleton Street West, to the East of College Way and to the South of Portland Street, Walsall. (Outline planning permission 08/0951/OL and 11/1541/TE - Walsall Gigaport).

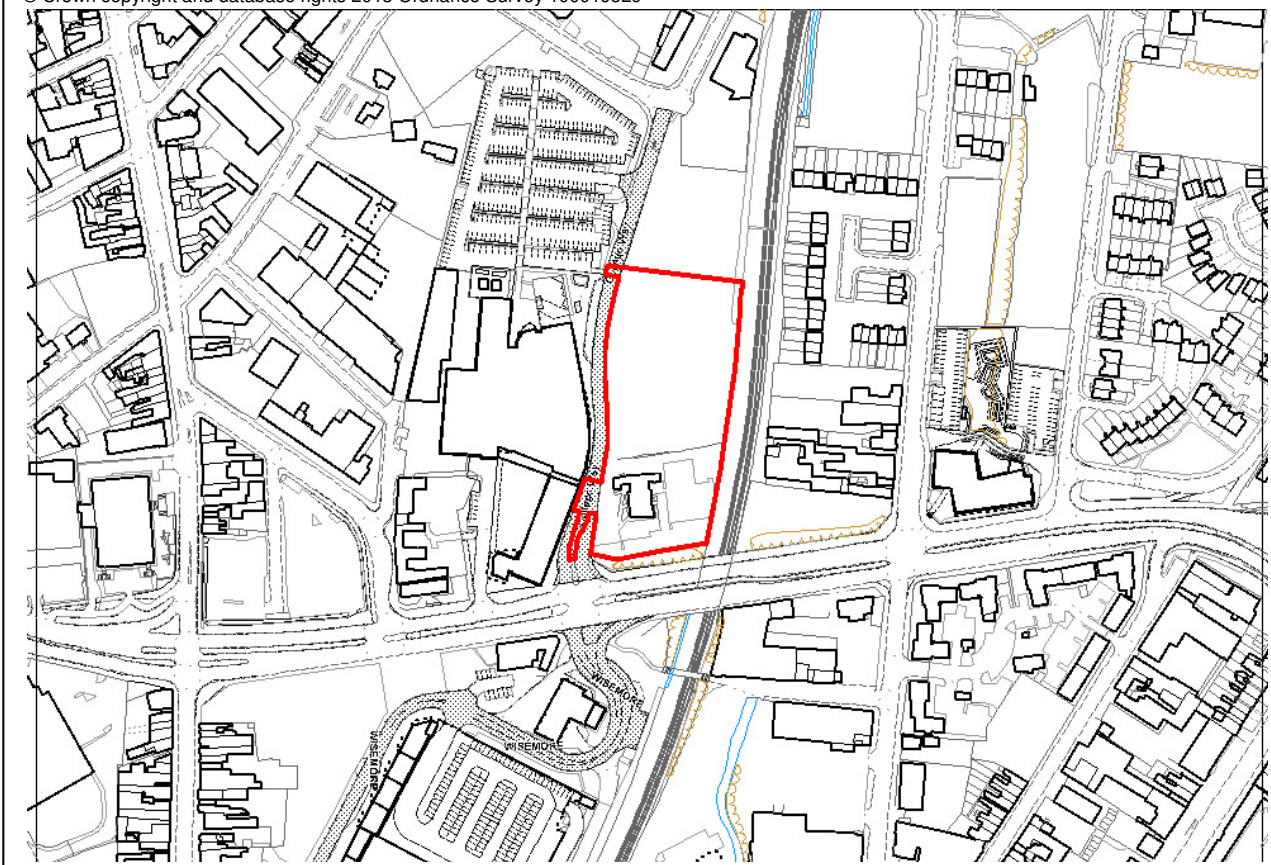
Location: LAND BETWEEN COLLEGE WAY AND RAILWAY FRONTING LITTLETON STREET WEST, WALSALL

Ward: Blakenall

Expired Date: 17/03/2014

Recommendation Summary: Approve reserved matters subject to conditions

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Application and Site Details

The application site is the land between Walsall College and the Railway, fronting Littleton Street West. The site was formerly Lime House and part of the initial phases of Walsall Gigaport. This submission for Reserved Matters to the Gigaport outline planning permission for the parcel of land identified by the redline location plan and the submission.

The application proposes a Business and Sports Hub of 3,871sqm over three storeys incorporating a range of uses including offices, start up space, sports facilities and a restaurant.

The breakdown would be:

963sqm business facilities (including a lecture theatre)

2480sqm sports facilities

161sqm general atrium area

267sqm ground floor restaurant

In detail the ground floor includes a three-storey high entrance foyer, which connects the business and sports elements whilst accommodating the café and social area. In addition provides access to the restaurant and production kitchen on the south of the building. The atrium allows natural light via a large glazed roof-light.

The sports facilities include a club standard sports hall, which would have the capacity to host tournaments and provide space for spectators. It is the aspiration of Walsall College to become a Centre of Excellence for netball and basketball within the region. The sports facilities are supported by ancillary spaces for a spa, changing rooms and locker area.

A restaurant is located at the front south corner of the building overlooking College Way and Littleton Street.

The Sports Hub first floor includes the dance studio and the fitness suite, whilst including a spectator's gallery and break out area overlooking the sports hall. The first floor Business Hub comprises flexible Incubator Classrooms and a Lecture Theatre. These spaces have been designed for maximum flexibility; the folding, sliding partitions allow the spaces to be enlarged to suit a range of functions including conferencing, lectures, banqueting etc.

The Sports Hub second floor includes a general classroom, Training Sports Injury Clinic and formal Sports Injury Clinic open for the general community. The Business Hub accommodates a number of cellular offices, which can also be used as meeting rooms and an open-plan office space. These spaces will be utilized by new business start-ups and small-scale business enterprises that will be mentored and nurtured by the college. An Innovation Resource Centre adjacent to these office spaces will provide additional resources and support facilities.

The proposals includes 56 car parking spaces (including 6 disabled spaces) with two spaces with electric charging points and a landscaped area used for outdoor sport which includes:

- 18m high high ropes equipment
- 12m high climbing wall
- 3m high low ropes equipment
- "Leadership assault course".

The proposals consider as part of the Reserved Matters a number of the planning conditions. The Gigaport Planning Permission is broken down into a number of schedules:

Schedule A - Relating to all Development in the Gigaport

Schedule B – Relating to the proposed office (use class B1(a)) floorspace.

Schedule C – Relating to live/work units *[not relevant to this submission]*

Schedule D – Relating to leisure floorspace proposals

- Schedule E** – Relating to hotel floorspace proposals *[not relevant to this submission]*
- Schedule F** – Relating to replacement car parking provision of Walsall College (considered in the observations section)
- Schedule G** – Relating to the retail floorspace proposals (including restaurants)
- Schedule H** – Relating to Wisemore House *[not relevant to this submission]*
- Schedule I** – Relating to ground contamination, air quality and noise assessments for reserved matters submissions
- Schedule J** - Relating to Phase 1A and 1B (as illustrated in the Design and Access Statement submitted with the outline application and attached to this decision notice)
- Schedule K** – Relating to Environment Agency requirements for reserved matters submissions

The application is accompanied by:

Design and Access Statement

The Statement analyses the key design and project objectives and principles of the building's orientation, appearance, landscaping, sustainability and access requirements and how this is incorporated into the site context and analysis within the Gigaport Planning Permission.

Planning Statement

Reviews the Gigaport Outline Planning and concludes that the Business and Sports Hub will allow Walsall College to improve and build-upon the recently achieved recruitment and retention levels at the adjacent Wisemore campus, through the attraction of business innovation, employment progression opportunities, sports and fitness teaching and associated enrichment activity, whilst improving the College's estate portfolio. The proposed facility will allow the College to improve their offer to students whilst accommodating future growth, particularly in sports and business enterprise curriculum delivery.

The Planning Statement highlights that the Gigaport masterplan seeks to deliver a transformational and business-led environment based on high quality buildings and public realm and concludes that the development proposed is in accordance with the aims and ambitions of the Gigaport initiative.

Transport Statement

The Statement highlights that traffic generation for the proposed development has been examined using trip generation data contained within the Transport Assessment (prepared by Mott MacDonald June 2008) for the Gigaport Masterplan development; and from the TRICS 2013 database.

The analysis demonstrates that trip generation for the proposed development will be low and that this has been examined in detail as part of the combined traffic generation for the Walsall Gigaport planning permission. The parking levels have used this assessment.

It is noted that the site is located within easy walking distance of the majority of bus and rail services within Walsall. In addition, pedestrian and cycle access surrounding the site is good. It is proposed to provide a new footway, and crossing facilities on College Way.

Ecological Assessment

Specific surveys have been carried out with regard to protected species. The Ecological Assessment makes key recommendations to include at least twenty five new trees to be planted on site of native or wildlife attracting species, at least 300sqm of nectar producing shrubs and plants, two log piles on site to provide a habitat for invertebrates, including stag beetles and to plant a minimum of 100sqm of wildflower meadow, in the area of grassland in the north of the site.

Arboricultural survey

Sets out a strategy for the removal and retention of trees as part of the development proposals. The survey notes that all trees to be retained within works areas will be protected during construction to BS5837:2012

'Tree in relation to design, demolition and construction'. Proposed new planting consists of native and wildlife attracting species including 30 proposed new semi mature trees to offer mitigation for the 10 lost specimens.

Bats Survey

All areas of the trees that provided potential for roosting bats were fully assessed. The majority of features were cobweb covered or full of dirt indicating no recent usage by bats. During the survey of the trees on site no bats or evidence of bat activity (in the form of droppings, urine staining, grease marks, scratch marks and feeding remains) were found. Any trees identified for removal should be felled as soon as possible to avoid any bats colonising the trees in the future. If the trees are not felled by March 2015 then the trees should be inspected again to ensure no bats have colonised in the interim.

Ideally all boundary vegetation should be retained as part of the development and any lighting should not illuminate any boundary vegetation. Should the proposals include planting of new vegetation, the scheme should include planting night-scented plants, such as honeysuckle *Lonicera periclymenum* and evening primrose *Oenothera biennis*, and herbs.

These would help to attract moths and other flying insects to the site, and would therefore provide a food resource for bats.

Dingy Skipper Survey

The Survey recommends that where feasible the existing areas of common birds-foot-trefoil be translocated to suitable locations either within the proposed development area (as part of site landscaping works) or adjacent to the application site. Further recommendations are that areas of sparse grassland be created post-development on the site to maintain the site as part of a wildlife corridor for butterfly species which incorporate a range of species suitable for local butterfly species.

Reptiles Survey

There are no records of reptiles within 1 km of the site, however several reptile records within a wider 10 km search area. A large colony of common lizard was recently located in a railway cutting some 800 m to the north of the site. Several habitats on site provide potential foraging habitat for these species. Despite these factors, no reptiles were recorded during the survey visits. No reptiles were recorded during the field survey and therefore no recommendations for further works are made.

Geotechnical Ground Investigations.

The south of the site has apparently been occupied by the same building since the earliest map edition occupied when it was known as Lime House. Since the 1960s its use has changed and used by sea cadets and as a clinic. The remainder of the site has been crossed by railway sidings and branch lines servicing the ironworks and Lime Works located to the west of the site. One of these lines was in a cutting.

The north of the site remained largely featureless but was probably used by the Lime Works which was located to the west of the site in the 1880s. A quarry was also noted on an Ove Arup map of the site. The area to the west of the site had a number of industrial uses including saw mill and timber yard, Engineering Works and Foundry. To the east of the railway which defines the eastern site boundary, buildings with industrial uses were located until between 1992 and 1999 when the area was developed for housing. By 2012 Walsall College has been developed directly to the west of the site.

It is anticipated that the ground conditions across the site will comprise Made Ground overlying superficial deposits comprising Alluvium and Glacial Deposits overlying the Upper Wenlock Limestone, Nodular Beds and Lower Wenlock Limestone. Deep Made Ground may

be present in the north of the site where there was a historic backfilled quarry and mine workings backfilled with paste will be present at depth in the Lower Wenlock Limestone.

Flood Risk Assessment

The site has been shown to lie within Flood Zone 1 (outside of both the 1 in 100 year and 1 in 1000 year floodplain extents of the nearby Ford Brook) and therefore at a low risk of flooding from fluvial sources. Given that the main access/egress route to/from the site has also been shown to lie outside of the floodplain, dry access and egress is available to and from the site at all times and neither the Sequential nor the Exception Test is required to be undertaken. Surface water drainage from the site be discharged to the existing surface water sewer system at a rate of 5l/s with additional runoff to be stored within an attenuation tank located to the north of the site.

Proposals show sufficient space available to provide attenuation for all events up to and including the 1 in 100 year event when taking into account climate change. It has been recommended that the use of infiltration and the possible connection to the nearby Ford Brook be investigated prior to any detailed design. Providing the mitigation measures discussed or similar measures are implemented it is considered that the risk of flooding to the site and adjacent land will be minimal.

External Noise Survey

Details of both attended and unattended noise surveys on the site have been presented, and utilised to recommend noise limits for plant associated with the new scheme. Proposed façade and glazing specifications are outlined to achieve required internal noise limits.

Relevant Planning History

Cabinet Resolution 18th April 2007

Discussed further below but made recommendation to agree the boundary of the office corridor, to support a statement of intent that will seek to deliver office developments over other uses on land that is identified within the office corridor. The Cabinet also agreed to a programme of strategic acquisition of land within the office corridor.

Walsall Gigaport and applications within the site

13/1625/ND – Environmental Impact Assessment Screening Opinion relating to the construction of a business and sports hub, landscaping, car parking and associated infrastructure. No Environmental Statement required for the proposals the subject of this submission. Response issued 30/12/13

11/1541/TE – Time extension application to outline planning permission for Walsall Gigaport (08/0951/OL) – Granted 03/02/12

11/1442/PD - Demolition of existing properties (17-23 Hatherton Street) to facilitate wider regeneration proposals under Walsall Gigaport. Application includes details of the position of hoardings. Granted 13/12/11

11/0696/PD - Prior Notification of Demolition of Lime House. Granted -06/07/11

10/1041/OL – Ward Street - Outline application (All Matters Reserved) for retail development (Use Class A1) – Refused 17/03/11

09/0756/FL – WHG Town Centre Office – Granted - 05/03/10

08/0951/OL – Walsall Gigaport – Approved – December 2008.

127,000 sqm Offices (use class B1 (A)) including a Business Incubation Centre; 4,206 sqm Data Centre (sui generis – the centre would include the storage of data and computer servers which can be used by the business community); 4,300 sqm Hotel with Conference Facilities (use class C1);

23,195 sqm of Live/Work Space (use class sui generis); a 5,890 sqm Health and Sports Facility (use class D2); 621 sqm Retail and/or Restaurant (use class A1/A3)

07/2659/OL/W7 - An earlier version of the present scheme, the application was withdrawn in favour of current application following discussion with landowners, technical officers and other interested parties.

A Screening Opinion was submitted to the Council, under reference 07/1069/ND/W7, and the need for an Environmental Statement was considered further under the current application under the Environment Impact Assessment Regulations 1999 as amended. It was considered that the proposed development would not likely to have a significant additional affect on the environment taking into account previous uses on the site. It was therefore considered that with the submission of appropriate supporting documentation, an Environmental Statement was not required with the application. Officers have revisited the need for an Environmental Statement in light of the updates to legislation and High Court decisions. It is considered that the Walsall Gigaport proposals did not require an Environmental Statement.

Walsall College and Tesco

13/0206/FL - Proposed Multi-Screen Cinema (Use Class D2) with additional commercial units for retail, cafe and restaurants, drinking establishments and hot food takeaways (Use Classes A1, A3, A4 and A5) with associated car parking, access arrangements, landscaping and public realm.

11/1078/FL - Change of use of 3 retail units to shop mobility and centre for independent living (Use class Sui Generis) and alterations to doors and shop front. Granted 04/10/11.

09/0917/FL and 09/0921/RM - Reserved Matters submission for the demolition of existing college buildings and erection of retail (use class A1), including large foodstore, cafe/restaurant (use class A3/A5), offices (B1a), petrol filling station, car parking, landscaping and associated highway works, including new streets and bus stops/layover facilities. Facilities proposals include refurbishment of existing walkways building on Littleton Street West. Granted 20/11/09
(Tesco and the associated retail units are now complete and operational).

06/0367/OL/W7 – Hybrid application – part outline, but with details of the college included formally described as:-

OUTLINE: Demolition of existing buildings and erection of replacement college facilities (planning class use D1), on land north of Littleton Street West, retail (planning class use A1), including a food store, residential (planning class use C3), office (planning class use B1a), petrol filling station and car parking on land south of Littleton Street West, means of access and other associated works. Granted 15/12/06.

The application was not called in by the Government Office and the new college (having been approved in detail as part of that application) is now completed and operational.

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

These have been considered by Officers through a formal screening opinion detailed above under 13/1625/ND and whilst the development meets the threshold the development is not considered significant or in a sensitive area that would call for an Environmental Statement.

Policy Framework

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"*.

It is based on 12 **core planning principles**; the most relevant principles in this case are to:

- Always seek to secure high quality design and good standards of amenity for all existing and future occupants
- Re-use land that has been previously developed
- Proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs. Every effort should be made objectively to identify and then meet the housing, business and other development needs of an area, and respond positively to wider opportunities for growth and
- actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable.

Key provisions of the NPPF relevant in this case include the following.

Paragraphs 18-21 encourage Planning Authorities to support and put significant weight on economic growth.

23. Local Planning Authorities (LPAs) should promote competitive town centres and set out policies for the growth and management of centres. In drawing up Local Plans authorities should address a number of issues, including the following:

- support the vitality and viability of centres;
- allocate a range of suitable sites meet needs for retail, leisure, offices and - other town centre development; and
- encourage economic activity where town centres are in decline.

30. LPAs should support a pattern of development that facilitates the use of sustainable modes of transport.

58 Developments should respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation.

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

123 Seeks to ensure that development mitigates against pollution, including noise.

On planning conditions the NPPF (203-206) 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 (186-190) 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 a planning application must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material consideration in planning decisions but it 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.

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 NPPF, so that the Core Strategy 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.

CSP1 – Sets out the targets for sustainable regeneration of the Black Country through the concentration of investment into a Growth Network. This includes the ‘strategic’ centres of Brierley Hill, West Bromwich, Wolverhampton and Walsall. These are to be the areas of greatest concentration of redevelopment and regeneration in the Black Country, act as a focus for and deliver significant growth in comparison retailing and be the principal locations for other town centre uses.

CSP4 – Sets out 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.

CEN1, CEN2, CEN3 – Strategic Centres are important for the regeneration of the Black Country, providing the focus for large scale and ‘higher order comparison shopping, office employment, leisure and culture and complementary uses. The plan proposes an additional 200,000sqm (gross) of office floorspace for Walsall Strategic Centre.

TRAN1 - Sets the priorities for the development of the transport network and promoting sustainable transport modes. These involve measures to support strategic centres including Walsall,

TRAN2 - Requires development proposals to manage transport impacts of new development.

TRAN5 - Sets out the requirement for development to reduce the need to travel and encourage sustainable modes of transport.

ENV1 and ENV3 - Set out the criteria for nature conservation and design quality.
ENV5 – Seeks to ensure appropriate drainage and account for climate change
ENV7 – Seeks to deliver renewable energy and sustainable construction for new major developments.
WM5 - Resource and waste management requirements should be reflected in the design and layout of new development schemes.

Appendix 2 to the Core Strategy sets out detailed proposals (albeit on an illustrative basis) for the growth network, including Walsall Strategic Centre. An illustrative diagram (which shows among other things, the Walsall Gigaport/Office Corridor area) is accompanied by text with relevant paragraphs.

SC3.1 By 2026 Walsall strategic centre will have been regenerated as a sub-regional focus for the local economy and the community. It will provide its catchment area with an attractive choice of comparison shopping and leisure, entertainment and cultural facilities, as well as supporting a thriving office market. The centre will bring all of these activities together in a vibrant, safe, attractive and accessible environment that combines local heritage with modern design.

SC3.3 Identifies Opportunities for leisure, residential and office development at the Gigaport and Walsall Waterfront sites and large-scale, high quality development opportunities within and on the edge of the ring road available to attract additional investment.

SC3.5 In terms of office development, the 220,000 square metres of B1(a) floorspace between 2006 and 2026 referred to in CEN3 will be directed to the Waterfront north and Gigaport schemes.

SC3.6 Pedestrian links between the centre and its surroundings need to be improved, to link in the Manor Hospital and major employment areas, such as the office corridor, but also to make the most of the proximity to nearby residential areas.

SC3.7 Encourage design of new development which complements and improves the built environment, historic environment and townscape of this area rich in cultural heritage assets and enhances local distinctiveness and a sense of place.

Saved policies of the Unitary Development Plan

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

GP2 – Environmental Protection – seeks to ensure that pollution impacts from development are designed out.

ENV10 – Seeks to prevent pollution, including noise and drainage and prevent uses that would have an adverse effect on neighbouring land uses and/or restrict the types of development that could be permitted in the locality.

ENV14 – seeks appropriate redevelopment of derelict and previously developed sites.

ENV18 – seeks to retain existing trees and hedgerow wherever possible,

ENV23 – seeks retention, conservation and enhancement of features of value for wildlife on development sites.

ENV24(b) seeks to enhance and promote wildlife corridors

ENV32 – seeks to ensure high quality design from developments.

ENV33 – seeks to secure high quality landscape design from developments.

ENV35 - The design of frontages to shops and other commercial premises should be appropriate to their setting and sympathetic to the building on which they are situated.

5.8, S1, S2, S3 – Defines town centre uses, the town centre hierarchy and the boundaries of town centre. (in-centre is within Inset Map boundary, except that retailing must be within or directly adjoining the defined PSA)

S4 – Sets the general principles for town centre development including:

(a) The Council will seek to sustain and enhance the range and quality of shopping, leisure and other town centre uses which these centres provide, consistent with the role and function of a centre within the hierarchy defined in Policy S2, in order to meet the needs and aspirations of all who use the centres.

(f) The Council will seek to further improve the environment of these centres, with particular stress on maintaining and enhancing their individual character.

Improvements will be sought both through new investments and `developments and through the Council's own actions.

I. Development proposals will be required to have a high standard of design (in accordance with Policies ENV32 and ENV35 in Chapter 3) with special regard to Conservation Areas and commercial frontages and fascias.

S10- sets out criteria for restaurants that seek to ensure that proposals do not harm amenities of residents and do not cause parking problems.

T1 – Seeks to ensure that development helps anybody, including disabled people, get in and around the development.

T2- seeks to promote bus services and accessibility to their service

T4 – seeks to manage development and the highway

T5 – highway improvements will be encouraged as part of development

T6 – sets out to ensure that pedestrian and cycling movement is improved through traffic calming methods, in particular in centres.

T7 – seeks to ensure high quality car parking design

T8 – seeks to improve promote walking and connections that allow for pedestrian movement.

T9 – Developers will be expected, wherever possible, to provide links to cycle routes, Safe Routes and Greenways which adjoin the site or pass nearby. Existing cycle routes must not be severed or otherwise adversely affected by new development unless an acceptable alternative is substituted.

T11(b) Developments which generate significant numbers of personal trips should have direct, safe and attractive access for pedestrians, cyclists and wheelchair users from the building entrance to surrounding residential areas. Seating should be provided at or near the entrances of all large developments.

(c) Where pedestrian and cycle links are considered to be sub-standard, measures must be taken to improve them. Greenways and canal towpaths can count towards this provision if they help to provide an acceptable functional link between the development and its catchment area.

T13 – seeks to ensure an appropriate level of car parking is provided.

LC5 – sets out to enhance and improve identified greenways. Developers of sites which include or adjoin parts of the Greenway network will be expected to fund the construction or improvement of these, together with any necessary links from the Greenway network into the development.

Management and maintenance agreements, which specify responsibilities and revenue sources, must be concluded before development commences.

WA3 – sets out guidance with regard to town centre uses.

WA7 – Identifies the application site as part of a Development Opportunity (further detailed in WA13) and that a comprehensive approach to development is encouraged and whilst individual proposals will be considered, the Council will need to be satisfied that a more comprehensive scheme cannot be achieved, and that future more comprehensive development options are not prejudiced. It should be noted that the inclusion of property within one of these areas does not necessarily mean that redevelopment proposals will be made which will affect it.

WA13(a) Acceptable uses may include B1(a) offices; hotel and/or leisure uses, or a suitable mix of these. In addition, leisure uses should complement and not conflict with the uses being pursued for 'Walsall Waterfront' under WA12.

(c) The developer must provide a Greenway between Littleton Street West and Portland Street.

(d) The appearance of the site from the ring road and railway is particularly important. Significant amounts of hard and soft landscaping will be required along the ring road frontage and high quality built development should be brought forward as close as possible to the ring road. The large number of mature trees on the site should be incorporated within any development, although a proportion of these will need to be removed to facilitate access to the site.

Supplementary Planning Documents

Designing Walsall SPD

Seeks to guide development and deliver high quality design through local distinctiveness and sustainable design.

Natural Environment SPD

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

Consultations

Transportation – No objections to the current proposal subject to the following appropriate conditions relating to the points below:

- Prior to the occupation of the development the existing adopted highway is to be extinguished, in accordance with details to be agreed in writing by the local Planning Authority in conjunction with the Highway Authority, and all costs associated with the appropriate legal process are to be borne by the applicant.

- At no time shall any measures be introduced on the extinguished highway such as to cause any detrimental impact on the adjoining highway network.

Through discussions with officers it is concluded that the proposed traffic calming measures on the adopted highway would not be acceptable or have any benefits for the general public and therefore could not be supported by the Highway Authority. However by extinguishing the highway would allow the applicant to have private ownership of the road and therefore creating the option to modify the extent of highway within their control as they see fit, thus creating the opportunity to create a high quality access to the college off the ring road. The only stipulation would be that as part of any legal agreement there would be a clause ensuring that no measures, i.e. barriers, would be introduced as to cause any detrimental impact to the operation or safety of the public highway network.

Network Rail – No objection - Network Rail are aware of this proposal and currently our Operational Property Team (Kay Uka) is liaising with Sarah Beswick of Turntown on the issue of the retaining and boundary wall and the conveyance. This matter is to be resolved to the satisfaction of Network Rail before any works commence on site.

Pollution Control

Contaminated Land Team – No objection subject to works being implemented to remediate any localised ground contamination and ground gas issues identified in the Report on Ground Investigation (Applied Geology reference AG1890-13-1237 dated November 2013). Conditions to address these concerns have been provided.

Scientific Team – No objection to the reserved matters application. Within the application there are two things of note:

1. Design and Access Statement Air quality - it is stated that to address air quality issues from Littleton Street West, the building is to be “fully mechanically ventilated with fresh air inlets will be located at roof level towards the back of the building”.
2. Environmental noise assessment Noise limits are controlled to a maximum of 5dB below the existing background noise level in order to reduce the likelihood of complaints. On the basis of the above it is recommended that a planning condition ensures that the ventilation is as set out within the Design and Access Statement and building engineers ensure that they specify and use equipment that will ensure the noise levels will not be exceeded as recommended in the noise assessment.

