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1	1	14/1537/OL	LAND SOUTH OF 370, CHESTER ROAD, WALSALL (FORMER BLOCK WORKS)	Outline application for a proposed 58 bedroom specialist care home (access, appearance, layout and scale to be determined).	Refuse
2	19	15/0191/OL	FORMER SERVIS AND ALUCAST SITE, DARLASTON ROAD, WEDNESBURY, WALSALL, WS10 7SR.	Outline planning application for the erection of up to 170 dwellings with all matters reserved except means of main vehicular access from Darlaston Road. (Site affects the public footpaths Wed 7 and Wed 9).	Approve with conditions (including any amendments or additional conditions deemed appropriate by officers).
3	35	15/0148/FL	FORMER WIGGIN HOUSE, BUXTON ROAD, WALSALL, WS3 3QJ	Erection of two storey residential building comprising 16 self-contained one-bedroom supported living apartments (Use Class C3), with associated open space and car parking.	Grant permission subject to conditions subject to resolving tree issues

4	51	15/0251/FL	MANHEIM AUCTIONS, WHITWORTH CLOSE, WALSALL, WS10 8LJ	Erection of a vehicle display canopy in existing car sales area.	Delegate to the Head of Planning and Building Control to approve with conditions (including any amendments or additional conditions deemed appropriate by officers), subject to receipt of a satisfactory Coal Mining Risk Assessment Report, and provided that no additional information is received which raises new material considerations
5	61	15/0392/TE	The Hawthorns, Highgate Drive, Walsall, WS1 3JW	Time Extension for 09/0585/FL - Conversion and extension of The Hawthorns to provide 9 apartments, a new build block of 3 apartments and a single detached dwelling.	Grant Permission subject to Conditions and a Deed of Variation
6	81	15/0113/FL	FORMER WESSON CAR PARK, LAND EAST OF BULL LANE, WALSALL WS10 8RW.	Change of use from former foundry car park to display, storage and sales of commercial vehicles (sui generis use) including hard standing, security fencing, lighting and portacabin .	Grant Permission Subject to Conditions

7	93	15/0180/OL	47 PORTLAND ROAD, WALSALL, WS9 8NU	Outline Application for Residential Development of 8 Detached Dwellings - Access, Layout and Scale to be determined.	Grant Permission Subject to Conditions
8	109	15/0081/FL	2 SCHOLARS WALK,WALSALL,WS 4 1SW	Single storey rear extension and garage conversion.	Refuse
9	117	14/1882/FL	53 AVIEMORE CRESCENT, GREAT BARR, BIRMINGHAM, B43 7QA	Change of use of residential driveway for the storage of a trailer unit and the retention of a home office associated with the 24 hour drainage emergency service business use	Refuse



Walsall Council

Economy and Environment – Planning and Building Control

Planning Committee

Report of Head of Planning and Building Control, Economy and Environment on 30/04/2015

Plans list item no: 1.

Reason for bringing to committee: Called in by Councillor Sears who supports the proposals despite conflict with the development plan due to the re-use of former industrial waste ground and as the proposals offer a source of employment (60 full time equivalent jobs) locally.

Application Number: 14/1537/OL
Application Type: Outline Application

Applicant: Willinbrook Health Care Ltd

Proposal: Outline application for a proposed 58 bedroom specialist care home (access, appearance, layout and scale to be determined).

Location: LAND SOUTH OF 370, CHESTER ROAD, WALSALL (FORMER BLOCK WORKS)

Ward: Aldridge North and Walsall Wood

Case Officer: Alison Ives

Telephone Number: 01922 652604

Email: planningservices@walsall.gov.uk

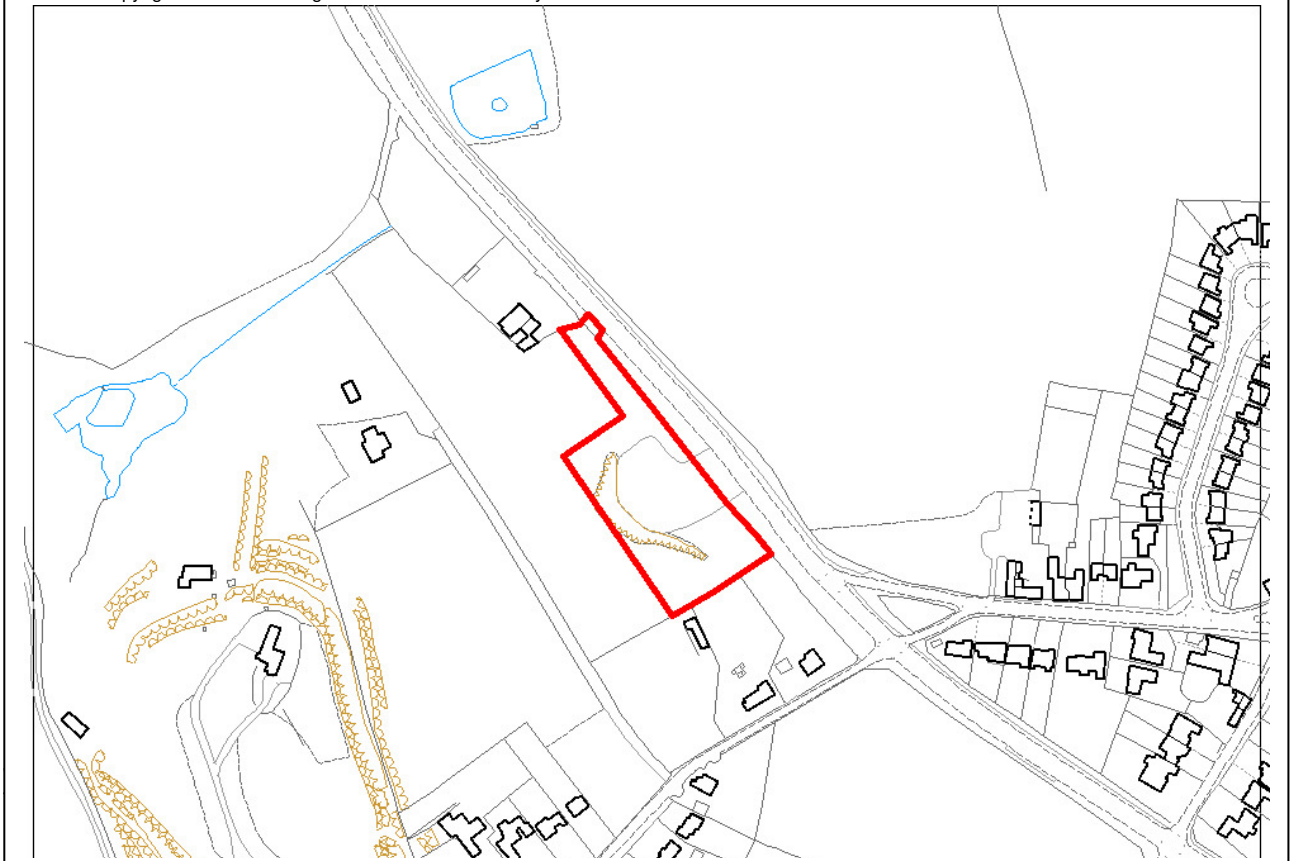
Agent: A.P. Architecture Ltd

Expired Date: 23/01/2015

Extension of Time Target Date:
15/05/2015

Recommendation Summary: Refuse

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This report also seeks the Committee's endorsement of the Habitats Regulation Assessment.

Planning Application and Site Details

The application seeks outline permission for the erection of a 58 bedroom specialist care home on land to the south of 370 Chester Road (former Block Works). Means of access, appearance, layout and scale are to be determined with landscaping only reserved for subsequent approval.

The site is in the Green Belt and is located to the south of an isolated dwelling 370 Chester Road, north of the junction with Castlehill Road near to the borough boundary with Lichfield District. There is a dense screen of trees along Chester Road and a steep cliff with mature woodland within it surrounding the site. The access from Chester Road has no dropped kerb and the unmade driveway leads to a large area of concrete hardstanding. The site is flat but is over 3m above the highway level and the trees around the perimeter are set within a bank. There is no footway along this section of Chester Road. Chester Road (A452) is a classified road and forms part of the Strategic Highway Network.

The applicant is Willinbrook Health Care Limited and the proposal is a specialist care facility to cater for people with dementia and challenging behaviour.

The proposal utilises the original access which runs parallel to Chester Road behind a screen of trees. Parking is included on both sides of the access and at its head in front of the building; there are 30 parking spaces in total including two disabled bays.

The proposed building is "u" shaped with a long elevation facing Chester Road and shorter wings returning into the site creating a courtyard between the wings. It is part two and part three storeys high utilising part of the loft area as the second floor accommodation. The building is positioned just over 6m from the back of highway and is elevated from the carriageway. The drawings indicate a high level walkway at first floor leading from the building onto the land at the rear. The accommodation comprises en-suite bedrooms plus lounge/dining rooms, store rooms, nurse/doctor's rooms, assisted bathrooms, meeting rooms, kitchen, laundry, staff shower and locker rooms, cinema/training room, reception and ancillary offices all served off a central corridor with rooms facing front and rear. The elevations are a combination of brick and render with tiled roof and projecting gables.

The supporting information states the proposal will provide opportunities for 60 full time equivalent jobs including management, technical, administrative, care, nursing, catering, maintenance and housekeeping positions. Approximately 24 staff would be on site at any one time.

The site area is 0.69 hectares.

The Design & Access Statement – Describes the site and surrounding location, the proposed development and design of the building. It comments on the layout, access, scale, landscaping, refuse collection, materials and appearance and sustainability. It concludes that the proposals offer specialist accommodation accessible by local communities without having to travel outside the borough. The benefits are summarised as 60 FTE jobs, 80 temporary construction jobs, £4.5 million investment into the local economy, benefits to local businesses, delivery of specialist care accommodation, reducing the burden on local primary healthcare services, lack of other suitable, deliverable and available sites to accommodate the proposed care home, sustainable sites.

The Planning Statement – Introduces the application site and surroundings and considers the proposals in relation to planning policy. The applicant considers the proposals are not inappropriate development in the green belt as they comprise previously developed Brownfield land and the care home has no greater impact on the openness of the Green Belt than the previous development. The statement highlights that the proposed development covers an area 16% less than the area of hardstanding. It considers views of the proposal would be limited as the site is surrounded by woodland and would be an improvement on the former block works class B2 use. The Statement describes what they consider to be very special circumstances to outweigh any harm to the purposes of the Green Belt and visual and environmental enhancement. It concludes that the proposals do not harm the openness of the Green Belt and that very special circumstances can be justified as the beneficial affects outweigh any harm.

The Arboricultural Survey Report & Method Statement – Surveys a large group of silver birch and sycamore trees surrounding the potential development site (woodland). It identifies root protection areas and methods of working to the protect trees which are category B with a life expectancy of more than 40 years.

The Ecological Appraisal – Carried out in March 2014 it identifies habitats present on site including mature trees suitable for nesting birds, log/wood chip piles, grass clippings and earth banks suitable for hibernating reptiles and egg laying for grass snakes. A slow flowing ditch outside the northern boundary of the site holds little water and there is no evidence of protected species. A large fishing pond stocked with trout and carp is unlikely to support Great Crested Newts. It is recommended that tree removal is carried out outside the bird breeding season and peripheral trees retained for their opportunities to support roosting bats. Any works to the embankments should be supervised by an ecologist.

The Site Check Review – Recommends a risk management is undertaken to assess the likelihood of significant ground contamination to include a desk study report, and intrusive investigation. As the site is in an area of former coal mining activity a coal mining risk assessment is also recommended.

The Transport Assessment & Travel Plan – Describes the site and surrounding local road network, highway safety and accessibility issues, it assesses relevant development plan policies, describes the proposals, car parking and servicing arrangements and the highway implications of the proposals. It concludes that access will be via a right turning lane created within the existing carriageway allowing visibility of 160 metres and parking is adequate to cater for the proposed use. Traffic flows and quantity of traffic would have a minimal effect on congestion and delays at nearby junctions, a footway and pedestrian crossing with refuge can be provided at the access to connect to local bus services, there would be no material impact on the local road network or safety concerns. Residents would rarely travel so available travel options are for staff only to share vehicles, to walk or to use bus services.

Relevant Planning History

14/0910/FL – Proposed 4 dwellings with garages and associated works – Withdrawn by the applicant 10/10/14. The applicant was advised that officers were unable to support the proposals.

No other planning history relating to the site or former industrial use.

350 Chester Rd – (former industrial premises to the north of the application site)

14/0454/FL – Erection of 1 x dwelling, formation of new vehicular access and associated works (re-submission of 11/0232/FL) – GSC 27/06/14.

11/0232/FL – Erection of 1 x 6 bed house, formation of new vehicular access with associated works – GSC 05/04/11.

11/0414/TE – Time extension on 07/1443/FL/E9 for demolition of existing buildings and erection of 2 x four bed houses, formation of new vehicular access, landscaping and associated works – GSC 27/06/11.

07/1443/FL/E9 - Demolition of existing buildings and erection of 2 x four bed houses, formation of new vehicular access, landscaping and associated works – GSC 08/04/08.

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
- Promoting healthy communities

Key provisions of the NPPF relevant in this case:

The NPPF confirms that a plan-led approach to the planning system and that decisions must be made in accordance with the Development Plan. In particular the following NPPF references are considered to be appropriate,

Paragraph 32 states all developments should have safe and suitable access to the site for all people.

Paragraph 34 advises decision should ensure developments that generate significant movement are located where the need to travel will be minimised and use of sustainable transport can be maximised.

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

Paragraph 56 attaches great importance to the design of the built environment and states good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

Paragraph 57 states it is important to plan positively for the achievement of high quality and inclusive design.

Paragraph 58 states planning policies and decision should aim to ensure that development meet criteria including:

- Function well and add to the overall quality of the area
- Establish a strong sense of place
- Are visually attractive as a result of good architecture and appropriate landscaping
- Create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion;

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

Paragraph 70 states to deliver services the community needs and advises planning policies and decisions should ensure an integrated approach to considering the location of housing, economic uses and community facilities and services.

Paragraph 79 states the essential characteristic of Green Belts is their openness and permanence.

Paragraph 80 identifies the five purposes of Green Belts which are:

- *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*
- *to assist in urban regeneration by encouraging recycling of derelict and other urban land*

Paragraph 81 states local planning authorities should plan positively to enhance the beneficial use of the Green Belt and to retain and enhance landscapes and visual amenity. It also encourages improving damaged or derelict land in the Green Belt.

Paragraph 87 states inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances.

Paragraph 88 states very special circumstances will not exist unless the potential harm is clearly outweighed by other considerations.

Paragraph 89 states the construction of new buildings is inappropriate in Green Belt except for specific purposes including:

- *buildings for agriculture and forestry;*
- *provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it;*
- *the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;*
- *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 in villages, and limited affordable housing for local community needs under policies set out in the Local Plan; or*
- *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.*

Paragraph 90 certain types of development are not inappropriate provided they do not conflict with the openness of the Green Belt.

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.
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:

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

HOU2: 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.

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.

ENV5: Seeks to reduce the impact of flooding.

Walsall's Unitary Development Plan (UDP)

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

The relevant policies are:

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

ENV1: Identifies the Green Belt boundaries.

ENV2: Seeks to control development in the Green Belt.

ENV3: Relates to detailed evaluation of proposals within the Green Belt.

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

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

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

ENV32: Seeks the design of residential developments to create high quality living environments, well integrated with surrounding land uses and local character.

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

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

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.

H5: Encourages provision of housing for people with special needs including single people, the elderly, ethnic minorities, people with disabilities, and any other groups that require specialist accommodation.

H6: States provision of nursing homes and homes for the elderly will normally be appropriate in residential and mixed residential/commercial areas. Proposals will be assessed in terms of access and parking amenity and landscape.

T1: Seeks to improve access and help people get around.

T4: Refers to the highway network and required considerations.

T7: All development should satisfy the car parking standards set out in Policy T13.

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

T9: Seeks to encourage cycling.

T10 (a): Refers to accessibility standards.

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

T12: Refers to accessibility by public transport (bus, rail, metro and ring and ride).

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.

Residential homes: 1 space per 3 beds

Nursing Homes: 1 space per 2 beds.

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.

Conserving Walsall's Natural Environment SPD

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

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

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

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

Consultations on the Planning Application

Transportation – Objects due to poor accessibility of the site. The proposed development would be almost entirely reliant on staff and visitors travelling by car with little scope for travel by sustainable modes of transport. This in turn will have implications for the proposed level of on-site parking provision and the safe and satisfactory operation of Chester Road.

The site is located on the A452 Chester Road 1km south of the A461 Lichfield Road junction at Shire Oak and about 250m north of the Castlehill Road / Main Street, Stonnall junction. The site is very poorly served by well lit, accessible footways as there is only a footway on the opposite side of Chester Road, no footway on Castlehill Road and no footways or sub-standard footways along Main Street, Stonnall. UDP policy T8 and BCCS policy TRAN2 requires developments to address the needs of pedestrians and provide well lit safe, direct and convenient links to the surrounding area. The site is very poor in this regard with little scope for improvement and is contrary to these policies.

UDP policies T10 to T12 and BCCS TRAN2 require developments to improve pedestrian and cycle facilities where they are sub-standard and policy T12 in particular requires Nursing Homes to be within 400m of bus stop with bus services to all parts of the catchment area during works hours with a frequency of bus service of 1 bus every 30 minutes between 07:00 and 19:00 Monday to Saturday and 1 bus every hour on a Sunday. The development is poorly served by bus services, with the 35B Walsall to Lichfield service stopping in Main Street, Stonnall about 400m from the site entrance. This service is a 2 hourly service with no service on a Sunday. The only other bus service is the X56 Birmingham to Boney Hay along Chester Road which does not stop anywhere near the site and is a very limited service once per day. The development fails to meet these policy requirements.

The implications of the site being relatively isolated and poorly accessible in terms of well lit footway provision and public transport means that the development is likely to be solely served by car. The application states that there will be 90 staff in total, probably operating shifts. Whilst there may be scope to reduce some car trips under the Travel Plan by encouraging car sharing, it is likely many of the staff will be specialists and live in a wide catchment area where such measures may be limited. The knock on effect is that the level of parking on site will need to accommodate relatively higher number of vehicles.

Whilst the development proposes 30 parking spaces which accords with UDP policy T13 parking requirements (1 parking space per 2 beds), at shift change over times it is likely that this level of parking will be insufficient. The site is located on Chester Road which is a classified 'A' road and a strategic highway with a 50mph speed limit. Due to the relatively isolated location of the site there are no other easily accessible surrounding roads that could safely cater for any overspill parking. UDP policy T4 aims to keep street parking and direct frontage access to the strategic highway network to a minimum with a high priority given to assist traffic flows. The potential of any over-spill on street parking on Chester Road would be contrary to this policy and detrimental to highway safety.

The cumulative impacts of the development; its relatively isolated location on a busy strategic road away from the main residential areas, poor accessibility in terms of footway and cycle infrastructure or scope for improvement, being poorly served by public transport, the specialist nature of development with relatively higher staffing levels and parking requirements than general nursing homes, will have severe transportation implications and is unacceptable in accordance with NPPF paragraph 32.