Environment Agency – No objection

Coal Authority – No objection - the application site does not fall with the defined Development High Risk Area and is located instead within the defined Development Low Risk Area. This means that there is no requirement under the risk-based approach that has been agreed with the LPA for a Coal Mining Risk Assessment to be submitted or for The Coal Authority to be consulted.

Natural England – No objection advises the Council that the proposal is unlikely to affect any statutorily protected sites or landscapes.

Natural Environment Team

Ecology – No objections to application in principle but revisions are required before planning permission is granted. The landscape plan should be amended to show effective proposals for the conservation of dingy shipper, grassland butterflies and moths. Some of the outstanding information can be secured through planning condition but the amendments required above should be secured before planning permission is granted.

Fire Officer – No objection

Access Officer – No objection

Rights of Way Officer – No objection

Local Access Forum – No objection - it will make use of a brownfield site and also contribute to the wider Walsall Gigaport project. The provision of a second pavement along College Road running along the west side of the new development which should help pedestrians using the facility and also allow further access between Littleton Street West and Portland Street, which is currently only served by a pavement on the present Wisemore College side of College Way.

Lighting Officer – No objection as there is CCTV on most corners of the building, it would be beneficial if the lighting design for the car parks showed minimum lighting levels and the uniformity it achieved.

Public Participation Responses

None

Determining Issues

- Principle of The Business and Sports Hub development and relationship to the Gigaport Outline Planning Permission
- Scale, layout and design of the proposed building
- Relationship to Walsall College
- Relationship to the railway
- The Leadership area and relationship to nearby properties
- Landscaping, trees and protected species
- Greenway links, car parking, servicing, public transport and access

Observations

Principle of the Business and Sports Hub development and relationship to the Gigaport Outline Planning Permission

Walsall Gigaport is one of the principal regeneration aims for the Council (alongside Waterfront, St Matthews Quarter and Darlaston Enterprise Zone) and lies on the northern edge of the town centre. The principal aim is to support job creation and a transformational environment that would support modern working practices and use Walsall College as a catalyst to enterprise and economic activity. Associated sports and leisure development (up to 5,890sqm) was included in the development framework.

The proposals also included strategic development sites with initial phases being either side of the railway and on land in the ownership of WHG. The proposed scheme is located in the initial phase of development and is compliant in this aspect.

The application proposes sports based development with a business hub element fronting the site on the first and second floor plus a restaurant at the front of the site on the ground floor.

Whilst the amount of business floor-space is not a significant contribution towards the overall business floor-space (being a maximum of 963sqm), the proposals in principle are compliant with Walsall Gigaport's aims and objectives.

The development can be defined as a "parcel" of land (pursuant to Condition A0 of the outline permission), and is a valid Reserved Matters submission (Condition A1a, A2 (a-e)) as required by the outline planning permission.

Scale, layout and design of the proposed building

The proposals include a three-storey building on the road frontage with the sports hub element behind the principal elevation. The frontage of the building will be a modern commercial frontage and the ground floor will be set lower than road.

The building design of the sports hall element will match the college elevation and provide a consistent street scene on College Way. The proposed atrium elements are well considered and the public realm presents a positive approach to the scheme.

The proposed designs present a built frontage to Littleton Street which is a continuation of the corridor formed by WHG offices and the College buildings. The proposals allow for further development beyond the Leadership area (a landscaped area designed for outdoor team building and leadership training) to the north of the site.

Overall the proposals are in keeping with the aims and objectives of Walsall Gigaport.

Several conditions including A3a and b; A4; A5; A10a; A10b; A12; A17; A20; A22; A23 A25 a-c; A29; B1, B2; D2;; D1; I1, I2, I3a, I4a, I5a and b; I6; J1; J2 and K3a-c the outline planning permission are discharged as set out below with remaining details to be submitted at a later date.

Relationship to Walsall College, Primary Shopping Area and Public Transport Interchanges

Walsall College would manage the sports hub and enable community access to the development, it is not intended that the business hub elements become additional teaching space or staff offices for Walsall College and this is conditioned.

The proposals physically would link to the College and improvement to the pedestrian environment is particularly welcomed. There are concerns about the use of the alleyway in the side elevation of the existing College (gated and designed for servicing), especially at night, but with appropriate lighting and management of this space the links could be managed. The route around the front or rear of the new building would be equally appropriate alternatives and usable.

The existing single crossing point in front of Walsall College remains the best pedestrian link across Littleton Street and a fundamentally important link between the main Gigaport area, the Primary Shopping Area and public transport interchanges. To ensure the success of Gigaport, continued commitment for pedestrians to cross the ring-road for access is essential. The Business Hub also proposes an area of public realm which would direct users to this facility and improvements to the pedestrian environment which would be of significant enhancement to the

town centre environment and move away from the hostile and car dominated environment that currently exists.

The proposals meet the requirements of Gigaport, in particular condition A3 of the outline planning approval.

Relationship to the railway

Network Rail indicate that they are in continued negotiations with the college and their representatives about easements and land interests in the area which is particularly salient given the electrification work ongoing in this area. The building is set off the railway boundary and not located on the easements. It is anticipated that this matter, primarily relating to boundary treatment, access and land ownership issues can be resolved without changing the scheme.

The Leadership Area and relationship to nearby properties

The leadership area includes a wide range of equipment and landscaping which will need to be managed and monitored due to the height of equipment. At 18m and 12m high the proposed high rope equipment and climbing wall are tall structures.

The nearest residential properties are on the opposite side of the railway on Saw Mill Close. The high rope structure would be approximately 75m from the nearest residential property whereas the climbing wall would be approximately 35m from the nearest residential property.

The distance between the structures and the residential properties has been assessed and considered acceptable in this instance. In addition, the nature of the use, requiring concentration during use and with limited waiting/platform opportunity, the ability to affect privacy of residential properties is considered in this instance to be limited.

The Leadership area would also provide an assault course and landscaping to the College, which is generally lacking in the sea of car parking. The area will encompass new tree planting and ecological areas, which are discussed in more detail below.

Overall, the Leadership area is a welcome element of public realm and open space and should be retained and safeguarded against future development.

Landscaping, trees and protected species

The Council's ecologist has recorded dingy skipper butterfly on this site in the past as well as other invertebrates of species-rich grassland. It is uncertain whether this small colony has persisted given the lack of management and the applicant's ecological assessment made no attempt to find this species. It is noted that the submitted report concludes with a recommendation that the existing area of bird's-foot trefoil is trans located into the new landscaped area and that an area of 'sparse' grassland should be incorporated into the landscape scheme.

The areas of proposed wildflower meadow are in two separate areas immediately adjacent to proposed much higher native hedge planting. The arrangement of the proposed wildflower planting in two thin, irregular blocks of will be difficult to manage by cutting and removing the cuttings. Separating the two areas by approximately 15 metres fragments the habitat making it more difficult for the invertebrates to be conserved to utilise the habitat effectively and the shape would make the proposed habitat will make it difficult to prepare a low nutrient soil for specific areas.

There is also a separate area of 'existing rough grassland' to be retained elsewhere on the site. Management details need to be submitted to clarify what is intended.

The proposed line of trees to the south around the edge of the car park are also likely to shade the grassland unless ultimately small species are planted. Timing of works, specification of the soils and the management schedule, both in the establishment period and in the longer term are also required.

No reptiles or bats were found despite appropriate survey work at an appropriate time of the year. The Council's ecologist agrees with this assessment.

There are significant mature trees within the site. The largest are on the Littleton Street West frontage. The submitted tree survey to the standards set out in *BS5837:2012- Trees in Relation to Design, Demolition and Construction – Recommendations* has been provided. The prominent 'plane tree' on the street frontage has been accorded the highest 'A' rating in the survey. It is important to retain as many of the trees on the site as possible to retain the integrity of the wildlife corridor.

In order to address the detailed landscape and ecology comments, some of the outline planning permission conditions are not discharged at this time and will be imposed on any planning approval in relation to this Parcel.

Whilst some of the visually prominent and mature trees will be lost through the development proposals, the loss is mitigated through the proposed significant planting to the north of the site and the high quality public space created by the proposed development and in planning balance it is considered that the proposals are acceptable when considered against the wider benefits.

Overall, the proposals, balanced in the whole development considerations are acceptable subject to improvement in the precise detail which will improve the management and continued use of the Leadership Area in particular but the whole development site.

Greenway links, car parking, servicing, public transport and access

The most important aspect of the development is ensuring that the development is designed to meet the requirements of creating the Greenway and a pedestrian-led environment. The inclusion of a 2m wide new footpath and public realm improvements to College Way would be an improvement to the pedestrian environment improving links to the crossing point on Littleton Street.

The proposals include an additional 50 car parking spaces and 6 disabled spaces. The Walsall Gigaport Outline Planning Permission set a maximum standard of 1 space per 60sqm for office proposals in the initial phases of development and 1 space per 70sqm for sports related development. The aim was to reduce the level of surface car parking which would be contrary to the aims of achieving a high quality environment and also ensure that proposals promoted public transport, local labour and reduced the highway impact on the ring-road.

On this basis the business element of the proposals require a maximum of 16 car parking spaces, two disabled spaces and the leisure element 38 car parking spaces providing a maximum of 54 car parking spaces, is considered acceptable in this instance. The proposals are in conformity with the maximum provisions of the Gigaport.

It is noted that Walsall College also have over 300 car parking spaces on the College site and this could provide additional car parking for visitors. The long term view remains that this area is developed into a higher quality campus development.

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 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: Approve reserved matters subject to conditions

Consideration of Reserved Matters:

- i) The site for the purposes of A0 is defined by Plan G01-001 Rev PL0 and in relation to the Parcel of land the subject of this submission Conditions A1a; A2a-e; A4; A5; A10a; A25 a and b; B1, B2; D1; I1, I2, I3a, I4a, I5a and b; I6; J1; J2 and K3a-c are discharged entirely by this Reserved Matters submission.
- ii) In relation to the Parcel of land the subject of this submission Conditions A3a and b; A10b; A12; A17; A20; A22; A23; A25c; A29; D2; I4b; and K1 are discharged subject to the implementation of the details hereby approved under the submitted plans and drawings of this Reserved Matters submission.
- iii) Conditions A9; A10c; A16; A27; A28; D3 and G4 are to note.
- iv) Conditions A18; K2 and those contained in Schedules C (live/work development), E (hotel development), F (replacement car parking provision), and H (Wisemore House) of Walsall Gigaport Outline Planning Permission (reference 11/1541/TE) are not relevant to the Parcel of land the subject of this submission.
- v) Conditions A6; A7; A8; A11; A13; A14; A15; A21; A24; A26; G1b; G3; I3b; and K3d require the submission of further detail before they can be discharged for the Parcel of land the subject of this reserved matters application and therefore remain in place.

Additional Conditions

In addition to those conditions imposed on 11/1541/TE – Time extension application to outline planning permission for Walsall Gigaport (08/0951/OL) the following additional conditions shall apply to this Reserved Matters Approval:

1. Notwithstanding the Town and Country Planning (General Permitted Development) Order (as amended) the office floor-space (known as the Business Hub (shown on drawings G01-002 Rev PL0 and G01-003 Rev PL0) the first and second floor Business Hub shall be fully implemented in accordance with the submitted plans and be retained thereafter in Use Class B1(a) (offices) and shall not be used for College staff or teaching purposes associated with Walsall College curriculum.

Reason: The proposals are to meet the aims of Walsall Gigaport and seek to contribute towards the Black Country Core Strategy aims towards delivery of office floor-space. The site is not appropriate for additional teaching facilities which should be located within the existing College building.

2. Notwithstanding the Town and Country Planning (General Permitted Development) Order (as amended) the ground floor restaurant (shown on drawing G01-001 Rev PL0) shall be fully implemented in accordance with the submitted plans and be retained thereafter in Use Class A3 (restaurant use) only.

Reason: The proposals are out-of-centre for alternative retail development and other A-class uses would not be appropriate in this location and in order to ensure that the proposals present an active frontage to Littleton Street.

3. Notwithstanding the Town and Country Planning (General Permitted Development) Order (as amended) the Sports Hub and associated Sports Injury Clinic (shown on drawings G01-001 Rev PL0 and G01-002 Rev PL0) shall be fully implemented in accordance with the submitted plans and be retained thereafter in Use Class D2 (sports and leisure use) only.

Reason: In order to define the permission, the design of the proposals have been made to deliver sports use and no other use and to ensure that the sports facilities are satisfactorily delivered on the site.

4a) Prior to commencement of development a strategy for recruitment and training including draft construction training and employment methods statement setting out measures to maximise local job and training opportunities during construction shall be submitted to and approved in writing by the local planning authority."

4b) The agreed details shall be fully implemented throughout construction.

Reason: In order to promote employment and skill enhancement within the Black Country and in accordance with BCCS Policy EMP5.

5a) Prior to the first occupation of Community Access and Use Scheme shall be submitted to & approved in writing by the Local Planning Authority. The scheme shall include details of access to all facilities, pricing policy, hours of use management responsibilities & include a mechanism for review.

5b) The approved scheme shall be implemented upon commencement of use of the development.

Reason: To ensure access to sporting and business facilities by all parts of the community.

6a) Within 6months of commencement of development full engineering details for highway improvements to College Way as shown on drawing 464/101 Rev 1 shall be submitted to and agreed in writing by the Local Planning Authority. The improvements include:

- i) Provision of a footpath (minimum 2m in width) on the eastern side of College Way.
- ii) Pedestrian raised table crossing at the southern end of College Way (minimum 8m in length).
- iii) Removal of barriers to pedestrian movement at the junction of College Way and Littleton Street West.
- iv) Pedestrian raised table between Walsall College and Leadership area.

6b) The improvements shall be fully implemented within 12months of the first occupation of the development and retained thereafter.

Reason: In order to promote and enhance pedestrian and cycling movement between public transport interchanges and the Primary Shopping Area to the development and to meet the requirements of the proposed Greenway under saved Policy LC5 of Walsall Unitary Development Plan.

7. The development hereby permitted shall be undertaken in accordance with the details shown on following drawings and documents submitted to the Local Planning Authority:
G00-010 Rev PL0

G00-011 Rev PL0
G01-001 Rev PL0
G01-002 Rev PL0
G07-001 Rev PL0
G07-002 Rev PL0
G07-003 Rev PL0
G07-004 Rev PL0
G07-010 Rev PL0
G08-002 Rev PL0
G08-003 Rev PL0
G09-001 Rev PL0
G09-002 Rev PL0
19052 Rev1
464/101 Rev 1
464/102 Rev 1
464/103
464/104
C6100-100
C6100-101
19052 OGL Rev 1
SK/E/007

Documents:

Planning Statement prepared by Alliance Planning (ref 4935)
Design and Access Statement prepared by Bond Bryan Architects (ref: 12-161)
Environmental Noise Assessment prepared by Hoare Lea (ref: R2-REP-BB-10-05157-TC-09122013-R2-F Rev 0)
Flood Risk Assessment prepared by CCE Couch Consulting Engineers (ref: 6100-01 Draft)
Drainage Strategy prepared by CCE Couch Consulting Engineers
Transport Statement prepared by COTTEE Transport Planning (ref: 13114)
Arboricultural Survey and associated plan prepared by Middlemarch Environmental Ltd (ref: RT-MME-114465-06)
Extended Phase 1 Habitat Survey prepared by Middlemarch Environmental Ltd (ref: RT-MME-114465-01)
Reptile Survey prepared by Middlemarch Environmental Ltd (ref: RT-MME-114465-02)
Dingy Skipper Habitat Assessment prepared by Middlemarch Environmental Ltd (ref: RT-MME-114465-03)
Initial Bat Survey of Trees and associated plan prepared by Middlemarch Environmental Ltd (ref: RT-MME-114465-05)
Report on Ground Investigation prepared by Applied Geology (ref: AG1890-13-R37)

Reason: In order to define the permission

Note:

For the avoidance of any doubt, in considering Reserved Matters the Outline Planning Permission (11/1541/TE – Time extension application to outline planning permission for Walsall Gigaport (08/0951/OL)) has been taken into account, as follows:

Schedules A, B, D, G, I, J, K to Walsall Gigaport Outline Planning Permission have been considered:

Schedule A - Relating to all of the Development

Schedule B – Relating to the proposed office (use class B1(a)) floorspace.

Schedule D – Relating to leisure floorspace proposals

Schedule G – Relating to retail floorspace proposals (including restaurants)

Schedule I – Relating to ground contamination, air quality and noise assessments for reserved matters submissions

Schedule J - Relating to Phase 1A and 1B (as illustrated in the Design and Access Statement submitted with the outline application and attached to this decision notice)

Schedule K – Relating to Environment Agency requirements for reserved matters submissions



Walsall Council

Regeneration Directorate – Planning and Building Control

Planning Committee

Report of Head of Planning and Building Control, Regeneration Directorate on 13/02/2014

Plans list item no: 2.

Reason for bringing to committee: Major Application

Application Number: 13/1529/FL

Application Type: Full application

Applicant: McCarthy and Stone Retirement Lifestyles Ltd &

Proposal: Demolition of existing building and erection of 28 No later living retirement housing (category II type accommodation) including provision of communal facilities, landscaping and car parking.

Location: FORMER PARK TAVERN, 43 BROADWAY NORTH, WALSALL, WS1 2QG

Ward: St. Matthews

Case Officer: Andrew Thompson

Telephone Number: 01922 652603

Email: planningservices@walsall.gov.uk

Agent: The Planning Bureau Ltd

Expired Date: 05/02/2014

Recommendation Summary: Grant Permission Subject to Conditions and a Planning Obligation

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Application and Site Details

The application site is the former Park Tavern Public House located on the Broadway and is bordered on two sides by Walsall Arboretum, residential on the other side. The existing site has a large road frontage car park with the former public house to the rear of the site on an elevated platform of built up ground compared to the Arboretum. Existing levels are approximately 3m below the level of Broadway and the public house is approximately 2m above the Arboretum,

The proposals are for the demolition of the existing building and erection of 28 later living retirement housing (category II type accommodation). The proposals include ancillary restaurant and communal facilities, including an external terrace facing the Arboretum, management offices and a guest suite. The proposals would be four storeys in height but would be set lower than Broadway.

The proposed L-shape building presents a frontage to Broadway and the Arboretum with car parking utilising part of the existing car park. The proposals include a replacement garage for the neighbouring residential property at 41 Broadway.

The proposals include 21 car parking spaces. The site area is 0.27ha in size.

The application is supported by the following documents

Design, Access and Sustainability Statement sets out how the proposals will meet the aims of high quality design and meet the principles of Building for Life standards and the aims and objectives of high quality sustainable design.

Planning Statement – highlights that this specialised form of housing provides the frail elderly with a better housing choice. It provides residents with safety, security and companionship and removes the heavy burden of property maintenance. Therefore, it reduces the anxieties and worries experienced by many elderly people living in accommodation that does not best suit their needs. The location of this proposal is within reach of Walsall shops, public transport and other essential services, which would all contribute to the residents maintaining an independent lifestyle. This specialised form of housing generates extremely low levels of traffic; and the convenience of the location close to public transport opportunities would further reduce the need for car use, not least because purchasers of such housing accommodation generally no longer need or wish to have the 'burden' of car ownership. National, strategic and local planning policies all place strong emphasis on the need to recycle previously developed land in order to safeguard greenfield sites and land in other sensitive areas. The proposed development successfully achieves a balance between the potentially competing objectives of development and the conservation of the environment, and thereby satisfies the goal of "sustainability".

Transport Statement – Highlights that the proposed development would result in a significant reduction in the traffic generated by this site. The car parking provision for the development is appropriate and would be likely to be sufficient to meet the normal expected peak demand for spaces. The provision is also in accordance with national policy. The proposed access, which will be relatively lightly trafficked, provides adequate visibility to meet the current standards.

Affordable Housing Statement – sets out that given the type of housing, policy support in national documents and local policy aims, the housing need that the proposals do not need to provide affordable housing.

Extended Phase 1 Habitat Survey – Recommends that bat and bird boxes should be included within the new development design and wherever possible wild flower seed mix (suitably sourced for the area) and native trees and shrubs used to landscape areas surrounding the buildings. Assistance should be engaged from an ecologist in the design and location of bird/bat boxes. No

further survey effort is considered necessary unless changes are made to the development area to be affected over and above those indicated within this report.

Bat Survey - A thorough survey, externally and using ultrasonic detection equipment with data analysis, was made of the buildings scheduled for demolition by experienced ecologists. The external building inspection identified a number of possible ingress/ egress points for bats, these observations were used to guide the ultrasonic surveys at dawn and dusk. During the survey external survey undertaken on 2nd July 2013, full access internally was gained and a thorough internal examination of the buildings was made. This identified a small number of pipistrelle droppings at the southern end of the roof void within the western extension buildings.

Three dawn surveys were also undertaken which identified low levels of foraging and commuting behaviour, and a single pipistrelle bat roosting within a gap in the roof tiles of the first floor dormer on the southern elevation of the main pub building. At no time during data analysis were bats recorded within the roof voids of the western extension buildings. This indicates that the bat observed entering the building is either roosting in the cavity wall or under the tiles where it entered.

Due to the positive identification of a roost site and the presence of droppings within the roof void of the western extension buildings, it is likely that the Park Tavern Public House building is used as an occasional transient roost and suggests the use of other roost locations in close proximity to the site. Based on the findings of these surveys, the following recommendations have been made:

1. A license to exclude a European Protected Species (EPS) will be required through Natural England prior to demolition works.
2. Bat and bird boxes should be included within the new development design wherever possible, on both trees and the buildings, and a suitable planting scheme including native and species beneficial to wildlife with native trees and shrubs used to landscape areas surrounding all buildings.
3. A suitable lighting scheme should be incorporated to prevent light pollution into the garden areas after dark.

Heritage Asset Impact Assessment – Notes that the existing pub building form, scale and appearance does not add to the rhythm and harmony of the existing built form within the area, therefore its loss will not negatively impact on either the Conservation Area or the Arboretum. The surrounding development within the Conservation Area is 3 storey red brick buildings with strong frontages facing on to surrounding streets. The proposed redevelopment of the site, including the removal of the building will allow an opportunity to construct a high quality building which will make a positive contribution to both the Conservation Area and the setting of the adjacent park which would preserve and enhance the character and appearance of the Conservation Area.

Noise Assessment - Ambient noise surveys have been carried out at the site to determine existing noise levels and calculations have been undertaken to determine the required glazing and ventilation specification. Noise levels in almost all external amenity areas across the site are predicted to be lower than 55 dB LAeq during the daytime period. It is concluded that with the recommended measures given, noise within habitable rooms would comply with maximum internal levels of 35 dB LAeq during the daytime and 30 dB LAeq and 45 dB L_{Amax} at night.

Statement of Community Involvement - McCarthy & Stone felt it was important to discuss the early proposals for the site's redevelopment with local stakeholders in advance of the wider community consultation. Therefore, a series of individual one-to-one briefings for local stakeholders, elected councillors, neighbouring residents and representatives of third-party groups were organised in

addition to an exhibition, newsletter, website and leaflet drops. The statement includes a summary responses received which have been generally positive.

Relevant Planning History

13/1113/TR - Prune back all overhanging branches to a vertical line above the boundary to - T4 Ash, T5 Sycamore, T6 Ash, T7 Ash, T10 & T11 Hawthorn, T12 Beech, T17-T25 Hawthorn. Confirmed that the Council was not seeking a TPO for the trees and that the works were acceptable – 20/09/13.

There have also been a number of applications relating to the public house and extensions and alterations to the building.

Planning Policy Framework

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".

It is based on 12 **core planning principles**; the relevant principles in this case are to:

- Proactively drive and support sustainable economic development to deliver homes
- Always 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
- Reuse land that has been previously developed

Key provisions of the NPPF relevant in this case:

4: Promoting Sustainable Transport

35. Opportunities for the use of sustainable transport modes should be protected and exploited.

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.

6: Delivering a wide choice of high quality homes

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

7: Requiring Good Design

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

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

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

- Function well and add to the overall quality of the area
- Establish a strong sense of place
- Respond to local character and history and reflect the identity of local surroundings and materials

133-134 – seeks to ensure no significant harm is caused to Heritage Assets

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

On **decision-taking** the NPPF sets out the view that local planning authorities should approach decision taking in a positive way to foster the delivery of sustainable development and look for solutions rather than problems and work proactively with applicants to secure developments that

improve the economic, social and environmental conditions of the area. Pre-application engagement is encouraged.

The Development Plan

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

The Black Country Core Strategy (BCCS) (2011)

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

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.

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

CSP1 – sets out the targets for sustainable regeneration of the Black Country.

CSP2 additional windfall housing developments (on sites outside the Growth Network) will also occur in the following areas shown on the Key Diagrams will be supported in Housing Market Intervention Areas and Housing Renewal Hubs.

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.

DEL1 – sets out to seek appropriate developer contributions and infrastructure improvements from development.

CEN5 – seeks to support local centres and the viability and vitality of the centre.

HOU2 – Sets criteria for Housing Density, Type and Accessibility

HOU3 – Seeks to deliver affordable housing

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

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.

ENV 3 sets out the criteria for design quality

ENV5 seeks to ensure that new developments mitigate against flood risk and promote sustainable drainage

ENV7 seeks to ensure new development promotes renewable energy provision

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 – Environmental Protection – seeks to ensure that development will have positive environmental impacts and that unacceptable adverse impacts will be avoided.

GP3 – Seeks appropriate planning conditions

ENV10 – Seeks to prevent pollution, including noise and drainage and prevent uses that would have an adverse effect on neighbouring land uses and/or restrict the types of development that could be permitted in the locality.

ENV14 – Seeks appropriate redevelopment of derelict and previously developed sites.

ENV23 – Seeks to ensure that protected species are not harmed by development.

ENV24(b) – Seeks to ensure that wildlife corridors are maintained

ENV29 – Seeks to preserve and enhance the quality of Conservation Areas and their settings.

ENV32 – Seeks to ensure high quality design from developments.

ENV33 – seeks to secure high quality landscape design from developments.

7.1: Seeks to promote an efficient highway network;

T1 – Developments should be sensitively designed to help anybody, including disabled people, who have difficulty in getting around.

T2- Seeks to promote bus services and accessibility to their service.

T4 - Where necessary there should be a transport assessment that considers accessibility and traffic impacts.

T7: Sets out that parking provision should be well designed and sensitively integrated into the townscape or landscape.

T8 – seeks to promote walking

T9 – seeks to promote cycling

T13 - sets maximum car parking standards

LC1 – seeks to ensure that public open space

LC8 – seeks to safeguard community uses

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

Aims to achieve high quality development that reflects the Borough's local distinctiveness and character, through key design principles

Affordable Housing SPD

Sets the trigger for seeking affordable housing and guides on the tenure and type of accommodation.