Black Country Wildlife Trust – The ecology appraisal relates to a different scheme (dwellings) and was carried out at a marginal time of year for an ecological survey. An ecological survey relating to the proposed development should be provided.

Environment Agency – No objections.

Environmental Health – No objections.

Fire Service – No objections. Fire Service access appears to be satisfactory provided a suitable fire hydrant is provided within 90m of the building.

Joint Commissioning Development Officer – Mental Health (NHS) – Supports the proposals as there is a need for such provision in Walsall. The facility is designed to meet the needs of younger and older adults with dementia/cognitive impairment or complex behaviours. There is a shortage of complex mental health nursing facilities in Walsall. A facility in Walsall is welcomed as Walsall service users can continue to live in Walsall nearer to friends and family, increasing contact with people who know and care for them and where Walsall social workers and nurses can have greater contact and respond more quickly to any issues. There is only 1 older person's complex care facility in Walsall and none for young adults. Currently 41 users are placed on the borders of Walsall or out of area. Allowing more providers leads to greater competition in terms of quality and price resulting in a better quality of care for users and improved purchase prices for Walsall Council and Walsall Clinical Commissioning Group. Purpose built facilities offer a better living and care environment.

Willinbrook Health Care Ltd has been engaging with the mental health commissioners for over a year to meet local needs and find an appropriate site. The organisation has a similar facility in Perry Barr and has demonstrated high quality service and good user feedback. They are hoping to establish themselves in Walsall and reduce the need for out of area placements. From a commissioning perspective the building offers modern private living space for service users with an expected high quality of nursing and support staff.

Landscape – Objects. The proposed building is large and will be prominently visible from Chester Road and out of keeping with the rural surroundings. Nearby trees would have to be felled to accommodate the development. The design appears quite generic.

Lichfield District Council – Objects. The erection of a building on land which is currently open by virtue of its lack of physical enclosure by any building or structure will have a greater impact on the openness of the Green Belt and the purposes of including land within it. The proposals are inappropriate development. The applicant considers there are very special circumstances to outweigh this harm to the openness of the green belt including the national demand for facilities of this nature. The applicant has not provided any evidence as to why this facility should be located at this isolated site within the Green Belt and there is no compelling evidence for locating here.

Natural England –A Habitats Regulations Assessment is required in respect of any residential staff component of the specialist care home. The site is close to the Cannock Chase Special Area of Conservation (SAC) which is a European site and also notified at a national level as a Site of Special Scientific Interest (SSSI). There are no objections in respect of the potential impact on the SSSI. Other advice in respect of local sites, protected species, green infrastructure and biodiversity enhancements is given. The proposal may offer opportunity for achieving a holistic approach to achieving health and green infrastructure.

Natural Environment (Ecology) – Objects. Further evidence to demonstrate that the loss of trees will not be excessive is required. The ecological survey raises no great impediment to development but is undertaken in early March which is not likely to identify vegetation of interest and no species list is provided. Key information is missing including a plan to demonstrate the amount of vegetation required to be removed to accommodate the visibility splay at the access, a plan showing the relationship between trees and the proposed building and shading diagrams, street views, a revised tree survey and before and after ground levels. Landscaping details are not provided as this is a reserved matter.

Police – The site is at risk due to its isolated location and ease of access and cover provided by the woodland that surrounds it. Chester Road provides an escape route for potential offenders. The area has been subject to 732 crimes of which 152 were burglaries and 101 vehicle related. Security is not mentioned in the Design & Access Statement but Secure by Design accreditation is recommended to increase the security of the building. As a minimum security measures for doors, windows, locks, provision of defensible space, appropriate gates, walls and fencing and lighting are recommended. The car parking will be vulnerable as vehicles are isolated from the building and the proposed walkway allows access for offenders.

Pollution Control – Comments that due to the former use of the site and some sensitive receptors in proximity to the site a desktop survey should be undertaken to determine whether further intrusive surveys are required. There is also an issue in relation to traffic

noise and its impact on future residents. Conditions to address these points are recommended.

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

Public Participation Response on the Planning Application

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

- The access off Chester Road is between two major junctions, on a 50mph road
- The access is 1 mile from an accident hot spot
- Increased traffic on Castlehill Road which is already used as a rat run
- Increased traffic from staff and visitors
- Increased risk of accidents including on in the area including Castlehill Road which is narrow
- No added benefit to the local community
- Noise and inconvenience during construction and from construction vehicles
- Drainage problems will worsen

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

Determining Issues on the Planning Application

- Whether the development is appropriate in the Green Belt
- Whether there are any very special circumstances to outweigh any potential adverse impact on the Green Belt
- Access
- Layout, Scale and Appearance,
- Relationship to surrounding properties
- Environmental Impact Assessment Screening Opinion

Observations on the Planning Application

Whether the development is appropriate in the Green Belt

The site is in the Green Belt where national and local policies state that new development is inappropriate other than in exceptional circumstances including 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.

Previously developed land is 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. It excludes land that was previously-developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape in the process of time.

The applicant considers the site is previously developed land as there was a former Block Works class B2 manufacturing premises on it and significant hardstanding. This is not the view of officers as the historical ordnance survey maps available show no evidence of any buildings at the site. The aerial photographs available show no buildings or activity at the site since at least the year 2000 and the woodland surrounding the site gradually covering the concrete hardstanding to such an extent that it had blended into the landscape. Despite recent works to expose the concrete hardstanding it is clear that the site has not been occupied for industrial purposes for decades and, having regard for the legal test set out in the case of *Hughes v Secretary of State for the Environment, Transport and the Regions*

[2000] 1 PLR 76, is considered to have been abandoned. It is also evident that despite the presence of original access gates the vehicular access off Chester Road has not been used for a considerable number of years, the dropped crossing has been removed and the access overgrown.

On the basis that the only fixed surface infrastructure on the site is the hardstanding which as described above has blended into the landscape over time and that there is no other building or structure on the site, the site is considered not to be previously developed.

Because the development will result in the likely loss of a number of trees on the site particularly those alongside the Chester Road which currently screen the site from passing traffic, the building will be particularly prominent in this location which is currently rural in aspect. The overall height above the carriageway will also emphasise the building reducing the openness of this rural site. By bringing forward this urbanising form of development the development of the specialist care home will have a significant impact on the openness of the Green Belt. It is inappropriate by definition and very special circumstances need to be justified by the applicant to outweigh the harm to the character and openness and any other harm.

Whether there are any very special circumstances to outweigh any potential adverse impact on the Green Belt

The applicant makes a case for the economic benefits of the proposals and states that there is a need for a specialist care home in Walsall. The NHS commissioning officer supports the proposals as it provides specialist care for younger and older adults with dementia/cognitive impairment or complex behaviours of which there is a shortage in Walsall. The NHS state that currently 41 Walsall users have placements outside the borough. In light of this advice it is recognised that there is a demonstrated need for such a facility in the borough to cater for Walsall users but this alone does not justify very special circumstances sufficient to outweigh the potential harm the proposed development would have on the Green Belt.

The applicant has not demonstrated why the care home cannot be accommodated in a more sustainable location through evidence of a site selection process having been undertaken.

The applicant considers that the site is previously developed land and that the proposal to develop it for a nursing home will offer an improvement to the character and amenity of the Green Belt due to it no longer being used for an unrestricted class B2 industrial use and as the proposed nursing home covers a smaller proportion of the land than the existing concrete hardstanding. As referred to above the industrial use has been abandoned as it has not been used for these purposes for decades and any operator wishing to occupy the site for industrial purposes would have to apply for planning permission. In the circumstances the applicants claim for this to be a very special circumstance is not accepted.

The applicant has also made a case that the extent of the footprint of the proposed specialist care home (1455m²) is smaller than the existing concrete hardstanding (2110m²). Due to the lack of any physical boundaries or structures on the existing site the land is open in character and the hardstanding is not visible surrounded by woodland as it presently is. The proposed care home is a significant building in an elevated position to the highway and its construction is likely to lead to further loss of surrounding woodland. On this basis the proposed building will have a greater impact on the openness of the Green Belt and will be obvious and obtrusive given the size and scale of the building, its elevated position and likely loss of woodland.

The applicant, supported by local councillors, considers that the opportunity for local employment is a very special circumstance sufficient to outweigh any harm to the Green Belt. Many of the jobs are specialist jobs and may rely on attracting staff from a wider catchment area, particularly as the site is so near to the borough boundary with Lichfield. Again, this is considered not to be sufficient grounds to support the proposals contrary to the development plan policies in respect of protecting Green Belt land and sustainability.

Unlike other permissions for redevelopment of Green Belt sites the proposals do not replace any existing use or buildings as the use has been abandoned and the only existing feature is the concrete hardstanding which has blended into the landscape over time. The proposals offer no visual benefits that would enhance the openness of the Green Belt as on other developments referred to in the planning history section of this report.

Given the above comments it is considered that the applicant has failed to demonstrate very special circumstances to outweigh the harm the proposals have on the openness and character of the Green Belt.

Access

The proposal is to reinstate the original access off Chester Road which is near to the access for the adjacent house 370 Chester Road. A right turning lane is to be created within the existing carriageway on Chester Road allowing visibility of 160 metres. The access into the site returns along the frontage terminating in front of the proposed building. There are 14 parking spaces on the south side of the access adjacent to the highway, four spaces on the northern bend on the access and 12 spaces at the head of the access in front of the building. Disabled parking and turning space is incorporated.

Objectors are concerned that the access is off a 50mph road, sits between two busy junctions within 1 mile of an accident hot spot and that increased traffic increases the risk of accidents on the surrounding roads which are unsuitable to cope with further traffic. The Transportation officer has no objections to the position or design of the access as a suitable and safe design can be achieved. In terms of the potential for increased traffic on surrounding roads to create a highway hazard the Transport Assessment concludes that traffic flows and quantity of traffic would have a minimal effect on congestion and delays at nearby junctions.

The Transport Assessment identifies that a footway and pedestrian crossing refuge can be provided at the access to connect to local bus services. Despite this the Transportation officer objects to the proposals on the basis of poor accessibility in terms of footway and cycle infrastructure and poor public transport links. Although it has been identified that residents would rarely travel there is still a significant number of staff and visitors attending the site which is not in a sustainable location. There is no footway on the application site side of Chester Road or on Castlehill Road or parts of Main Street in the vicinity of the site and no cycle infrastructure. The bus services in the vicinity are also extremely limited, particularly at off-peak times. As staff and visitors would need to attend the site during off-peak times (during shift changes and evenings for example) this reduces the potential for alternative means of travel to be considered.

Given the inaccessibility of the site referred to above the staff and visitors would be almost entirely reliant on travelling by car as there is little scope for using alternative means of travel. This will have implications on the likely level of off-street parking required and safe and satisfactory operation of Chester Road as the increased levels of traffic could have an adverse impact on the local highway network. This is contrary to BCCS policies TRAN2 and TRAN4 and to UDP policies GP2, T4, T8, T9, T10 and T12.

Whilst the design of the access is suitable the accessibility of the site is not and is unacceptable.

Layout, Scale and Appearance

The layout shows the proposed care home positioned a minimum of 6.2m from the boundary with the carriageway on Chester Road. The elevation facing Chester Road is 52m long. The proposed building is 8.6m high rising to 11.6m high for the third floor accommodation and there is a ground level difference of approximately 3m between the carriageway and the site. As a consequence the building would have a significant appearance in the street and given that it would be positioned up to 14.6m above the level of the carriageway this would be obvious and obtrusive and out of keeping with the surrounding area. The scale of the building is also vastly larger than any of the isolated houses in the area and for this reason is out of keeping and detrimental to the character and openness of the Green Belt.

In order to develop the building it is also likely that the trees within steep bank alongside the carriageway would be removed thus further exposing the building. Although boundary treatment is not indicated provision of a significant fence along the Chester Road is also likely to be obtrusive and out of keeping.

The proposed building falls within 2m of the steep cliff at the rear of the site so it is also likely that in order to create adequate space for construction of the building this bank would be disturbed resulting in loss of more trees in the woodland at the rear. The outlook from the building towards the cliff would also be obtrusive for residents.

The proposal indicates a high level walkway leading from rear of the proposed building onto the woodland at the rear of the site. This land is not identified within the application site. If the land is to be utilised as garden/amenity space for occupiers, staff and visitors of the site then this needs to be clearly identified and considered as part of the current proposals. In the absence of this information it is not possible to determine the potential impact on the woodland or any ecological value this may have.

The proposed layout represents a cramped overdevelopment of the site as the proposed building and parking areas are disproportionate to the size of the plot and are directly adjacent to the boundaries of the site and surrounding woodland. The proximity between the building and woodland would not be compatible due to the poor outlook and is likely to result in future requests for removal of trees. Landscaping is a reserved matter but given the proposed layout there is little opportunity to introduce soft landscaping.

Objectors are concerned about noise and inconvenience during construction and from construction vehicles in the area. If the application was being supported then conditions could be imposed on any decision to secure measures to protect residential amenity in this respect. Similarly conditions to secure adequate drainage for the site could be imposed.

The proposed layout, scale and appearance of the proposals are considered to be out of keeping and would harm the openness and character of the Green Belt.

Relationship to surrounding properties

The proposed access is closest to the boundary with a large detached house at 370 Chester Road. Given the existing screening along this boundary it is unlikely that the use of the access would have a significant impact on the outlook or privacy of occupiers at 370 although it would intensify the use of the access which could cause further noise and disturbance. Adequate screening to reduce this impact could be secured by condition if the

proposals were being supported. The proposed care home building is over 80m away from the house at 370 so would not have a significant impact upon outlook, daylight or privacy of the occupiers despite its significant scale and height.

The detached houses and ancillary outbuildings at 197 and 199 Castlehill Road are over 50m away from the boundary of the site so there is no significant impact on the outlook, privacy or daylight for occupiers. Although 197 Castlehill Road is a Grade II Listed Building and 199 is a Locally Listed Building the proposals will not have a significant impact on the setting of these properties. If the woodland between the application site and the gardens of the existing properties remains intact then there will not be a significant visual impact from the existing properties.

Objectors have stated that the proposals offer no benefits to the local community. The facilities at the care home would be available for Walsall residents in need of this type of care which would benefit the local community. In terms of the potential impact of the proposed building and traffic generation on the local community this has been addressed elsewhere in this report.

There is no significant impact on adjacent properties.

Environmental Impact Assessment (EIA) Screening Opinion

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

The proposal does not fall within Schedule 1.

The development falls within Schedule 2 part 10(b) as it is an urban development project. The proposal is not more than 1 hectare of urban development (not including dwelling houses), it does not propose more than 150 dwellings and the overall area of development does not exceed 5 hectares. The site is not within a sensitive area.

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

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.

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.

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 considers the potential impact of the proposals on Cannock Chase Special Area of Conservation (SAC). The key potential impacts are increased recreational pressure.

It is considered that the development would not result in a significant effect on the Cannock Chase SAC for the following reasons:

- The nature of the development is such that users will rarely leave the care home so would not significantly increase recreational pressure on Cannock Chase SAC. Staff will work shift patterns and there are no bedrooms specifically allocated for their use so no additional residential accommodation in this respect.
- The risk to conservation objectives of Cannock Chase SAC is negligible.
- There are no anticipated combined effects upon the European sites.

Taking into account these factors, it is considered that the proposed development 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).

Recommendation on the Planning Application: Refuse

1. The proposed development is inappropriate development in the Green Belt for which the applicant has failed to demonstrate that there are very special circumstances to outweigh the harm to the character and openness of the Green Belt due to the introduction of a new building and parking area on an open undeveloped site that would result in loss of surrounding trees and woodland and would be detrimental to the character and openness of the Green Belt and obvious and obtrusive in the surrounding area. For this reason the development is contrary to the aims and objectives of the National Planning Policy Framework, policies ENV1 and ENV2 of the Black Country Core Strategy and saved policies GP2, ENV1, ENV2, ENV3, ENV18 and ENV32 of the Walsall Unitary Development Plan and Supplementary Planning Documents: Designing Walsall and Protecting Walsall's Natural Environment.
2. The proposed development site is in an inaccessible location with poor accessibility in terms of footway and cycle infrastructure and poor public transport links and would

be almost entirely reliant on staff and visitors travelling by car with little scope for travel by alternative sustainable modes of transport which, in turn will have implications for the proposed level of on-site parking provision and the safe and satisfactory operation of Chester Road, contrary to the aims and objectives of the National Planning Policy Framework, policies TRAN2 and TRAN4 of the Black Country Core Strategy and saved policies GP2, T4, T8, T9, T10 and T12 of Walsall Unitary Development Plan.

3. The layout, scale and appearance of the proposed development has an adverse impact on the character and openness of the Green Belt and visual amenities of the surrounding area due to the size and height of the proposed building which would be prominent and obtrusive in its position above the level of the carriageway on Chester Road and the proximity of the development to the surrounding woodland which is likely to result in loss of a significant number of trees and woodland. For this reason the development is contrary to the aims and objectives of the National Planning Policy Framework, policies CSP3, CSP4, ENV1 and ENV2 of the Black Country Core Strategy and saved policies GP2, ENV1, ENV2, ENV3, ENV18 and ENV32 of the Walsall Unitary Development Plan and Supplementary Planning Documents: Designing Walsall and Protecting Walsall's Natural Environment.

Recommendation on the Habitats Regulations Assessment

It is recommended that the Habitats Regulation Assessment considered within this report 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.



Walsall Council

Economy and Environment – Planning and Building Control

Planning Committee

Report of Head of Planning and Building Control, Economy and Environment on 30/04/2015

Plans list item no: 2.

Reason for bringing to committee: Major Application

Application Number: 15/0191/OL

Application Type: Outline Application

Applicant: West Register (Realisations) Ltd

Proposal: Outline planning application for the erection of up to 170 dwellings with all matters reserved except means of main vehicular access from Darlaston Road. (Site affects the public footpaths Wed 7 and Wed 9).

Location: FORMER SERVIS AND ALUCAST SITE, DARLASTON ROAD, WEDNESBURY, WALSALL, WS10 7SR.