Urban Open Space SPD

Seeks contributions towards the enhancement and maintenance of open space in the Borough – Walsall Arboretum is the premier open space in the Borough.

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

Consultations

Transportation: Amended comments awaited.

Pollution Control:

Scientific Team - No objection subject to noise mitigation measures are undertaken to protect future occupiers and the applicant submit a demolition/construction working plan.

Contaminated Land Team - No objection to the proposal subject to conditions being applied to ensure adequate assessment of ground conditions and the implementation of any necessary mitigation measures to deal with soil contamination or ground gas.

Natural Environment Team

Trees – Object - no objection to the principle of development on this site however with regards to the impact that the existing trees will have on the living conditions of the properties. In addition, there are several anomalies with the plans which require addressing, with potential impacts on the adjacent trees.

Ecology – Requires more information in relation to protected species [this information has now been provided].

Built Environment Team (Conservation) – No objection subject to conditions concerning materials and design details will need to be secured such the application be supported through the planning balance. Details to be agreed should include:

- Windows/doors (Scale 1:20 and colour finish);
- Soffits/eaves (Scale 1:20 and colour finish);
- Balconies (full projecting, recessed and French) (Scale 1:20 and colour finish); and
- Balustrade to terrace at south western corner (Scale 1:20 and colour finish).

WM Police – No objection - Given the high crime rate in the area there is a need for the development to meet Secured by Design principles.

Fire Service – No objection

Housing Strategy – Seek 25% Affordable Housing - the current SPD does reference Extra Care specifically, but doesn't exclude age designated or other types of accommodation. Provision on site is unlikely to be suitable, and therefore would look to off-site contribution.

National Grid – Highlights that national grid have equipment in the area that will need to be accommodated.

Severn Trent – No objection subject to a drainage condition

Natural England – No objection as the proposal are unlikely to affect any statutorily protected sites or landscapes.

Rights of Way Officer – No objection

Local Access Forum – No objection

Public Participation Responses

24 letters of support for the development with general comments received stating that they are interested in living in the development, the development looks attractive, the site is well located and the proposals would generate local employment. General comments are also received on car parking with many acknowledging that the applicant's own study and experience should be considered but there may be a knock-on effect on the neighbouring streets.

1 letter of objection from a local resident received objecting on the following grounds:

- Lack of car parking
- Car park is being used by Hydesville school
- Displaced parking will go on to Charlotte Street.
- Need for servicing and maintenance vehicles
- More effort should be made on the design

1 letter from neighbouring land owner relating to land access and ownership issues that they currently enjoy.

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

Determining Issues

- Principle of residential development and loss of community facilities
- Design, Layout and Relationship to Arboretum Conservation Area
- Car parking and servicing
- Urban Open Space and Affordable Housing
- Local Financial Considerations.

Observations

Principle of residential development and loss of community facilities

The application site a former and now closed Public House borders Walsall Arboretum and existing houses.

The saved UDP policy LC8 to retain community facilities, including public houses, unless it is demonstrated that there are either better located facilities in a more convenient location, the existing premises are no longer viable, replacement facility could be provided in an equally or more convenient location; or there is no longer a need for the facility.

In this instance, the site is located outside Walsall Town Centre and the creation of a new cafe and visitor's centre is an important part of the continued viability of the Arboretum. In addition the Toby Carvery (Birmingham Road) and the pubs of Walsall Town Centre (e.g. Arbor Lights) are also within walking distance and would be more convenient for a wider range of users. As such, it is considered in this instance, the tests of local facilities have been met.

Considering alternative land uses, the use of the land for housing, specifically retirement housing would be particularly welcomed as this meets a specific housing need and would not result in town centre uses on the site.

Design, Layout and Relationship to the Arboretum Conservation Area

The existing buildings, as submitted by the applicant, do not positively contribute to the character of the Arboretum Conservation Area. The neighbouring and nearby buildings form a strong

Victorian character frontage to Broadway. The proposed design has evolved from consultation with the community and the influence of Victorian buildings, particularly those fronting Broadway.

The pastiche design has been reduced. The design remains a piece of mock historic architecture along the main frontage. Whilst a strong contemporary solution would be preferred by officers the proposals restore the building line, generating better surveillance of public space whilst restoring urban design street frontage principles.

Therefore the scale, massing, siting and layout, which in this instance the development is considered makes a positive impact to the Conservation Area.

The proposals take account of the relationship to the neighbouring houses and many of the building inter-relationships formed by the existing public house are continued. The increase in height is noted but in this sustainable location with excellent facilities within walking distance including the Arboretum and town centre facilities the proposed designs are appropriate. It is considered the proposals reflect the scale and mass of the existing street scene.

The distance between the proposals and the nearest residential property (41 Broadway) would be 9m from the boundary, 14m from the nearest window and 22m from the nearest principal habitable window. Considering the levels of the residential property are higher, together with a high wall and other screening present, it is considered that this relationship is satisfactory.

Having considered all aspects of the elevations and layout it is considered that the proposed designs and layout are acceptable in this instance.

Trees and natural environment

It is noted that survey work identified that bats are present on the site and further roosts are in the vicinity. Detailed plans and surveys have been submitted showing mitigation and further licences will be required from Natural England with regard to the demolition and redevelopment of the site.

The existing pub buildings and associated outside terrace is built to the northeast of the site on the boundary of the Arboretum on an elevated platform, the surface of which is approximately 3m higher than the ground level of the Arboretum Park and tree root levels. Levels slope down from Broadway whilst being generally flat across the application site.

The proposed building would be set off the Arboretum Park boundary improving the relationship with the neighbouring park trees. The existing retaining walls of the boundary would be unaffected by the current proposals.

The Tree Officers have questioned the site levels of the proposed development. The proposed finished site levels are within 10cm of the existing site levels of the current site levels and generally the difference is smaller than this. Further clarification has been provided to the Tree officers regarding the proposed site levels especially in relation to existing trees.

The Tree Officers concerns regarding shading are noted. The applicant has submitted shading plans which have been considered. The spring and autumn equinox (21st March and 21st August) that afternoon shading would be significant but that sunlight to the proposed flats would increase to higher levels and a good level of sunlight in the summer when the outdoor environment is most beneficial for sitting out (for example on balconies or the terrace) and the use of the landscape areas would be most prevalent.

Car parking and servicing

The proposals provide 21 off road car parking spaces as well as a replacement garage for 41 Broadway.

The location and proximity to the town centre are noted as well as the proposed end users are also considered. There is provision for cycles and mobility scooters within the scheme.

The proposals include dry fire mains and have been amended to ensure that fire access can be safely achieved.

Overall the proposed parking level is appropriate for the development and its location adjacent to good public transport routes and the proposals caters for appropriate servicing.

Urban Open Space and Affordable Housing contributions

Based on the dwellings created, the applicant agrees to pay the Urban Open Space contribution of £29,442 (based on £701 per bedroom) which should be directed towards the Arboretum Park based on the proximity of the development to the site and that this is the premier open space in the Borough.

The submission of the applicant's Affordable Housing Statement which outlines the applicant's case that it would not be appropriate to seek affordable housing on the site due to the nature and type of housing, the housing need and policy position.

The current Affordable Housing SPD is not specific to this type of housing and in addition given the specialist nature of housing, although this is being revised, and the applicant has presented a robust case for the setting aside of affordable housing including housing need, freeing up of housing that are under-used and Government national planning objectives. Considering the statement submitted and the robust case presented, it is considered that it would appropriate not to seek affordable housing contributions in this instance.

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

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

Positive and Proactive 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 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 and a Planning Obligation

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

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

2a) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- i) The parking of vehicles of site operatives and visitors
- ii) Loading and unloading of plant and materials
- iii) Storage of plant and materials used in constructing the development
- iv) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- v) Wheel washing facilities
- vi) Measures to control the emission of dust and dirt during construction
- vii) A scheme for recycling/disposing of waste resulting from demolition and construction works

b) The development shall be fully carried out in accordance with the agreed Construction Phase Method Statement and agreed details shall be retained throughout the construction period.

Reason: In the interest of Highway Safety, and ensure the free flow of traffic using the adjoining Highway and to ensure that arrangements to not affect neighbouring residents.

3a) Demolition shall not take place until a contract for the redevelopment of the site has been signed and a copy lodged with, and acknowledged by, the local planning authority.

Reason: To ensure that the Arboretum Conservation Area is not compromised by the presence of a vacant site.

4a) Within 3 months of commencement of development 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 include the following: -

- 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) Installation of new/additional ecological measures

b) The development shall be carried out in accordance with the approved details, and the dwellings shall not be occupied before the approved facilities have been installed and made available for use by the occupiers of the dwellings.

Reason: In order to secure the sustainable means of construction in accordance with Policy ENV3 of the Black Country Core Strategy.

5i) Following demolition of the existing buildings and prior to built development commencing an additional site investigation, ground contamination survey and assessment of ground gas having regard to current best practice shall be undertaken to address that part of the site currently inaccessible due to the presence of buildings. (see Note for Applicant CL1)

ii) Prior to built development commencing a copy of the findings of the site additional investigation, ground contamination survey and ground gas assessment, together with an assessment of identified and/or potential 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.

6a) Prior to their first installation, samples of the materials to be used in the construction of the external surfaces of the building hereby permitted should be submitted to and approved in writing by the Local Planning Authority.

b) The development shall thereafter be fully implemented in accordance with the approved details and retained and maintained thereafter

Reason: To preserve and enhance the character of the Conservation Area and to ensure satisfactory appearance of the development.

7) The approved landscaping scheme shown on plan numbers S543-1 rev A and S543-2 Rev A shall be implemented prior to the first occupation of the development and thereafter maintained for a period of 5 years following the completion of the works. Maintenance shall comprise and include for the replacement of any trees, shrubs or hedges that are removed, dying, being seriously damaged or becoming seriously diseased within the above specified period, which shall be replaced by trees of a similar size and species.

Reason: To preserve and enhance the character of the Conservation Area and to ensure satisfactory appearance of the development.

8a) Noise mitigation measures for the substation shall be agreed in writing with the Local Planning Authority.

8b) Any mitigation measures shall be implemented prior to the substation being activated.

Reason: To ensure the amenities of future residents.

9a) No development shall commence until drainage plans for the disposal of surface water and foul sewage, including sustainable drainage systems and rainwater harvesting detail, shall have been submitted to and approved in writing by the Local Planning Authority.

9b) The scheme shall be fully implemented in accordance with the approved details before the development is first occupied and thereafter retained and maintained.

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.

10a) Prior to the first occupation of the development, details of a scheme of decorative and functional external lighting for the development, shall have been submitted to and approved in writing by the Local Planning Authority. Any External lighting shall be directed away from residential properties and shall comply with the recommendations by the Institute of Lighting Engineers/Professionals for the reduction of light pollution.

10b) The development shall be fully implemented and completed in accordance with the approved details and retained and maintained thereafter

Reason: To ensure satisfactory functioning and appearance of the development and to preserve and enhance the character of the Conservation Area and to safeguard the amenities of neighbouring and nearby residents.

11a) Prior to first occupation of the development hereby approved development, details of security orientated measures to meet Secured By Design or an equivalent standard as agreed with the Police Architectural Liaison Officer details shall be submitted to and agreed in writing by the Local Planning Authority.

11b) The development shall not be brought into use until the approved scheme has been fully implemented and completed. The approved scheme shall thereafter be retained.

Reason: To create a secure and safe environment for future residents.

12a) Prior to their installation details of the proposed boundary treatment of the development , have been submitted for the approval of the Local Planning Authority.

12b) The development shall not be brought into use until the approved scheme has been fully implemented and completed. The approved scheme shall thereafter be retained.

Reason: The submitted boundary treatment detail is of inadequate design quality and fails to preserve or enhance the setting of listed buildings or the quality of the Conservation Area.

13a) Prior to the installation of plant, machinery and extraction systems details shall be submitted to and agreed in writing by the Local Planning Authority.

13b) The agreed plant, machinery and extraction systems shall be installed in accordance with the agreed systems prior to the development being brought into use.

Reason: In order to ensure that the scheme does not adversely affect nearby residential occupiers and are satisfactorily designed and to ensure satisfactory functioning and appearance of the development and to preserve and enhance the character of the Conservation Area and to safeguard the amenities of neighbouring and nearby residents.

14) The development hereby approved shall be implemented in full accordance with the recommendations in the Acoustic Report R4921-1 Rev 0, by 24 Acoustics Ltd, these being:

- Homeowners lounge: 4 mm glass: 12 mm cavity: 6.4 mm Stadip Silence;
- Living windows in unit 20 and 28: A 6 mm glass: 12 mm cavity: 6.4 mm Stadip Silence; and
- All other façades Type C: 4 mm glass: 12 mm cavity: 4 mm.

Reason: To safeguard the amenities of future residents

15) The building shall be served by a mechanical ventilation system.

Reason: To safeguard the amenities of future residents

16) No vehicles, equipment or materials may enter the site, and no construction work may commence on site until protective fencing has been erected around the trees to be retained on site. All existing trees shown on the plans hereby approved as being retained on site shall be protected by fencing in accordance with BS5837:1991 'Trees In Relation To Construction', in accordance with a scheme and specification which shall have been submitted to and approved in writing by the local planning authority. Within the protected area(s) there shall not be carried out or permitted, during the construction period, any building or other operations, parking or passage of vehicles, or storage of building or other materials or any other object.

Reason: To ensure that the trees on the site are protected during construction works in the interests of local amenity.

17) The garage and car spaces provided shall be kept available for the parking of motor vehicles at all times. The car parking spaces shall be used solely for the benefit of the occupants of the dwelling of which it forms part and their visitors and for no other purpose and permanently retained as such thereafter.

Reason: In order to provide satisfactory access and parking provision.

18) No demolition, construction or engineering works, (including land reclamation, stabilisation, preparation, remediation or investigation), shall take place on any Sunday, Bank Holiday or Public Holiday*, and such works shall only take place between the hours of 07.00 to 18.00 weekdays and 08.00 to 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.

Reason: In the interests of neighbouring residential amenities.

19) The access shall be constructed in accordance with the approved plan prior to the dwellings hereby approved being first occupied.

Reason: To ensure the formation and construction of a satisfactory access in the interests of highway safety.

20) All site clearance and building demolition shall take place outside the bird nesting season (the bird nesting season is March to September inclusive). Where this is unavoidable a breeding birds survey (particularly looking for black redstart and peregrine falcon) shall be undertaken by a suitably qualified and experienced ecologist prior to any works commencing. If breeding birds are discovered site clearance and other operations should be delayed until young birds have fledged. All wild birds, their nests and eggs are protected by the Wildlife and Countryside Act 1981 and subsequent amending legislation. It is an offence to damage or destroy a nest of a wild bird. If nesting birds are discovered clearance works should be delayed and advice sought from the ecologist or Natural England.

Reason: To protect local bird populations.

21) None of the individual units of residential accommodation at the development shall be used otherwise than as a private place of residence for a person or persons of whom at least one must be a "qualified person" (defined below) at the date of his or her first occupation of the unit in question'. For the purposes of this schedule "a qualified person" means a person who is or has attained the age of 60 years and thereby in need of personal care by reason of old age or by reason of disablement. (whether or not such person suffers from a registered disability under the terms of the Chronically Sick and Disabled Persons Act 1970). An occupier of one of the individual units of residential accommodation who is not a "qualified person" but who shares or previously shared the accommodation with a "qualified person" (e.g. a spouse or surviving spouse) must have attained the age of at least 60 years.'

Reason: To minimise the need for on-site parking in the interest of highway safety, reduce the demand on education places and to meet recognised housing need.

22) The development hereby permitted shall be undertaken in accordance with the details shown on following drawings and documents submitted to the Local Planning Authority:

Plans and Drawings:

Location Plan

1925-1-02 Rev A Elevations 1

1925-1-03 Rev C Site Plan

1925-1-04 Rev B Elevations 2

1925-1-05 Floor Plans

1925-1-06 Demolition Plan

1925-1-07 – Shadow Studies

S543-1 Rev A Landscaping plan 1

S543-2 Rev A Landscaping plan 2

001-036 Substation drawing 1

001-037 Substation Drawing 2

8120/02 Tree Protection Plan

Documents:

Design, Access and Sustainability Statement prepared by the Planning Bureau Ltd (ref: 1925_D&A, dated October 2013)

Conservation of habitat and Species Regulations Statement prepared by the Planning Bureau Ltd and Marishal Thompson (ref: WML-A13.2 (09/12))

Affordable Housing Statement prepared by the Planning Bureau Ltd (January 2014)

Arboricultural Report prepared by Ian Keen Ltd (ref: IJK/8120/WDC)
Noise Assessment prepared by 24 Acoustics (ref: R4921-1 rev 0)
Heritage Asset Impact Assessment prepared by the Planning Bureau Ltd
Extended Phase 1 Habitat Survey prepared by Marishal Thompson (ref: E1403131452)
Planning Statement prepared by the Planning Bureau Ltd
Transport Impact and Parking Provision Statement prepared by Dr Allan J Burns (dated October 2013)
Bat Presence/Absence Survey prepared by Marishal Thompson (ref: E0105131303)
Statement of Community Involvement prepared by remarkable engagement (dated October 2013)
Site Investigation Report prepared by Crossfield Consulting (reference: CCL02332.BR11)
Building for Life Assessment (dated October 2013)

NOTES FOR APPLICANT:

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.

Coal Authority Standing Advice

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 0845 762 6848. Further information is also available on The Coal Authority website at www.coal.decc.gov.uk Property specific summary information on past, current and future coal mining activity can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at www.groundstability.com. *This Standing Advice is valid from 1st January 2013 until 31st December 2014*

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 "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 in on or under 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 and where necessary include testing and/or monitoring data.



Regeneration Directorate – Planning and Building Control

Planning Committee

Report of Head of Planning and Building Control, Regeneration Directorate on 13/02/2014

Plans list item no: 3.

Reason for bringing to committee: Major application

Application Number: 13/1604/RM

Application Type: Reserved Matters

Applicant: Walsall Housing Group

Proposal: Residential development comprising 29 dwellings for affordable rent, with associated footpaths, car parking and landscaping. The site forms part of the Goscote Lane Masterplan previously submitted (12/0036/OL).

Location: LAND FORMER 166 TO 200 SHAKESPEARE CRESCENT, WALSALL.

Ward: Blakenall

Case Officer: Alison Ives

Telephone Number: 01922 652604

Email: planningservices@walsall.gov.uk

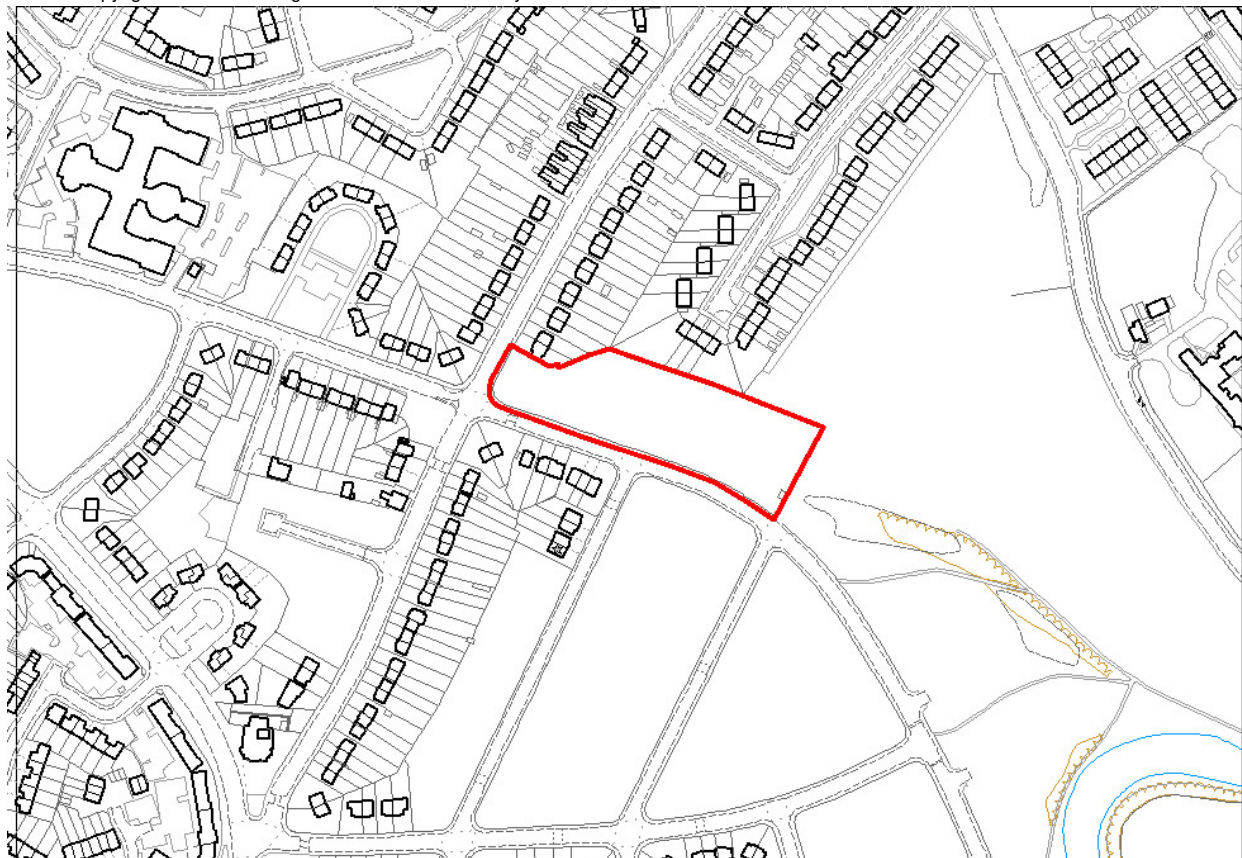
Agent: BM3 Architecture Ltd

Expired Date: 28/02/2014

Recommendation Summary for the Habitats Regulations Assessment: Approve the Habitats Regulations Assessment

Recommendation Summary: Grant permission subject to conditions and subject to no further representations raising material planning issues.

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Current Status

This report requires Committee consideration of a Habitats Regulations Assessment (HRA) and the Planning Application. The HRA is set out in the body of the report and a second recommendation is incorporated in relation to this.

Application and Site Details

The proposals seek full planning permission for erection of 29 dwellings on a site in Shakespeare Crescent. The site forms part of the wider Goscote Lane Masterplan area where outline permission is currently being sought under application reference 12/0036/OL. This site is known as site J in the wider Goscote regeneration area.

The applicants are seeking to deliver this element, as the first phase of development of the wider regeneration of Goscote hence the requirement for a full application to be submitted at this stage. The remainder of the scheme will be considered through the outline and subsequent reserved matters applications.

The proposed dwellings are all affordable rented units to be managed by the applicant Walsall Housing Group (WHG). There are 17 x 2 bedroom houses and 12 x 3 bedroom houses proposed.

The site is within the Goscote Lane Regeneration Area (GLRA) located approximately 2.7 miles north of Walsall Town Centre. The surrounding areas to the north, west and south are predominantly suburban residential areas but include Blakenall Village Centre, Blakenall Community Centre, local shops and schools. To the east of the sites lies the former Goscote Hospital site now occupied by Palliative and Dementia Care Units and offices. The site was previously developed for housing.

The site fronts Well Lane and Shakespeare Crescent and borders the gardens of housing in Well Lane and Hardy Road. The eastern boundary overlooks "The Lea". The site area is 0.74 hectares which equates to 39 dwellings per hectare. The houses are all two storeys high having a modern appearance comprising brick and render elevations with a brick soldier course and tiled roofs. There are 51 parking spaces to be provided within the plots which equates to 179% provision. Black boundary railings are proposed to the front gardens.

The houses face Well Lane and Shakespeare Crescent and return to face a short access facing towards the open space "The Lea". The houses are set back from the highway; most have driveways in front of the properties and lawns/planting at regular intervals between each pair of houses.

The applicant confirms the proposed dwellings are designed in accordance with Secure by Design, Code for Sustainable Homes Level 3, Lifetime Homes and Housing Quality Indicators.

The Planning Statement and Design & Access Statement – The Planning Statement describes the site and details of the development and relates to relevant national and local planning policies. The Design & Access Statement comments on the sustainability of the site, surrounding residential context and details of the proposed accommodation. It explains the design and layout, landscape proposals, boundary treatments, materials and access.

The Arboricultural Impact Assessment – Records three individual trees and two groups of trees in good to fair condition. Of these one individual tree and two groups of trees require removal to facilitate development. Replacement tree planting is recommended.

The Extended Phase 1 Habitat Survey – Identifies the public open space adjacent to site J as of particular high biodiversity to support a diverse flora and fauna recommending retention and replication of this habitat. Opportunities for native shrub planting, inclusion of bat and bird boxes

and insect hotels to improve the wildlife value is also recommended. Vegetation along the canal should be retained to help re-colonise Water Voles. No evidence of protected species was found. Clearance should take place outside bird nesting season and open trenches secured overnight to protect wildlife. Japanese knotweed is identified and should be removed.

Extended Phase 1 Habitat Survey Site D Chaucer Road (includes the Shakespeare Crescent site) – Identifies habitats and key ecological features as having potential to support a variety of notable birds, reptiles and roosting bats. A bat survey and reptile survey are recommended and removal of vegetation outside the nesting bird season.

Coal Mining Desk Study – Identifies three mining instability principal hazards likely to affect redevelopment of the site. Further intrusive investigations are recommended and construction and post construction phase monitoring.

The Flood Risk Assessment – To mitigate flood risks floor levels should be elevated 150mm above external levels, ground profiles designed to fall away from buildings and on site J minimum floor level must be higher than the maximum flood level from the canal embankment. It recommends the design of the proposed surface water system must follow the parameters and principles defined in the Flood Risk Assessment.

The Geotechnical and Geoenvironmental Report – Describes the site details and development history, geology, hydrogeology and hydrology and ground conditions. It recommends further intrusive investigations are carried out.

The Supplementary Geotechnical Report – Ground conditions appear suitable for design and construction of relatively shallow spread foundations

The Supplementary Gas Monitoring Report – Detects ground gas concentrations and recommends gas protection measures.

Supplementary Contaminated Land Investigation – Highlights the needs for remediation.

Relevant Planning History

13/1221/ND – Screening opinion for residential development of sites A, D and part of site J in Goscote Development Area including Shakespeare Crescent, Keats Road, Tennyson Road, Chaucer Road, Wordsworth Road, Dryden Road, Harden Road and Well Lane – Determined that an Environmental Impact Assessment was not required - 11/10/13

12/0036/OL – Outline permission for residential development on sites A, D & J (Goscote Lane Regeneration Corridor) – No decision yet. The application has been amended since originally considered by Planning Committee in March 2012.