Ward: Darlaston South

Case Officer: Katie Parsons

Telephone Number: 01922 652603

Email: planningservices@walsall.gov.uk

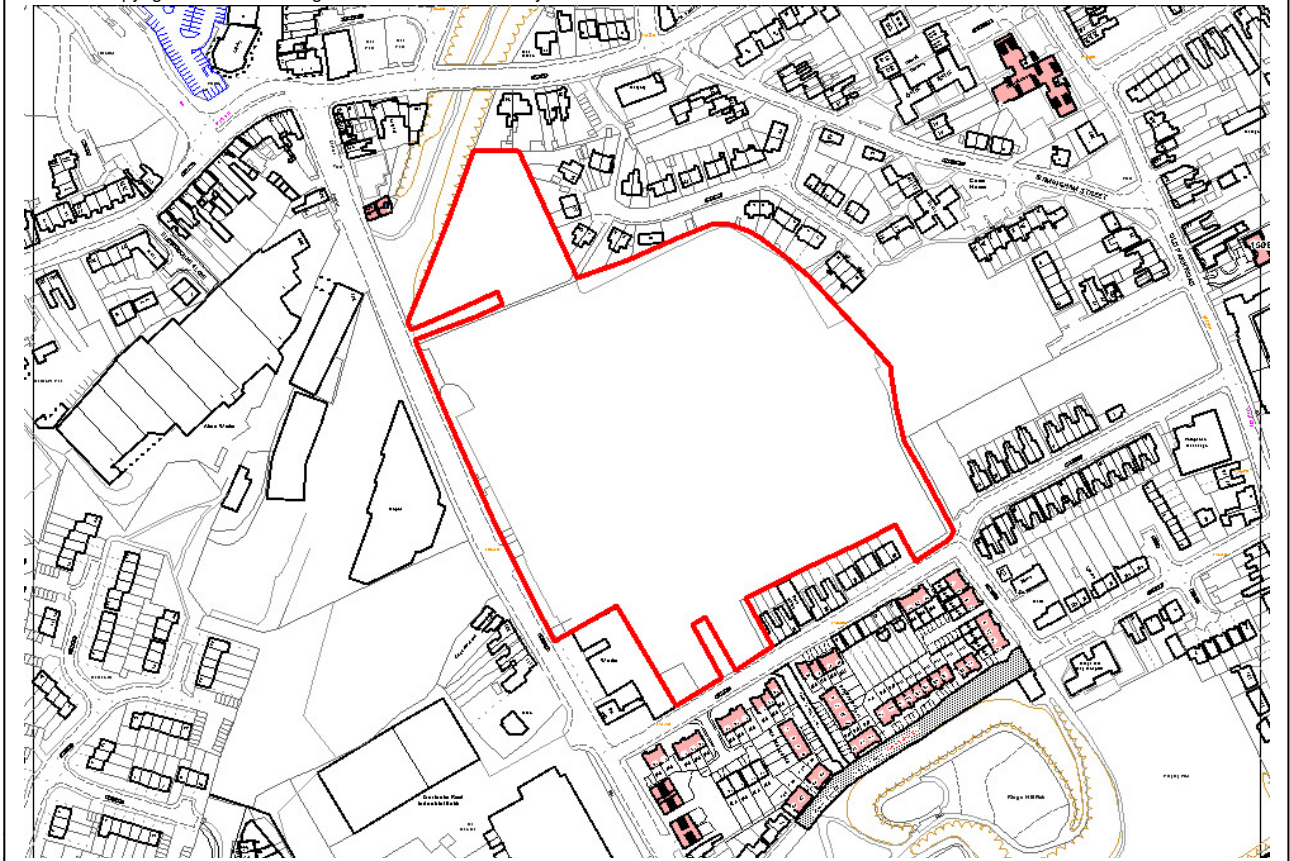
Agent: Indigo Planning

Expired Date: 05/06/2015

Extension of Time Target Date:

Recommendation Summary: Approve with conditions (including any amendments or additional conditions deemed appropriate by officers).

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Telephone: 0945 111 2310, Fax: (01922) 652670

Application and Site Details

The application site previously accommodated the Alucast and Servis commercial sites, but the buildings have been demolished. The total site area is 4.56 hectares and it has a primary frontage to Darlaston Road and partial frontages to Bright Street. The northern part of the site (formerly Alucast) is currently being used for unauthorised caravan storage but the remainder (formerly Servis) is vacant and cleared to slab level. The site has housing to its north and south, an area of public open space to the east, and commercial/industrial uses to the west. A disused railway cutting runs along the western side of the northern part of the site and two public rights of way abut the site, with one passing through the site between the north and south sections, and another along the eastern site boundary. The site is located within the Coal Development High Risk Area.

The application seeks outline planning permission for the erection of up to 170 dwellings, with all matters reserved except means of main vehicular access from Darlaston Road.

Drawings have been submitted showing the proposed access and illustrative drawings of how the site could accommodate the proposed development, including a parameter plan setting out how the site could be divided into character zones with different building heights.

The application is supported by a Planning Statement and Design and Access Statement setting out the context of the proposals. Technical reports in relation to flood risk and drainage, transport and travel plan, trees, ecology, proposed Japanese Knotweed treatment, noise and ground conditions have also been submitted.

The proposal has been screened under the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (as amended) and was determined not to be EIA development.

Relevant Planning History

07/0693/OL/W5 - Outline: Residential Development including location of access point – approved 06/08/2007

09/1064/RM - Reserved matters application sought to discharge the reserved matters relating to the siting, design and external appearance of the buildings, and the landscaping of the site, as set out in Condition 2 of the outline planning permission 07/0693/OL/W5 – approved 02/11/2009

11/1298/TE - Application for the extension of time to implement the reserved matters for residential development (approved under 09/1064/RM) following outline planning permission reference 07/0693/OL/W5 – approved 08/02/12.

Relevant Planning Policy Summary

Planning law requires that planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF) is a material consideration in planning decisions and sets out that “... due weight should be given to relevant policies ... according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).”

National Planning Policy Framework 2012 (NPPF) and associated guidance

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

It is based on 12 core planning principles. Those particularly relevant in this case are:

- Be genuinely plan-led
- Proactively drive and support sustainable economic development
- Always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings
- Take account of the different roles and characters of different areas
- Support the transition to a low carbon future
- Contribute to conserving and enhancing the natural environment and reducing pollution
- Encourage the effective use of land by reusing land that has been previously developed
- Actively manage patterns of growth

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

On planning conditions the NPPF says:

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

The Black Country Core Strategy (BCCS)

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

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

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

improve the wealth and image of the Black Country and support initiatives to lift educational and skills performance.

The above are supported by the following key policies, as relevant to this application:

CSP1 defines the growth network
CSP3 relates to environmental infrastructure
CSP4 requires development to make a positive contribution to place-making
CSP5 relates to transport strategy
DEL1 sets out when provision of infrastructure is required
DEL2 manages the balance between employment land and housing
HOU1 relates to delivering sustainable housing growth
HOU2 refers to housing density, type and accessibility
HOU3 requires the delivery of affordable housing
HOU5 sets out when provision of education and health care facilities is required
TRAN2 manages the transport impacts of new development
ENV1 promotes nature conservation
ENV3 promotes high quality design and sustainability
ENV5 relates to flood risk and sustainable drainage systems
ENV7 relates to renewable energy
ENV8 relates to air quality
WM5 promotes resource management in new development

These Policies are considered to be consistent with the NPPF.

Walsall's Unitary Development Plan (UDP)

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

The key 'Saved' Policies relevant to this proposal are:

GP2 requires developments to make a positive contribution to the quality of the environment and sustainable development principles
GP3 sets out when planning obligations will be required
GP5 relates to equal opportunities
GP6 requires developments to provide access to disabled people
ENV10 relates to pollution
ENV11 controls the effects of light pollution
ENV14 relates to development of derelict and previously developed sites
ENV17 encourages new tree, woodland and hedgerow planting
ENV18 seeks to protect existing woodlands, trees and hedgerows
ENV23 relates to nature conservation and new development
ENV32 promotes high quality development and sets out how the quality of design of proposals will be assessed
ENV33 requires good landscape design in proposals
ENV40 relates to conservation, protection and use of water resources
JP7 relates to use of land and buildings in employment areas
H3 relates to windfall sites on previously developed land
T1 promotes measures to help people get around
T7 relates to car parking
T8 encourages measures to promote walking
T9 encourages measures to promote cycling
T10 sets out general accessibility standards
T11 relates to access for pedestrians, cyclists and wheelchair users

T12 relates to access by public transport
T13 sets out parking provision requirements for cars and cycles
LC1 sets out when urban open space should be provided by developments

These 'Saved' Policies are considered to be consistent with the NPPF.

Supplementary Planning Documents

http://cms.walsall.gov.uk/index/environment/planning/planning_policy/local_development_framework/ldf_supplementary_planning_documents.htm

Where relevant BCCS and UDP policies are consistent with the NPPF, the related SPD(s) will also be consistent provided they are applied in a manner consistent with NPPF policy. The SPDs relevant to this application are:

- Affordable Housing SPD
- Conserving Walsall's Natural Environment
- Designing Walsall SPD
- Urban Open Space SPD

Emerging Policy

Whilst not adopted, the Site Allocations Document is currently being prepared, which proposes that the site be allocated for residential development. However as this is at an early stage of preparation, the weight that can be attached to this is limited.

Consultation response (summarised)

(Officer comments in italics where relevant)

Archaeologist – no comments.

Area Partnership – comments awaited.

Asset Management – comments awaited.

Building Control – comments awaited.

Cable and Wireless – no comments.

Clean and Green - comments awaited.

Coal Authority – The site falls within the defined Development High Risk Area and has been subject to past coal mining activity. Appropriate and up-to-date coal mining information has been obtained and a Report on Ground Investigation has been submitted. Coal mining legacy potentially poses a risk to development and remedial measures should be undertaken. The submitted information is sufficient to establish the principle of development and the remediation works should be secured by condition.

Communities and Public Protection – The area to the north of the site adjacent to the public right of way may draw anti-social behaviour and criminal behaviour into the area and raises concerns of fly-tipping and safety issues, as the area is not overlooked and is easily

accessible from the surrounding area. Ongoing maintenance responsibility is queried.
(*These issues relate to the reserved matters*)

Education Walsall - comments awaited.

Environment Agency – No objection. Conditions recommended for the protection of ground water and Controlled Waters.

Environmental Health – no comments.

Friends of the Earth - comments awaited.

Greenspace Services - comments awaited.

Highway Authority – No objection subject to a revision to the proposed access plan showing how the existing cycle lane would be retained through the revised junction arrangement. Conditions are also recommended to secure full engineering details for the proposed access, and implementation of the submitted travel plan. Comments also made in respect of the illustrative layout which the developer should consider before submitting a reserved matters application.

Housing Strategy - 25% affordable rent units should be requested.

Local Access Forum – Both adjacent public rights of way would be retained and additional access links would be provided to encourage less use of private motor vehicles. The proposals appear to improve walking and cycle routes which is encouraged. Additional accesses will require pedestrians to be more careful. Potential concern that one of the public footpaths would run along the bottom of gardens but as there is a playing field on the other side this is likely to restrict any anti-social behaviour resulting from a non-overlooked path.
(*These issues relate to the reserved matters*)

National Grid - comments awaited.

Natural Environment Team (Ecology) – The site is of little nature conservation value at present. A severe infestation of Japanese Knotweed was found which will need to be permanently eradicated before site clearance or demolition commence. The completed development is likely to have more nature conservation value than at present. Full details of landscaping and ecological enhancements should be submitted with the reserved matters.

Natural Environment Team (Landscape) – Provided advice on issues to be taken into account when preparing the reserved matters application.

Natural Environment Team (Trees) – The existing tree constraints are not significant enough to warrant refusal of the application but the reserved matters application should contain details to allow full assessment of impacts on trees.

Pollution Control – The proposed development site has a significant industrial history and remedial measures will be required. A remediation method statement should be submitted, implemented and validated. A noise impact assessment has been submitted which provides a general characterisation of the noise climate, but the site layout has not been determined at this stage. When a site layout is submitted, further assessment and details of specifications for glazing and ventilation acoustic treatment will be required. Conditions

relating to hours and days of work and controlling nuisance during construction are also recommended.

Primary Care Teaching Trust - comments awaited.

Public Footpath Officer – objects to the application. The plans show a link to Definitive Public Footpath 9 Wednesbury adjacent to 39 York Crescent. However the Public Rights of Way Team proposes closure of the section of this public footpath next to 36-39 York Crescent as there is a better alternative footpath between 36 York Crescent and Kings Hill School Playing Field. A more suitable position to link to this footpath would be between plots 166 and 167. Footpath links may necessitate some resurfacing work, suitable boundary treatments and provision of lighting, as well as natural surveillance from adjacent properties on the proposed development. Contrary to the submitted report, some Japanese Knotweed remains on Definitive Public Footpath 9 Wednesbury and a condition to secure re-survey and eradication is required. *(These issues relate to the reserved matters)*

Public Lighting Manager – comments awaited.

Severn Trent Water – No objection subject to a drainage condition.

South Staffs Water - comments awaited.

SRF Darlaston – comments awaited.

Structures and Geotechnics – The site is location outside the zone of consideration for limestone mine working and therefore is not affected by limestone issues. However the site appears to be within the area where coal mining may have taken place in the past, hence a Coal Authority report is recommended.

Walsall Health Authority – comments awaited.

Walsall Housing Group – comments awaited.

Western Power – comments awaited.

West Midlands Integrated Transport Authority – The site is located next to the proposed 5W's Metro alignment and there may be conflict between the proposal and the setting of the Metro. A review is currently being carried out to determine future rapid transit corridors and the developer is requested to liaise with Centro's Metro team when preparing the reserved matters application to ensure there is no detrimental impact on the proposed metro alignment.

West Midlands Fire Service – No objection subject to the development providing suitable water supplies for fire fighting.

West Midlands Police Crime Prevention Design Advisor – The Darlaston South Neighbourhood Policing Beat Team Area has been subject to 870 crimes in the last 12 months, including 164 vehicle crimes and 101 burglaries. The developer should be made aware of Secure By Design specifications and guidelines to design the development to secure it from future crimes. Recommendations to inform the reserved matters were included in the comments.

Wildlife Trust – comments awaited.

Public Participation Responses

Objections have been received from five local residential and business addresses raising the following comments in objection to the application (*Officer comments in italics where relevant*):

- Possible damage to surrounding properties if heavy equipment is used (*partly a civil matter; partly relates to construction methods which can be controlled by condition*)
- Impacts on residential amenity to existing surrounding occupiers – overshadowing, overlooking, light pollution, security concerns etc. (*relates to reserved matters*)
- A residential access directly opposite an access to a commercial vehicles business could be dangerous (*the Highway Authority have not objected to the access*)
- A new residential development could impact negatively on business valuations and expansion plans of existing nearby businesses (*land values are not a material planning consideration. Impacts on surrounding sites are assessed in the report*)
- Occupiers of a new residential development are likely to complain about existing businesses therefore the houses should not be built so close to existing businesses (*Noise and impacts on surrounding sites are assessed in the report*)
- A new access on Bright Street could lead to anti-social behaviour unless it is gated (*relates to reserved matters*)
- Lack of security between open space/pond area and existing properties (*relates to reserved matters*)
- Risk of anti-social behaviour in open space around pond causing nuisance to existing properties (*relates to reserved matters*)
- Potential flood risks from attenuation pond (*relates to reserved matters*)
- Unclear what level changes are proposed (*relates to reserved matters*)
- Lack of trees providing screening to existing properties (*relates to reserved matters*)
- Unclear who will be responsible for maintaining open space (*relates to reserved matters*)
- Open space not required due to proximity of Kings Hill Park (*relates to reserved matters*)
- Tree planting would cause loss of daylight and fallen leaves blocking drains
- Congestion/accidents/speeding (*relates to reserved matters*)
- Bull Stake traffic light junction control should be reviewed (*the Highway Authority have not advised this to be required as a result of the proposal*)
- The road surface and pedestrian routes/crossings along Darlaston Road should be improved (*the Highway Authority have not advised this to be required as a result of the proposal*)
- Likely to be mine shafts on site (*this is assessed in the report*)
- Parking restrictions should be introduced around the access (*The Highway Authority have requested amendment to the existing Traffic Regulation Order, which may include this*)
- The site should have noise screening across the Darlaston Road frontage (*relates to reserved matters*)
- The site should either remain in employment use or be considered for uses other than housing (*the principle of development is assessed in the report*)

Determining Issues

- Principle of development
- Natural and Built Environment
- Residential amenity
- Highways and transport
- Planning obligations

Observations

Principle of development

The site has previously been occupied by employment uses but as these have vacated and the buildings have been demolished, the employment floor space has already been removed from employment land supply figures. The site has been vacant for some time and there are no Development Plan policies protecting the site for employment or any other use. Planning permission has previously been granted for residential redevelopment of the former Servis site and the site is proposed for allocation for residential development in the emerging Site Allocations DPD. The site is also within a Housing Growth Area.

As a brownfield site, sustainably located near a district centre and surrounded by residential development, the proposed use of the site for residential development is considered to be acceptable in principle. However this is subject to the proposals being acceptable in relation to all other material considerations, and not prejudicing operation of neighbouring businesses or possible future commercial investment on remaining commercial sites.

Natural and Built Environment

The layout, scale, design and appearance of the development and its landscaping would be secured through a reserved matters application. However indicative details have been provided to show one possible layout for the proposed number of units. A parameter plan showing how the site could be split into different character areas with differing building heights has also been submitted. 152 houses and 18 flats in three blocks are indicatively shown, with heights likely to range from 2 to 2.5 storeys. Unit sizes could range from 2 – 5 bedrooms. This would provide a density of 41 dwellings per hectare, which is considered appropriate in this location.

As this level of detail is not to be determined by this application, a detailed assessment of the proposed site layout and unit designs is not appropriate as these details could change significantly once reserved matters are submitted. However it is considered that the illustrative layout demonstrates that the number of units proposed could be accommodated on the site with a satisfactory layout which would relate broadly appropriately to surrounding patterns of development. An area of open space with an attenuation pond for drainage is proposed for the northern part of the site, with the housing over the southern part. Some houses would front Bright Street whereas the others would front into the development, with screening provided to the Darlaston Road frontage. The flats would be in three blocks on corners of the internal road layout.

It is unfortunate that there are some pieces of land which, if included in the development, would lead to a more comprehensive and rational redevelopment, particularly along the Bright Street frontage and between the Alucast and Servis sites to the north end of the application site, but this land is outside the ownership and control of the applicant and cannot therefore be included. However it is considered that the development would integrate well into the local area, notwithstanding these 'missing' pieces of land.

It is likely that some amendments to the proposed layout would be requested if a similar layout were to be submitted at reserved matters stage, but it is sufficient to satisfy officers that the proposed maximum number of units could be accommodated on the site.

The site currently has little value in terms of natural environment or ecology, as it is predominantly covered in slab with a few overgrown shrubs and trees. The proposed development of the site would allow the natural environment value of the site, although some tree removals would be required to accommodate the development. Japanese Knotweed has been identified on the site which is an invasive species and would need to be treated before development occurs.

Ground remediation measures will also be required because large areas of the site are known to be contaminated. Several mine shafts are present on the site and building exclusion zones would be implemented in the vicinity of the mine shafts.

Residential amenity

As the detail of the scheme will not be determined by this application, it is not possible to fully assess impacts on residential amenity at this time. However the illustrative layouts show that a site layout which respects existing residential amenity and would provide suitable levels of residential amenity for future occupiers should be achievable. The application would also be expected to address issues of secure design to ensure adequate residential amenity for both existing and future occupiers.

An environmental noise impact assessment report has been submitted. The main sources of noise affecting the site are traffic on Darlaston Road, and nearby light industrial uses to the west of the site. Mitigation measures would be required to protect future occupiers from these noise sources, such as high acoustic performance windows, and the layout of the development would need to take the noise sources into account. It is also noted in the noise report that there are options open to the identified noise sources to minimise the impact of the noise on the proposed houses, although this cannot be secured by this planning application. There is further residential development on the other side of the businesses, which indicates that this is an appropriate location for residential development and that adequate mitigation against noise can be achieved.

Conditions are recommended to control the hours of work and to control nuisance during construction, in the interests of residential amenity.

Highways and transport

The application proposes the main vehicular access from Darlaston Road to be approved at this stage, with other access points indicated on the illustrative site plans. The main access point would be in approximately the same location as the existing access to the site, which is also the same position as the access for the previously-approved residential development at

this site. A Transport Assessment and Travel Plan have been submitted to support the application.

The Highway Authority has requested some amendments to the submitted access plan to show how the existing cycle lane would be retained through the revised junction arrangement. Subject to receipt of this, and the recommended conditions, the Highway Authority is satisfied that the proposal would provide safe access and that the local highway network could accommodate the number of trips generated by the proposed development. It is noted that this proposal would generate fewer trips to the site than the previously-approved scheme for a larger number of units. The submitted framework residential travel plan would also help encourage future residents to use sustainable travel modes. It is not considered necessary to secure any highway works other than those required to form the accesses into the site, and to ensure implementation of the travel plan.

An existing public right of way runs across the site, between the proposed area of open space and the housing development, which would be retained by the proposal. Another public right of way runs alongside the eastern boundary of the site. The illustrative site layout suggests that linkages through the site could be provided to allow pedestrian access to the local area. A pedestrian access to Darlaston Road, separate to the vehicular access, is also indicatively shown, as well as an emergency vehicle access route from Bright Street. Such linkages through the site are welcomed, although full details of these will come forward at reserved matters stage.

The applicant has indicated that roads into and within the site would be offered for adoption. This will be addressed at reserved matters stage.

Planning obligations

A development of this size would usually be required to enter into planning obligations to secure delivery of matters such as affordable housing and urban open space. However the applicant has submitted an independent, confidential viability assessment, which has been reviewed by a Council Valuation Surveyor, which is considered to demonstrate that the scheme would not be viable if any planning obligations for contributions or on-site provision were required. This is due to the large costs associated with making the site suitable for housing development. The previous scheme did provide planning obligations but was for a larger number of units, including a large number of flats, which is no longer viable due to current market conditions. Also the applicant advises that the total abnormal costs for site remediation were not known at that time but further work has now been carried out to establish the likely costs. For a development predominantly comprising houses, it is considered that the current maximum proposed is at the upper limit of what could be accommodated on site. On balance, the benefits of regenerating the site are considered to outweigh the need to secure planning obligations in this instance, therefore none have been sought.

Conclusions

The application is considered to be acceptable subject to suitable conditions.

The applicant is encouraged to submit detailed proposals for pre-application discussions prior to submission of any reserved matters application.

Positive and Proactive working with the applicant

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

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including any representations that may have been received, and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Recommendation Approve with conditions (including any amendments or additional conditions deemed appropriate by officers).

Conditions

1. No development shall take place until approval of the Reserved Matters has been obtained from the Local Planning Authority. The Reserved Matters are:
 - i. Access, other than the main vehicular access from Darlaston Road
 - ii. Appearance
 - iii. Landscaping
 - iv. Layout
 - v. Scale

REASON: Pursuant to article 5 of the Town and Country Planning (Development Management Procedure)(England) Order 2015.

2. Application(s) for approval of any Reserved Matter shall be made within 3 years of the date of this decision.

REASON: To comply with Section 92 of the Town and Country Planning Act 1990.

3. The development must be begun not later than 2 years from the final approval of the Reserved Matters, or in the case of approval on different dates, the final approval of the last Reserved Matter to be approved.

REASON: To comply with Section 92 of the Town and Country Planning Act 1990.

4. The development shall be carried out in accordance with the following approved plans:

14/1969/LP Revision B 'Location Plan'
BMT/2131/100 Revision P4 'Proposed Access Arrangement'

REASON: to define the permission

5. The details to be submitted in accordance with condition 1 above shall include (but is not limited to):
- i. A layout plan identifying the plotted mine entries appropriately geo-referenced, with appropriate zones of influence based on the depth of made ground to be retained and the diameter of the mine entry, and the definition of suitable no-build zones
 - ii. A scheme for treatment of the mine entries
 - iii. A scheme for remedial works for the shallow coal workings
 - iv. A report setting out further assessment of the impact of the prevailing noise upon the proposed development layout and details of any required mitigation measures.
 - v. Existing and proposed levels and any proposed retaining structures
 - vi. Proposed finished floor levels
 - vii. Means of access and circulation (vehicular/pedestrian/cyclist/emergency) to and within the site, links outside the site as shown indicatively on the submitted drawings and all road junctions and individual driveway accesses
 - viii. Car parking provision
 - ix. Cycle storage provision
 - x. On-site storage for waste and recycling materials awaiting collection
 - xi. Boundary treatments and means of enclosure
 - xii. Layout plans for all underground services and external lighting
 - xiii. Measures for sustainability and efficient use of energy and natural resources
 - xiv. Drainage plans for the disposal of surface water and foul sewage, based on sustainable drainage principles, including full details of design and functioning of any landscape drainage features
 - xv. A tree survey containing details of location, species, girth or stem diameter, accurately plotted crown spread and reference number of all trees on and adjoining the site with a stem diameter of 100mm or greater , a numbered tree condition schedule with proposals for any surgery or other tree works, existing ground levels and consideration of existing tree protection, existing boundary treatments and means of enclosure.
 - xvi. Detailed hard and soft landscaping scheme including Identification of existing trees, shrubs and other vegetation to be retained, specifications for proposed planting, ecological enhancements and ongoing management and maintenance.

REASON: To ensure that the Reserved Matters submission is comprehensive.

6. A. Works to form the main vehicular access from Darlaston Road shall not commence until full engineering details (to include layout, alignment, widths, levels, lining details, signage, drainage arrangements and street lighting) of all highway works associated with the new access have been submitted to and approved in writing by the Local Planning Authority. Such works shall include:
- i. The reinstatement back to full kerb height of all existing access points and dropped kerbs made redundant as a consequence of the new access
 - ii. The provision of a tactile pedestrian crossing point access the bell mouth
 - iii. The relocation of the southern refuge including the repositioning of the associated tactile paving dropped crossings
 - iv. The new bell mouth and associated footway widening on Darlaston Road
- B. The access shall not be brought into use until:

- i. The highway works pursuant to part A of this condition have been completed in accordance with the approved details and to the satisfaction of the Highway Authority, and
- ii. A modification to the existing Traffic Regulation Order to amend the existing 'no parking' restrictions along Darlaston Road fronting the site has been agreed with the Highway Authority, advertised and fully implemented (the full cost of which shall be met by the applicant).

C. No dwelling shall be occupied until the highway works and Traffic Regulation Order amendment have been completed in accordance with the details approved pursuant parts A and B of this condition.

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

7. A. No development shall take place until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The statement shall include:

- i) Hours during the construction and demolition phase, when delivery vehicles or vehicles taking materials are allowed to enter or leave the site
- ii) Parking of vehicles of site operatives and visitors
- iii) Loading and unloading of materials
- iv) Storage of plant and materials used in constructing the development
- v) A scheme for recycling/disposing of waste resulting from construction works
- vi) Temporary portacabins and welfare facilities for site operatives
- vii) Site security arrangements including hoardings
- viii) Wheel washing facilities and/or other measures to prevent mud or other material emanating from the application site reaching the highway
- ix) Measures to control the emission of dust and dirt, flying debris, noise, smell, drag-out and surface water run-off from engineering and construction activities
- x) Proposed method of piling for foundations

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

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

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

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

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

9. 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 otherwise only take place between the hours of 08.00 to 18.00 weekdays and 08.00 to 14.00 Saturdays. No plant, machinery or equipment associated with such works shall be started up or operational on the development site outside of these permitted hours.

REASON: To protect the amenity of adjoining neighbours.

10. A. No development or site clearance shall commence until the site has been re-surveyed for the presence of Japanese Knotweed and a programme and methodology for permanent eradication of Japanese Knotweed has been submitted to and approved in writing by the LPA.

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

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

11. A. No development shall take place until a Remediation Statement setting out details of remedial measures to deal with the identified and potential hazards of any land contamination and/or ground gas present on the site and a timetable for their implementation has been submitted to and agreed in writing by the Local Planning Authority. (see Note for Applicant CL2)

B. The remedial measures as set out in the Remediation Statement required by part A of this condition shall be implemented in accordance with the approved details.

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

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

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

12. A. No infiltration of surface water drainage into the ground is permitted unless it has first been approved in writing to the Local Planning Authority. Such infiltration will only be approved for those parts of the site where the developer has demonstrated that there is no resultant unacceptable risk to Controlled Waters.

B. The development shall be carried out in accordance with the approval details.

REASON: To protect the quality of Controlled Waters receptors on and in the vicinity of the site.

13. Upon first occupation of the first dwelling on the development, the measures and commitments contained within the submitted BWB West Register (Realisations) Limited Darlaston Road Housing Travel Plan shall be implemented. Once implemented, the Travel Plan shall be monitored and reviewed in accordance with the details contained within the approved document.

REASON: To encourage sustainable modes of travel.

NOTES TO APPLICANT

1. The applicant's attention is drawn to Centro's plans to potentially open a tramway in the existing railway cutting to the north of the site boundary. The treatment of this part of the site, particularly in relation to levels, gradients and landscaping, should be discussed with Cento prior to submission of the reserved matters application, to ensure the proposals would not prejudice future possible delivery of a rapid transit line in this location.
2. The developer will be expected to enter into agreements under s38/278 of the Highways Act 1980 with the Highway Authority for all adoptable highway works within the existing public highway in this Borough.
3. **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.



Walsall Council

Economy and Environment – Planning and Building Control

Planning Committee

Report of Head of Planning and Building Control, Economy and Environment on 30/04/2015

Plans list item no: 3.

Reason for bringing to committee: Major Application

Application Number: 15/0148/FL

Application Type: Full application

Applicant: HB Villages Developments Limited

Proposal: Erection of two storey residential building comprising 16 self-contained one-bedroom supported living apartments (Use Class C3), with associated open space and car parking.

Location: FORMER WIGGIN HOUSE, BUXTON ROAD, WALSALL, WS3 3QJ

Ward: Bloxwich East

Case Officer: Alison Ives

Telephone Number: 01922 652604

Email: planningservices@walsall.gov.uk

Agent: Peter Brett Associates

Expired Date: 08/05/2015

Extension of Time Target Date:

Recommendation Summary: Grant permission subject to conditions subject to resolving tree issues

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Regeneration - Planning and Building Control, Civic Centre, Darwall Street, Walsall, WS1 1DG

Website: www.walsall.gov.uk/planning, Email: planningservices@walsall.gov.uk, Telephone: (01922) 652677,

Textphone: 0845 111 2910, Fax: (01922) 652670

Application and Site Details

The proposal is for the construction of a block of 16 self contained one bedroom supported living apartments in a two storey block on the site of former Wiggin House, Buxton Road.

The site is at the junction of Buxton Road and Sanstone Road. There are protected trees on site and along the boundary of Holy Ascension Church. There is a row of shops with maisonettes above next to the site in Buxton Road, within the Buxton Road local centre. The church and vicarage are to the north of the site in Sanstone Road, beyond which there is a new housing development (Par Court). There is a mix of bungalows, houses and low rise flats in the surrounding area.

The proposed apartment building is positioned in the centre of the site approximately 10m from the boundary with Holy Trinity Church with a parking area in front and to the side. The layout aims to retain all protected trees on site. The proposed building is 32.3m wide and 15.5m deep with a central projecting section where the office and main entrance are located on the front elevation. The apartments are served off a central corridor and there is a staff office/kitchen/bathroom and overnight accommodation in the central section of the building. The building has brick and render elevations with a tiled hipped roof 8.5m in overall height.

A scooter/cycle and bin store are provided to the east of the apartment building accesses from the car park. The proposal is to use the existing access and 16 parking spaces are shown to the front and side of the building.

The applicant is a specialist developer of supported living accommodation for vulnerable adults with a range of disabilities and is the delivery partner for Lifeways who provide on-site support and Inclusion Housing who operate and manage the properties.

The Design & Access Statement – Describes the site and surroundings, proposed supported living concept, proposed development, planning policy, design and access. It summarises that the proposals would meet an identified need in the area and offer a highly sustainable development.

The Phase 1 Desk Study Report - Highlights potential environmental risks and liabilities on the site.

The Arboricultural Impact Assessment – Identifies 22 individual trees and two groups of trees on the site. Of these 8 are category B, 14 category C and the two groups category C trees. No trees are required to be removed to accommodate the development.

Relevant Planning History

12/0650/FL – Construction of 6 houses – GSC 23/07/12

13/0600/FL - Temporary change of use of land to form secure site compound for materials storage, site cabins and parking - permission requested between 31/5/13 to 31/12/13 – GSC 09/08/13. Temporary consent until 31/12/13.

13/1681/FL – Retention of secure site compound for materials storage site cabins and parking until 30/06/2014 – GSC 05/02/14. Temporary consent until 30/06/14.

07/1563/PD/ED - Prior Notification of Demolition: 2 storey block of 27 residential units – Consent Granted August 2007.

Adjacent Church

14/0630/FL - Construction of new church and related facilities and subsequent demolition of existing church plus provision of vehicular access and garage to vicarage – GSC 26/08/14.

11/1174/FL – Demolition of existing church and removal of portacabin prefabricated meeting room and construction of new church, meeting room and related facilities – Granted subject to conditions – November 2011.

There is a Tree Preservation Order (27 of 2007) that affects 11 trees on the site and a Tree Preservation Order (8 of 2014) that affects trees on the boundary of Holy Ascension Church.

Relevant Planning Policy Summary

National Planning Policy Framework (NPPF)

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

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

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

Key provisions of the NPPF relevant in this case:

The NPPF confirms that a plan-led approach to the planning system and that decisions must be made in accordance with the Development Plan. In particular the following NPPF references are considered to be appropriate,

Paragraph 32 states all developments should have safe and suitable access to the site for all people.

Paragraph 34 advises decision should ensure developments that generate significant movement are located where the need to travel will be minimised and use of sustainable transport can be maximised.

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

Paragraph 56 attaches great importance to the design of the built environment and states good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

Paragraph 57 states it is important to plan positively for the achievement of high quality and inclusive design.

Paragraph 58 states planning policies and decision should aim to ensure that development meet criteria including:

- Function well and add to the overall quality of the area
- Establish a strong sense of place
- Respond to local character and history and reflect the identity of local surroundings and materials
- Are visually attractive as a result of good architecture and appropriate landscaping

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

Paragraph 70 states to deliver services the community needs and advises planning policies and decisions should ensure an integrated approach to considering the location of housing, economic uses and community facilities and services.

Paragraph 110 aims to minimise pollution and other adverse effects on the local and natural environment.

Paragraph 111 encourages effective use of land by re-using land that has been previously developed (brownfield land) provided it is not of high environmental value.

Paragraph 118 states planning permission should be refused for development resulting in loss or deterioration of irreplaceable habitats...and the loss of aged or veteran trees...unless the benefits of the development clearly outweigh the loss.

Paragraph 120 seeks to prevent unacceptable risks from pollution and land stability.

Paragraph 123 aims to mitigate and minimise adverse impacts on health and quality of life from noise.

On **planning conditions** the NPPF says:

Planning conditions should only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. Costs imposed on developments should pay careful attention to viability and take account of market conditions.

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

The Development Plan

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

The Black Country Core Strategy (BCCS) (2011)

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

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

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

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

The Spatial Objectives include

6. A high quality environment enhancing the unique biodiversity and geodiversity of the Black Country and making the most of its assets whilst valuing its local character and industrial legacy.

The above are supported by the following policies:

CSP2: Outside strategic centres and regeneration corridors a mix of good quality residential areas where people choose to live should be provided.

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

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

DEL1: Development proposals will only be permitted if all necessary infrastructure improvements, mitigation measures and sustainable design requirements are provided.

DEL2: All new developments should be supported by the necessary on and off-site infrastructure to serve the development, mitigate its impacts on the environment, and ensure that the development is sustainable and contributes to the proper planning of the wider area.

HOU2: Advises on housing density, type and accessibility and the need to achieve high quality design and minimise amenity impacts. All developments should aim to achieve a

minimum net density of 35 dwellings per hectare, except where higher densities would prejudice historic character and local distinctiveness as defined

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

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

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

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

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

ENV1: Seeks to safeguard nature conservation.

ENV2: Development proposals will be required to preserve and, where appropriate, enhance local character. Development proposals will be required to preserve and where appropriate enhance aspects of the historic environment together with their settings.

ENV3: Refers to design quality requirements.

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

ENV7: All residential developments of 10 units or more must incorporate generation of energy from renewable sources sufficient to offset at least 10% of the energy demand of the development.

Walsall's Unitary Development Plan (UDP)

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

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

The relevant policies are:

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

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

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

ENV14: Encourages reclamation and development of derelict and previously developed land where possible in accordance with other policies.

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

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

ENV32: Proposals should take in to account the surrounding context particularly within or adjacent to the Green Belt including consideration of the effect on the local character of the area, vehicular and pedestrian patterns and visual relationship to surrounding areas.

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

ENV40: The quality of all water resources will be protected.

H3: Encourages provision of housing through re-use of previously developed sites provided a satisfactory residential environment can be achieved, the site is not required to be retained for employment, there is good accessibility and residential development does not constrain the development of adjacent sites .

H5: Promotes housing for people with special needs including groups requiring specialist accommodation.

LC1: Residential developments will be required to make financial or other contributions which will enable the provision of new, or the improvement of existing urban open spaces.

T1: All development should conform to the accessibility standards set out in policies T10-T13.

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

T5: Seeks to implement selective improvements to highway infrastructure and states highway improvement schemes should be designed to minimise any adverse impact on the environment or the amenity of residents.

T7 – All development should satisfy the car parking standards set out in Policy T13.

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

T10 (a): Refers to accessibility standards.

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

Flats with communal provision: 1.5 spaces per unit

Supplementary Planning Documents (SPD)

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

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

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

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

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

DW5: Ease of Movement – connections to existing routes

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

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

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

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

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

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

Conserving Walsall's Natural Environment SPD

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

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

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

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

Supplementary Planning Document for Affordable Housing

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

Supplementary Planning Document Urban Open Space

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

Consultations

Transportation – No objections subject to minor revisions to the layout to achieve improved access to parking spaces, secure cycle stands, and pedestrian visibility splays. The proposal is to utilise the existing access off Buxton Road which is acceptable. Parking for 16 cars including 2 disabled spaces is provided. Although there is no specific category for determining parking requirements for this type of accommodation the applicant operates similar facilities elsewhere and the level of parking is more than adequate to meet the operational needs of the development. On average the level of actual parking is 0.25-0.50 spaces per flat. Additional parking will cater for visitors and staff.

On balance the development will not have severe transportation implications.

Commissioning (Adult Disabilities) – No objections.

Equality & Diversity Officer – No objections.

Fire Service – No objections.

Landscape – No objections in principle. More information regarding the treatment of exterior space is required. Conditions are recommended to secure this.