11/1570/ND - Screening Opinion for Goscote Development Corridor residential/redevelopment (sites A, B, C, D and J) – Determined that an Environmental Impact Assessment was not required – January 2012

07/2335/OL/E11 – Outline: Proposed construction of 182 1, 2, 3 & 4 bed dwellings with garages and parking on land between Shakespeare Crescent/Chaucer Road/Tennyson Road/Wordsworth Road and corner of Well Lane and Shakespeare Crescent (now Site D) – Refused for 2 reasons broadly relating to (1) Failure to demonstrate that 182 residential units can be satisfactorily accommodated on the site and provide a satisfactory residential environment with good design and adequate parking and amenity space (2) Unacceptable demand on limited educational capacity, accessible community healthcare facilities, affordable housing and public open space provision in the locality.

06/0517/PD/E9 – Prior Notification for demolition of houses in Shakespeare Crescent – Demolition approved 20/04/06

06/0076/PD/E7 - Prior Notification for demolition of houses in Shakespeare Crescent – Demolition approved 10/02/06

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:

- Promoting sustainable transport
- Delivering a wide choice of high quality homes
- Requiring good design
- Conserving and enhancing the natural environment

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 50 seeks to deliver a wide choice of quality homes and states local planning authorities should plan for a mix of housing.

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 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.

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.

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.

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

1. Focussed investment and development in comparison shopping, office employment, leisure, tourism and culture within Walsall, to retain and increase their share of economic activity and meet the increasing aspirations of their catchment areas.
2. A restructured sub-regional economy which provides sufficient strategic high quality employment land in the best locations within Regeneration Corridors to attract new high technology and logistics businesses and also recognises the value of local employment land.
5. A network of vibrant and attractive town, district and local centres
6. A high quality environment
7. A first-class transport network providing rapid, convenient and sustainable links between the Strategic Centres, existing and new communities, and employment sites

The above are supported by the following policies:

CSP1: A network of Regeneration Corridors will provide new homes in sustainable communities built on brownfield sites close to existing public transport routes.

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 impact on the environment, and ensure that the development is sustainable and contributes to the proper planning of the wider area.

HOU1: Seeks to deliver at least 63,000 net new homes over the period 2006-2026.

HOU2: Density and form of new housing should be informed by the need for a range of types and sizes of accommodation, level of accessibility and need to achieve a high quality design and minimise amenity impacts. Developments should achieve a minimum density of 35 dwellings per hectare, except where higher densities would prejudice historic character and local distinctiveness

HOU3: Will seek to secure 25% affordable housing on all sites of 15 dwellings or more where this is financially viable.

TRAN1: All new developments will address the transport network and provide adequate access for all modes, including walking, cycling and public transport. Residential development will be expected to meet the accessibility standards set out in Policy HOU2.

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: Development Proposals will promote the multifunctional nature of the Black Country canal network.

ENV5: Development must demonstrate the level of flood risk associated with development is acceptable.

ENV6: Development that enhances the open space, sport and recreation network will be encouraged.

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.

ENV8: Residential development should be located, where possible, in areas where air quality meets national objectives.

WM5: Sets out general principles for managing waste associated with new developments.

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:

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.

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

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.

3.116 & 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.

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

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

H1: The Council will promote and encourage the renewal of existing residential areas.

H3: Encourages the provision of additional housing through the re-use of previously developed land provided a satisfactory residential environment can be achieved.

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: Seeks to improve access and help people get around

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.

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

T10 (a): Refers to accessibility standards.

T11: Residential development should be within easy walking/cycling distance of a range of facilities with direct/safe access to surrounding areas and measures to improve links between the

development and its catchment area. It also 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.

1, 2 & 3 bedroom houses: 2 spaces per unit

4 bedroom houses and above 3 spaces per unit

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.

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

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

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 E 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.

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 on the planning application

Transportation – No objections in principle subject to securing appropriate access and parking and required highway improvement measures. These can be secured by recommended conditions.

Pollution Control (Scientific Team) – No objections.

Pollution Control (Contaminated Land) – No objections subject to works being implemented to remediate the elevated levels of contamination identified in the “Goscote Site J additional area (formerly site D2) Supplementary Contaminated Land Investigation” prepared by RSK (reference 312565-01-00) dated 13th December 2013. Conditions to address these issues are recommended.

Environmental Health – No comments.

Ecology – No significant comments but the developer’s ecologist recommends incorporation of bat boxes/tubes and bricks of which there is no detail. Landscaping could be improved to offer a greater ecological value.

Landscape – No objections in principle. Some areas of concerns about small landscaped areas and verges adjacent to parking areas can be overcome by good site management.

Conservation – No objection. The development is a significant distance from listed and locally listed buildings.

Housing Strategy – Supports the proposals.

Natural England – The site is within 3km of the Cannock Extension Canal Special area of Conservation (SAC) and within 14km of the Cannock Chase SAC. Both sites are also Sites of Special Scientific interest (SSSI).

In accordance with Regulation 61 of the Habitats Regulations 2010, a Habitats Regulations Assessment (HRA) is required to assess whether the proposal is likely to have significant effects on a European site. The proposed development is 3km from the nearest part of the Cannock Extension Canal SAC so direct impacts can be ruled out due to the distance between the two sites. Indirect impacts on surface water drainage are unlikely to have a significant effect on the SAC’s water quality. The site is 14km from the Cannock Chase SAC and the potential increase in predicted visitors as a consequence of the development could have a significant effect on the SAC in terms of wear and tear and dog fouling along paths which alter important heathland vegetation. A Habitats Regulation Assessment is therefore required. There are no objections relating to the potential impact on the nearby SSSI sites. Consideration should also be given to protected species and biodiversity enhancements.

Police – The area has been subject to 1152 recorded crimes in the last 12 months of which 156 have been burglaries and 198 vehicle related crimes. The applicant has indicated that the proposals will achieve Secure by Design accreditation. Provided this is secured recommendations are made in relation to security and access measures and boundary treatments.

Fire Service – No comments.

Environment Agency – No objections subject to securing flood risk measures as recommended on the outline application 12/0036/OL. Conditions are recommended.

Severn Trent Water – No objections subject to provision of adequate drainage. A condition is recommended to secure this.

The Coal Authority – No objections. The site falls in a low risk area.

Public Participation Response on the Planning Application

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

- Support redevelopment of the demolished site but have reservations over increased pressure on education and health services
- Object to provision of 3 storey buildings as this is out of keeping with surrounding two storey development
- Similar to demolished housing it replaces after leaving the site vacant for so long
- Site more suitable for higher value housing as it has an outlook over the canal and green space
- Prefer owner occupied properties

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

The consultation period expires on 18th February 2014.

HABITATS REGULATIONS ASSESSMENT

The Local Planning Authority has a duty under Regulation 9 (5) of the Conservation of Habitats and Species Regulation 2010 ("2010 Regulations"). This duty is for all "competent authorities" (including Local Planning Authorities and other public bodies) to "have regard to the Habitats Directive in the exercise of its functions".

Regulation 61 (1) of the Habitats Regulations states the following:

"A competent authority, before deciding to undertake, or give any consent, permission or other authorisation for, a plan or project which:

a) is likely to have a significant effect on a European site or a European offshore marine site (either alone or in combination with other plans or projects), and

b) is not directly connected with or necessary to the management of that site,

must make an appropriate assessment of the implications for that site in view of that site's conservation objectives".

The first stage (screening) of Habitats Regulations Assessment is to identify the likely impacts (if any) upon a European site of a project or plan, either alone or in combination with other projects or plans, and consider whether these impacts are likely to be significant.

The screening element of the Habitats Regulations Assessment has been undertaken by Walsall Council and is currently under consultation with Natural England. This Habitats Regulations Assessment is attached in Appendix 1.

In assessing the proposal recognition is given to Regulation 61(6) which acknowledges that consideration can be given to any conditions or restrictions subject to which the consent is proposed.

The Habitats Regulations Assessment concludes that *"Walsall Council concludes that the development would not result in a significant effect on the Cannock Chase Special Area of Conservation (SAC) for the following reasons:*

- *The one dimensional nature of the 15km 'zone of influence';*

- The additional visitor impact on Cannock Chase SAC expected from the proposed development negligible;
- The alternative open space resource in the local area surrounding the proposed development site.

In conclusion, the local area within which the proposed development site is located benefits from access to a wide variety of open space, which exceeds local open space quantity standards. In particular there is a large surplus of accessible natural and semi-natural greenspace, including areas of lowland heathland within 3km of the proposed development site. There is significant spare capacity within existing open space networks to absorb all additional recreational demands likely to arise from the addition of 29 dwellings in this area. Alternative open space resource options therefore exist to safeguard the SAC.

Taking into account these factors, it is considered that the new residential development proposed at Shakespeare Crescent, Walsall will have no likely significant effects on Cannock Chase SAC, either alone or in combination. It can therefore be screened out for the purposes of the HRA, and does not need to proceed to Stage 2: Appropriate Assessment.

Given this conclusion, it is considered the requirement to complete an appropriate assessment has not been triggered. As a consequence, officers consider the development is in compliance with the provisions of Regulation 61 of the Conservation of Habitats and Species Regulations 2010 (as amended).

The formal views of Natural England on the HRA and its conclusions will be updated at Committee.

Determining Issues on the planning application

- Principle of residential development
- Layout and design
- Relationship to surrounding properties
- Means of access & parking
- Provision for affordable housing
- Provision for Urban Open Space and Education
- Local Finance Considerations

Observations on the planning application

Principle of Residential Development

Housing renewal and the provision of good quality housing in the Goscote area is supported by the BCCS. The sites were formerly occupied by housing and provision of new housing is acceptable in principle as it brings forward vacant land in accordance with UDP policy ENV14. UDP policy H3 also encourages provision of additional housing through the re-use of previously developed land provided a satisfactory residential environment can be achieved. The housing key diagram in the BCCS identifies the Goscote area as a housing renewal hub that will be a focus for housing renewal activity. This site is known as site J in the wider Goscote regeneration area.

Existing residents support the principle of redevelopment of the former housing sites which have been vacant for a long time.

The principle of residential development is acceptable.

Layout and design

The layout utilises the existing highway layout and proposes new dwellings that face the street and create a strong built frontage, albeit set back along Shakespeare Crescent. The introduction of the housing fronting a new private drive facing the open space known as "The Lea" gives greater

natural surveillance of this area and security for existing gardens. There are clearly defined public and private areas and adequate garden areas for future occupiers.

Objectors are concerned that 3 storey housing is out of keeping in the area but all the proposed properties are 2 storeys. There are also concerns that the housing is similar to that previously demolished but the housing will be a modern appearance and construction reflecting current design and is considered acceptable.

The incorporation of the new cul-de-sac so that properties can face "The Lea" is a design solution to secure rear gardens of existing properties and provide additional natural surveillance of the open space areas. Although objectors consider that these properties could be higher value housing as they overlook the green space the scheme is for affordable units and residents of these properties are as entitled to these views as owner occupiers.

The houses along Shakespeare Crescent are set back at varying distance from the road with the buildings creating an arc or crescent. This staggered building line is acceptable and does not have any significant impact on the street scene and allows space for new planting between driveways to soften the appearance.

The layout and design is considered acceptable.

Relationship to surrounding properties

The proposed house on plot 29 is set 1.5m from the boundary and positioned 4m in front of 120 Well Lane which is an extended semi-detached house. The proposed dwelling will not have a significant impact on the outlook or daylight to the bedroom window on the front elevation of the existing house at 120 Well Lane.

The houses fronting Shakespeare Crescent predominantly have long rear gardens backing on to gardens of properties in Hardy Road allowing adequate distance between facing elevations to maintain privacy.

The proposed development layout maintains an acceptable relationship to surrounding occupiers.

Means of access & parking

The proposals utilise the existing highways with most properties fronting Well Lane and Shakespeare Crescent. Shakespeare Crescent is currently closed off from the junction with Tennyson Road to the eastern edge of the site so the developer will be required to ensure the Prohibition of Driving Order is amended in order to implement any development. A new length of cul-de-sac serves plots 1-4 at the eastern end of the site. Subject to securing details of access and any necessary highway improvements the proposed access is considered to be acceptable.

Each house has at least 1 parking space with the level of parking at 179% providing almost two spaces per dwelling. This is considered adequate as the parking is convenient and well observed and given the sustainable location of the site access to alternative transport provision and services are available.

The means of access and parking are acceptable.

Provision for affordable housing

Policies HOU3 of the BCCS, GP3 of the UDP and Supplementary Planning Document Affordable Housing require provision of 25% affordable houses on schemes of 15 units and over. The scheme proposes 100% affordable rented housing for this site to be managed by Walsall Housing Group. Housing Strategy supports this proposal. The affordable housing can be secured by condition.

Residents would prefer a greater proportion of owner occupied market housing but the developer has identified that the proposals will kick start the redevelopment of the Goscote area and that market housing could be achieved on nearby sites.

Having given consideration to this matter, it is felt that the proposed development is suitable for the character of the area.

Provision for Urban Open Space

Under the terms of policies DEL1 of the BCCS, policy LC1 (d) of the UDP and SPD: Urban Open Space the developer is required to contribute towards provision for urban open space. Based on the proposed number of units this would require a contribution of £47,950.

The District Valuer reviewed an earlier Viability Assessment for the Goscote Masterplan area (12/0036/OL) and agreed that the development would not be viable if the full provision was required as there is a negative residual land value of over - £1.4 million. The current proposals are for a greater proportion of affordable housing which presents further financial challenge to the viability of the scheme and it is unlikely that a positive land value will be achieved.

In the circumstances it is likely that the development would be unviable if further provision for open space were required.

Residents are concerned that the proposals will add pressure on existing education and health services but the number of units on this site does not trigger the requirement for provision. Earlier comments on application 12/0036/OL considered healthcare provision in the area adequate.

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 29 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 has been submitted to enable full support to be given to the scheme

Recommendation on the Habitats Regulations Assessment

It is recommended that the Habitats Regulation Assessment Report and associated provision dated February 2014 (attached as Appendix 1) be endorsed by the Planning Committee, as the competent authority and confirm that, the Council considers that the proposed development would

not have a significant effect on a European site, subject to a satisfactory response from Natural England.

Recommendation on the planning application

Grant permission subject to conditions and subject to no further representations raising material planning issues.

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. In order to address potential impact from land contamination the following matters shall be addressed:

(For the purposes of this condition each site shall be considered as a separate entity. The parts of this condition state which sites need to comply.)

- i. 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)
- ii. The remedial measures as set out in the “Remediation Statement” required by part i) of this condition shall be implemented in accordance with the agreed timetable.
- iii. 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 i) of this condition has been amended to address any additional remedial or mitigation works required and agreed in writing by the Local Planning Authority.
- iv. 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.

3a. No development shall take place until a surface water drainage scheme has been submitted to, and approved in writing by, the local planning authority. This should include details of:

- i. Surface water attenuation to the 1:100 year event 30% climate change standard.
- ii. Limitation of surface water discharge from the site to the greenfield rate as outlined in the FRA.
- iii. The inclusion of SuDS where possible as outlined in the Flood Risk Assessment, paragraph 7.23.

3b. The scheme shall be fully implemented and subsequently maintained, in accordance with the agreed scheme.

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.

4a. Prior to the commencement of the development details of foul water drainage 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 thereafter.

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 take place until such time as a flood risk management scheme has been submitted to, and approved in writing by, the local planning authority. This should include details of:

- i. Finished floor levels and ground profiles to mitigate against the risk of flooding from surface water, overland flows, and canal overtop & breach scenarios as outlined in the Flood Risk Assessment section 7.20.

5b. The scheme shall be fully implemented and subsequently maintained, in accordance with the agreed scheme.

Reason: To reduce the risk of flooding to the proposed development and future users.

6a. Prior to commencement of any development the applicant shall commence proceedings to secure the amendment to the existing permanent prohibition of driving traffic regulation order on the existing highway network and all associated costs to be met by the applicant.

6b. The approved dwellings shall not be occupied until the amendment has been secured.

Reason: To allow the approved development to be undertaken.

7a. Prior to the commencement of any development, the following details shall be submitted and approved in writing by the local planning authority;

- (i) An overarching Masterplan and proposed phasing of intended highway improvement works on the following roads:-
 - Shakespeare Crescent
 - Tennyson Road
 - Wordsworth Road
 - Chaucer Road
 - Keats Road
 - Dryden Road
- (ii) Full engineering details and location of the proposed highway improvement proposals as agreed in the phasing point (i) and in accordance with BCCS policy TRAN1, TRAN2, TRAN4 and UDP Policies T4, T6, T7, T8, T9 and T1.

7b. Prior to the occupation of the first dwelling on the approved plan, all highway infrastructure works detailed and agreed, shall be fully implemented, completed and brought into use to the satisfaction of the local planning authority and all associated costs to be met by the applicant.

Reason: In the interests of the free flow of traffic on the local highway network, highway safety and the satisfactory operation of the development.

8a. 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.

8b. 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.

9a. Prior to the commencement of development samples of all facing, roofing and hard surfacing materials plus details of all boundary treatments shall have been submitted to and approved in writing by the Local Planning Authority.

9b. The development shall be completed with the approved details and retained thereafter.

Reason: To ensure the satisfactory appearance of the development.

10a. Prior to any demolition and/or construction operations commencing, a method statement shall be submitted to and agreed in writing with the Local Planning Authority for the purposes of controlling noise and dust from such operations.

10b. The agreed method statement shall be fully implemented and thereafter maintained until construction and demolition works are complete.

Reason: To protect the amenities of surrounding properties.

11a. Prior to the commencement of the development a scheme to provide bat boxes, bat tubes and bat bricks incorporated into new buildings shall be submitted for approval in writing of the Local Planning Authority.

11b. The approved scheme shall be fully implemented and retained thereafter.

Reason: To ensure proper regard is taken to the impact of development on protected species.

12. Prior to the occupation of the development hereby approved the access, turning areas and parking facilities shown on the approved plan shall have been properly consolidated, surfaced, drained, free of loose stone and otherwise constructed in accordance with details to be submitted to and approved in writing by the local planning authority and these areas shall be thereafter be retained and kept available for those uses at all times.

Reason: In the interest of highway safety, and ensure the free flow of traffic using the adjoining Highway.

13. Prior to the occupation of the first dwelling any redundant existing vehicular accesses onto the adjoining highway shall be permanently closed in accordance with full engineering details submitted to and approved in writing by the local planning authority.

Reason: To ensure the safe and free flow of traffic using the adjoining county highway.

14. All new driveway access points shall have 2.4m x 3.4m pedestrian visibility splays within which no planting or structures exceeding 600mm in height above ground level shall be permitted and therein retained.

Reason: In the interests of highway safety.

15a. The approved landscaping scheme shall be implemented within 12 months of the development being completed.

15b. 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: In order to safeguard the visual amenity of the area.

16. All site clearance shall take place outside the bird breeding season unless carried out under the supervision of a qualified and experienced ecologist.

Reason: To ensure proper regard is taken to the impact of development on protected species.

17. During construction all open trenches or hazardous areas should be securely fenced off to prevent animals becoming trapped.

Reason: To ensure proper regard is taken to the impact of development on protected species.

18. 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; Easter Monday; Good Friday; May Day; Spring Bank Holiday Monday and August Bank Holiday Monday.*

Reason: To protect the amenities of surrounding properties.

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

- Site Location Plan (D00) received 29/11/13
- Site Layout Plan (D01 Rev C) received 29/11/13
- Soft Landscape Proposals (c-1094-01 Rev A) received 29/11/13
- House Type 2B3PA (D100 Rev B) received 29/11/13
- House Type 2B4PA (D101 Rev B) received 29/11/13
- House Type 2B4PB (D102 Rev B) received 29/11/13
- House Type 2B4PC (D103 Rev B) received 29/11/13
- House Type 2B4PE (D104 Rev B) received 29/11/13
- House Type 3B5PC (D105 Rev B) received 29/11/13
- House Type 3B5PE (D106 Rev B) received 29/11/13
- House Type 3B5PF (D107 Rev B) received 29/11/13
- Street Elevations (D150 Rev B) received 29/11/13
- Drainage Strategy (13378-D2) received 29/11/13
- Levels Strategy (13378-D1) received 29/11/13
- Land Survey (7344) received 29/11/13
- Planning Statement and Design & Access Statement prepared by BM3 Architecture received 29/11/13
- Arboricultural Impact Assessment prepared by Godwin's Arboricultural Limited (AIA.12134.01) received 2/12/13
- Extended Phase 1 Habitat Surveys prepared by LCA Ecological Consultants (P434/2 Version One) received 29/11/13
- Extended Phase 1 Habitat Survey Site D Chaucer Road prepared by Middlemarch Environmental Ltd (RT-MME-105801) received 29/11/13
- Coal Mining Desk Study sites A, D & D2 prepared by STATS Limited (250057-01) received 29/11/13
- Flood Risk Assessment sites A, B, C, D & J prepared by JMP Consulting (R.001) received 29/11/13
- Geotechnical and Geoenvironmental Report site D & D2 prepared by STATS Limited (36823-001) received 29/11/13

- Supplementary Geotechnical Report Site D & D2 prepared by STATS Limited (250056-01) received 29/11/13
- Supplementary Gas Monitoring Report prepared by RSK received 29/11/13
- Supplementary Contaminated Land Investigation prepared by RSK received 18/12/13

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).

Notes for Applicant – Contaminated Land

CL1: Ground investigation surveys should have regard to current “Best Practice” and the advice and guidance contained in Planning Policy Statement 23 – Planning and Pollution Control; 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.

Note for applicant regarding 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. All costs are to be met by the applicant.

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

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

**Supporting Information for
Planning Application 13/1604/RM, Shakespeare Crescent, Walsall**

**To inform the preparation of a Habitats Regulation Assessment (Stage 1) Screening Opinion
by Natural England in relation to Cannock Chase Special Area of Conservation (SAC)**

Following Natural England's letter of 8 January 2014 offering advice on the determination of planning application 13/1604/RM, and taking a precautionary approach to the Habitats Regulations Assessment (HRA) process, Walsall Council as the competent authority under the Conservation of Habitats and Species 2010 Act (Regulation 7) has undertaken this screening statement to determine whether or not the proposed development is likely to have a significant effect on the Cannock Chase SAC, and if so, to undertake an Appropriate Assessment to ensure the integrity of the SAC is safeguarded from harm.

The advice referred to above from Natural England initially states that there is not currently enough information included in the above planning application to determine whether the likelihood of significant effects can be ruled out. The advice then goes on to say that "Natural England advises that, in combination with other development, this proposed development is likely to have a significant effect..." Walsall Council however considers that the proposed development of 29 dwellings at Shakespeare Crescent, Walsall would not be likely to have a significant effect on the Cannock Chase SAC. The Council's determination is made for the following reasons:

- 1. The one dimensional nature of the 15km 'zone of influence';**
- 2. The additional visitor impact on Cannock Chase SAC expected from the proposed development;**
- 3. The alternative open space resource in the local area surrounding the proposed development site.**

The first reason concerns the advice from Natural England that all development of one dwelling or greater within 15km of the SAC will unquestionably have a significant effect on the Cannock Chase SAC. This is based on findings from the Footprint Ecology Cannock Chase SAC Visitor Survey, 2013. However, Walsall Council does not accept this advice as the 15km zone of influence merely relates to a median average of where 75% of visitors originate from and does not assess the impact on the SAC that these visitors are likely to create. The two key variables not used in the implementation of a 15km zone are: the visit rate of each visitor, i.e. how frequently the visitor goes to the SAC; and, the activity undertaken by the visitor (and how often) at the SAC. Evidence exists for both of these variables in the 2013 Visitor Survey.

The second reason concerns the degree of impact the amount of development proposed would have on visitor recreation pressure on the SAC. Considering the number of dwellings in the Walsall North sub-area and the number of postcodes from this sub-area recorded, based on the findings of the visitor survey (Footprint Ecology, 2013), a 0.21% visitor rate for the Walsall North sub-area can be applied. Therefore the 29 dwellings proposed in this application would be likely to give rise to 0.06 of a visitor per year. This figure would translate as an almost negligible 0.001% increase in total visitors to Cannock Chase SAC. Natural England have advised that the scale of housing development predicted within 15km of the SAC is likely to give rise to a 15% increase in visitor numbers to the SAC. However, as acknowledged by Footprint Ecology in the above evidence base study (p.6), this percentage change is indicative. As the figures above show, this development will barely contribute to this estimated increase in visitors, whether or not it materialises.

Even in combination with other plans or projects which may lead to increased recreation pressure on the SAC and a possible significant effect, the proposed development can be ruled out as having a significant effect. This negligible likely increase in visitor numbers to the SAC arising from the development of 29 dwellings at a distance of 14km from the nearest point of the SAC could not reasonably be said to combine with larger developments occurring at much closer distances to the SAC, especially when allowing for the fact that in combination effects cannot be considered in combination with plans or projects that would have a significant effect on their own, i.e. 'alone'. This approach has already been supported by Natural England in agreeing with Wolverhampton City Council that additional dwellings to be delivered through the Stafford Road AAP, including proposed residential development at 14km distance from the SAC, would not have a significant effect on the SAC, either alone or in combination.

Furthermore this small increase in visitors to the SAC would be likely to visit on an infrequent basis (at most within the once a month category from the Cannock Chase Visitor Survey, 2013). This is based on evidence of visit rates included in the Visitor Survey and further supported by the proposed development site being proposed for 100% affordable housing provision, i.e. reflecting general socio-economic trends across Walsall, and in particular in the Goscote area, which is likely to have an impact on the ability of residents to travel distances beyond their nearest green space for recreation purposes.

The third reason concerns the significant amount of accessible open space, in particular the high provision of natural and semi-natural greenspace, in the Walsall North area and especially in the Blakenall ward area which includes the proposed development site. This surplus of open space provision has capacity to absorb any additional recreation pressure arising from the development of 29 dwellings (by accommodating potential additional visits that might otherwise go to the SAC), while still providing a quantity provision of open space in the local area well in excess of Borough-wide standards. Such a level of provision of local, good quality natural and semi-natural greenspace contributes to meeting the aims of the Black Country Core Strategy, in particular policies CSP3, ENV1 and ENV6.

The Walsall Green Space Strategy (2012) has audited the entire borough of Walsall for quantity, quality and accessibility of open space provision. This enables the following observations to apply to the local area around the proposed Lindon Drive development site:

- Blakenall ward has 96.99ha of unrestricted access green space and a population of 11,942 which provides 8.12ha per 1,000 population (borough average = 4.96ha per 1,000);
- Of this 96.99ha, Blakenall ward provides 70.08ha of accessible natural and semi-natural greenspace giving a provision figure of 5.87ha per 1,000 population (borough average = 2.65ha per 1,000);
- This large surplus of open space in the area surrounding Shakespeare Crescent (including some notable green space sites that are in adjacent wards to Blakenall) is primarily made up of the following large natural or semi-natural green space sites:
 - Ross Farm (2061) – 12.74ha
 - Harden Road North (6055) – 18.94ha; and Harden Road South (6034) – 12.38ha (Goscote Wedge / Goscote Valley)
 - Goscote Valley South (6053) – 9.02ha; and Goscote Valley South (6054) – 6.39ha (Goscote Wedge / Goscote Valley)
 - Goscote Valley North (2070) – 12.54ha; and Slacky Lane (2056) – 7.76ha (Goscote Wedge / Goscote Valley)

Total Natural & Semi-Natural Greenspace for Goscote Valley = 79.77ha

- Park Lime Pits Local Nature Reserve (in adjacent Rushall / Hatherton ward) – 9.42ha, approx 2.5km from site
- Mill Lane Local Nature Reserve – 8.48ha, approx 2km from site
- Pelsall Common (Park & Garden in adjacent Pelsall ward) – 15.75ha, approx 1.5km from site
- Pelsall Nest Common and Pelsall North Common Local Nature Reserve (Pelsall ward) – 61.38ha of wet lowland heathland, approx 3km from site

In conclusion, the local area within which the proposed development site is located benefits from access to a wide variety of open space, which exceeds local open space quantity standards. In particular there is a large surplus of accessible natural and semi-natural greenspace, including areas of lowland heathland within 3km of the proposed development site. There is significant spare capacity within existing open space networks to absorb all additional recreational demands likely to arise from the addition of 29 dwellings in this area. Alternative open space resource options therefore exist to safeguard the SAC.

Therefore, taking into account these factors, it is considered that the new residential development proposed at Shakespeare Crescent, Walsall will have no likely significant effects on Cannock Chase SAC, either alone or in combination. It can therefore be screened out for the purposes of the HRA, and does not need to proceed to Stage 2: Appropriate Assessment.



Regeneration Directorate – Planning and Building Control

Planning Committee

Report of Head of Planning and Building Control, Regeneration Directorate on 13/02/2014

Plans list item no: 4.

Reason for bringing to committee: Major application

Application Number: 13/1628/FL
Application Type: Full application

Case Officer: Paul Hinton
Telephone Number: 01922 652607
Email: planningservices@walsall.gov.uk
Agent: GT Designz Ltd

Applicant: CPP Limited

Proposal: Removal of conditions 6, 8, 10, 13, 15, 16 & 19; and submission of details required for condition 12a of planning permission 13/0858/FL.

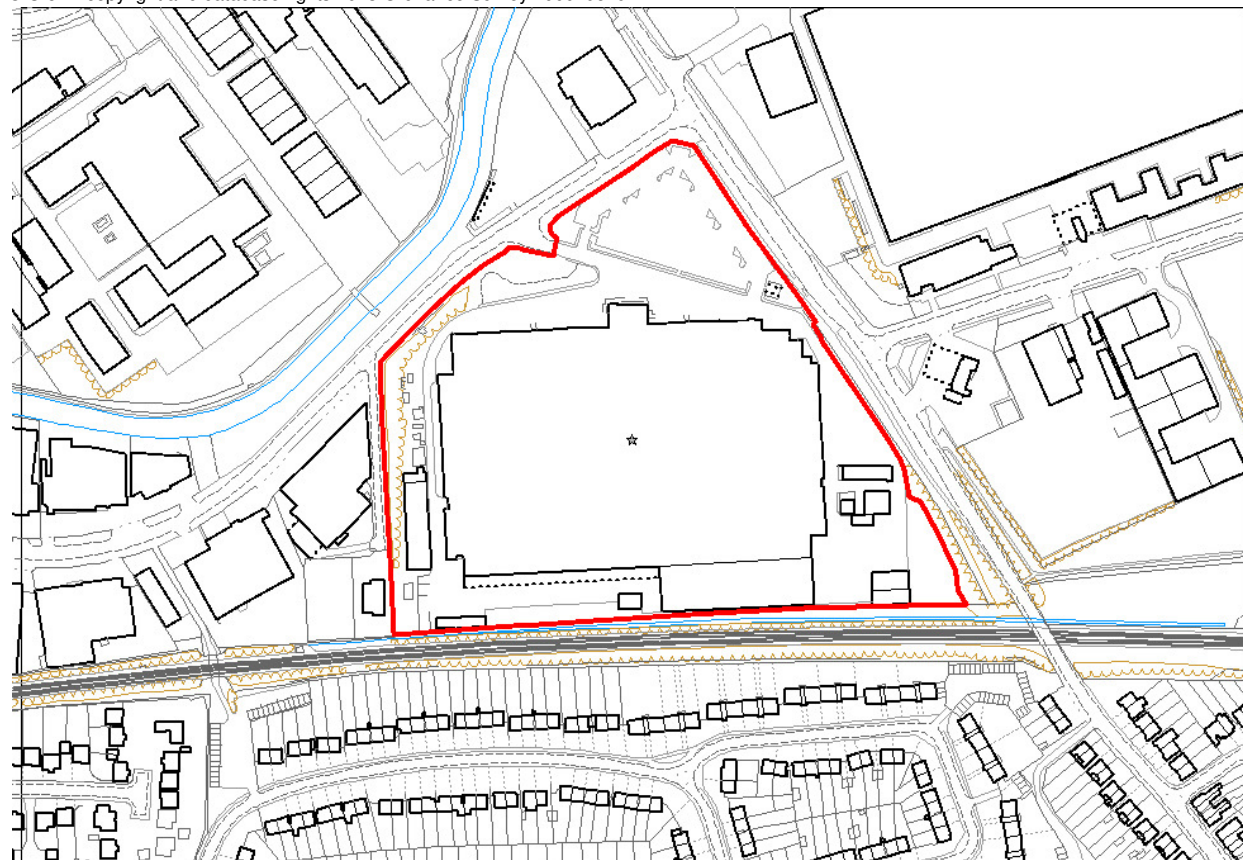
Location: FORMER GKN FACTORY, MIDDLEMORE LANE WEST, ALDRIDGE, WALSALL, WS9 8DT

Ward: Aldridge Central & South

Expired Date: 18/03/2014

Recommendation Summary: Delegate decision to the Head of Planning and Building Control to grant conditional planning permission subject to resolving concerns of conditions 8 and 13

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Application and Site Details

This application is for the removal of conditions 6, 8, 10, 13, 15, 16 and 19 required under the terms of planning permission 13/00858/FL which was for the change of use to a mixed use of B1c (light industry), B2 (general industrial) and B8 (warehouse and distribution). The application also seeks approval to condition 12a in regard to details of the cycle parking area. The building has no particular end user and therefore the approach of this application is on a speculative basis.

The conditions proposed to be removed are:

- 6 – Prevention of the installation of a mezzanine floor
- 8 – The submission of details of any external lighting
- 10 – Prevention of subdividing the building into more than three separate units
- 13 – The submission of a Framework Travel Plan, to encourage and promote sustainable travel
- 15 – The submission of a revised layout plan *should* it be intended for HGVs to be parked at the site other than for their usual business
- 16 – The provision of tactile paving across the existing bellmouth access point on Middlemore Lane West and the existing crossing facility across the Middlemore Lane West/Dumblederry Lane junction.
- 19 – The submission of full drainage details.

The applicant has submitted the following information in support of this application:

- A plan showing a further 205 car parking spaces could be accommodated within the hardsurfaced areas of the site.
- Local bus timetables.
- A drawing showing provision of a secure and covered cycle stand.

The application site is the former GKN factory on the corner of Middlemore Lane and Dumblederry Lane, Aldridge. The application site is within the middle of Westgate core employment area. Directly to the north is a premises used for storage and the Wyrley and Essington (Daw End Branch) canal. Immediately to the south on the same ground level of the site is the railway track which also forms the rear boundary to the three storey maisonettes in Bonner Grove and Gretton Crescent, which are 44m from the rear of the factory on ground approximately 1-2m higher than the application site. To the east, across Dumblederry Lane and immediately to the west are other industrial units also within the core employment area.

Relevant Planning History

03/0859/FL/E7 – Demolition of existing dilapidated office building, provision of additional car parking, extension to existing factory building, over-cladding of existing factory frontage. Granted subject to conditions 6/10/03.

13/0858/FL - Change of Use of Building to B1(c), B2 and B8 with Associated Works and Alterations to the East and West Elevations to Insert new Roller Shutters and Openings. Granted subject to conditions 30/9/2013.

Relevant Planning Policy Summary

National Planning Policy Framework (NPPF)

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

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

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

Key provisions of the NPPF relevant in this case:

1. Delivering sustainable development

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

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 or being put at unacceptable risk from, or being adversely affected by unacceptable levels of...air...or noise pollution.

120 The effects (including cumulative) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area or proposed development to adverse effects from pollution should be taken into account.

123 Planning decisions should aim to:

- avoid noise from giving rise to significant adverse impacts
- mitigate and reduce to a minimum 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.

The Development Plan

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

The Black Country Core Strategy (BCCS)

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

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

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

The Spatial Objectives include 2. A restructured sub-regional economy which provides sufficient strategic high quality employment land in the best locations within Regeneration Corridors to attract new high technology and logistics businesses and also recognises the value of local employment land.

The relevant key policies are:

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

CPS4: The design of spaces and buildings will be influenced by their context and seek to enhance the unique attributes the area offers.

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

ENV3: Provision of a high quality network of streets, buildings and spaces

EMP1-4 – Seeks to secure, safeguard and provide appropriate levels of employment land to aid sustainable economic growth

EMP2: Encourage high quality development/redevelopment and discourage development that prejudices quality, dilutes employment uses or deters investment.

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.

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

Walsall's Unitary Development Plan (UDP)

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

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

The relevant policies are:

GP2 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, vii) Accessibility by a choice of means of transport, 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 states that development which may give rise to pollution such as noise and smell will only be permitted where it would not have an adverse effect on adjoining uses/potential uses.

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

ENV17, ENV18: encourages new planting as part of landscape design and seeks to protect existing vegetation.

ENV32: 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: Seeks conservation and protection of all water resources.

4.4 Core employment uses are defined as B1b, B1c, B2 and B8 of the Use Classes Order and are locations of strategic importance and good accessibility which contain major concentrations of these uses. Core employment areas will be safeguarded for core employment uses.

JP5: Core Employment Areas will be safeguarded for core employment uses.

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.

T8: Encourages greater use of walking as a healthy and sustainable form of travel.

T9: New developments should meet the accessibility standards for cyclists. The design of cycling infrastructure should be safe and secure for all users.

T12: Industry (B1b&c, B2 and B8) i) developments should be within 400m walking distance of a bus stop ii) The service frequency should be at least 30mins during working hours.

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% of all parking spaces should be reserved for disabled people.

Use class B1c): 1 car park space per 30m² of gross floorspace, 1 bike locker for every 1 spaces. Taxi facilities.

Use class B2: 1 car park space per 50m² up to 250m², then 1 space for every additional 100m² of gross floorspace. 1 bike locker for every 10 parking spaces. Taxi facilities.

Use class B8: 1 car park space per 50m² of gross floorspace up to 250m²; then 1 space per 100m² up to 2500m²; then 500m² of gross floorspace. 1 bike locker for every 10 car parking spaces. Taxi facilities.

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

Supplementary Planning Documents (SPD)

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

Designing Walsall SPD

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

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

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

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

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

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

Walsall Employment Land Review

Area 12: Identifies the industrial area as potential high quality employment land.

Circular 11/95

Conditions should only be imposed where they satisfy all the tests:

- i. necessary
- ii. relevant to planning
- iii. relevant to the development to be permitted
- iv. enforceable
- v. precise; and
- vi. reasonable in all other respects.

Consultations

Transportation – Agrees to the removal of condition 16 and approval of details for 12a.

Objects to the removal of condition 13 and 15.

Pollution Control

Scientific Team – no objection.

Contaminated Land – no objection.

Canal and River Trust – no objection.

Inland Waterways – no objection.

Severn Trent Water – to be reported at committee.

Public Participation Responses

None received.

Determining Issues

- Impact upon highway safety
- Relationship to residential properties on Bonner Grove, Gretton Crescent and the surrounding area
- Impact upon local drainage
- Part approval/refusal of conditions

Observations

Impact upon highway safety

Car parking standards for new developments are set out in Policy T13 of the Walsall Unitary Development Plan. The building has planning permission for B1c, B2 or B8 uses, considering the building as wholly B1c, 925 parking spaces would be required and an additional 10% for disabled people. Considering the building as wholly B2, 281 parking spaces, plus an additional 10% for disabled people would be required and for B8, 80 spaces plus 10% for disabled people. The existing car park has capacity for 195 vehicles, plus 8 visitor parking spaces and four disabled bays next to the entrance, with a covered cycle storage area proposed next to the car park. In support of the current application, a further 205 parking spaces are shown as being capable of being accommodated within the site.

Condition 6 prevents the installation of a mezzanine floor, which effectively increases the floorspace of the building. This was required to ensure the amount of floorspace was not too great in comparison with the parking requirements. The revised layout plan shows additional parking provision. As a consequence the provision of mezzanine floors are not considered to result in a shortfall of parking to meet the operational needs of the development. **Accordingly this condition can be removed.**

Condition 10 prevents the subdivision of the building. The planning application was considered on the basis of the submitted plans which showed three separate units. The condition was necessary to define this and also to consider the implications of the parking requirement should the building be subdivided into many small units. The applicant explains that the flexibility of a planning permission that allows the entire building to be flexible in its use (B1c, B2 or B8) and the size of the units would provide greater attractiveness to occupiers and would mean the building is in the best position to adapt due to changing market conditions. This approach is recognised and supported where it would not result in a demonstrable harm. The additional parking spaces would ensure appropriate provision in a situation where there are a number of smaller units. **Accordingly this condition can be removed.**

Condition 12a requires the submission of full details for a covered, secure and illuminated cycle parking area. Plans submitted show a 2.2m high covered area on the edge of the front car park with 34 cycle stands with a perspex sheet covering. This is acceptable. **Accordingly this condition can be discharged.**

Condition 13 requires the submission of a Framework Travel Plan. These are submitted when the occupiers of the development are unknown, they are used to minimise the impact of the development on the road network and contribute to sustainable development. Government guidance advises a full travel plan (this is based on the known development and its users) is required where B1c exceeds 2500sqm, where B2 exceeds 4000sqm and B8 exceeds 5000sqm.

The floorspace of this approved B1c/B2/B8 building is 27,775sqm, a building that has the potential to generate a large number of vehicle reliance trips. Therefore a travel plan is required.

Travel plans focus on achieving the lowest practical level of single occupancy vehicle trips to or from a site and widening the use of other travel modes. Whilst the supporting information points toward methods of sustainable travel it does not demonstrate how future occupiers of the building will be encouraged to take up these measures – as a Framework Travel Plan would and how any of the occupiers (in particular those of larger units) would then be encouraged to create their own individual travel plans. Approving the removal of this condition would be contrary to the encouragement of sustainable travel, it would also undermine the work of other businesses across the borough who have committed to such plans. Transportation object to the removal of this condition, the development has the potential of being a significant employer and generate a significant level of vehicle trips. **Removal of condition recommended to be refused.**

Condition 15 requires the submission of a revised layout plan *should* it be intended for HGVs to be parked at the site other than for their usual business. This condition was to give future occupiers flexibility in amending the parking and access areas to accommodate large vehicles, for example overnight as part of a distribution business, and to demonstrate the satisfactory operation of the development. Transportation objects to the removal of this condition as it would lose control over the site operating satisfactory. Given the size of the external areas around the building vehicles can manoeuvre in the site and therefore would not be prejudicial to the safe use of the highway. Condition 14 of the planning permission defines the access ways, car parking spaces, vehicle manoeuvring and turning areas. Therefore any future changes to the approved access would require a formal application and would ensure appropriate control over the parking and manoeuvring areas, overcoming Transportation's concerns. **Accordingly this condition can be removed.**

Condition 16 requires the provision of tactile paving across the existing bellmouth access point on Middlemore Lane West and the existing crossing facility across the Middlemore Lane West/Dumblederry Lane junction to improve pedestrian links. Since the previous application was submitted the pavements have been resurfaced which has improved these pedestrian links. In the circumstances it is unnecessary to require the applicant to undertake further works on these pavements. **Accordingly this condition can be removed.**

Relationship to residential properties on Bonner Grove, Gretton Crescent and the surrounding area

Condition 8 requires that should any external lighting be installed then full details should be provided in advance. The reason for this condition is to ensure that any *additional* lighting would not give rise to glare to occupiers of adjoining premises. The installation of external lighting in most cases is *di minimis*, and would not always require planning permission. When installed at a commercial level they can cause amenity issues for neighbours, and therefore to protect the amenity of neighbouring properties the condition was necessary.

The applicant explains that there would be no additional lighting, instead the building would be operated using the existing external lighting and a plan showing its location has been provided. It is not clear why the applicant would want to seek to remove this condition as it would not prevent the building being used with the existing external lighting, simply the submission of details were this to be changed. Planning must operate in the long term interest of the wider public. Due to the proximity of residential properties on Bonner Grove and Gretton Crescent (44m away) it is considered necessary that their amenity is protected and control is available to avoid inappropriate lighting being erected in the future. Weight is also given that the building could be in use 24 hours a day and therefore external lighting would be required. **Removal of condition recommended to be refused.**

Impact upon local drainage

Condition 19 requires the submission of full drainage details, as requested by Severn Trent as part of the consultation on the previous planning application. At the time of that application no drainage details were provided, including any changes proposed due to the proposed development. Severn Trent felt it was necessary to be sure that the development was 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. The applicant states that the existing drainage system will remain as it is. Severn Trent's comment have not been received at this time, Committee will be updated with their comments at the time of the meeting. **To be advised.**

Part approval/refusal of conditions

An application for variation or removal of conditions can only be approved or refused. There is no ability of the Local Planning Authority to part approve/refuse. In the circumstance, and as explained above, as the removal of all the conditions applied for is not supported then the entire application would have to be refused. Members are asked to consider delegating the decision to the Head of Planning and Building Control to give the applicant the opportunity to consider amending the proposal and omit the removal of those conditions that are considered to be necessary and relevant to the approved development to be retained. Should the applicant seek not to make any changes then the application would be reported back to the next Planning Committee with a recommendation for refusal.

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: Delegate decision to the Head of Planning and Building Control to grant conditional planning permission subject to resolving concerns of conditions 8 and 13



Regeneration Directorate – Planning and Building Control

Planning Committee

Report of Head of Planning and Building Control, Regeneration Directorate on 13/02/2014

Plans list item no: 5.

Reason for bringing to committee: Major Application

Application Number: 13/1579/MA

Application Type: Non Material Amendment

Applicant: Galliford Try Construction

Proposal: Amendment of colour of new UPVC windows and doors to white (Planning permissions 12/0553/FI and 13/0177/RM).

Location: FORMER CO-OP DAIRY, MIDLAND ROAD, WALSALL

Ward: St. Matthews

Case Officer: Philip Wears

Telephone Number: 01922 652611

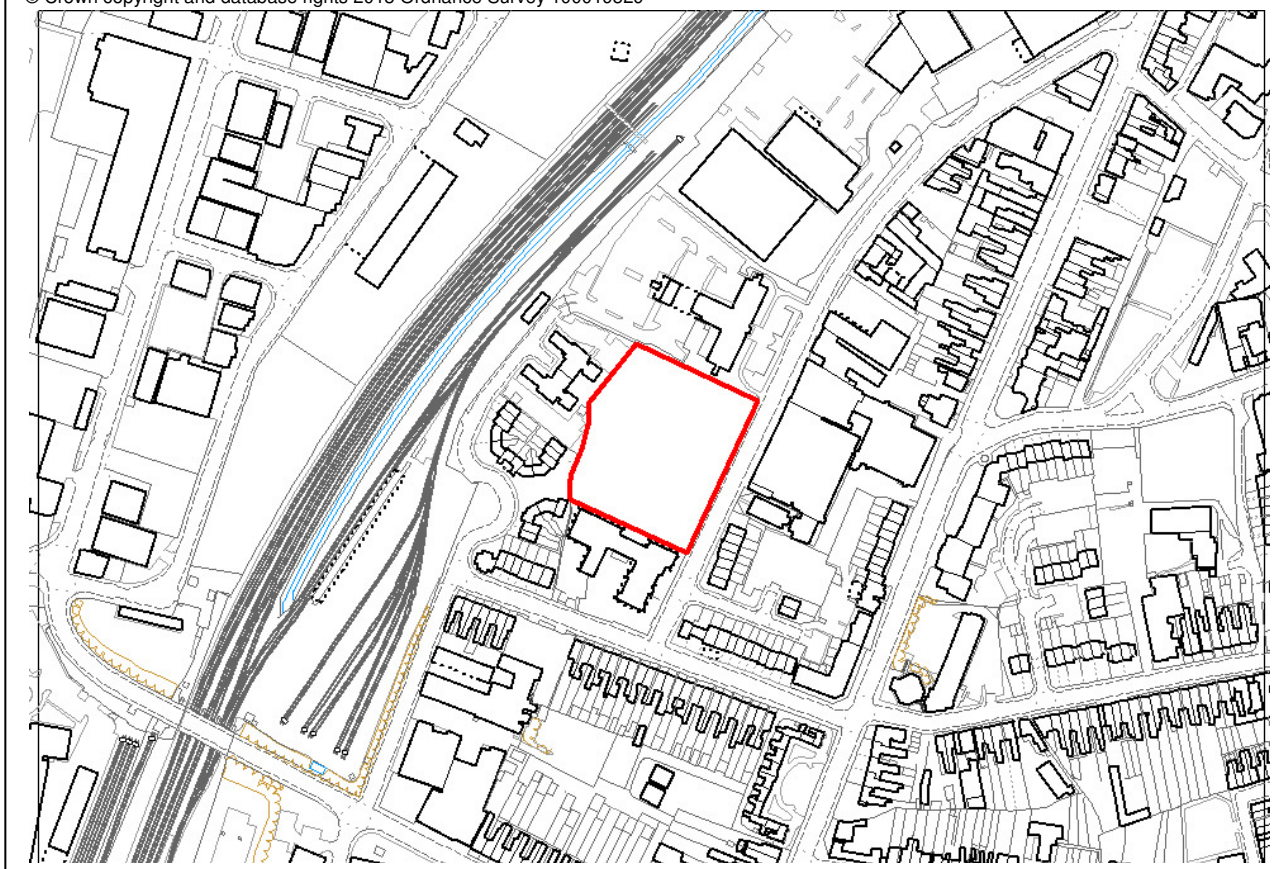
Email: planningservices@walsall.gov.uk

Agent: Nicol Thomas Architects

Expired Date: 16/12/2013

Recommendation Summary: Approve Non-Material Amendment(s)

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Application and site details

This application is made under section 96A and seeks a non-material amendment to the external door and window materials which were subject of condition 12 attached to outline planning permission 12/0553/OL and approved as part of permission 13/0177/RM.

The approved materials schedule proposed the windows and doors to be dark grey uPVC colour. It is now proposed that they are white uPVC.

Relevant Planning History

12/0553/OL - Outline conditional planning permission granted for 36 new houses with associated parking, amenity areas and associated works, with landscaping only reserved for subsequent approval.

Condition 12 requires a schedule of the external facing materials to be used in the walls and roofs to be approved before development commences.

13/0177/RM - Amended layout and house types; discharge of conditions; and reserved matters application for landscaping (pursuant to 12/0553/OL). Approval on 22/03/2013 included approval of the materials schedule submitted on 5th March 2013. This showed that windows and doors would be in UPVC coloured dark- grey.

Relevant Planning 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:

- Seek to secure high quality design and good standards of amenity for all existing and future occupants.
- Take account of the different roles and character of different areas.
- Proactively drive and support sustainable economic development to deliver the homes that the country needs.
- Contributing to conserving and enhancing the natural environment.
- Encourage effective use of land by using land that has previously been developed (brownfield land), provided that it is not of high environmental value.

Key provisions of the NPPF relevant in this case:

transport, levels of car ownership and the need to reduce the use of high emission vehicles.

6: Delivering a Wide Choice of High Quality Homes

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

7: Requiring Good Design

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

58. Decisions should aim to ensure that developments:

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

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

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

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

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.

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.

The key planning policies include:

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 design of spaces and buildings will be influenced by their context and seek to enhance the unique attributes the area offers.

ENV2: Historic Character and Local Distinctiveness

States that development proposals will be expected to preserve and, where appropriate, enhance local character and distinctiveness. Proposal should aim to sustain and reinforce locally distinctive elements.

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.

Implementation of the principles of "By Design" (see below) to ensure the provision of a high quality networks of streets, buildings and spaces. Meeting Code for Sustainable Homes Level 3 or above.

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

Walsall's Unitary Development Plan (UDP) (2005)

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

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

The relevant policies are:

GP2: Environmental Protection

The Council will expect all developments to make a positive contribution to the quality of the environment and will not permit development which would have an unacceptable adverse impact on the environment. Considerations to be taken into account in the assessment of development proposals include:

I. Visual appearance.

3.6 Development and redevelopment 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.

ENV32: Design and Development Proposals.

(a) Poorly designed development or proposals which fail to properly take account of the context or surroundings will not be permitted. This policy will be applied to all development but will be particularly significant in certain types of location, one of which is in town centres.:

(b) When assessing the quality of design the Council will use criteria which include:-

I. The appearance of the proposed development

VI. The visual relationship of the proposed development with adjacent areas, the street and the character of the surrounding neighbourhood.

VII. The effect on the local character of the area.

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 the NPPF policy. The relevant SPD's are;

Designing Walsall (Feb 2008)

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

Design Principle – Homes: Plot sizes and built density will relate to their local context. Exploitation of large building plots in residential areas for inappropriate infill will not be permitted. Privacy and aspect distances between dwellings must ensure that all occupants have a satisfactory level of amenity. Minimum guidelines are contained in Appendix D, however greater distances may be applicable where it is in the interests of protecting the character of an area.

The following are the relevant policies;

DW3 – Character – new development to be informed by the surrounding character and to respond in a positive way to it by reflecting local urban design characteristics, such as street patterns, building scale, topography and culture.

DW6 – Legibility – New development must maximise its potential to enhance local distinctiveness by making positive visual connections with its surrounding environment.

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.

CABE: 'By Design' (referred to in BCCS policy ENV3)

Objectives of Urban Design – Character: To promote character in townscape and landscape by responding to and reinforcing locally distinctive patterns of development, landscape and culture.

The proposals are to be determined on whether the changes are a non-material minor amendment under S96A of the Town and Country Planning Act 1990 (as amended).

Consultations

Consultations not required.

Representations

A section 96A application is not an application for planning permission and the existing Town and Country Planning (Development Management Procedure) Order (DMPO) provisions (Article 13 and Schedule 5) relating to publicity and statutory consultation do not apply. Therefore, LPA's can exercise discretion in whether and how they choose to inform interested parties or seek their views.

In this case neighbours were not notified as the change of colour was not considered to be a substantial planning issue..

Determining Issues

- Whether the proposal is a non-material amendment

Observations

The change of colour of the windows and doors from dark grey to white would change the appearance of this housing development. Nevertheless it is considered to not be a material change in planning terms.

It is noted that the approved materials schedule also proposed white UPVC for the eaves fascias and soffits, and the change to white windows and doors would clearly harmonise with this. The existing new housing development on the adjacent land by the railway line has white windows and doors and the change now proposed at this application site would reflect the emerging character.