Natural Environment (Ecology) – Concerns about clearance distance between existing trees and the proposed building. The potential loss of trees that are important bat foraging habitat or even used by roosting bats is of concern. If any large trees are lost a bat survey is required.

Police – No objections in principle. The site is located in a high crime area. In the last 12 months there has been 895 recorded crimes. The developer is recommended to consider Secure by Design accreditation. Other security measures are recommended relating to specifications for doors, windows, fences, gates etc.

Pollution Control – No objections subject to works being implemented to investigate and remediate any localised ground contamination and ground gas issues associated with the site. Conditions to address these concerns are recommended.

Severn Trent Water – No objections subject to securing drainage details. A condition is recommended to secure this.

Tree Officer- No objections in principle but the layout in its current form is not supported. The current proposals will have a detrimental effect on the long term health and condition of the vast majority of trees within the site and immediately adjacent to it. Most of the trees are protected by TPO and contribute significantly to the amenity, aesthetic and landscape value of the site.

Public Participation Response

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

- Apartments are not suitable for the area
- Supported living units are inappropriate near a school
- There is already sufficient supported living at Lower Farm and Turnberry Estates
- Communal rooms should be included within the building for use by residents
- Potential for wheelchair users crossing Buxton Road to attend alternative communal facilities is a hazard
- Increased traffic and congestion particularly at peak times
- Speed limits should be considered for the area
- Loss of privacy
- Original plans were for a small number of houses why has this changed?

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

Determining Issues

- Principle of residential development
- Layout and Design
- Relationship to surrounding properties
- Access and parking
- Local Finance Considerations

Observations

Principle of development

Residential redevelopment of this previously developed site in a sustainable urban location is in accordance with the NPPF and BCCS and local development plan policies.

The proposal for supported living apartments is welcomed as it provides for people with special needs requiring specialist accommodation in accordance with UDP policy H5. The site was previously occupied by a building with 27 apartments and planning permission has previously been approved for new houses on the site. The principle of residential development has already been established.

Neighbours consider this site is not suitable for apartments for supported living units as the site is near a school and there is already sufficient provision of this type of accommodation nearby. UDP policy H5 supports such provision and as this is in a mixed area in a sustainable location close to the church, shops, a doctor's practice and local bus routes the proposed use is considered appropriate for the area. The applicant has also stated that Walsall Clinical Commissioning Group has confirmed a need for this type of accommodation in Walsall.

The principle of residential development for supported living apartments is acceptable in principle.

Layout and Design

The layout has been designed to secure retention of the protected trees throughout the site. The proposed building is just over 10m away from the boundary with Holy Ascension Church where there are protected trees and has been repositioned further east to avoid root protection areas of existing trees at the junction of Sanstone Road. The retention of the trees will help assimilate the new building into its surroundings. The Tree Officer is concerned that the proposals would have a detrimental impact on the long term health of the trees within and surrounding the site due to proximity of the building. The plan has been revised to address this but further comments will be reported at committee.

The rear elevation of the proposed apartments faces the proposed new church at Holy Ascension but as the principle of a residential development on this site was already established at the time the new church building was granted permission measures are already in place to protect residential amenities. The habitable room windows in the rear elevation of the apartment building are over 10m away from the boundary and the intervening trees will screen the new church building to an extent.

The objectors comment about lack of a communal room for residents within the building. The flats are self contained so the developer has not included a communal room as presumably it is not required for this type of accommodation. There are staff available to provide support if required by future occupiers.

The design of the building is considered appropriate and its scale and massing are proportionate to the size of the site.

Objectors query why the proposal for six houses on this site has now changed. The earlier permission 12/0650/FL was a proposal by a different developer.

The layout and design of the proposals are considered acceptable subject to resolving tree officer concerns.

Relationship to surrounding properties

The proposed building is set back from the Buxton Road frontage and there will be no significant overlooking of properties in Sanstone Road or Buxton Road due to either the omission of any facing habitable room windows or distance separation between the two. The nearest property in Par Court is over 40m away from the rear elevation of the proposed building which exceeds Council separation guidelines. The proposed building is also positioned away from the boundary with the shops/maisonettes in Buxton Road so should not have a significant impact on outlook. In the circumstances, despite objector concerns regarding loss of privacy, there is no significant potential for overlooking or loss of privacy or outlook.

The relationship between the proposed building and approved new church building is also considered not to have a significant impact on the amenities of future occupiers.

The relationship between dwellings and to surrounding properties is considered acceptable.

Access and parking

The proposal utilises the existing access which is acceptable subject to provision of boundary details to ensure adequate visibility is maintained.

There are 16 car parking spaces shown to include 2 disabled spaces. The Transportation officer is satisfied that this level of provision is acceptable for the type of development proposed. The developer has confirmed that this is a similar level to facilities elsewhere.

Objectors are concerned about potential increased traffic congestion, particularly at peak times and that speed limits for the area should be considered. Many of the occupiers of the development will not have a vehicle so additional traffic congestion from staff and visitors will not be significant. The level of provision for on-site parking is considered adequate. Given there were 27 flats on site previously the current scheme should attract less vehicles. Potential for speed humps is a matter for highways to consider but is not required as a result of this proposed development.

In terms of potential for increased numbers of wheelchair users from the site to be crossing Buxton Road to attend alternative communal facilities creating a potential hazard this will not be any more significant than that for existing wheelchair users in the area. The Equality and Diversity Officer raises no objections in terms of disabled access.

The access and parking arrangements are considered acceptable.

Local Finance Considerations

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

This application proposes 16 new homes.

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

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

Positive and Proactive working with the applicant

Officers have discussed the significance of the proposals with the applicant and their agent and discussed the process for determining this application. In response to this advice relevant supporting information and additional revised plans have been submitted. In light of the submitted details officers are able to support the scheme.

Recommendation Grant permission subject to conditions subject to resolving tree 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 91 of the Town and Country Planning Act, 1990.

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

- Location Plan (AL-90-002 Revision P01) received 29/01/15
- Proposed Site Plan (AL-90-001 Revision P04) received 17/04/15
- Floor Plans & Roof Plan (AL-20-100 Revision P01) received 29/01/15
- Elevations (AL-20-101 Revision P01) received 29/01/15
- Bin & Scooter Store Plan, Elevation & Details (AA-90-001 Revision P01) received 29/01/15
- Planning, Design & Access Statement prepared by Peter Brett Associates (January 2015) received 29/01/15
- Phase 1 Desk Study Report prepared by JPB (LB104-02/ACJ/FT/GP) received 29/01/15
- Arboricultural Impact Assessment prepared by Godwins Arboricultural Limited received 29/01/15

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

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

- i. Prior to built development commencing a site investigation, ground contamination survey and assessment of ground gas, having regard to current best practice shall be undertaken. (see Note for Applicant CL1)
- ii. Prior to built development commencing a copy of the findings of the site investigation, ground contamination survey and ground gas assessment, together with an assessment of the hazards arising from any land contamination and/or ground gas shall be forwarded to the Local Planning Authority. (see Note for Applicant CL2)
- iii. Prior to built development commencing a "Remediation Statement" setting out details of remedial measures to deal with the identified and potential hazards of any land contamination and/or ground gas present on the site and a timetable for their implementation shall be submitted to and agreed in writing by the Local Planning Authority. (see Note for Applicant CL2)
- iv. The remedial measures as set out in the "Remediation Statement" required by part iii) of this condition shall be implemented in accordance with the agreed timetable.
- v. If during the undertaking of remedial works or the construction of the approved development unexpected ground contamination not identified by the site investigation required by part i) of this condition is encountered development shall cease until the "Remediation Statement" required by part iii) of this condition has been amended to address any additional remedial or mitigation works required and agreed in writing by the Local Planning Authority.
- vi. A validation report confirming the details of the measures implemented together with substantiating information and justification of any changes from the agreed remedial arrangements shall be submitted to and accepted in writing by the Local Planning Authority prior to the development being brought into use. (see Note for Applicant CL3)

Reason: To ensure safe development of the site and to protect human health and the environment. Contamination may be below ground and may influence how the site is developed so details are required before development commences.

4a. Prior to the commencement of the development drainage details for the disposal of both surface water and foul sewage shall be submitted to and approved in writing by the Local Planning Authority.

4b. The development shall be completed with the approved details and retained as such.

Reason: To ensure the development is provided with satisfactory means of drainage and to reduce the risk of flooding and pollution. Drainage is below ground infrastructure that needs to be resolved before construction of any new dwellings is commenced.

5a. Prior to the commencement of the development a construction methodology statement shall be submitted to and approved in writing by the Local Planning Authority detailing where the parking and turning facilities for site operatives and construction deliveries will be located and including full details of the wheel cleansing arrangements to prevent mud from being deposited on the highway during the period of construction.

5b. This provision shall be retained during construction in accordance with the approved details. *Reason:* In order to minimise on street parking by site operatives and the potential disruption to the free flow of traffic along the public highway, in the interests of highway safety.

Reason: To ensure the safe and satisfactory operation of the development during construction due to the sensitive nature of the site near to a local centre, a local church and school. Construction methodology needs to be implemented from the outset of a development so details are required for approval beforehand.

6a. Prior to the development first coming into use;-

- i. All access ways, vehicle manoeuvring and parking areas shall be fully consolidated, hard surfaced and drained to ensure surface water from these areas does not discharge onto the public highway,
- ii. the parking bays shall be clearly demarcated on the ground,
- iii. The existing bellmouth type access on Buxton Road shall be replaced with a dropped kerb footway crossing design and shall be installed and carried out in accordance with Council's footway crossing specification SD11/8 dated January 2008 and to the satisfaction of the Highway Authority. All works within the public highway shall meet all statutory requirements.
- iv. Alterations to the existing highway line markings around the entrance on Buxton Road shall be agreed in advance with the Highway Authority and fully implemented in accordance with the agreed details at the applicant's expense.
- v. The cycle shelter facility shall be fully installed and brought into use in accordance with the approved details,

6b. All access ways, vehicle manoeuvring and parking areas, including the cycle shelter, shall thereafter be retained and used for no other purpose.

Reason: To ensure the satisfactory completion and operation of the development and in accordance with UDP policy GP2, T7, T13 and BCCS TRAN4 and highway safety.

7. At no time shall any gates be installed across the site entrance without prior approval in writing with the Local Planning Authority.

Reason: To ensure the free flow of traffic on the public highway, in the interests of highway safety.

8a. Prior to the commencement of any built development above damp proof level, a detailed landscaping scheme and maintenance strategy for the development (including any necessary phasing of implementation) shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be submitted on a plan to an appropriate scale and shall include where applicable, details of:

- i. Ground preparation measures
- ii. Topsoil specification to relevant British Standard – If existing soils are to be used, details of its retention, improvement, cultivation or safe storage for re-use should be specified.
- iii. Proposed depths of topsoil/ subsoil/ growing medium and any mulches.
- iv. Full details of proposed tree/plant species, number of plants/shrubs, size at time of planting, density, ground surface treatment, tree support and tree pit details, root barriers and mulching. full details of sizes/ container volumes/ seed mixes/ plant numbers/ provenance/ botanical and English names and methods of planting.
- v. Details of proposed turf / seeded areas
- vi. Full specification for walls, fences, gates (boundary and internal, showing materials, heights and location), and paving (materials and layout).
- vii. Details of landscape establishment / maintenance proposals to be undertaken during the standard conditioned maintenance period.
- viii. Drainage including SUDS

8b. The scheme shall be completed fully in accordance with the approved details before the development is occupied and retained as such.

8c. All planted areas shall be maintained for a period of 5 years from the full completion of the scheme. Within this period any tree(s), shrubs or plant which die, becomes seriously diseased, damaged or is removed shall be replaced with a tree, shrub or plant of the same or greater size and same species as that originally required to be planted.

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

9a. Prior to the commencement of any built development above damp proof level on any structure full details of all external facing materials shall be submitted to and agreed in writing by the local planning authority.

9b. The development shall be implemented in accordance with the agreed facing materials.

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

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

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

Reason: To protect the amenities of surrounding occupiers.

Notes for Applicant – 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 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

Notes for applicant - Highways

1. The attention of the applicant is drawn to the need to keep the highway free from any mud or other material emanating from the application site of any works pertaining thereto.
2. The applicant will be expected to enter into an agreement under S278 of the Highways Act 1980 or other appropriate agreement with the Highway Authority for all works within the existing public highway.



Walsall Council

Economy and Environment – Planning and Building Control

Planning Committee

Report of Head of Planning and Building Control, Economy and Environment on 30/04/2015

Plans list item no: 4.

Reason for bringing to committee: Major Application

Application Number: 15/0251/FL

Application Type: Full application

Applicant: Manheim Car Auctions

Proposal: Erection of a vehicle display canopy in existing car sales area.

Location: MANHEIM AUCTIONS, WHITWORTH CLOSE, WALSALL, WS10 8LJ

Ward: Bentley & Darlaston North

Case Officer: Katie Parsons

Telephone Number: 01922 652603

Email: planningservices@walsall.gov.uk

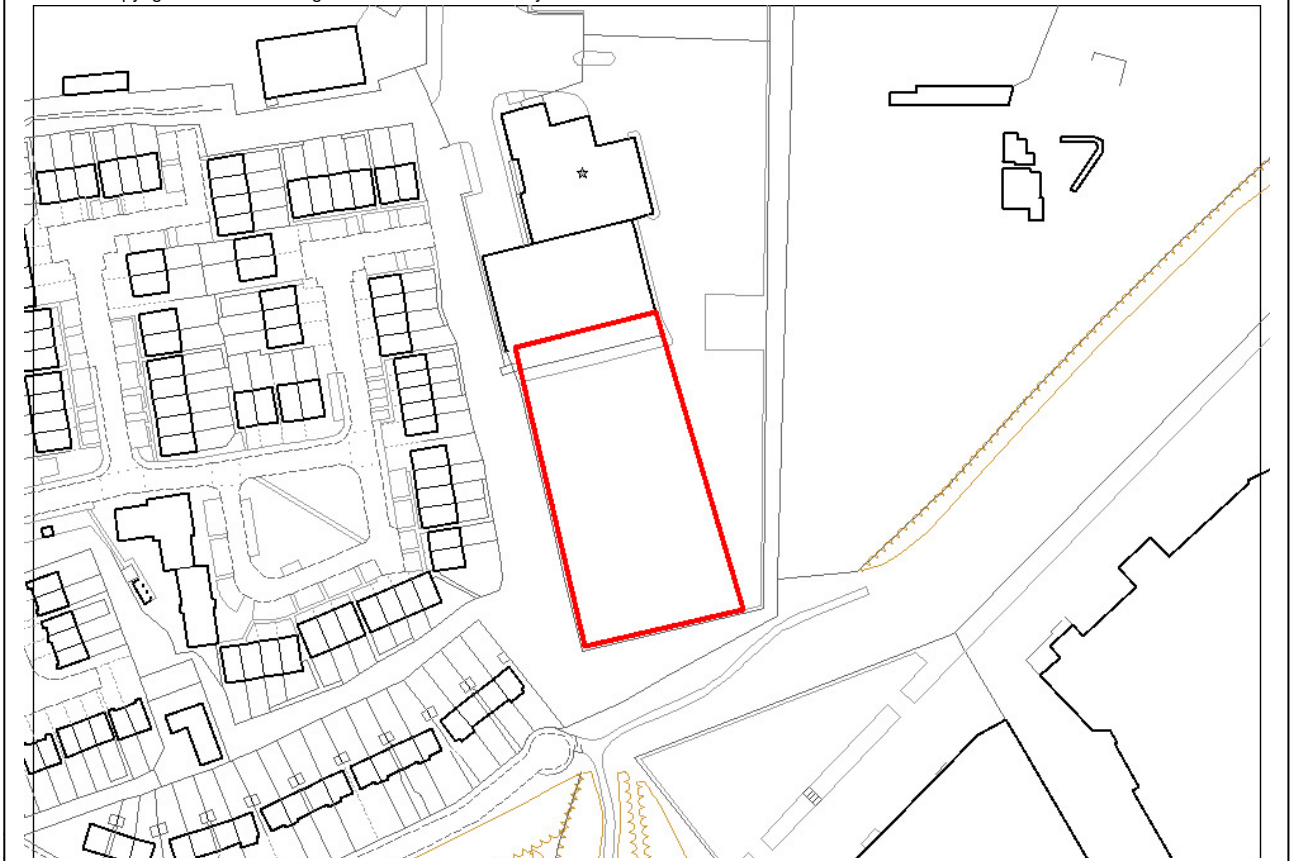
Agent: TW Architects

Expired Date: 10/06/2015

Extension of Time Target Date:

Recommendation Summary: Delegate to the Head of Planning and Building Control to approve with conditions (including any amendments or additional conditions deemed appropriate by officers), subject to receipt of a satisfactory Coal Mining Risk Assessment Report, and provided that no additional information is received which raises new material considerations

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Application and Site Details

The application site forms part of a larger site occupied by Manheim Auctions, which is used for car auctions, with vehicles stored and prepared on site in advance of the auctions taking place. The auction site is surrounded by other commercial uses on all sides, apart from an area to the south-west where a housing development has recently been built, adjacent to the proposed canopy. Some of these houses are already occupied but others remain vacant or under construction.

The application proposes erection of a canopy to cover an existing sales area which is used for inspection and viewing of cars in advance of an auction. The site is already used for car parking for this purpose, but the proposed canopy would protect the vehicles and customers from inclement weather. The canopy would measure 38m x 80m, creating 3040 square metres of enclosed floor space and allowing 288 existing car parking spaces to be covered. The canopy would be attached to an existing canopy already attached to the main auction building and would have an eaves height of 5.45m and a maximum height of 8.80m to the ridge. Access and car parking space would remain as existing. The application is a resubmission of an earlier application, which was granted planning permission but lapsed before being implemented.

Drawings have been submitted showing the proposed canopy. A Design and Access Statement has also been submitted explaining the design rationale for the application and setting out that providing covered facilities forms part of the business strategy due to customer requirements.

The consultation period does not close until 01 May but the application has been reported to this committee as no other committee dates are currently available before the target date for determining the application and the applicant has advised that building the canopy is now time-sensitive.

The proposal has been screened under the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (as amended) and was determined not to be EIA development.

Relevant Planning History

11/0851/FL - Proposed canopy to existing car sales area as part of auction site – approved subject to conditions 11 August 2011 (expired 10 August 2014 without being implemented)

The adjacent housing development was granted outline planning permission on 29 October 2010 (08/1818/OL) and the reserved matters were approved on 16 September 2011 (11/0322/FL).

Relevant Planning Policy Summary

Planning law requires that planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF) is a material consideration in planning decisions and sets out that “... due weight should be given to relevant policies ... according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).”

National Planning Policy Framework 2012 (NPPF) and associated guidance

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

It is based on 12 **core planning principles**. Those particularly relevant in this case are:

- Proactively drive and support sustainable economic development
- Always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings

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

On **planning conditions** the NPPF says:

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

The Black Country Core Strategy (BCCS)

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

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

1. Sustainable Communities - Regeneration should aim to promote and facilitate healthy living and create environments which offer opportunities for active lifestyles and healthy choices, including provision for walking, cycling and outdoor recreation within the urban fabric of the Black Country.