There is no evidence that the dark grey colour was a local planning authority requirement. Rather it was proposed on behalf of the applicant and then agreed by the local planning authority. It appears that whether the colour is dark-grey or white is a question of alternatives which can be chosen. Whilst the results would be different, both are considered appropriate and acceptable in this instance.

Positive and proactive working with the applicant.

The nature of the change has required discussion with the agent to identify the need for the application. Subsequently it has not required proactive working to enable full support to be given.

Recommendation: Approve Non-Material Amendment(s)

NOTE TO APPLICANT

This approval relates solely to the amendments to the previously approved schedule of external materials submitted on 5th March 2013 as a part of application 13/0177/RM approved on 22nd March 2013, and pursuant to condition 12 attached to permission 12/0553/OL. All other aspects of these planning permissions remain in force, in order to ensure that the development undertaken shall not be otherwise than in accordance with the terms of the application and any conditions attached to that permission.



Regeneration Directorate – Planning and Building Control

Planning Committee

Report of Head of Planning and Building Control, Regeneration Directorate on 13/02/2014

Plans list item no: 6.

Reason for bringing to committee: Major application

Application Number: 13/1598/FL
Application Type: Full application

Case Officer: Alison Ives
Telephone Number: 01922 652604
Email: planningservices@walsall.gov.uk
Agent: BM3 Architecture

Applicant: Walsall Housing Group

Proposal: 3 new build 2 bed 3 person bungalows for affordable rent, with associated landscaping and parking (part of larger scheme approved under permission 13/0663/FL).

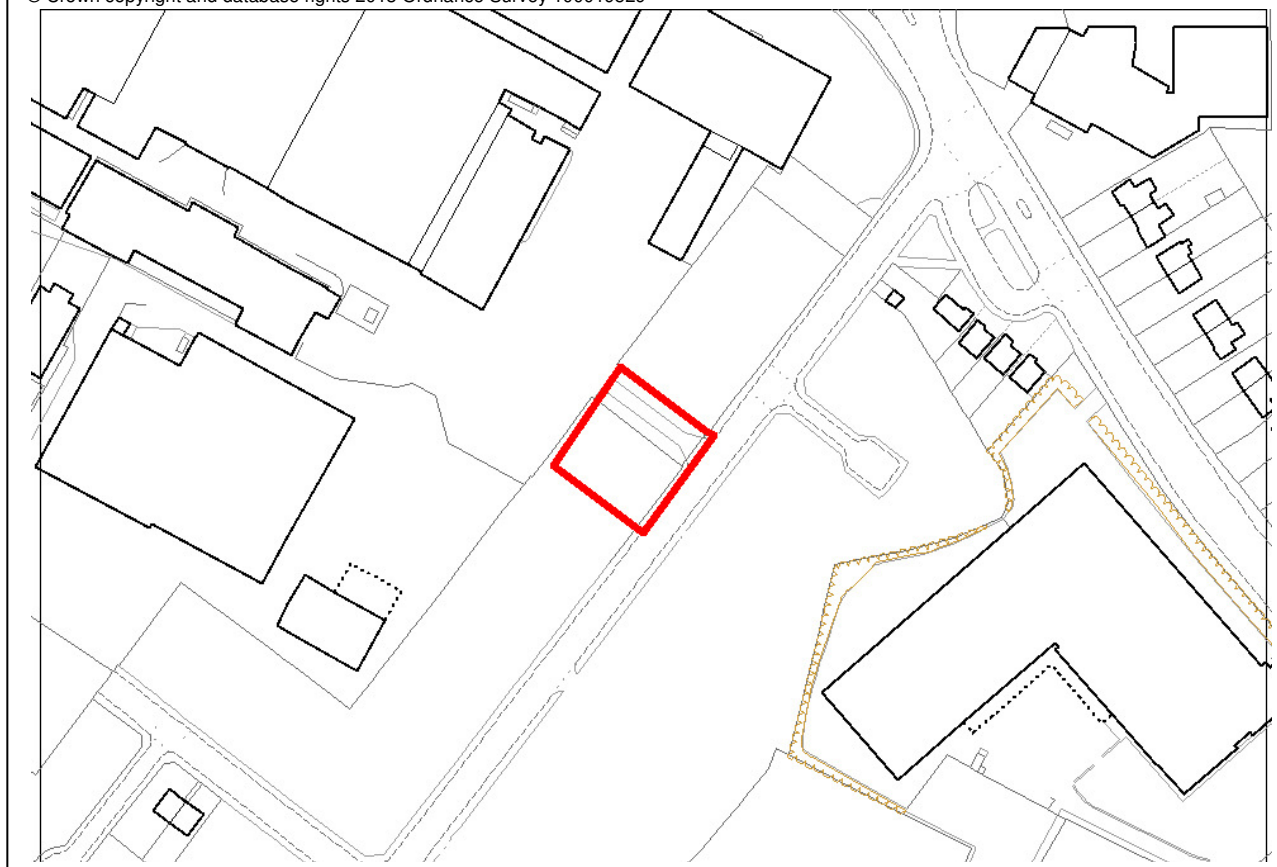
Location: Land at Harrowby Road, Moxley, Walsall

Ward: Darlaston South

Expired Date: 17/02/2014

Recommendation Summary: Grant Permission Subject to Conditions

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Application and Site Details

The proposal is for erection of 3 x 2 bed affordable bungalows on a parcel of land within a larger development site at Harrowby Road, Moxley. Planning permission was granted for erection of 231 dwellings on the larger site in August 2013 under application reference 13/0663/FL.

The current application site was previously indicated as a balancing pond on the larger permission to address surface water run-off issues. At the time the original application was considered there was uncertainty over the potential for this smaller site as the land is owned by the Council and leased for access purposes to the adjacent industrial estate, albeit the access is unused and overgrown. These issues have now been resolved.

The 3 proposed bungalows are identical to house types already approved on the larger site. The proposed bungalows are at right angles to Harrowby Road served by a short cul-de-sac providing a single parking space for each of the three bungalows and for the three approved bungalows on the larger site. There is a spacious landscaped area surrounding the cul-de-sac and each property has its own private rear garden.

The Planning Statement and Design & Access Statement

Describes the site and proposed development, highlights relevant policy considerations and discusses the use and amount of development, layout, scale, landscaping, appearance and access issues. It concludes that the proposals have appropriate levels of parking, will not increase flood risk in the area, has no adverse impact on features of ecological importance and will make efficient use of a previous developed site in a sustainable location.

The following reports were submitted as part of the larger application and have been resubmitted for information with the authors confirming the validity of the reports for this smaller site:

The Ground Investigation report – Assesses abandoned mine workings, flooding, site preparation, groundwork, re-use of existing soils, foundations, soakaways and drainage, roads, water supply and clean cover. It makes recommendations for further work including preparation of supporting evidence and gas monitoring.

The Transport Assessment – Identifies predicted traffic flows and analyses nearby traffic junctions concluding that the development will not significantly increase congestion in the area. Facilities for pedestrians, cyclists and transport users have been examined and a Green Travel Plan recommended. Improvements to the highway network are recommended.

The Green Travel plan – Outlines processes to manage the demand for trips and accessibility to the site and promote travel choice. Measures to improve access by public transport, walking and cycling and reduce the need for parking and mitigate transport impacts. It sets targets for monitoring the plan.

The Noise & Vibration Assessment

An assessment of industrial noise affecting the site has been undertaken and mitigation proposed. Ambient noise within private amenity spaces will experience noise within the upper limit of World Health Organisation BS8233 guidance. Internal noise levels can be mitigated to meet noise levels and glazing and ventilation requirements are stipulated. These considerations exclude the relationship to the adjacent scrap yard which requires further assessment. Vibration levels across the site are considered to be low and no constraint to development.

The Arboricultural Survey Report & Method Statement – Sets out the constraints in relation to existing trees and identifies root protection areas. Twenty individual trees and twelve groups of trees were surveyed of which only two individual trees are recommended for removal, one of which is already dead.

Relevant Planning History

13/0663/FL - Erection of 231 new 2, 3 and 4 bed dwellings for private sale and affordable rent, with associated landscaping and parking – Granted subject to conditions 5/8/13.

03/2488/FL/W6 – Outline application for demolition of properties and erection of new dwellings – Granted subject to conditions November 2004.

Relevant Planning Policy Summary

National Planning Policy Framework (NPPF)

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

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

- Promoting sustainable transport
- Delivering a wide choice of high quality homes
- Requiring good design
- Conserving and enhancing the natural environment

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 50 seeks to deliver a wide choice of quality homes and states local planning authorities should plan for a mix of housing.

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 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

1. Focussed investment and development in comparison shopping, office employment, leisure, tourism and culture within Walsall, to retain and increase their share of economic activity and meet the increasing aspirations of their catchment areas.
2. A restructured sub-regional economy which provides sufficient strategic high quality employment land in the best locations within Regeneration Corridors to attract new high technology and logistics businesses and also recognises the value of local employment land.
5. A network of vibrant and attractive town, district and local centres
6. A high quality environment
7. A first-class transport network providing rapid, convenient and sustainable links between the Strategic Centres, existing and new communities, and employment sites

The above are supported by the following policies:

CSP1: A network of Regeneration Corridors will provide new homes in sustainable communities built on Brownfield sites close to existing public transport routes.

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.

HOU1: Seeks to deliver at least 63,000 net new homes over the period 2006-2026.

HOU2: Density and form of new housing should be informed by the need for a range of types and sizes of accommodation, level of accessibility and need to achieve a high quality design and minimise amenity impacts.

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. Residential development will be expected to meet the accessibility standards set out in Policy HOU2.

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.

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.

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:

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.

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

H3: Encourages provision of additional housing through windfall sites provided that a satisfactory residential environment can be achieved and that the development would not unacceptably constrain the development of any adjacent site.

ENV10: Development will not be permitted if the health, safety or amenity of its occupants or users would be unacceptably affected by pollution.

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

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

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

3.116 & 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.

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

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

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: Seeks to improve access and help people get around

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.

1, 2 & 3 bedroom houses: 2 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:

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;

DW 10 – new development should make a positive contribution to creating a sustainable environment.

Annexe E: 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

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.

Consultations

Transportation – No objections. The impact on the highway are not severe.

Pollution Control (Scientific Team) – No objections. The same acoustic mitigation measures agreed for the surrounding plots shall be implemented prior to occupancy. A condition is recommended to secure this.

Pollution Control (Contaminated Land) – No objections subject to works being implemented to remediate any localised ground contamination and ground gas issues associated with the mining of coal and lignite, subsequent filling with colliery and domestic waste and former housing located on the site. Conditions to address this are recommended.

Environmental Health – No objections.

Landscape – No objections.

Police – No objections. The development should achieve Secure by Design standards.

Fire Service – No objections.

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

The Coal Authority – No objections. The remedial measures proposed by the applicant following intrusive site investigation works are appropriate to address the coal mining legacy present on the site. A condition to secure these works is recommended.

Public Participation Response on the Planning Application

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

- Query whether notifications to adjoining landowners agents have been undertaken
- The vacant development site has exposed adjacent industrial premises to crime and break-ins have occurred (compensation is being sought from the developers)
- Increased mud and debris dragged out onto Great Bridge Road is of concern and should be monitored closely

- Concern about delivery lorries waiting in Great Bridge Road before 8.00am
- The correct address is Harrowby Road Bilston not Moxley

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
- Means of access & parking
- Provision for affordable housing
- Provision for Urban Open Space and Education
- Local Finance Considerations

Observations

Principle of residential development

The principle of redevelopment for new housing on this previously developed site in a sustainable urban location is in accordance with the NPPF and BCCS and local development plan policies.

The site was previously developed housing so redevelopment for new housing is considered in keeping with the surrounding residential development. The larger site which this proposal forms part of was granted permission for residential development in August 2013.

An objector is concerned as the correct postal address for the site as Bilston not Moxley. This is noted and future correspondence with neighbours will be addressed as such.

The principle of residential development is acceptable.

Layout and design

The layout of the bungalows mirrors those on plots 12, 13 and 14 previously approved by planning committee. There is a minimum of 19m between facing elevations of bungalows on plots 12 and 232 but this is across a landscaped area within the public realm so will not cause significant harm to residential amenities of future occupiers. There is 17m between plots 14 and 234 but this is not the main aspect of the dwellings so causes no harm to residential amenities of future occupiers.

The design of the bungalows is identical to that previously approved by planning committee under approval 13/0663/FL and is acceptable. The bungalows have smaller rear gardens but these are at least 45m² which is considered adequate to cater for smaller households.

The appearance of the new development is acceptable and the modern fenestration is considered in keeping with the area and with the surrounding approved development.

The proposed new plots will have a boundary with existing industrial and commercial premises in Great Bridge Road and Stag Industrial Estate. Where properties are in close proximity to the boundary noise mitigation measures are recommended. The plots are positioned with gables walls facing to reduce potential disturbance and noise mitigation can be secured to protect amenities.

The proposed additional bungalows are located where previously there was a small balancing pond. There remains an adequate drainage strategy for the wider site and a balancing pond is still included within the overall development at the rear of 1-7 Great Bridge Road. This will address drainage issues.

The design and layout is considered acceptable subject to securing noise mitigation from adjacent industrial and commercial premises.

Relationship to surrounding properties

The three plots adjoin Stag Industrial Estate where there are unrestricted industrial premises including a scrap yard. Pollution Control officers are satisfied that the noise mitigation measures outlined in the application will address potential noise disturbance issues satisfactorily and a condition is recommended to secure these.

The scrap yard owner is concerned that the development site has exposed the boundary to their premises and they have suffered break-ins as a result and will be seeking compensation from the developers. This is a private legal issue but the developers of the site but the proposals will provide a secure boundary well observed by nearby residential properties to deter criminal behaviour.

The owner of Stag Industrial Estate queries whether their agents were notified about the current proposals. The owner's agents were notified about the current proposals. The owner previously expressed concerns that new residential occupiers may prejudice the existing and future operations at the industrial estate. The noise mitigation measures should address any potential for future complaints that may constrain the adjoining occupiers and so protect the employment uses.

Given that satisfactory noise mitigation measures can be secured the relationship to surrounding properties is acceptable.

Means of access & parking

The proposal includes provision of a short cul-de-sac serving the 3 proposed bungalows and 3 approved bungalows on the adjoining site. This is accessed off Harrowby Road. There is also one parking space for each of the dwellings.

The units are only 2 bed bungalows so the reduced parking provision is considered acceptable given the sustainability of the site and proximity to the local metro station and bus routes.

An existing resident is concerned about increased mud and debris dragged out onto Great Bridge Road which is already occurring and needs to be monitored more closely. This is a matter for environmental health to enforce and officers have been made aware of the problem and continue to monitor the situation. The resident also states delivery vehicles wait in Great Bridge Road prior to 8.00am which is when the hours of operation restrictions on activities at the site allows. As the vehicles are waiting outside the site this is not in breach of the hours of operation restriction already in place for the application site as a whole.

On the basis of the above comments the means of access and parking is acceptable.

Provision for affordable housing

Policy HOU3 of the BCCS requires provision of 25% affordable housing on qualifying sites of 15 units or over. The scheme does not trigger this requirement but does propose 3 affordable social rented bungalows to be managed by WHG. These affordable units are in addition to the 72 units approved on the larger site bringing the total affordable units to 32% throughout the larger site. The number of affordable units exceeds the required provision and was supported by the Housing Strategy officer on the earlier permission and can be secured by a planning condition on any permission.

Provision for Urban Open Space and Education

This proposal alone does not trigger the need for the developer to provide for urban open space or education provision.

Whilst it forms part of the larger development site that does trigger such requirements the applicant has previously demonstrated that the viability of the scheme does not allow for further contributions towards urban open space or education provision but they are providing 31% affordable housing on site. The current scheme increases the number of affordable units by 3 to 75 units which increases the proportion to 32%. The viability of the development has not changed significantly since the earlier permission was granted.

The proposal does not trigger the requirement for urban open space or education 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 3 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 has been submitted to enable full support to be given to the scheme

Recommendation: Grant Permission Subject to Conditions

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

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

2a. Prior to the commencement of the development drainage plans for the disposal of surface water and foul sewage shall be submitted to and approved in writing by the local planning authority. The scheme shall be based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development. The scheme shall include:

- i. Limiting the rate of surface water run-off generated by the site to discharge no more than the Greenfield rate in line with policy ENV5 of the Black Country Core Strategy.
- ii. Full details of attenuation of surface water on site to the 1 in 100 year flood event standard plus an allowance of 30% for climate change using SuDS as proposed in the Drainage Strategy drawings 12471-D3 & 12471-D4.
- iii. At the detailed design phase, details must be proved to confirm that surface water will not leave the proposed site in the 100 year 30% climate change allowance event. Drainage calculations must be included (e.g. Micro Drainage or similar package calculations); including the necessary attenuation volume, pipeline schedules, network information, and results summaries to demonstrate that Greenfield discharge rate as proposed will be

- achieved across all storm events.
- iv. If the system surcharges, the location of any surcharging should be identified as should any resultant overland 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.
 - v. Details of how the entire surface water scheme will be maintained and managed after completion.

2b. The scheme shall be fully implemented in accordance with the agreed details before the development is first brought into use and retained as such.

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

3. In order to address potential impact from land contamination the following matters shall be addressed:

- i) 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)
- ii) The remedial measures as set out in the “Remediation Statement” required by part i) of this condition shall be implemented in accordance with the agreed timetable.
- iii) If during the undertaking of remedial works or the construction of the approved development unexpected ground contamination not identified by the site investigation is encountered development shall cease until the “Remediation Statement” required by part i) of this condition has been amended to address any additional remedial or mitigation works required and agreed in writing by the Local Planning Authority.
- iv) 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 first occupation of the development noise mitigation measures to protect internal and external areas, as detailed by recommendations contained in report reference HHACY/51079/01/AP (30th May 2013) from Hodgson & Hodgson Group Ltd Consultants shall be agreed in writing by the local planning authority.

4b. The agreed measures shall be fully implemented and maintained thereafter.

Reason: To protect the amenities of future occupiers.

5a. Prior to the first occupation of the development full details of hard and soft landscaping works shall be submitted and approved in writing by the local planning authority. The following details shall be supplied:

- i. correct botanical names
- ii. numbers / planting densities for each block of planting proposed
- iii. size supplied of all proposed tree and shrubs at time of planting

- iv. details of proposed turf / seeded areas (if applicable)
- v. topsoil and mulching depths and specifications
- vi. staking details for proposed trees
- vii. details of landscaping establishment / maintenance proposals to be undertaken during the standard maintenance period.
- viii. details of the future management of the landscape scheme
- ix. ground preparation measures to be adopted
- x. existing and proposed levels
- xi. management plan

5b. The approved landscaping details shall be implemented within 12 months of the completion of the development.

5c. 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.

6. The development shall be carried out in accordance with the agreed materials previously approved for permission 13/0663/FL and as indicated on the approved plans.

Reason: To ensure the satisfactory appearance of the development.

7. The development shall make appropriate on-site provision towards affordable housing in accordance with policies HOU3 of the Black Country Core Strategy and GP3 of the Walsall Unitary Development Plan and the Affordable Housing Supplementary Planning Document. The affordable housing shall be retained thereafter.

Reason: To ensure that affordable housing needs are met in accordance with policy HOU3 of the BCCS and policy GP3 of the Unitary Development Plan and SPD: Affordable Housing.

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

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

Reason: To protect the amenities of surrounding occupiers.

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

- Location Plan (D500) received 22/11/13
- Site Layout Plan (D501) received 22/11/13
- 2 Bed 3 Person Bungalows (D510) received 22/11/13
- 2B Bungalows Elevations (D511) received 22/11/13
- Street Scenes (D520) received 22/11/13
- Landscape Masterplan (1373 Rev F) received 22/11/13
- Utility Survey (18342/1) received 22/11/13

- Utility Survey (18342/2) received 22/11/13
- Utility Survey (18342/3) received 22/11/13
- Utility Survey (18342/4) received 22/11/13
- Drainage Strategy (Sheet 1 of 2) (12471-D100A) received 22/11/13
- Drainage Strategy (Sheet 2 of 2) (12471-D102A) received 22/11/13
- External Levels (Sheet 1 of 2) (12471-D102) received 22/11/13
- External Levels (Sheet 2 of 2) (12471-D102) received 22/11/13
- Topographical Survey (1329-1) received 22/11/13
- Feasibility Option 3 (52350/D12 Rev A) received 22/11/13
- The Planning Statement and Design & Access Statement prepared by BM3 Architecture received 22/11/13
- Ground Investigation at Area A (Harrowby Road) prepared by Hydrock (R/09045/007 Area A) received 22/11/13
- Transport Assessment prepared by Stewart & Harris (1537) received 22/11/13
- Green Travel Plan prepared by Stewart & Harris received 22/11/13
- Noise & Vibration Assessment prepared by H&H Acoustic Consultancy Division (HHACY/51066/01/AP) received 22/11/13
- Arboricultural Survey Report & Method Statement prepared by John A Booth (March 2013) received 22/11/13

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).

Notes for Applicant – 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.

Note for applicant regarding public sewers

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

officer to refuse building regulations approval. If you require any further information please contact Rhiannon Thomas on 01902 793883.

Note for applicant – The 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>

Building over or within the influencing distance of a mine entry (shaft or adit) can be dangerous and has the potential for significant risks to both the development and the occupiers if not undertaken appropriately. The Coal Authority would draw your attention to our adopted policy regarding new development and mine entries:

<http://coal.decc.gov.uk/assets/coal/whatwedo/4265-policy-for-building-over-or-within-the-influencing.pdf>

Note for applicant – Fire Service

The water supplies to the development should meet the guidance given in “National Guidance Document on the Provision for Fire Fighting” published by the Local Government Association and Water UK. For further information please contact the Water Officer at West Midlands Fire Service, Headquarters Fire Safety, Vauxhall Road, Birmingham, B7 4HW or telephone 0121 380 6403.



Regeneration Directorate – Planning and Building Control

Planning Committee

Report of Head of Planning and Building Control, Regeneration Directorate on 13/02/2014

Plans list item no: 7.

Reason for bringing to committee: Significant community interest

Application Number: 14/0010/FL

Application Type: Regulation 3 Consent (V)

Case Officer: Paul Hinton

Telephone Number: 01922 652607

Email: planningservices@walsall.gov.uk

Applicant: Engineering & Transportation Services

Agent:

Proposal: Creation of car park for 8 vehicles on existing grass verge.

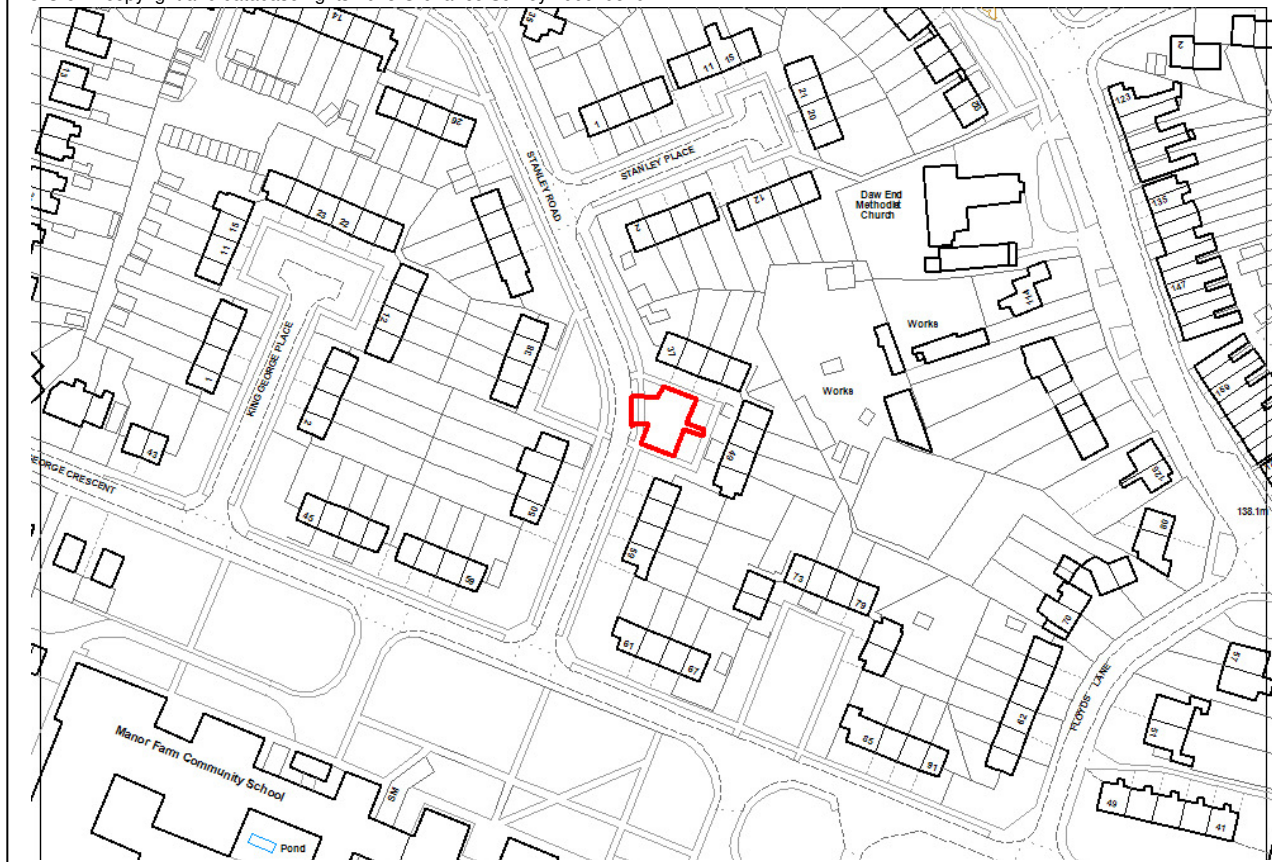
Location: Land fronting 37 to 51 Stanley Road, Walsall, WS4 1EJ

Ward: Rushall-Shelfield

Expired Date: 04/03/2014

Recommendation Summary: Grant Permission Subject to Conditions

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Application and Site Details

This application seeks planning permission for the creation of a communal car park for eight vehicles within a square shaped flat grass verge. A single access point, 6m wide, would be created leading to two bays of four parking spaces. A path leading from the car park to the existing perimeter paving is also proposed. The car park would occupy 178sqm of the 272sqm verge and would have a surface finish of asphalt concrete with a concrete strip around the edges of the parking area to protect the verge. The application is submitted by the Council's Engineering and Transportation Services.

The proposal is located on the outer bend in Stanley Road. This is an existing grassed verge in front of 8 houses. The houses have their own front gardens between the verge and a pathway that runs around the perimeter of the verge. Number 51 has its own long drive and dropped crossing next to the grassed verge, with the exception of this property; the other houses fronting the verge do not have accesses across this land for off-street parking provision. Directly opposite is a triangular shaped grassed verge. This is a residential area, with most of the properties along Stanley Road not having off-street parking.