2. Environmental Transformation - Delivering high quality, liveable and distinctive places which respect and make the most of the existing diversity of the Black Country's natural and built environment.

3. Economic Prosperity Attract new employment opportunities and investment in innovation and new technology, deliver a network of successful strategic, town, district and local centres and the infrastructure and raw materials needed to support the local economy, improve the wealth and image of the Black Country and support initiatives to lift educational and skills performance.

The above are supported by the following key policies, as relevant to this application:

CSP4 requires development to make a positive contribution to place-making

EMP1 – EMP4 seek to provide economic growth and jobs

ENV3 promotes high quality design and sustainability

These Policies are considered to be consistent with the NPPF.

Walsall's Unitary Development Plan (UDP)

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

The key 'Saved' Policies relevant to this proposal are:

GP2 requires developments to make a positive contribution to the quality of the environment and sustainable development principles

ENV11 controls the effects of light pollution

ENV14 relates to development of derelict and previously developed sites

ENV32 promotes high quality development and sets out how the quality of design of proposals will be assessed

JP7 relates to use of land and buildings in employment areas

These 'Saved' Policies are considered to be consistent with the NPPF.

Supplementary Planning Documents

http://cms.walsall.gov.uk/index/environment/planning/planning_policy/local_development_framework/ldf_supplementary_planning_documents.htm

Where relevant BCCS and UDP policies are consistent with the NPPF, the related SPD(s) will also be consistent provided they are applied in a manner consistent with NPPF policy. The SPDs relevant to this application are:

Designing Walsall SPD

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

Consultations

Area Partnership – comments awaited.

Coal Authority – The Coal Authority objects to the application until such time that a satisfactory Coal Mining Risk Assessment Report is submitted. Comments on the submitted report are awaited.

Highway Authority – No objections or comments.

Natural Environment Team (Trees) – No objections as the impact on the adjacent trees appears low. Condition recommended requiring any pruning of overhanging branches to be undertaken by an approved contractor.

Pollution Control – The application site is located on land that has previously been identified as containing contaminated materials and/or gas. Pollution Control is also aware that the owner of the land has previously conducted contaminated land surveys and may have undertaken remediation actions. The application for the site does not indicate whether there will be any significant ground works and no information has been submitted by the applicant on whether the specific development land has previously been remediated and/or whether contaminated substances remain. Pollution Control recommends that any persons

undertaking ground works is informed of potential risks and requests an advisory note is included within any planning permission. Furthermore, within the application form it mentions that security lights are to be used, but no additional information has been supplied on lighting systems. It is recommended that Planning Officers include a planning condition that requires for any additional lighting to meet the requirements for avoiding light pollution to nearby residential premises.

SRF Darlaston – comments awaited.

Public Participation Responses

One local resident has objected to the application for the following reasons:

- Impact on view
- Increased noise
- Devaluation of property

The first two concerns are addressed in the 'residential amenity' section of the report. However impact on property prices is not a material planning consideration and cannot be taken into account.

Determining Issues

- Principle of development
- Design and appearance
- Residential amenity
- Coal Authority comments

Observations

Principle of development

The site is located within the settlement boundary and the development would be related to the existing use of the site, therefore the development is acceptable in principle, provided it is acceptable in respect of all other material considerations.

Design and appearance

The canopy would be constructed above existing hard standing and no changes to boundary treatments would be required. It would be constructed of profiled metal cladding with dual pitched roofs containing rooflights, with support pillars. The canopy would appear as a continuation of the existing canopy attached to the auction building, albeit stepped down slightly due to the fall in levels across the site. The canopy structure would not result in any changes to access or car parking layouts. The design and appearance of the structure is considered to be in keeping with existing development on the site, and a condition is recommended to ensure the appearance of the new canopy would match the existing canopy. A condition is recommended to ensure that the structure remains open-sided so that any proposed changes to its appearance and use can be assessed.

The submitted tree survey shows that all trees within the vicinity of the development are outside the application site, on land outside the applicant's control. It is not considered necessary to remove any of these trees to facilitate the development. However it may be necessary to prune overhanging branches; as some of these trees are subject to a Tree

Preservation Order, a condition is recommended requiring a specification of works to be submitted before approval and carried out by a competent person.

The design and appearance of the proposal is considered to be acceptable and in accordance with the Development Plan and NPPF, subject to the recommended conditions.

Residential amenity

There is a landscape buffer between the application site and the adjacent houses, which is part of the housing development. It ranges from 10 to 20m wide where it runs alongside the application site. This buffer includes an earth bund rising away from the application site, with tree planting on the escarpment and ridge of the bund. As a result of the bund, only the upper storey windows of the houses are visible from the application site. The houses each have gardens of approximately 9m depth, meaning that the closest house is some 19m from the boundary of the application site.

The canopy would be slightly taller than the top of the bund but lower than the top of the trees, with a height approximately equal to the middle of the neighbouring houses i.e. below the height of the first floor windows. When the trees are in leaf they would shield the majority of the development from the houses. When the trees are bare, residents would still be able to view across the top of the canopy to the sites beyond from upper floor windows, with only downward views to the cars obscured. Due to the bund and trees, views from the ground floor windows to the site are very limited and the canopy would not exacerbate this. As the bund and the trees are part of the housing development, retaining this screening element is within their control. It is also noted that many of the trees are subject to a TPO.

As the houses are to the west of the development and on higher ground, no shadowing over and above that already experienced from the trees and bund would occur. No issues of overlooking or loss of privacy would occur because the ground levels of the site would remain as existing, as would the activities carried out there. The development may be visible from some of the windows of the houses but the development would be on a lower level than the existing dwellings, therefore the appearance of the development would not be overbearing when viewed from the dwellings.

Existing flood lighting on the site around the canopy would be removed and lighting would be fitted inside the canopy instead, which is likely to improve residential amenity by reducing glare. However as full lighting details have not been supplied, a condition is recommended to secure this.

As the use of the site would remain as existing, just with a covered roof, it is considered unlikely that additional noise and disturbance would result from the proposals. However a precautionary condition is recommended to ensure that the audio feed from the auction room is not relayed to the canopy area as this would be likely to lead to unacceptable noise levels.

Some noise and disturbance may occur during construction of the canopy, therefore a condition is recommended limiting the days and hours works may be carried out, to protect residential amenity.

It is noted that, at the time the houses were granted planning permission, the previous application for the canopy had already been approved and was capable of being implemented, and this information would have been available to prospective occupiers of the new houses. Some of the houses are not yet occupied but full account has been taken of likely impacts to residential amenity, notwithstanding that only one objection has been received.

The proposal is considered to be acceptable in relation to residential amenity and in accordance with the Development Plan and NPPF, subject to the recommended conditions.

Coal Authority comments

The site is located within the Development High Risk Area and Coal Authority records indicate that the local area contains coal mining features and hazards which must be considered before the application can be determined, as it is likely that historic unrecorded underground coal mining took place in this area. The Coal Authority therefore objects to the application until a satisfactory Coal Mining Risk Assessment Report has been submitted. A report has been submitted and forwarded to the Coal Authority who will advise whether or not they are satisfied with the report and any mitigation measures it proposes. It is hoped that the Coal Authority comments will be received before the committee meeting and an update will be provided in the supplementary papers. However in the event that the Coal Authority comments are received after the committee meeting, the recommendation asks that the application be delegated for approval once this matter has been resolved, including adding any conditions required to secure any required mitigation measures.

Conclusions

The application is considered to be acceptable subject to suitable conditions, provided that an acceptable Coal Mining Risk Assessment Report is received.

Positive and Proactive working with the applicant

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

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including any representations that may have been received, and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Recommendation Delegate to the Head of Planning and Building Control to approve with conditions (including any amendments or additional conditions deemed appropriate by officers), subject to receipt of a satisfactory Coal Mining Risk Assessment Report, and provided that no additional information is received which raises new material considerations.

Conditions

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

REASON: To comply with Section 91 of the Town and Country Planning Act 1990.

2. The development shall be carried out in accordance with the following approved plans and details:

1044/SK/002 Rev A 'Location Plans'
1044/SK/003 Rev A 'Existing and Proposed Block Plans'
1044/SK/004 'Proposed Design Details'
1044/SK/005 Rev A 'Tree Survey'
1044/SK/006 Rev A 'Proposed Plans and Elevations'
1044/SK/007 Rev A 'Proposed Elevations'
1044/SK/010 'Proposed Roof Plan'

REASON: to define the permission and ensure the development is carried out as approved.

3. The external surfaces of the development hereby permitted shall be constructed of the materials specified in the approved plans, or alternatives of substantially the same external appearance should the specified materials be unavailable, and shall be finished to match the existing canopy.

REASON: To ensure the satisfactory appearance of the development.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 or any Order revoking and re-enacting that Order, the elevations of the canopy shall not be enclosed.

REASON: To allow any proposed changes to the appearance or use of the canopy to be assessed, in the interests of visual amenity and ensuring the satisfactory functioning of the site.

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

REASON: To protect the amenities of nearby residential occupiers.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 or any Order revoking and re-enacting that Order, no public address system or audio equipment shall be installed or used within the canopy hereby permitted.

REASON: in the interests of residential amenity.

7. The roof of the canopy hereby permitted shall not be installed until the existing external lighting show for removal on the approved 'Proposed Plans and Elevations' drawing has been removed.

REASON: To ensure that the proposals do not result in additional external lighting at the site and to prevent glare from light reflecting off the roof of the canopy, in the interests of residential amenity.

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 or any Order revoking and re-enacting that Order, no lighting shall be installed on the application site or affixed to the canopy hereby permitted, except in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. Such details should include the location, type, technical specifications and hours of operation for the lighting and light spill plans. The lighting scheme shall be designed to direct light away from residential properties and shall comply with the recommendations of the Institute of Lighting Engineers/Professionals for the reduction of light pollution.

REASON: in the interests of visual amenity and residential amenity.

9. A. No pruning of overhanging branches from the protected trees adjacent to the site boundary shall take place unless a specification for the tree works has first been submitted to, and approved in writing by, the Borough Council.

B. The approved specification for tree works shall be undertaken by a contractor approved by the Head of Regeneration, Delivery and Development, or a person who is appropriately insured and competent in such operations.

REASON: To ensure a satisfactory standard of work to protect the trees.

NOTES TO APPLICANT

1. The area of this proposed development may have localised ground contamination that may present health and safety implications for persons undertaking ground works. No specific detail of ground conditions in the area is available other than that obtained from previous land use data and historic mapping. This information should be brought to the attention of the builder or contractor undertaking the development in order that they may implement any Health and Safety at Work precautions they feel appropriate when undertaking construction work at the site of the proposed development.



Walsall Council

Economy and Environment – Planning and Building Control

Planning Committee

Report of Head of Planning and Building Control, Economy and Environment on 30/04/2015

Plans list item no: 5.

Reason for bringing to committee: Major Application

Application Number: 15/0392/TE
Application Type: Extend Time Limit

Case Officer: Karon Hulse
Telephone Number: 01922 652614
Email: planningservices@walsall.gov.uk
Agent: J.T.Design Partnership LLP

Applicant: Mr Waseem Rasab

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

Location: The Hawthorns, Highgate Drive, Walsall, WS1 3JW

Ward: St. Matthews

Expired Date: 08/06/2015

Extension of Time Target Date:

Recommendation Summary: Grant Permission subject to Conditions and a Deed of Variation

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Application and Site Details

The current economic climate has impacted upon the ability of developers to act on planning decisions and therefore in order to allow the planning consent to be pursued in the future, legislation was introduced which allows applicants with unimplemented extant permissions granted on or before 1 October 2010 to apply for a replacement permission for the same development, subject to a new time limit for implementation.

This application seeks consent to extend the time period to implement the previously approved application reference number 09/0585/FL which was granted on 12th April, 2010.

The details of the proposals are as follows:

- alterations and extensions to the existing house named as The Hawthorns, to create 9 apartments;
- the erection of a two and a half storey apartment block adjacent to 48 Highgate Road to create 3 apartments;
- the erection of a detached dwelling in the rear garden of the existing house, facing Highgate Drive;
- a new access off Highgate Drive.

The site is the western corner of the junction of Highgate Drive and Highgate Road. The details have not been changed since the previous planning permission in 2010.

For completeness of this report the following details from the previous report have been included:

The site would be divided into two plots, one for 12 flats at approximately 2000 sq. mts, at a density of 60 dwellings per hectare, with 16 parking spaces provided for 12 flats; for the proposed dwelling, an area of 1500 sq m and private drive with garage space for 2 cars, at a density of 6 dwellings per hectare. Overall, the site would be developed at 37 dwellings per hectare.

The Hawthorns is a Locally Listed Building and comprises an early Victorian 2/3 storey detached villa extended to the rear and south, sited on a plot that slopes from north to south. The front of the house is 2 storey and the rear and north facing side elevations are full three storeys. A 1.7m to 2m high original brick boundary wall, surrounds the site on all boundaries, including the rear garden boundaries with 48 Highgate Road and 6 Highgate Drive. It is proposed to retain and repair this wall.

The site currently appears fairly open as the applicant has removed much of the vegetation not protected by Tree Preservation Order on the site. Remaining trees are;

- *a group on the southern part of Highgate Drive frontage;*
- *an individual and large horse chestnut at the corner of Highgate Road and Highgate Drive;*
- *a group along the southern and western boundaries;*
- *a central group aligned along the existing boundary wall between the house and the vacant land;*
- *individual trees nearer to 48 Highgate Road.*

All of these remaining trees are protected by TPO.

Levels at the site fall away from road frontages with an overall drop in levels of 3m across

the site from north to south.

A new access will be created off Highgate Drive to serve the converted apartments, the proposed new house and to the detached apartment block. The existing access would be closed. A new pedestrian gate would be created in the wall on Highgate Road leading to the proposed block of flats.

Parking for the proposed flats would be at the rear of The Hawthorns, providing 10 spaces in a central courtyard and 5 spaces off the driveway at the north of the site. One further disabled parking space is proposed in front of The Hawthorns.

The application was previously supported by a Design and Access Statement, Habitat and Bat Survey and Tree Survey, the Habitat and Bat survey and Tree surveys have been updated.

Relevant Planning History

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

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

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

Relevant Planning Policy Summary

National Planning Policy Framework (NPPF)

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

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

- Always seek to secure high quality design and good standard of amenity for all existing and future occupants of land and buildings
- Take account of different roles and character of different areas

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 49 states that the Council's housing supply policies should be considered up to date if the Council can demonstrate a five year housing supply of 'deliverable' sites. If not, then the presumption in favour of sustainable development should be applied. The Council has a five year supply which is set out most recently in the 2010/11 Annual Monitoring Report and has been confirmed via discussions with Council Planning Policy Officers in

February 2013- the current supply extends to 8/9 years. The Council's housing supply policies are therefore considered up to date.

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

Para 53 states "*Local planning authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area.*" It relation to the inclusion of windfall sites within the five year housing supply, the delivery rates (past and expected) should exclude residential garden sites given the NPPFs emphasis upon detracting the development of such sites (para 48).

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

Paragraph 63 attaches great weight to outstanding or innovative design which helps raise the standard of design more generally in the area.

Paragraph 64 states permission should be refused for development of poor design that fails to take opportunities available for improving the character and quality of the 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. Costs imposed on developments should pay careful attention to viability and take account of market conditions.

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

The Development Plan

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

Local

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 relevant key policies are:

CSP1, CSP2, CSP4, HOU2, HOU3, ENV2, ENV3, DEL1 and TRAN1

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:

2.2, 2.6, 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, to strengthen and diversify the economy of the Borough and promote economic revitalisation.

GP3: planning obligations will be used, as appropriate, to secure the provision of any on or off site infrastructure, facilities, services or mitigating measures made necessary by a development.

ENV17, ENV18, 3.64: encourages new planting as part of landscape design and seeks to protect existing vegetation.

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

ENV28; Local List of buildings of architectural interest.

ENV31: Continued Protection of the Historic Built Environment

3.16, GP7, ENV32, H10 and 3.116: 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, particularly in locations such as visually prominent sites. ‘Designing out crime’ through design, layout, landscaping and boundary treatments.

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

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

6.25 & 6.30 refers to windfall sites that come forward for redevelopment other than as development plan allocations.

H9: net density of residential development should be at least 30 dwellings per hectare. Densities exceeding 50 dwellings per hectare will be encouraged on sites located at major transport corridors.

7.5, 7.52 and 7.36, PPG13: parking policies should be used to promote sustainable transport choices and reduce the reliance on the car by improving public transport.

T7: states that all development should satisfy the car parking standards set out in Policy T13.

T12: for residential developments the walking distance should be no more than 400 metres to a bus stop.

T13: car parking standards

1, 2 & 3 bedroom houses 2 spaces per unit

4 bedroom houses and above 3 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:

Supplementary Planning Document “Designing Walsall” (February 2008) Aims to promote a high quality environment and high standards of urban and landscape design throughout the Borough and identifies the basis on which the design of buildings and spaces will be considered during the development control process.

It identifies eight key urban design principles for consideration including sustainability- environmental, social as well economic, safe and welcoming places, character, continuity, ease of movement, legibility, diversity and adaptability.

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

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

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

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

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

Annexe D: Numerical Guidelines for Residential Development identifies privacy and aspect distances between dwellings. Although failure to comply with these guidelines may not by itself be a reason for refusal of an application, it will be a factor to be used in determining whether a proposal would be compatible with the wider character of the area or the existing dwelling or the amenity of neighbours.

Supplementary Planning Document for Urban Open Spaces

Identifies the requisite local standards and contributions that developers will be required to make towards provision and improvement of open spaces.

The application proposes 12 flats and therefore contributions to the provision of Urban Open Space are required - £17,525.00

Conserving Walsall’s Natural Environment SPD – advises on the information requirements and survey standards for protected species to accompany planning applications.