The applicant has submitted the following documents in support of the application:

Background statement

The Council receives numerous requests for off-street parking spaces and these range from individual requests to petitions covering large areas. As funding in previous years has been very limited very few requests from the lists are implemented. At the Cabinet meeting on 22nd April 2013 approval was given along with a budget to introduce one or two parking schemes in area of the Area Partnership areas. Subject to planning approval construction is anticipated for the latter part of February early March. Future maintenance of the car park will be undertaken by Engineering and Transportation.

Copy of report to Brownhills, Pelsall, Rushall, Shelfield Area Panel

Explains indicative budget of £41,600 per Area Partnership. Public engagement consultation undertaken through range of media – e-mail, press releases, attendance at events, social media and the internet.

Relevant Planning History

None

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*".

It is based on 12 **core planning principles**; the relevant principles in this case are to:

- 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.
- Contributing to conserving and enhancing the natural environment.

Key provisions of the NPPF relevant in this case:

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 to create safe and secure layouts.

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

7: Requiring Good Design

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

58. Decisions should aim to ensure that developments:

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

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

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

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

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.

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

123. Planning decisions should aim to:

- Avoid noise from giving rise to significant adverse impacts

125. Limit the impact of light pollution

On **planning conditions** the NPPF says:

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

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

The Development Plan

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

The 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.

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.

The key planning policies include:

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.

TRAN1: All new developments will address the transport network and provide adequate access for all modes

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

ENV3 – Design Quality – seeks to promote this aspect of developments

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

Walsall's Unitary Development Plan (UDP) (2005)

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

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

The relevant policies are:

GP2: The Council expects all developments to make a positive contribution to the quality of the environment and that the creation of, or susceptibility to, pollution of any kind will be taken into account in the assessment of development proposals.

ENV10 – deals with Pollution effects from developments including ground contamination and noise.

ENV32: Poorly designed development or proposals which fail 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.

T7: 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: sets maximum car parking standards, account should be taken of the location of development in relation to local facilities and public transport and unless demonstrated

1, 2 and 3 bedroom houses: 2 spaces per unit

4 bedrooms and above: 3 spaces per unit

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

Supplementary Planning Documents (SPD)

Designing Walsall SPD

Seeks to guide development and deliver high quality design through local distinctiveness and sustainable design.

Consultations

Transportation – no objection subject to a condition defining surfacing and the use of the car park.

Public Participation Responses

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

- Parking spaces being in general use would devalue properties
- Residents may have to park down the road due to the general use
- Cars parking outside lounge window
- Parking at this end of Stanley Road is not the problem, it is further up the road, application should be located there.
- Residents haven't been informed, only told after planning as gone through.

Three letters have been received not objecting to the application and making the following comments:

- In favour of the creation of the car park
- Grass verge is a waste of space
- Would put value on property
- There is a difficulty where to park and the road is narrow
- Delivery vehicles, bin men and emergency services sometime have to mount the kerbs to get past.
- Proposal makes vehicles safer and more visible to owners
- Maybe the area should be permit controlled

A petition with 30 signatures has been received stating that the parking spaces are needed more at the lower end of Stanley Road, between nos 18-26.

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

Determining Issues

- Impact upon highway safety
- Impact upon visual amenity
- Impact upon residential amenity

Observations

Impact on highway safety

The application has been submitted following local consultation in regard to the need to address issues of on street parking and this location has been considered one which requires improvements. Due to the location of two grass verges opposite each other means that residents with vehicles have no alternative but to park in the street. Properties in Stanley Road are largely without driveways resulting in a lack of off-street parking; as a consequence parking would have to take place on the road. In this location there is a bend in the road, with the road having a narrow width of 4.6m. Pavements are separated from the carriageway by a grass verge. This verge has been damaged in part as a result of on street parking or vehicles having to pass parked vehicles.

The addition of eight off street parking spaces would provide some alleviation to this situation, resulting in a net gain of parking provision giving residents the option to park off street and the opportunity to have fewer vehicles on the highway removing eight vehicles from the highway, to the benefit of the free flow of traffic. The car park would ensure some residents can park closer to their homes with a proposed path improving the safety of pedestrians getting to and from their vehicles.

One resident objects to the parking spaces being in communal use would devalue properties. Property values are not a material planning consideration, and therefore are not material to the determination of the application. Comment is also made that as the car park would be communal, immediate residents may have to park down the road if others use these spaces and the car park should be subject to a permit scheme. The use of permits or the allocation and enforcement of individual parking on communal land would not be practical. The provision of a car park would provide benefits to residents who have to park in the street and collectively would be of a benefit to the community.

The petition has been submitted and one resident objects on the grounds to the car park in this location and that it would better serve the parking problem at the opposite end of Stanley Road. This location has been proposed following community consultation undertaken by the Area Partnership and was agreed at the area panel, based on community votes and comments. The Area Partnership resolved that this location would be taken forward and designed to provide the best value within the budget available. While there may be other locations, the planning application is assessed on its merits in this location.

On balance the proposal would offer an improvement to highway safety, subject to conditions in regard to surfacing, demarcating the parking spaces, drainage and retention of the parking area, as recommended by Transportation.

Impact upon character of the area

The open grassed verges either side of the road form a dominant part of the character of the area. The rest of the area is front gardens/drive leading directly to the road. The grassed verge has an amenity value. Parts of the verges have been damaged as a result of vehicles parking on them, which diminishes the quality of the verge. The proposed hardsurfacing would remove two thirds of the grassed area. The existing verge is not an area of designated open space and does not have

features such as benches. Grassed areas would be maintained to the front of the car park and to the rear.

While there would be some loss of greenery, given the existing verges in the area that would be retained, the proposal would not have a significant impact upon the wider character of the area. Significant weight is given to the benefits to the local area and the gain to highway safety. In the circumstances, this community benefit would outweigh the loss of large portions of the verge.

Impact upon residential amenity

One resident objects to parking in front of the lounge window. The car park would be a minimum of 6m from the front windows of the houses, with their private front gardens and the retained perimeter path between. Vehicle movements, with the noise and lights associated is typical to what is experienced in most residential areas. It is not considered that the proposal would have such an adverse impact upon residential amenity to warrant refusal of the application.

One resident objects that they have not been informed and only told after planning has gone through. Immediate residents have been consulted on the planning application and as discussed above have responded to the consultation prior to the determination of the planning application.

Positive and proactive working with the applicant

The nature of the application has not required proactive working with the applicant to enable full support to be given to the scheme.

Recommendation: Grant Permission Subject to Conditions

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

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

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

- Location and layout plan (HM675/GL/0) received 7th January 2014.
- Vehicle crossing detail (SD11/8) received 7th January 2014.

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

3a. Prior to the car park first coming into use, it shall be fully consolidated, hard surfaced and drained, the parking bays shall be clearly demarcated on the ground and the new vehicle access point created onto Stanley Road, in accordance with the approved details.

3b. The car park shall thereafter be retained and used for no other purpose.

Reason: To ensure the satisfactory completion and operation of the car park.

P.P

REGENERATION
03 FEB 2014
ED

Petition to change the planning application for verge parking on Stanley Road.

Parking spaces are needed more at the lower end of Stanley Road, between no's 18 - 26, not where they propose to put them, between no's 37 - 51.

Print Name	Address	Signature
	20 STANLEY RD	
	" " "	
	20 Stanley Rd	
	24 Stanley Rd	
	22 STANLEY RD	
	22 STANLEY ROAD	
	2 Stanley rd	
	2 Stanley Place	
	5 STANLEY PLACE	
	9 STANLEY PLACE	
	11 STANLEY PLACE	
	15 STANLEY PLACE	
	15 STANLEY PLACE	
	15 STANLEY PLACE	
	21 STANLEY PLACE	
	12 Stanley Place	
	6 Stanley Place	
	6 Stanley Place	
	1 STANLEY PLACE	
	34 Stanley Place	
	34 Stanley Place	
	14 STANLEY RD	
	12 STANLEY RD	



Regeneration Directorate – Planning and Building Control

Planning Committee

Report of Head of Planning and Building Control, Regeneration Directorate on 13/02/2014

Plans list item no: 8.

Reason for bringing to committee: Requiring delicate judgement

Application Number: 14/0008/FL

Application Type: Full application

Case Officer: Paul Hinton

Telephone Number: 01922 652607

Email: planningservices@walsall.gov.uk

Applicant: Engineering & Transportation Services

Agent:

Proposal: Creation of public car park, formation of access, relocation of bus shelter and landscaping.

Location: Land fronting shops (adjacent to Monmer Court/Lucknow Road), Willenhall, WV12 4PZ

Ward: Short Heath

Expired Date: 04/03/2014

Recommendation Summary: Grant Permission Subject to Conditions

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Application and Site Details

This application seeks planning permission for the creation of an 18 space public car park (including two disabled bays and a motorcycle parking area), with the creation of a 5.5m wide vehicle access from Lucknow Road. The location of the proposed access would necessitate the relocation of the existing bus shelter 11m to the south within part of the grassed area to the front of the flats at Monmer Court. A landscaped area would be provided along the front of the car park; spanning a length of 13m (this would include the planting of three trees and 93 shrubs). The car park would have a surface finish of asphalt concrete with kerb stone edging. The application is submitted by the Council's Engineering and Transportation Services.

The application site is a 582sqm grassed area in front of The Precinct, Lucknow Road. The Precinct includes shops at ground floor, with two storey residential above. The commercial units include a hairdressers, convenience store, vets and chip shop. The Precinct is on the corner of Pool Hayes Road where there is a service yard for the shops, and a small parking bay used by shoppers. There is a pavement that runs around the perimeter of the grassed area, linking to a signalised pedestrian crossing across Lucknow Road. Immediately to the south is Monmer Court, a two storey set of flats that front Lucknow Road with a communal room that overlooks the grassed area. The remaining area is residential. There is an existing semi-mature tree which is to be retained.

The applicant has submitted the following documents in support of the application:

Background statement

The existing tree will be retained with flexible arboresin material to protect the root protrusion. The bus stop would be relocated on to land owned by Walsall Housing Group. The area would drain into the existing sewer network. Construction of the proposed car park is anticipated for the latter part of February early May 2014. Future maintenance of the car parks will be undertaken by Engineering and Transportation.

Relevant Planning History

None

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*".

It is based on 12 **core planning principles**; the relevant principles in this case are to:

- 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.
- Contributing to conserving and enhancing the natural environment.

Key provisions of the NPPF relevant in this case:

1: Building a strong, competitive economy

19 Planning should operate to 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 to create safe and secure layouts.

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

7: Requiring Good Design

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

58. Decisions should aim to ensure that developments:

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

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

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

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

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.

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

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.

125. Limit the impact of light pollution

On **planning conditions** the NPPF says:

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

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

The Development Plan

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

The 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.

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.

The key planning policies include:

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.

TRAN1: All new developments will address the transport network and provide adequate access for all modes

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

ENV3 – Design Quality – seeks to promote this aspect of developments

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

Walsall's Unitary Development Plan (UDP) (2005)

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

Policies that have been saved and not replaced by the BCCS remain part of the development plan. However, in such cases the NPPF says "*due weight should be given to relevant policies in existing*

plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)".

The relevant policies are:

GP2: The Council expects all developments to make a positive contribution to the quality of the environment and that the creation of, or susceptibility to, pollution of any kind will be taken into account in the assessment of development proposals.

ENV10 – deals with Pollution effects from developments including ground contamination and noise.

ENV32: Poorly designed development or proposals which fail 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.

S6: Outside the identified centres, existing local shopping parades will be encouraged to continue to meet the day-to-day needs of their communities.

T1: Improve access to public transport including provision of dedicated parking spaces for disabled people; require sensitive design of shopping centre, to include convenient parking.

T2: Design of bus stops should aim to maximise the efficient operation of bus services.

T5: The Council will seek to implement selective improvements to highway infrastructure to promote vitality and viability of the Town and District Centres...and provide for all highway users, especially disabled people, public transport users, pedestrians and cyclists.

T7: The Council will, where appropriate, give priority to increasing provision of short stay parking for shoppers and visitors to the Town, District and Local Centres. 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: sets maximum car parking standards for retail development.

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

Supplementary Planning Documents (SPD)

Designing Walsall SPD

Seeks to guide development and deliver high quality design through local distinctiveness and sustainable design.

Annexe D: Privacy and aspect distances between dwellings must ensure that all occupants have a satisfactory level of amenity, whilst reflecting the existing and emerging character of the area. Identifies privacy and aspect distances between dwellings including 24m separation between habitable windows for two storeys and above, 13m separation between habitable room windows and blank walls exceeding 3 metres in height, 45° code, garden dimensions of 12m in length and 68m² for housing.

Consultations

Transportation – no objection subject to a condition defining surfacing and the use of the car park.

Pollution Control

Contaminated Land – no objection.

Scientific Team – no objection.

Environmental Health - no objection.

Trees - no objection subject to conditions in regard to details of replacement planting.

Police – car park does not have any access control measures, giving free access to offenders both onto and off the site. Strongly recommend that access control measures are in place.

Public Participation Responses

Surrounding occupiers notified by letter and a site notice erected.

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

- Would lead to anti-social behaviour
- Car park would be accessible all hours of the night
- Noise issues from music playing in cars and opening and closing of car doors
- Spoil the look of the area
- Will be a danger to the pedestrian crossing
- Residents will be restricted on parking outside of property
- More rubbish at bus stop
- Motorists will try to overtake buses right on the pedestrian crossing.

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

Determining Issues

- Impact upon highway safety
- Impact upon the vitality and viability of the shopping parade
- Impact upon visual amenity
- Impact upon residential amenity

Observations

Impact on highway safety

This parade of shops has no direct parking provision, with a small bay along Pool Hayes Road that can accommodate approximately four vehicles. The first part of Pool Hayes Road has double yellow lines. Shop users appear to park within these bays, in front of houses along Pool Hayes Road and along Lucknow Road itself, close to the bus stop.

There is no dedicated parking provision for disabled users, which would be addressed as part of this application. The provision of the car park would provide convenient off-street parking to alleviate issues of on-street parking in the local area, in accordance with policy T1 of the UDP.

The proposed access has appropriate inter-visibility and is a sufficient distance from the pedestrian crossing and the junction with Pool Hayes Road as to not to unduly interfere with other users of the highway. The existing bus shelter would be relocated; this would be further away from the pedestrian crossing and traffic junction than the existing shelter, which is considered to be an improvement. One letter of objection refers to issues of overtaking vehicles when buses are stopped. Transportation raise no objection to this arrangement.

On balance the proposal would offer an improvement to highway safety, subject to conditions in regard to surfacing, demarcating, drainage and retention of the parking area, as recommended by Transportation.

Impact upon the vitality and viability of the shopping parade

The proposed convenient and easily accessible parking spaces would have a positive impact upon the vitality and viability of the shopping parade encouraging greater use of the shops that could otherwise be deterred where there is an absence of available parking.

Impact upon character of the area

The open grassed verge is a dominant part of the shopping precinct, which provides a pleasant outlook. The proposal would result in the loss of most of the grassed area. This area is not an area of designated open space and does not have features such as benches. Grassed areas on the corner of the junction and along Pool Hayes Lane would be retained with the grassed frontages to Monmer Court also providing a 'greening' effect to the area. The loss of the grassed area would not leave a deficiency of soft landscaping in the wider area. Significant weight is given to the benefits to the shopping parade and the gain to highway safety. In the circumstances, this community benefit would outweigh the loss of large portions of the grassed area.

The existing semi-mature tree is proposed to be retained and an area across the front would be fully landscaped to provide an attractive feature. The Tree Officer has considered the application and states that the retention of the tree is not possible as the excavations for the hard standing will result in significant root severance, leading to the decline and instability of the tree. This has significant consequences for the safety of the public who may use the parking space. It is recommended that the scheme is amended to remove the tree or hard standing around the base of the tree is restricted to an area no less than 5m from the base of the tree. Whilst the tree has an amenity value it is not considered to be in good enough condition to warrant retention. Its removal is mitigated by the indication of a planting strip along the frontage of the site with three replacement tree species. The principle of replacement trees are acceptable, however the species choice are not due to the width of the planting area and the type of trees as these could cause long-term damage to the footpaths and hard standing areas. The use of tree pits/further tree planting could mitigate against the loss of the open space, though weight is given to the balance of parking provision. A revised landscaping scheme to provide sufficient and appropriate planting, taking account of the removal of the existing tree is required by condition.

Impact upon residential amenity

Residents raise concern that the proposed car park would be accessible all hours of the night leading to anti-social behaviour by virtue of noise from cars, the opening and closing of doors and playing of music. Currently there is unrestricted public access across this area of land; therefore there is an established level of activity around these areas. Lucknow Road is a busy local distributor which also gives rise to an existing level of background noise from passing vehicles. The NPPF advises that decisions should aim to identify and protect areas of tranquillity which have remained relatively undisturbed by noise and are prized for their recreational and amenity value. It is recognised that the formation of an access and the creation of car park would give rise to vehicle related movements that do not currently exist, but in an area already subject to existing levels of noise and disturbance. Neither Environmental Health nor Pollution Control raise any objections to the principle of the car park.

The Police comment that there are no access control measures which would give free access to offenders both onto and off the site. They strongly recommend that access control measures are put in place. In response the applicants state that access control measures would require a duty officer to visit twice daily, this would be very difficult and costly. The scheme has only come about due to specific and limited funds being made available. Other public Council car parks across the borough serving local shopping parades are not subject to access control. The introduction of CCTV is also not possible. It is recognised that during the day shop keepers would provide surveillance and during the evening there is surveillance of this area from the flats above the shops and the houses opposite. On balance, the benefits to highway safety and the vitality of the shopping parade outweigh the absence of access control measures at this time.

The existing open 3m wide verge and 2m wide pavement to the side of the communal room at Monmer Court would separate the windows of the communal room from the car park. There would be no further loss of privacy to the users of the communal room. Residents also raise concern that there would be more rubbish at the relocated bus stop. It is not considered that relocation would lead to any further deposit of litter, with a litter bin adjacent. The relocated bus stop would be 7m from the front elevation of Monmer Court. The nearest window is an obscure window to the non-habitable ground floor bathroom. Due to the nature of this window the relocated bus stop would not result in a significant loss of outlook to this property.

The proposal would improve the amenity for the occupiers of nearby houses who are subject to shoppers parking in front of their houses, with vehicles more likely to now use the designated car park.

On balance, it is not considered that the proposal would have such an adverse impact upon residential amenity to warrant refusal of the application.

Positive and proactive working with the applicant

The nature of the application has not required proactive working with the applicant to enable full support to be given to the scheme.

Recommendation: Grant Permission Subject to Conditions

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

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

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

- Location and layout plan (HM660-1 Rev A) received 7th January 2014.
- Landscape details (HM660-2) received 7th January 2014
- Vehicle crossing detail (SD11/8) received 7th January 2014.

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

3a. No development shall commence until a revised landscape scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall either show the removal of the existing semi-mature tree and its appropriate replacement or a revised area of restricted hard surfacing to protect the tree. The scheme shall also include full details of all proposed tree planting and the proposed times of planting.

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

3c. If within a period of five years from the date of the planting of any tree, that tree, or any planted in replacement for it, is removed, uprooted or destroyed or dies, another tree of the same species and size as that originally planted shall be planted in the same place.

Reason: To preserve and enhance the visual amenities of the area.

4a. Prior to the car park first coming into use, it shall be fully consolidated, hard surfaced and drained, the parking bays shall be clearly demarcated on the ground and the new vehicle access point created onto Lucknow Road, in accordance with the approved details.

4b. The car park shall thereafter be retained and used for no other purpose.

Reason: To ensure the satisfactory completion and operation of the car park.



Regeneration Directorate – Planning and Building Control

Planning Committee

Report of Head of Planning and Building Control, Regeneration Directorate on 13/02/2014

Plans list item no: 9.

Reason for bringing to committee: Called in by Councillor Murray/Departure from Development Plan

Application Number: 13/0482/FL

Application Type: Full application

Applicant: Mr R. Tarbuck

Proposal: New dwelling in place of previously approved barn conversion (adjacent public footpath ALD33).

Location: ALDRIDGE COURT FARM, LITTLE ASTON ROAD, WALSALL, WS9 0NN

Ward: Aldridge Central & South

Case Officer: Karon Hulse

Telephone Number: 01922 652614

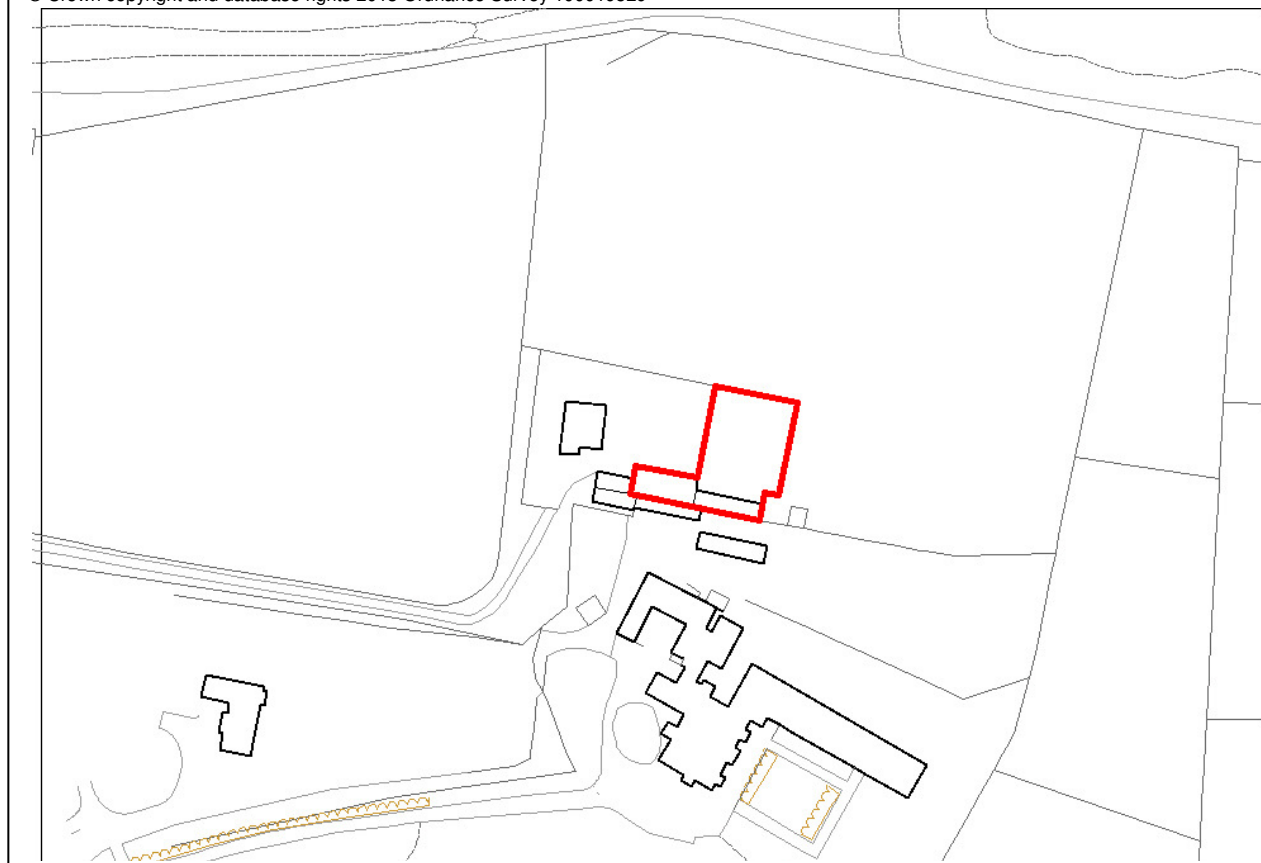
Email: planningservices@walsall.gov.uk

Agent: Spooner Architects

Expired Date: 10/06/2013

Recommendation Summary: Refuse

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Current Status - Called in by Councillor John Murray on the grounds that the determination requires a delicate judgement to be made

Application and Site Details

This application seeks consent for the erection of a new dwelling consisting of five double bedrooms, one en-suite, family bathroom, living room, dining room, study/sitting room and kitchen on land at the rear of Aldridge Court Farm, Little Aston Road, Aldridge.

The site currently consists of a single two storey dwelling with farm buildings accessed by a private driveway from Little Aston Road.

The new house will have a floor area of some 132 square metres, the existing cowshed and stables will be retained, the corrugated metal roof will be replaced with reclaimed slates. One half of the stables is proposed to be used as a double garage with space for cycle storage, with the other half continuing to serve its traditional function as a stable.

The area to be developed is a paddock fronting the stables, with a large field in between the site and the adjoining golf club, the boundary between the two consists of a hedgerow including mature trees and bushes. The paddock is accessed by a shale driveway which skirts around the application site. The existing house stands in its own grounds and together with the application site, will be approached by a 255m long single track drive off Little Aston Road which is very private and located up this long drive and largely hidden from view by high tree lines and hedgerows.

The site is situated on the northern side of Little Aston Road, set back off the road within the Green Belt and Aldridge Conservation Area. Aldridge Court farm is a large early-mid C19 detached villa, light brick with stone dressings, plain sashes, Italianate character with shallow hipped slate roof and bracketed eaves.

To the south is the Aldridge Court, a nursing home providing care for the elderly, it occupies a large plot on the north side of Little Aston Road. From most directions, the buildings of the nursing home and Aldridge Court Farm are hidden from view by the thick woodland and trees which surround it.

To the north of Aldridge Court and the application site, the conservation area includes school sports grounds, the buildings of Court Farm and agricultural fields.

Aldridge Court Farm, to the north of Aldridge Court, is within the same Character Area.

The application is accompanied by the following documents:

Bat Survey Report – which concludes that there is an opportunity to improve roosting opportunities for bats.

A design and access statement – states that the proposals combine 21st Century building techniques and mitigation measures, along with a high standard of design which pays due regard to the traditional scale and massing, along with the rural vernacular of the Aldridge Conservation Area. The scheme is an opportunity to provide high quality sustainable housing in the Aldridge area, which will support the economic viability of Aldridge town centre.

Relevant Planning History

BC62615P/C for change of use of stables and cowshed to private dwellings was approved on 05-02-01.

05/1002/FL/E5, Variation of Condition 1 of PA BC62615P/C to extend time for a further five years, granted 08-07-05.

10/0228/TE - Time extension on permission 05/1002/FL/E5: Change of use of existing stables and cowshed to private dwelling and widening of access to site (Original application BC62615P/C)

Relevant Planning Policy Summary

ALDRIDGE CONSERVATION AREA - Character Appraisal and Management Plan (November 2009)

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:

- not simply be about scrutiny, but instead be a creative exercise in finding ways to enhance and improve the places in which people live their lives
- 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;
- support the transition to a low carbon future in a changing climate... encourage the reuse of existing resources, including conversion of existing buildings
- 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
- actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable

Key provisions of the NPPF relevant in this case:

3. Supporting a prosperous rural economy

28. Planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development.

4. Promoting sustainable transport

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

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

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. 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.

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 include:

- the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), 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.