Consultations

Transportation – no objections

Regeneration (Conservation) – no objections

Regeneration (Ecology) – no objections subject to conditions

Pollution Control (Contaminated Land/Scientific Team) – no objections

Severn Trent Water – no objections subject to condition

Public Participation Responses

As a result of the consultation on this application 8 representations have been received objecting on the following grounds:

- proposed new build block would severely restrict my right to light and would leave a lot of the ground floor of my house in need of perpetual electric illumination.
- The original application was rejected on the grounds that it was incongruent and not in keeping with other properties in the Highgate area.
- Since the original application the area has been designated as a conservation area
- the introduction of powers to LAs to prevent gardens being used for building developments
- significant issues with water pressure made worse by building multiple dwellings on site
- large-scale development
- degraded the building by ripping out traditional features and looks shabby and untidy, gardens which were once beautiful ,now scruffy and unkempt.
- adjoining stable/tack room to the house still has bats and the original survey is now out of date.
- illegal 'tree surgery' and knocking down garden walls (paddock and orchard)
- traffic and parking in this area is already at a premium
- this plot at the junction of Highgate drive and a bend in Highgate Road
- vehicles accessing would add to the congestion and likelihood of traffic accidents
- vehicles frequently travel along Highgate Road at quite a pace and the bend is very hazardous.
- area already overdeveloped
- many houses converted into multi-occupancy with no parking for extra vehicles.
- parking provision in Canute Place is inadequate leading to residents parking opposite.
- Highgate area is a conservation area

In addition to the above, those raising objections have also requested previous comments to be taken into account when determining this application, those concerns were as follows:

- the proposal should reflect the imminent extension of the Highgate Conservation Area
- area is already being damaged by large extensions – this adds to the problems
- new entrance / exit is a danger to traffic (blind location near to junction, on crest of a hill)
- significant increase in traffic – Highgate Road is a rat run and drivers speed
- local councillors are pressing for Highgate Road to become one way
- insufficient parking provided
- could mean loss of existing on-street parking, intensifying existing parking problems in Highgate Road
- proposed new buildings would be very close to adjoining houses
- sewers and drains are not capable of accepting the loads
- design of new block of flats is inappropriate

- new block of flats towers over neighbours and affects light to house adjoining
- loss of even more trees is unacceptable, and replacements will take a long time to be effective
- previous owner was refused permission for good husbandry – may have contributed to decline of trees and felling
- replanting with silver birch unwise – should be more varied planting regime
- area has a high water table resulting in floods
- proposed new house is too large and too stark a contrast with The Hawthorns – destroys this piece of history
- house and swimming pool impacts adversely on adjoining house (including loss of light)
- excavation for basement windows will be a noise / disruption issue (large machines, noise, mess)
- The Hawthorns has been modified by changes such as UPVC windows – this is not allowed on this Locally Listed Building – nor are the proposed changes consistent with that status
- Owners have deliberately left the garden to deteriorate – it could be restored to previous wildlife value
- Bats used to roost in stable block but have been prevented from entering
- Other wildlife is on site and needs protecting – council should commission its own studies of this subject and others not rely on developer
- Bin collection would mean a large lorry entering the site
- Amenity space adjacent front of No. 48 is unacceptable because it will impact on 48
- Scheme should be refused as on previous occasions
- Reduction in height of boundary wall will destroy character of area
- Why do we need more property (to be rented out) when there is so much already empty in the area
- Flats will encourage a transitory population

Determining Issues

- Changes to policy
- Natural Environment – Landscape, Trees and Habitat
- Conditions
- Objections

Observations

Changes to policy

Since the previous application was considered, the key policy changes have been the adoption of the National Planning Policy Framework and Black Country Core Strategy. However, neither of the above have a detrimental implication for the determination of this time extension application, in deed they support the redevelopment of this site which is in an accessible location and will enhance and conserve the built environment.

The UDP and Black Country Core Strategy do not have a significant influence on the determination of this application, only the NPPF which has been introduced steers decision makers differently from the then referenced PPS5 (Planning Policy Statement 5: Planning for the Historic Environment)

Paragraph 135 of the NPPF states that: *'The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset'*.

As the planning application was considered not to harm local amenity or impact on local character, the application was approved in 2010. The current time extension has been considered within the planning legislation and guidance of today and it is considered the current planning policy appear has not altered the planning position or recommendation.

The Environmental Impact Assessment Regulations 2011 came into force from 24 August 2011 and require consideration of all the environmental impacts of proposals as a whole rather than the impact of modifications in isolation. There have been no modifications to the proposals and having regard to the change in Regulations it is considered the proposals for this time extension application do not constitute EIA development.

There have been no other material alterations to the proposals and the economic downturn in the market has been a factor on the implementation of the previous approval, the extension of the time would allow the development to go ahead in the future when the economy improves.

The principle of the development, density, urban design, conservation matters, car parking and access and section 106 contributions were all previously considered subject to safeguarding conditions to restrict and control the site and a deed of variation to the section 106 agreement. The proposal remains acceptable, appropriate and in accordance with policies of the Unitary Development Plan.

No new development has taken place adjacent or close by which would have any influence on this site or development and as such there are no objections to an extension of time.

Natural Environment – Landscape, Trees and Habitat

The scheme provides a landscape setting for the development that will retain key trees. The application was previously supported by a tree survey. Its findings concluded that the development was acceptable subject to a number of conditions being imposed. That survey has been updated. It is anticipated that there will be little or no material changes to the circumstances, sufficient to warrant a refusal on the grounds of impact of existing trees and that the re-imposition of conditions will satisfactorily secure the sites development whilst protecting its natural environment.

Since the previous approval the ecological impact assessment has been updated. There have been minor changes and these are reflected in the amended conditions.

Again comments from local residents have alleged that the site may be a habitat for other protected species. Following a careful search, it has been concluded that this is unlikely and the determination of the application should not be held up for a further survey of other species.

Conditions

It is considered that since the previous permission there have been material changes in legislation and guidance which would result in some conditions requiring amendments. The revised conditions have been altered to reflect recent case law and changes in policy whilst the essential requirements remain the same.

Objections

Whilst objectors have described the proposal as “garden grabbing” neither the NPPF nor local policies preclude the development of garden areas provided that policies or the criteria are not otherwise infringed. In this instance it was previously considered and concluded by the Planning Committee that the design of the proposals were acceptable and would not have any impact on the character of the area or impact or harm the amenity of nearby occupiers.

Since the 2010 permission, the NPPF has been published as National Guidance. At the heart of the NPPF is a presumption, set out in paragraph 14, in favour of sustainable development and encourages the effective use of land, policy H3 (UDP) further supports the reuse of such sites, this is subject to the provisions of other policies of the Development Plan. The principle of the redevelopment of the site continues to be acceptable.

Policy H9 sets suitable density range of 30-50 dwellings per hectare (dph). The site is divided between the proposed flats site (2000 sq m and 60 dph) and the proposed house (1500 sq m and 66 dph). Overall the density would average at 37 dwellings per hectare. The overall layout would provide a reasonable residential environment for occupiers, although the constraints of tree preservation and adjacent buildings are recognised in this assessment.

Objections to this application are mostly repeated from the previous approval with the exception of the following:

- The original application was rejected on the grounds that it was incongruent and not in keeping with other properties in the Highgate area – *subsequently approved following amendments*
- Since the original application the area has been designated as a conservation area – *The Hawthorns does not fall within any designated conservation area*
- the introduction of powers to LAs to prevent gardens being used for building developments – *see above*

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: Grant Permission subject to Conditions and a Deed of Variation

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

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

2. This development shall not be carried out other than in conformity with the following plans;
 - Application site plan: Ordnance Survey extract, submitted 1/5/09
 - Site plan (JMD270-01L), submitted 5/8/09
 - Existing layout: The hawthorns (JMD270-02) submitted 23/7/09
 - Schedule of accommodation submitted 1/5/09
 - Proposed layout: detached dwelling (JMD270-05D) submitted 28/7/09
 - Proposed 3 apartment block (JMD270-004G) submitted 5/8/09
 - Proposed layout: The Hawthorns (JMD270-03D) submitted 23/7/09
 - Proposed street elevations / section (JMD270-006D) submitted 23/7/09
 - Site sections: sheet 1 (JMD270-07A) submitted 23/7/09

- Site sections: sheet 2 (JMD270-08B) submitted 23/7/09
- Site sections: showing relationship to sycamores on boundary (JMD270-09A) submitted 28/7/09
- Site sections B1-B1 and key plan (JMD270-10A)
- Site section A1: adjacent to Tree T6 (JMD270-01A1)
- Additional information, gravel top 150mm and 75mm, received 28 July 2009
- Beacon Land Surveys (06/030/02) received 1 May 2009
- Arboricultural report March 2009 submitted 1/5/09
- Arboricultural report, April 2009 submitted 1/5/09
- Tree schedule (0905011164551546.xls) received 1 May 2009
- Protected species survey, Clarke and Webb Ecology Limited, received 1 May 2009
- Protected species survey, Clarke and Webb Ecology Limited, updated 16th June 2009 and received 17 June 2009.
- Protected species survey, Clarke and Webb Ecology Limited, updated October, 2014 and received 8th April, 2015
- The Hawthorns Tree Report submitted 17th April, 2015

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

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

- i. A desk study and site reconnaissance shall be conducted to identify the potential for contaminants and/or ground gases likely to present a risk to proposed structures or future occupants of the development to be present on site. Results of the desk study and site reconnaissance shall be submitted to and agreed in writing prior to built development commencing. (see Note for Applicant CL 4)
- ii. In the event that the desk study and site reconnaissance indicates the potential presence of contamination and/or ground gases on site. Prior to built development commencing a site investigation, ground contamination survey and assessment of ground gas, having regard to current best practice shall be undertaken. (see Note for Applicant CL1)
- iii. Prior to built development commencing a copy of the findings of the site investigation, ground contamination survey and ground gas assessment, together with an assessment of the hazards arising from any land contamination and/or ground gas shall be forwarded to the Local Planning Authority. (see Note for Applicant CL2)
- iv. Prior to built development commencing a "Remediation Statement" setting out details of remedial measures to deal with the identified and potential hazards of any land contamination and/or ground gas present on the site and a timetable for their implementation shall be submitted to and agreed in writing by the Local Planning Authority. (see Note for Applicant CL2)
- v. The remedial measures as set out in the "Remediation Statement" required by part iii) of this condition shall be implemented in accordance with the agreed timetable.

- vi. If during the undertaking of remedial works or the construction of the approved development unexpected ground contamination not identified by the site investigation required by part ii) of this condition is encountered development shall cease until the "Remediation Statement" required by part iii) of this condition has been amended to address any additional remedial or mitigation works required and agreed in writing by the Local Planning Authority.
- vii. A validation report confirming the details of the measures implemented together with substantiating information and justification of any changes from the agreed remedial arrangements shall be submitted to and accepted in writing by the Local Planning Authority prior to the development being brought into use. (see Note for Applicant CL3)

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

4a. No development shall be carried out until a detailed landscaping scheme for the site, (including any necessary phasing of implementation), identifying root protection areas and other requirements for existing, retained trees, for tree planting, all boundary fencing and surface treatments including boundaries to car parking areas, railings, fences, pedestrian access gates and other walls, design for access gates, and all planting, with the proposed boundary fencing beneath existing trees, and details of hard landscape treatments, have been submitted to and approved in writing with the Local Planning Authority.

4b. The landscaping scheme shall include full details and specifications of plant material together with detailed locations of the species proposed, full details of the management of the site and full details of hard landscaping.

4c. The approved landscaping shall be implemented within 12 months of the completion of the development.

4d. 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 protect existing features and landscaping on the site, to safeguard and enhance the visual amenities of the locality in accordance with Policy ENV18 of the Walsall UDP 2005 and policies NE5 and NE9 of Walsall Council SPD, Conserving Walsall's Natural Environment it is considered these measures are required to be secured before any development commences which may have a detrimental impact

5a. No works or development shall take place until a scheme for the protection of the retained trees (section 7, BS5837, the Tree Protection Plan) has been agreed in writing with the LPA. This scheme shall include:

- i) A plan to a scale and level of accuracy appropriate to the proposal that shows the position, crown spread and Root Protection Area (para. 5.2.2 of BS5837) of every retained tree on site and on neighbouring or nearby ground to the site in relation to the approved plans and particulars. The positions of all trees to be removed shall be indicated on this plan.

- ii) Details of each retained tree as required at para. 4.2.6 of BS5837 in a separate schedule.
- iii) A schedule of tree works for all the retained trees in paragraphs (a) and (b) above, specifying pruning and other remedial or preventative work, whether for physiological, hazard abatement, aesthetic or operational reasons. All tree works shall be carried out in accordance with BS3998, 1989, Recommendations for tree work.
- iv) Written proof of the credentials of the arboricultural contractor authorised to carry out the scheduled tree works.
- v) Details and positions (shown on the plan at paragraph (a) above) of the Ground Protection Zones (section 9.3 of BS5837).
- vi) Details and positions (shown on the plan at paragraph (a) above) of the Tree Protection Barriers (section 9.2 of BS5837), identified separately where required for different phases of construction work (e.g. demolition, construction, hard landscaping). The Tree Protection Barriers must be erected prior to each construction phase commencing and remain in place, and undamaged for the duration of that phase. No works shall take place on the next phase until the Tree Protection Barriers are repositioned for that phase.
- vii) Details and positions (shown on the plan at paragraph (a) above) of the Construction Exclusion Zones (section 9 of BS5837).
- viii) The details and positions (shown on the plan at paragraph (a) above) of the underground service runs (section 11.7 of BS5837).
- ix) Details of any special engineering required to accommodate the protection of retained trees (section 10 of BS5837), (e.g. in connection with foundations, bridging, water features, surfacing)
- x) Details of the working methods to be employed with the demolition of buildings, structures and surfacing within or adjacent to the RPAs of retained trees.
- xi) Details of the working methods to be employed for the installation of drives and paths within the RPAs of retained trees in accordance with the principles of “No-Dig” construction.
- xii) Details of the working methods to be employed with regard to the access for and use of heavy, large, difficult to manoeuvre plant (including cranes and their loads, dredging machinery, concrete pumps, piling rigs, etc) on site.
- xiii) Details of the working methods to be employed with regard to site logistics and storage, including an allowance for slopes, water courses and enclosures, with particular regard to ground compaction and phytotoxicity.
- xiv) Details of the method to be employed for the stationing, use and removal of site cabins within any RPA (para. 9.2.3 of BS5837).
- xv) Details of tree protection measures for the hard landscaping phase (sections 13 and 14 of BS5837).

xvi) Timing of the various phases of the works or development in the context of the tree protection measures.

5b. The approved details shall be fully implemented prior to first occupation of any part of the development.

Reason: The existing trees on this site are an integral part of the site and enhance its environment, this condition intends to secure their protection and preserve and enhance the visual amenities of the locality in accordance with Policy ENV18 of the Walsall UDP 2005 and to ensure that existing features and landscaping on the site are protected in accordance with Policy ENV18 of the Walsall UDP 2005 and policies NE5 and NE9 of Walsall Council SPD, Conserving Walsall's Natural Environment.

6a. No works or development shall start on site until an Arboricultural Method Statement has been submitted to and approved in writing by the Local Planning Authority. These details shall include the employment of an Arboricultural Consultant to monitor all tree works and protection measures throughout the course of development and may also include details of:

- (i) induction and personnel awareness of arboricultural matters
- (ii) identification of individual responsibilities and key personnel
- (iii) statement of delegated powers
- (iv) timing and methods of site visiting and record keeping, including updates
- (v) procedures for dealing with variations and incidents
- (vi) procedures for avoiding death or injury to roosting bats
- (vii) procedures for monthly reporting to be sent to the Local Planning Authority.

6b. The development shall then be carried out strictly in Accordance with the approved Arboricultural Method statement.

Reason: The information and details required by the method statement are deemed necessary to ensure the survival and long-term retention of the trees covered by a Tree Preservation Order and in order to preserve the visual amenities of the locality in accordance with Policy ENV18 of the Walsall UDP 2005 and policies NE5 and NE9 of Walsall Council SPD, Conserving Walsall's Natural Environment.

7a. Prior to the development commencing details of parking and a turning facility for site operatives shall be submitted to and approved in writing by the Local Planning Authority

7b. The approved details shall be retained and made available during the construction stage through to completion of the development.

Reason: In order to protect the amenities of local residents it is considered necessary to ensure adequate off street parking is provided for operatives to prevent indiscriminate parking in the interest of highway safety.

8a. No development shall begin until drainage details, incorporating sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, have been submitted to and approved in writing by the Local Planning Authority

8b. The scheme shall be fully implemented in accordance with the approved details before the development is completed/occupied.

Reason: The development of this site is dependant upon the installation of a satisfactory drainage scheme as such it is considered important and necessary to require this information prior to commencement to ensure that the development is provided with a satisfactory means of drainage. In addition it is necessary to ensure and reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution.

9a. No development or site clearance works shall commence until a method statement for the clearance of the site has been received and approved in writing by the Local Planning Authority.

9b. The method statement shall incorporate the recommendations made in the Protected Species Survey report by Clarke Webb Ecology Limited dated 16 June 2009 and updated in October, 2014. Site clearance shall be carried out in accordance with the approved method statement.

Reason: The information and details required by the method statement are deemed necessary to ensure the controlled clearance of the site is sufficient to conserve local protected species in accordance with Policy ENV18 of the Walsall UDP 2005 and policies NE5 and NE9 of Walsall Council SPD, Conserving Walsall's Natural Environment.

10a. Prior to the construction of any part of the development above damp proof course samples of all materials to be used in the construction of the approved development shall be made available on site for the Local Planning Authority to view. The materials shall be approved in writing by the Local Planning Authority. The facing brick shall be of bricks to match in colour, dimensions and texture the bricks of the historic building. Notwithstanding any description/details in the application documents, a sample shall be provided for inspection and approval by the LPA and a sample panel showing the pointing of the external brickwork to be used in the construction of the walls of the building shall be provided for inspection and approval by the Local Planning Authority. A sample of the artificial 'Eternit' slate roofing material and the coping stone material shall be provided for inspection and approval by the LPA before the works are commenced.

10b. The development shall be fully implemented with the approved details and retained thereafter.

Reason: To ensure the satisfactory appearance of the development.

11a. Prior to the construction of any part of the building above damp proof course, details of the type and colour(s) of the protective finish to be used on external timber joinery and a method statement stating how the paintwork shall be removed from the facing brickwork of the locally listed building shall be submitted to and approved in writing by the Local Planning Authority.

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

Reason: To ensure the satisfactory appearance of the development.

12a. Prior to the construction of any part of the building above damp proof course a detailed plan which identifies the existing heights of the boundary wall to be retained on the boundaries to the site, together with details of the existing and proposed coping and capping stone materials to be re-used for the restoration of the boundary wall shall be submitted to and approved in writing by the Local Planning Authority.

12b. Only the approved details shall be implemented. The existing bricks, cappings, copings and pier cappings forming part of the boundary and curtilage walls shall be carefully taken down with demolition work carried out by hand or by tools held in the hand other than power driven tools, and the materials protected and stored for later re-erection or reuse at the site.

Reason: To ensure the satisfactory appearance of the development.

13a. Prior to the construction of any part of the building above damp proof course detailed elevations and plans for the proposed garage and refuse bin storage building shall have been submitted to and approved in writing by the Local Planning Authority.

13b. The approved details shall be fully implemented prior to first occupation and thereafter retained.

Reason: To ensure the satisfactory appearance of the development.

14a. Prior to the construction of any part of the building above damp proof course proposals to incorporate bat roosting features into the proposed buildings shall be submitted to and approved in writing by the Local Planning Authority.

14b. No external lighting scheme shall be installed other than in accordance with the requirements set out below.

- There shall be no direct illumination of the new bat roosts installed or other potential bat access points.
- Any lighting installed shall be low wattage down lights to provide security and safety lighting which will be set no higher than head height.
- Any security lighting shall use PIRs to ensure they turn off automatically once movement has ceased.

14c. All external lighting shall be carried out in accordance with the above requirements. The approved scheme shall be incorporated into the development before any part is brought into use and retained thereafter.

Reason: To conserve and encourage local bat populations.