Annex 2: Glossary - **Previously developed land:** Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure.

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

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)

This was adopted in February 2011 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 ... even if there is a limited degree of conflict with this Framework*".

2b: Encourages sustainable management of material resources through minimising waste, ensuring all members of the community have the best access to housing, previously development land is prioritised over greenfield sites and encourages a comprehensive approach to development.

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.

ENV1: Safeguards nature conservation by ensuring development is not permitted where it would harm designated sites including Site of Importance for Nature Conservation. Adequate information must be provided with planning applications to ensure the likely impacts are fully assessed.

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

TRAN2: Planning permission will not be granted for development proposals that are likely to have significant transport implications unless applications are accompanied by proposals to provide an acceptable level of accessibility and safety by all modes of transport to and from all parts of a development including, in particular, access by walking, cycling, public transport and car sharing.

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

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)"*.

Key references to saved UDP policies are:

3.3 The character and function of the Green Belt (which includes most of Walsall's countryside) will continue to be safeguarded as part of the wider West Midlands Green Belt. Inappropriate development will not be allowed in the Green Belt unless justified by very special circumstances.

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.

3.21 & ENV1: Defines the purpose of the Green Belt.

The relevant policies are:

3.3: Inappropriate development within the Green Belt will not be allowed unless justified by very special circumstances.

ENV1: Defines the extent of the Green Belt.

ENV2: Highlights considerations of proposals within or adjacent to the Green Belt, and it includes a presumption against new buildings in the Green Belt, subject to exceptions similar to the approach in the NPPF although the NPPF now takes a more permissive approach to the extension or replacement of existing buildings (not just dwellings) and in respect of limited infilling or partial or complete redevelopment of previously developed sites. In both case this is subject to the impact on the Green Belt. Development is inappropriate if it conflicts with the openness and purposes of the green belt. ENV2(b) states re-use of existing buildings in the Green Belt will be acceptable provided that it does not involve any building extension or associated uses of land around the building that would conflict with the openness and purposes of the Green Belt.

ENV3: Detailed Evaluation of Proposals within the Green Belt - Proposals will be assessed for their impact on;

I. The detailed layout of the site.

II. The siting, design, grouping, height and scale of buildings, structures and associated outdoor equipment.

III. The colour and suitability of building materials, having regard for local styles and materials.

vi. The impact on significant views, viewpoints and topographical features.

IX. Any other relevant considerations identified in GP2.

ENV4: Permits the limited infilling of major developed sites in the Green Belt, subject to certain criteria. It is considered these criteria are consistent with the NPPF, but the NPPF applies this approach to all previously developed sites that are defined as brownfield land.

H3: Encourages provision of additional housing through windfall sites provided that a satisfactory residential environment can be achieved and that the development would not unacceptably constrain the development of any adjacent site.

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

ENV18: Seeks to ensure protection, positive management and enhancement of existing woodlands, trees and hedgerows.

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: Promotes good landscape design, including in prominent locations and / or where there are features the council requires to be retained or enhanced.

T7: Car Parking

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

T13: Parking Provision

4 bedroom houses and above: 3 spaces per unit

It is considered in this case that the relevant provisions of Walsall's saved UDP are consistent with the NPPF with two sets of exceptions. The first relates to the NPPF's acceptance of extension or alteration to or replacement of existing buildings. The second, which is more important in this case, is that the NPPF will allow the limited infilling or the partial or complete redevelopment of previously developed sites (where they are defined as brownfield land) and provided there will not be a greater impact on the openness of the Green Belt and the purpose of including land within it.

Supplementary Planning Document (SPD)

On the basis that relevant Unitary Development Plan policies are consistent with National Planning Policy Framework, the related Supplementary Planning Document(s) will also be consistent provided they are applied in a manner consistent with National Planning Policy Framework policy. The relevant Supplementary Planning Document's are:

Designing Walsall 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.

Annexe D: Numerical Guidelines for Residential Development ... identifies matters such as privacy and aspect distances between dwellings and garden dimensions. 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

The following is recommended distances:

- 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.
- 13m separation between habitable windows and blank walls exceeding 3m in height.
- 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 sq m for houses and 20 sq m of useable space per dwelling where communal provision is provided
- Terracing: avoid the creation of terracing to existing developments as a result of side extensions where this is not characteristic of the area by retaining a minimum 0.9m gap to the boundary (may be increased in some circumstances), set back first floor extensions by a minimum of 1m (may be increased in some circumstances) and the use of hipped roofs where in keeping with existing character Provision or retention of boundary walls or fencing at a minimum of 1.8m high for the first 4m from the rear of houses or adjacent to areas of public open space or between other land uses to safeguard the amenity of neighbours

DW1: New development must show that its design maximises energy efficiency in terms of layout, orientation and sustainable use of resources;

DW2: All development must contribute towards creating places that feel safe, secure and welcoming for everyone;

DW3: Design should respect and enhance local identity;

DW6: New development should contribute to creating a place that has a clear identity;
DW9: 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 Designing Walsall Supplementary Planning Document are consistent with the NPPF.

Conserving Walsall's Natural Environment SPD

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

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

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

It is considered in this case that the relevant provisions of Natural Environment Supplementary Planning Document are consistent with the NPPF.

Consultations

Transportation – no objections

Transportation (rights of way) – no objections

Local Access Forum – no objections

Pollution Control Contaminated Land/Scientific Team – no objections subject to conditions regarding construction hours

Natural Environment (Conservation) – no objections subject to finer details regarding materials and finishes

Natural Environment (Trees) – no objections subject to additional tree planting

Natural Environment (Landscape) – no objections subject to landscaping scheme

Natural Environment (Ecology) – no objections subject to conditions to conserve the local bat populations

Severn Trent Water – no objections subject to drainage condition

Public Participation Responses

One letter of representation with the following concerns:

- Access to the property is via a narrow public footpath which is a single track without proper passing points.
- There are visibility problems when exiting the footpath onto Little Aston Road
- There is no turning circle at the end of the track where it meets the metal gates of Aldridge Court Farm.
- In the past there have been problems with vehicles trying to take priority over pedestrians on the footpath and pushing them into the fencing or trees on either side of the footpath.
- Should there be a delivery vehicle and car or commercial vehicle meeting one another, then a lot of reversing will be taking place on what is quite a dark and narrow way, the potential for a serious accident occurring with a pedestrian will be considerably increased with the type of development planned, against that of the original application.
- There will be an increase of traffic due to the type of dwelling being applied for in contrast to that previously.
- Continuous and disturbing reversing warning audible signal from these vehicles.

- With the advent of the Worldwide Web and the public using internet sites to purchase goods, Supermarket deliveries, Amazon, ebay, etc, there will be increase in delivery traffic
- The foot print of the cowshed is somewhat smaller than that of the proposed property.
- The proposed property is a tall two storey construction with a pitched roof on top ... considerably taller than that of the original cowsheds
- Should not have been any taller than the original building.
- Impact on the neighbouring property of the Coach House
- Planning permission for cow shed was complimentary to the farm and its farm yard
- Proposed large two storey building would double the amount of floor space
- Aldridge Court and the Coach House overlooked,
- Building would be located outside of the farm yard into the neighbouring field...impact on the rural landscape...against green belt planning policy.
- Building is out of character with its surroundings
- Be seen from the adjoining footpath that runs down the side of the Golf Course.
- Contamination on the land...Gasometer on the site sited many years on the site of the proposed property and we think that careful examination of the ground should be taken, as there as very great risks from contaminates used in those days, high levels of arsenic just as an example could be uncovered or disturbed.
- The previous application lent itself to the conservation of the farm, especially as it is in both the Aldridge Conservation Area as well as the Green Belt,

Determining Issues

- Impact on the green belt
- Housing Land Supply
- Design, Scale, Access and Layout
- Landscape and Ecology
- Local Finance Considerations

Observations

Impact on the green belt

The site lies within the West Midlands Green Belt as identified in Walsall's adopted Unitary Development Plan (UDP).

The fundamental aim of National Planning Policy Framework (NPPF) is to prevent urban sprawl by keeping land permanently open which is an essential characteristic of Green Belts and protect against inappropriate development that is harmful to the Green Belt. In this case the provision of a new house in this locality albeit one of an aspirational design, has not been demonstrated sufficiently to outweigh the potential harm it will have on the Green Belt. As such it conflicts with one of the purposes of including land in the green belt namely to assist in safeguarding the countryside from encroachment, to check the unrestricted sprawl of large built-up areas, prevent neighbouring towns merging into one another, and safeguard the countryside from encroachment.

Furthermore, exceptions to inappropriate development as set out in para 89 of the NPPF, only allows limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land) and if they would not have a greater impact on the openness of the Green Belt. In this instance the site is not considered to be a brown field site as the land upon which the dwelling is to be sited is not previously developed land as set out in annex 2, therefore para 89 of the NPPF is irrelevant.

The Aldridge Conservation Area - Character Appraisal and Management Plan (November 2009) states that the application site lies to the north of Aldridge Court and is another building within the same Character Area, but it is very privately located up a long drive and is largely hidden from view by high tree lines and hedgerows. However from the golf club side and the public footpath which runs the full length of the boundary between the two, there will be clear views of the new house. This will appear as a very modern building against the back drop of an existing small low level cluster of well established buildings. Whilst the design of the new house incorporates a large amount of glazing to allow reflections of the surrounding countryside, it has not been demonstrated that the addition of this new building is acceptable and will not outweigh the potential harm the erection of this large detached house would have on the openness and character of the Green Belt to satisfy the aims and objectives of the NPPF, BCCS and policies in the UDP.

Saved policy ENV2 of the Unitary Development Plan, indicates that there is a presumption against the construction of new houses in the Green Belt. Development is also inappropriate if it conflicts with the openness and purposes of the green belt. ENV2(b) states re-use of existing buildings in the Green Belt will be acceptable provided that it does not involve any building extension or associated uses of land around the building that would conflict with the openness and purposes of the Green Belt. The previous consent involved the reuse of the existing outbuildings this was considered to accord with policy ENV2.

However this application does not involve reuse of existing buildings or indeed replacing existing ones it is therefore considered not to be consistent with the NPPF or UDP policy ENV2.

It is accepted that the out buildings (farm buildings) are no longer used for the purpose they were intended, reusing some of these as garages to house motor vehicle could reduce the visual impact on the green belt and improve the Green Belt in visual and environmental terms. The use of the outbuildings should be restricted and therefore conditions imposed that require the use of the stables for garages to be ancillary to the new house.

Policy ENV3 requires a detailed evaluation of proposals within the Green Belt and the impact on the layout of the site, siting, design, grouping, height and scale of buildings, structures and associated outdoor equipment, colour and suitability of building materials, having regard for local styles and materials and impact on significant views, viewpoints and topographical features.

The design of the building is modern and contemporary and in contrast to the existing farmhouse nearby. This is acceptable in terms of its impact on the Aldridge conservation area and to be welcomed however its appearance and impact on the green belt is not acceptable and will appear as a dominant urban feature within the openness of the countryside. It will be clearly visible from viewpoints along the boundary with the golf club (public footpath) against the traditional fabric of farm buildings.

In conclusion, having taken into account all of the above it is considered that on balance it has not been demonstrated that the addition of a new buildings is acceptable and will not outweigh the potential harm the erection of this large detached house would have on the openness and character of the Green Belt to satisfy the aims and objectives of the NPPF, BCCS and policies in the UDP.

Housing Land Supply

There are sufficient sites that already have planning permission in Walsall to meet the housing land requirement in the BCCS until at least 2021 – (7 year supply from now). Small sites that do not yet have planning permission are likely to add to this supply. In relation to the NPPF 5% and 20% buffer margins relating to the supply of new housing, the completions, as compared with the BCCS targets, also show that the Core Strategy targets have been exceeded since 2006, and there is no persistent shortfall in delivery. This means that there is not at present any requirement to find

further sites that will be deliverable within the next few years. Potential housing sites to meet the requirement between 2021 and 2026 will be identified through the Sites and Allocations process. The evolving situation will be monitored through annual Strategic Housing Land Availability Assessment (SHLAA) updates.

The NPPF seeks to protect against inappropriate development that is harmful to the Green Belt. The applicant has not provided any evidence to demonstrate the benefits that the Borough will gain from the provision of aspirational housing of a size and type that could not be provided elsewhere in the Borough. This proposed housing is of a type that would and should be developed within the major urban area, rather than the investment going elsewhere, like this site, which is contrary to the purpose of the Green Belt in supporting urban regeneration.

Design, Scale, Access and Layout

Design and scale - Subject to the materials and finishes to be used, the design of the proposed house can be supported. The stone banding will provide an architectural order to the building that will be both classic, yet modern. Cast stone is acceptable but the choice of product will be critical.

The main and front elevations have good proportions and the roof works well in delivering the sense of a building that is contemporary, but rooted in traditional vernacular practice.

The roof is flared and kicked out at a lower point down the rafters to accommodate the wider width of this central girth of the building. There is a tradition in this type of roofing and will be further expressed by the use of appropriate materials. In this case it is proposed to use Drednought throughout the roof which also allows the lower/shallower portion of roof to be constructed in the same roof material and will provide continuity throughout the roof.

Two chimneys have been added to the roof which provide interest to the buildings profile.

However, whilst the design is welcomed this has to be judged against the overall impact on the green belt.

Access - The proposed access to the site is along a long driveway which serves the existing house at Aldridge Court Farm, this is also a public right of way. There are no proposals to alter this access which is wide and has sufficient room for vehicles to pass by in places. It is considered acceptable to serve the two properties without any detriment to the safety of pedestrians and it is unlikely that the additional one house will generate large amounts of traffic which will impact on pedestrian safety.

Layout - The new house is set within a spacious plot of some 600 sq metres excluding the garages. The proposals include converting part of the existing stables for garages whilst retaining the existing barn for use as storage. The nearest property is that of Aldridge Court (nursing home), views of this are limited due to the substantial landscaping and outbuildings along the boundaries.

Impact on the character and amenity of Conservation Area

It is considered that the proposed bespoke design of the new house would relate to and enhance the character and appearance of the Conservation Area. It has been specifically designed with large areas of glazing to reflect views of the open countryside and long sloping roofs will reduce the overall massing of the building. In terms of the conservation area the design and appearance of the house is acceptable in principle.

Landscaping and Ecology

Trees - The only trees or shrubs on the site are along the boundaries with the golf club. There will be some loss of Cypress hedge but there are no trees of significance on site and consequently there are no objections subject to the inclusion of new tree planting. If the application is approved,

this could soften and help screen the new house from the green belt but this clearly would take some time to mature.

Landscaping – Whilst there is an objection in principle to the proposed scheme, it is considered any proposed landscaping will be guided by recommendations which will allow the development to have the maximum ecological benefit. Specific planting and landscaping, the use of native species and wildlife friendly paving will be incorporated within any scheme. New pathways will be formed from paviers of a permeable design, and the new driveway will be formed from gravel rather than tarmac. These should be conditioned accordingly should the proposals be supported.

It is considered that for any scheme to be acceptable at this prominent location, Landscape architectural expertise should be sought at an early stage to develop a detailed landscaping scheme. This work should be undertaken in parallel with other design professions to ensure well thought out building layout, external spaces and design detailing to achieve quality external design.

Ecology – The building will be set amongst mature trees, fields and large gardens. It is close to park land and a golf course. Therefore there is sufficient green infrastructure to make the presence of bats in the neighbourhood highly likely. A bat survey has been submitted, its conclusions are accepted. If the scheme were to be accepted in principle, mitigation could be secured subject to 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 1 new home.

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

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

Recommendation: Refuse

1. The proposal represents inappropriate development in the Green Belt. No very special circumstances have been put forward sufficient to outweigh the harm this inappropriate development would cause to the character and openness of the Green Belt. The proposals are considered to represent inappropriate development within the Green Belt which would be out of character with their surroundings and would have an adverse impact on the openness, character and visual amenity of the Green Belt. The development would further create urban sprawl in a location where it should be restricted in order to provide satisfactory separation between the conurbations and would undermine the regeneration of the urban area. As such the proposed dwellings are contrary to the aims and objectives of the Black Country Core Strategy, in particular sustainability principles 2 and 4, policy CSP2, Objective (d) in paragraph 3.14 of the West Midlands Regional Spatial Strategy; Policy ENV2, ENV3 and ENV4 of Walsall's Unitary Development Plan (2005) and the NPPF paragraphs 87-89.

2. There is a plentiful supply of available housing land in Walsall. Sites with planning permission provide sufficient capacity to meet the Borough's housing land needs well beyond the next 5 years, including the additional NPPF 5% buffer. Other identified potential housing sites provide in excess of a 15 year housing land supply. Therefore there is no requirement to release other sites for housing development in order to meet the housing land requirement in the Black Country Core Strategy until at least 2021. The development of this isolated site in the Green Belt would undermine the regeneration of the urban area and would be contrary to the Core Strategy, in particular the Vision, Sustainability Principles and Policy CSP2.



Regeneration Directorate – Planning and Building Control

Planning Committee

Report of Head of Planning and Building Control, Regeneration Directorate on 13/02/2014

Plans list item no: 10.

Reason for bringing to committee: Significant Community Interest

Application Number: 13/1697/FL
Application Type: Full application

Case Officer: Karon Hulse
Telephone Number: 01922 652614
Email: planningservices@walsall.gov.uk
Agent: Master Design Studio

Applicant: P Nahal

Proposal: Erection of single storey rear extension and demolition of rear conservatory.

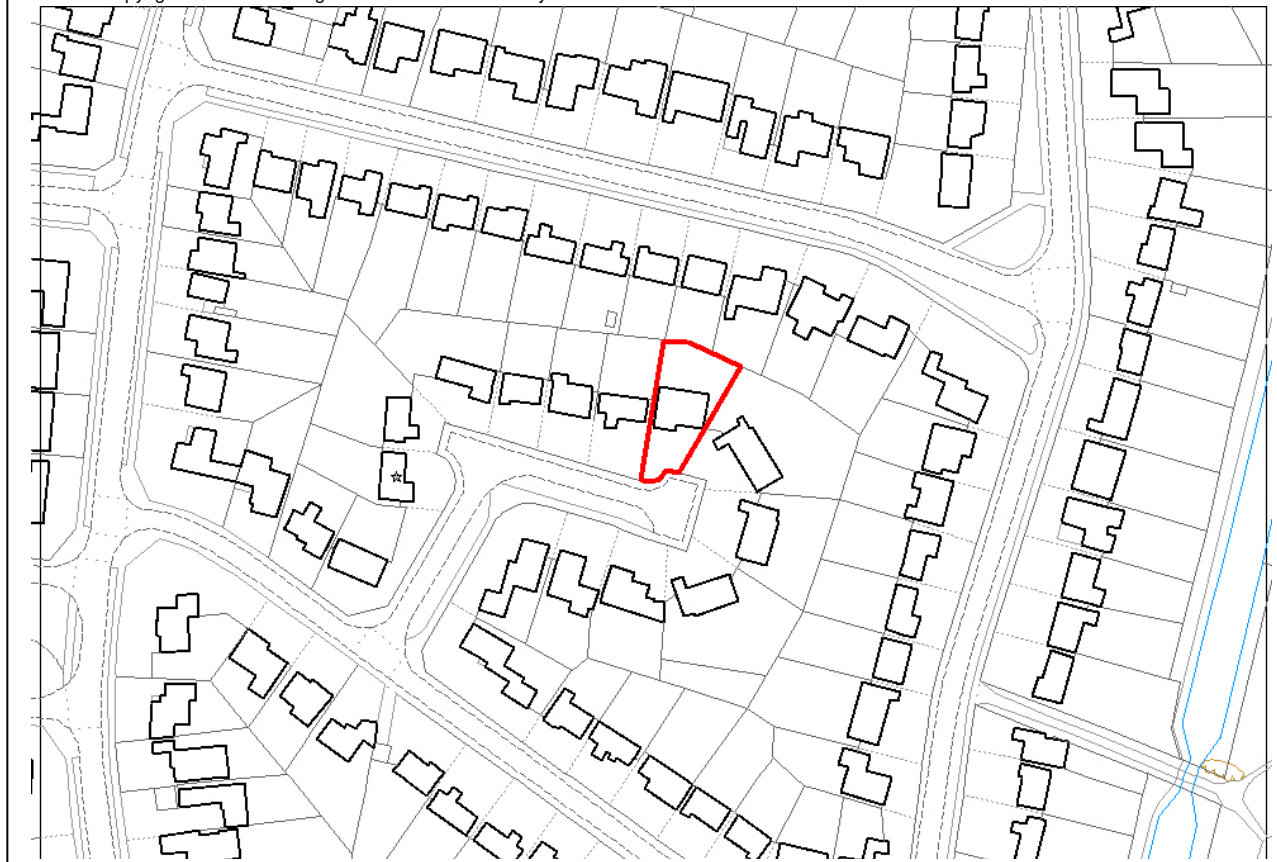
Location: 13 RICHARD PLACE, WALSALL, WS5 3QP

Ward: Paddock

Expired Date: 13/02/2014

Recommendation Summary: Grant Permission Subject to Conditions

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Application Details

This application seeks consent to remove the existing rear lean to structure and replace with a brick built single storey rear extension.

The proposed single storey extension would enlarge an existing lounge, kitchen and dining room and bedroom by extending 3.3 metres from the existing rear elevation of the application house.

The extension will be 13.3 metres wide and will have two gable pitched roofs, 3.7 metres and 4.6 metres high facing towards Martin road at the rear, both having eaves height of 2.4 metres. The existing roof height is 5 metres at its ridge.

The existing lean to extends across two thirds of the rear elevation the proposal will extend across the full width of the bungalow.

The adjacent house at no 11 is two storey and set back from the rear of the application house.

No. 15 is also a bungalow, it is set at an angle away from the application bungalow. It has a conservatory extension to the rear but the boundary between the two consists of fencing and landscaping and therefore the views are limited.

There is mature tree and hedge planting along the rear garden boundary between no.s 7 and 9 Martin Road and the application site.

Relevant Policies

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:

- 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.

Local Policy

Black Country Core Strategy

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

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

- GP2: Environmental Protection
- ENV32: Design and Development Proposals

Supplementary Planning Document

Designing Walsall

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.

Annexe D: Numerical Guidelines for Residential Development ... identifies matters such as privacy and aspect distances between dwellings and garden dimensions. 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

DW1- Sustainability- New development should seek to simultaneously meet environmental, economic and community needs without compromising the needs of future generations

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

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

DW4 - Continuity- Attractive spaces within new development should be defined or enclosed by buildings, structures and/or landscape

DW5 - Ease of movement- All new development should contribute to creating places that are well connected, easy to get to and safe to move through

DW6 - Legibility- New development should contribute to creating a place that has a clear image and identity and is easy to understand

DW7 - Diversity- All new development should contribute to creating lively places that offer a mix of activities to the widest range of possible users

DW8 - Adaptability- New development should 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

DW10 - Well designed sustainable buildings- New development should make a positive contribution to creating a comfortable, adaptable and sustainable built environment

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

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

Relevant Planning History

None

Consultation Replies

None

Representations

Three letters of representation have been received (two at the rear of the site and one from neighbour two houses away) with concerns and objections as follows:

- extending the building line would be detrimental to my property
- bungalow not in line with the houses to the right
- no indication as to whether it will be nearer to our house
- faces of two apex roofs are vertical appearance of a wall or face of a building
- turned into a dormer bungalow
- increased storm water flows, new roof will add to this

Determining Issues

- Design of Extension and Impact on Character of Area
- Amenity of Nearby Residents

Observations

Design of Extension and Impact on Character of Area

The proposed rear single storey rear extension to replace an existing lean to structure reflects other similar extensions around the area and is considered would be in keeping with the character of the existing bungalow and houses in the vicinity.

Amenity of Nearby Residents

The proposed extension would be positioned to the north and within the shadow of the existing bungalow, it will be to the east of the rear garden of no 11 and as such will not overshadow their garden except very early morning.

The existing lean-to conservatory has a shallow roof pitch and is 2.4 metres at its highest point, the proposed extension will be 2.4 metres to its eaves which run along the boundary to no.11, the roof pitch runs away from that boundary at the same angle as the existing roof to a height of 4.6 mts. Visually from no. 11 Richard Place, the extension will be absorbed into the lines of the exiting bungalow and limit the impact of this proposal on neighbours' existing light and visual amenity.

The proposed extension will accommodate an enlarged bedroom including an en-suite bathroom, enlarged living room and new kitchen/dining room. It will have three habitable room windows across the proposed rear elevation. It will project beyond the existing rear elevation of the house by 3.3mts (3.5mts with the fascia to the gable above), the distance to houses at the rear would be 22 metres. Whilst the extension will be below the distance between habitable room windows (at the rear) as required by the Designing Walsall Supplementary Planning Document, the existing rear ground floor lean-to extension which accommodates a habitable room window is only 0.5 metres below that of the proposed brick built replacement extension. Notwithstanding the above, most of the rear ground floor extension could be constructed under permitted development, it will only be the pitched roof above the left hand side of the proposed extension that exceeds 4.0 metres (4.6mts total high) that would actually require planning consent.

In addition the boundary between the application site and the rear of properties in Martin Road is a close boarded fence between 1.5 metres and 2.2 metres with mature borders consisting of flowers, shrubs, hedges and trees, this reduces views between the properties.

On balance it is considered this part of the extension will not have any detrimental impact on neighbouring occupiers above that which result from the ground floor extension which could be constructed under permitted development without any control. In addition the boundary between the proposed extension and the rear of properties in Martin Road is an existing 2 metre high fence

with mature garden borders consisting of hedges, shrubs and trees. Views between the properties are screened by this and this reduces any views between the properties.

The application house is not located within a Flood Zone and drainage would form part of a Building Regulations application.

When the proposed extension is constructed there will be in excess of 100 sq. metres of useable rear and side amenity space.

On balance the proposed extension is considered acceptable and will not impact on the amenity if nearby occupiers above the existing circumstances.

Positive and Proactive Working with the Applicant

The submitted details were considered to be acceptable and no further changes have been requested.

Recommendation: Grant Permission Subject to Conditions

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

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

2a. This development shall not be carried out until a schedule of facing materials to be used in external walls and roofs has been submitted to and approved in writing by the Local Planning Authority.

2b. The development shall be fully implemented in accordance with the approved schedule of materials and retained thereafter.

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

3. The garage is to be used for purposes ancillary to the dwelling house only.

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

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

- Proposed Site and Location Plan (13.55.PO1) received 17/12/13
- Existing and Proposed Elevations (13.55.PO4 Rev A) received 17/12/13
- Existing and Proposed Floor Plan (13.55.PO2 Rev A) received 17/12/13
- Existing and Proposed Roof Plan (13.55.PO3 Rev A) received 17/12/13

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

Note for Applicant

The Coal Authority Standing Advice - All Developments Within Coalfield Standing Advice Areas

The proposed development lies within a coal mining area which may contain unrecorded mining related hazards. If any coal mining feature is encountered during development, this should be reported to The Coal Authority.

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.

Property specific summary information on coal mining can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at: www.groundstability.com