15a. Prior to the construction of any part of the building above damp proof course a landscape scheme to enhance the site for bats shall be submitted to and approved in writing by the Local Planning Authority.

15b. The scheme shall introduce tree planting along the northern boundary of the site as well as providing other trees, shrubs and herbaceous plants to provide shelter for bats and their insect food.

15c. The approved scheme shall be implemented in the first planting season after any part of the development is brought into use and retained thereafter.

Reason: To conserve and enhance local bat populations.

16a. Prior to the construction of any part of the building above damp proof course proposals to incorporate bird nesting boxes into within the development shall be submitted to and approved in writing by the Local Planning Authority.

16b. The proposals shall detail the design of the boxes, the target species and their locations (including height above ground level) within the application site.

16c. The approved scheme shall be incorporated into the development before any part is brought into use and retained thereafter.

Reason: In the interests of nature conservation and to conserve local bird populations.

17a. Prior to the construction of any part of the building above damp proof course, full details of the proposed cycle storage for the use of residents, shall be submitted to and approved by the Local Planning Authority. The storage shall be secure, covered and illuminated.

17b. The approved cycle shelter details shall be fully implemented prior to first occupation of any flat on the development.

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

18a. Prior to first occupation of the development details and specification of the road hump to be constructed shall be submitted to and approved in writing by the Local Planning Authority.

18b. The approved details shall be fully implemented and thereafter retained.

Reason: In the interests of highway safety.

19a. Prior to the first occupation of the development, details of the proposed vehicular and pedestrian gated entrances, footway crossings, alterations to the existing access, new proposed access and car parking, shall be submitted to and approved in writing by the Local Planning Authority. The details shall include all parking and access areas shown on the approved plans to be fully consolidated, drained and surfaced with a material approved in writing by the Local Planning Authority

19b. The above shall be made available for use prior to first occupancy. The parking and access areas shall thereafter be retained and available for such use only.

Reason: To ensure the satisfactory completion of the development and compliance with the requirements of the Highways Act 1980.

20. The applicant shall give written notice to the LPA of 5 days prior to carrying out the approved tree works and any operations that present a particular risk to trees (e.g. demolition within or close to a RPA, excavations within or close to a RPA, piling, craneage).

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

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

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

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

(ii) If any retained tree is cut down, uprooted, destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time.

(iii) Prior to the commencement of works on site and after the installation of the tree protection in accordance with the approved details, the Council's arboricultural officer shall be notified to allow a full inspection of the protection measures.

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

22. The following activities must not be carried out under any circumstances:

(i) No fires shall be lit within 10 metres of the nearest point of the canopy of any retained tree.

(ii) No works shall proceed until the appropriate Tree Protection Barriers are in place, with the exception of initial tree works.

(iii) No equipment, signage, fencing, tree protection barriers, materials, components, vehicles or structures shall be attached to or supported by a retained tree.

(iv) No mixing of cement or use of other materials or substances shall take place within a RPA, or close enough to a RPA that seepage or displacement of those materials or substances could cause them to enter a RPA

(v) No alterations or variations to the approved works or tree protection schemes shall be carried out.

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

23. Notwithstanding any description/details in the application documents, windows in the proposed conversion of The Hawthorns and its related extension and the proposed detached block of three flats, shall be of painted hardwood timber set within 100mm recess within the brickwork.

Reason: To ensure the satisfactory appearance of the development.

24. 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.

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

Reason: To safeguard the amenity of the occupiers of surrounding properties and ensure that the development minimises the risk of pollution.

25. Collections, deliveries or despatches to and from the application site shall not take place on any Sunday, Bank Holiday or Public Holiday*, and shall only take place between the hours of 07.30 to 17.00 weekdays and 08.00 to 13.00 Saturdays.

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

Reason: To safeguard the amenity of the occupiers of surrounding properties and ensure that the development minimises the risk of pollution.

26. The proposed access gates shall provide an opening of 3.1m to allow for access to the new 3 floor apartments.

Reason: In the interests of the safety of occupiers of the flats and to ensure the access takes account of trees protected by Tree Preservation Order in the vicinity of proposed gates.

27. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (No 2) (England) Order 2008, or succeeding Orders, the erection of gates, walls, fences or other means of enclosure, as defined at Part 2, Class A, B or C shall require the expressed approval of the Local Planning Authority as an application for planning permission.

Reason: To ensure the satisfactory appearance of the development and safeguard the amenity of future occupiers of the dwellings hereby approved.

Notes for Applicant:

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

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

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

CL4 - The desk study and site reconnaissance shall have regard to the previous unknown filled ground and “Model Procedures for the Management of Contamination” (CLR 11, DEFRA/Environment Agency). The results of the desk study and reconnaissance will be used to determine the need for further site investigation and remediation.



Walsall Council

Economy and Environment – Planning and Building Control

Planning Committee

Report of Head of Planning and Building Control, Economy and Environment on 30/04/2015

Plans list item no: 6.

Reason for bringing to committee: Contrary to policy

Application Number: 15/0113/FL

Application Type: Full application

Case Officer: Stuart Crossen

Telephone Number: 01922 652608

Email: planningservices@walsall.gov.uk

Agent: MacMullen Associates Ltd

Applicant: MacMullen Associates Ltd

Proposal: Change of use from former foundry car park to display, storage and sales of commercial vehicles (sui generis use) including hard standing, security fencing, lighting and portacabin .

Location: FORMER WESSON CAR PARK, LAND EAST OF BULL LANE, WALSALL WS10 8RW.

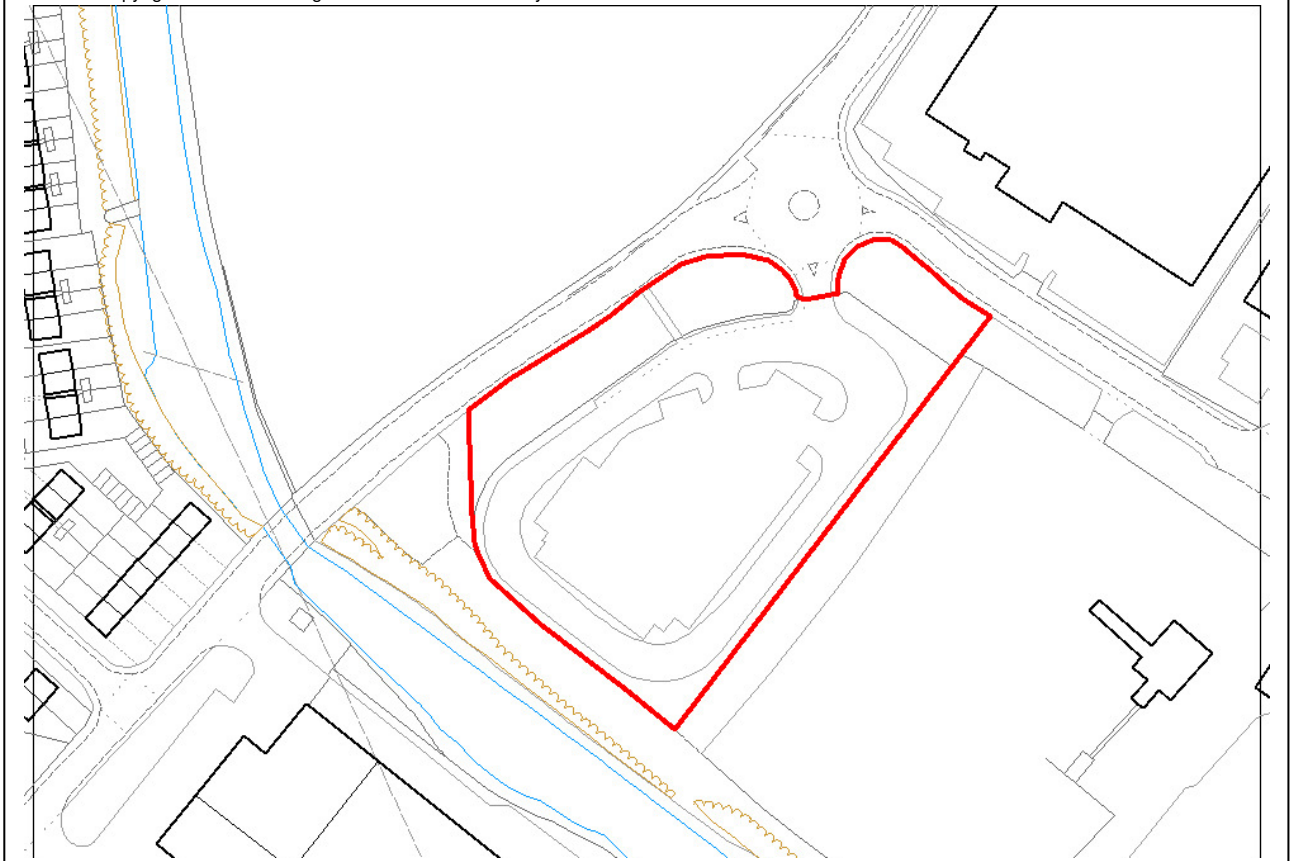
Ward: Darlaston South

Expired Date: 31/03/2015

Extension of Time Target Date:

Recommendation Summary: Grant Permission Subject to Conditions

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Textphone: 0845 111 2910, Fax: (01922) 652670

Application and Site Details

The application proposes a change of use of an existing unused car park for the display, storage and sales of commercial vehicles, the creation of new hard standing, security fencing and for the provision of a portacabin.

The agent in their planning statement has provided the following details about the use of the site:

- The Applicants acquire used vehicles from a variety of regular sources.
- They specialise in 'DAF' branded trucks and deal in large rigid bodied lorries, HGV articulated tractor units, refrigerated trucks and ready-mixed concrete lorries.
- Vehicles are initially valeted in a dedicated wash-down area incorporating grease/petrol interceptors. The Applicants use only bio-degradable detergents. Clean vehicles are then parked in rows on hard surface for inspection.
- Sales tend to be achieved on the telephone or the internet and relatively few buyers come to physically inspect vehicles.
- A small sales and administration office is required, with a staff of about 5 persons. The remaining staff are drivers and largely engaged on a part-time basis. 6 full time employees, 5 part time employees the equivalent of 8 full-time.
- No vehicle repair, servicing or dismantling is undertaken.
- The Applicant proposes to re-fence the site (more securely) and remove certain sections of kerb which used to separate commercial vehicle parking from private car parking.
- An area of the site fronting Bull Lane will be brought into use for vehicle display and a Portacabin (relocated from the Applicant's existing premises) will be mounted on concrete pads near the site entrance, behind the tree screen on Western Way.
- A minimum of physical work is to be undertaken, since the majority of the site is already surfaced in concrete or tarmac. The extension to the display area will incorporate permeable surfacing so that storm water run-off will not increase.
- The site has existing lighting (although most of the columns have been cut off by metal thieves) which will be renewed.
- New fencing to Bull Lane will be in green Paladin style to minimise visual impact.
- The site has not been used as a car park since 30th January 2009.
- The opening times would be Monday to Friday 8:00 to 17:30, Saturday 08:30 to 13:00 and closed Sunday and Bank Holidays.

The Portacabin (located near to the entrance of the site on the corner of Bull Lane and Western Way) would have a flat roof and within it would have a meeting room, 3 offices, kitchen, driver's area, two toilets and a shower room. The key dimensions are:

- 12.2 metres wide
- 6.1 metres deep
- 3 metres high

A Landscape Plan which contains an assessment of existing vegetation has been submitted. Loss of trees has been restricted to a minimal number, generally within the site, rather than on the frontages where they form part of maturing screening.

The site is on the corner of Bull Lane and Western Way, Moxley, Wednesbury with the canal to the south west and a tyre shredding plant (Credential) to the East, the character of the area is defined by neighbouring industrial uses.

The application site is set back about 200m from the Black Country Route. The agent has confirmed that the site's central section was the staff car park for Wesson's Foundry, and the outer part (parking areas and perimeter roadway) was used for lorries to park or to enter and wait to load/unload foundry goods. External storage of containers and unfinished castings was undertaken with loading by forklift truck. The use ceased in 2009 when the foundry closed.

The site is currently largely surfaced in tarmac (previous car parking area) and concrete (previous commercial vehicle parking and external storage) with kerbs separating the two uses. The whole site was illuminated by lighting columns (the agent advises that they have been stolen) and surrounded by a 2 metre high security fence and gates. The car/lorry park is in poor condition and is now overgrown.

Relevant Planning History

None – Previous use was as a car park for employees of Wesson's Foundry.

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:

- Build a strong and competitive economy
- Deliver a wide choice of high quality homes

- Support sustainable development
- Contribute to conserving and enhancing the natural environment and reducing pollution.
- Find ways to enhance and improve places in which people live their lives.
- Always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

Key provisions of the NPPF relevant in this case:

The NPPF confirms that a plan-led approach to the planning system and that decisions must be made in accordance with the Development Plan. In particular the following NPPF references are considered to be appropriate,

Paragraph 56 attaches great importance to the design of the built environment and states good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

Paragraph 57 states it is important to plan positively for the achievement of high quality and inclusive design.

Paragraph 58 states planning policies and decision should aim to ensure that development meet criteria including:

- Function well and add to the overall quality of the area

Paragraph 110 aims to minimise pollution and other adverse effects on the local and natural environment.

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 123 aims to mitigate and minimise adverse impacts on health and quality of life from noise.

On **planning conditions** the NPPF says:

Planning conditions should only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. Costs imposed on developments should pay careful attention to viability and take account of market conditions.

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

The Development Plan

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

The Black Country Core Strategy (BCCS) (2011)

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

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

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

1. Sustainable Communities - Regeneration should aim to promote and facilitate healthy living and create environments which offer opportunities for active lifestyles and healthy choices, including provision for walking, cycling and outdoor recreation within the urban fabric of the Black Country.

2. Environmental Transformation - Delivering high quality, liveable and distinctive places which respect and make the most of the existing diversity of the Black Country's natural and built environment.

3. Economic Prosperity Attract new employment opportunities and investment in innovation and new technology, deliver a network of successful strategic, town, district and local centres and the infrastructure and raw materials needed to support the local economy, improve the wealth and image of the Black Country and support initiatives to lift educational and skills performance.

The Spatial Objectives include

6. A high quality environment enhancing the unique biodiversity and geodiversity of the Black Country and making the most of its assets whilst valuing its local character and industrial legacy.

10. Safeguard and make the most sustainable use of the Black Country's mineral resources including primary, secondary and recycled materials without compromising environmental quality.

The above are supported by the following policies:

The key planning policies include

CSP1 - The common roles of the Regeneration Corridors are to:

- Provide a sustainable mix of modern, strategic high quality employment land and new residential communities well supported by community services and local shops, set within and linked by comprehensive networks of attractive green infrastructure with cycling and pedestrian routes;

CSP2, Development Outside the Growth Network - The main roles of free-standing employment sites and areas outside the Growth Network are to provide local employment opportunities to serve communities outside the Regeneration Corridors and Strategic Centres and to provide a supply of housing land at appropriate densities to meet local needs.

CSP4 Place Making - All development will be required to demonstrate a clear understanding of the historic character and local distinctiveness of the area and show how proposals make a positive contribution to place-making and environmental improvement.

EMP1 Providing for Economic Growth and Jobs - We aim to provide land for at least 75,000 industrial and warehouse jobs in the Black Country in 2026. For this, to protect jobs and support economic growth and allow for market flexibility and uncertainty, we will plan for a target of 2,900 ha of employment land.

EMP3 Local Quality Employment Areas - Local quality employment areas are characterised by a critical mass of industrial, warehousing and service activity in fit for purpose accommodation with good access to local markets and employees.

TRAN2 Managing Transportation Impacts of New Development - 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.

TRAN4 and Regeneration Corridor 5: Loxdale – Moxley Located in the heart of the Black Country and straddling the Black Country New Road with its fast, reliable access to the motorway network, both to north (M6) and south (M5), the Loxdale and Moxley employment areas will fulfil their potential to become major industrial and logistics hub serving the Black Country and the region. By 2026, through environmental and local access improvements, a new image will be created attracting new investment and jobs. Housing renewal in adjacent areas will have improved housing for local people and attracted new residents, who will also have good access.

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:

Key planning policy references include saved policies

GP2 Environmental Protection - The Council will expect all developments to make a positive contribution to the quality of the environment and the principles of sustainable development, and will not permit development which would have an unacceptable adverse impact on the environment. The following considerations will be taken into account in the assessment of development proposals:-

I. Visual appearance (see also Policies ENV32 – ENV38 on Design and Development in Chapter 3).

III. Potential problems of land stability, contamination or landfill gas (see also Policy ENV14 in Chapter 3).

X. The effect on species, habitats and sites of nature conservation or geological interest (see also Policies ENV19 - ENV24 in Chapter 3).

ENV10, Pollution, (a) - The development of an industry or facility which may cause pollution will only be permitted if it would not:-

I. Release pollutants into water, soil or air, whether on site or elsewhere, which would cause unacceptable harm to health and safety or the natural environment.

II. Cause unacceptable adverse effect in terms of smoke, fumes, gases, dust, steam, heat, light, vibration, smell, noise or other polluting emissions.

III. Have an unacceptable adverse effect on nearby land uses and/or restrict the types of new development that could be permitted in the locality, or impose special conditions on them.

ENV14, Development of Derelict and Previously-Developed Sites - (a) The Council will encourage the reclamation and development of derelict and previously developed land wherever this is technically feasible and in accordance with other policies of the Plan.

4.4 – Core employment uses are defined as industry and distribution in Classes B1b, B1c, B2 and B8 of the Use Classes Order. Core employment areas are locations of strategic importance and good accessibility which contain major concentrations of these uses, together with better quality buildings and/or development opportunities - referred to as best quality sites. Core employment areas and best quality sites are identified in Policies JP5 and JP6 and will be safeguarded for core employment uses.

JP5, Core Employment Areas - (a) The core employment areas are shown on the Proposals Map. These areas will be safeguarded for core employment uses, permissions for which may be subject to conditions to prohibit change to other uses, such as Class B1 (a) offices. Proposals for other uses will only be permitted where it can be demonstrated that:-

I. A need would be met which could not be satisfied elsewhere in the Borough; or

II. The range and quality of employment opportunities would be significantly increased.

(b) When windfall sites or buildings in core employment areas come forward for reuse or redevelopment they will normally be safeguarded for core employment uses according to the above policy.

4.34, The core employment areas on the Proposals Map are defined on the basis that they contain major concentrations of core employment uses and/or good quality buildings or development opportunities. The policy will ensure that these areas, the best industrial areas that Walsall has to offer, will be retained for these uses. This safeguarding policy will apply to any land within these areas, whether allocated in the

Plan, already committed by planning permission for employment uses, or windfall sites that may emerge in the future. With respect to sites or buildings where the existing uses are not Core Employment Uses, Policy JP5 will apply when they become available for an alternative use or for redevelopment. While the existing use continues, other employment uses, as defined by Policy JP7, that are ancillary or complementary to the development of such businesses would be acceptable in principle; for instance development of the EMR site at Bentley Road South as a Recycling Park.

T7 - (b) All development should satisfy the car parking standards set out in Policy T13. This will involve providing an adequate level of car parking to meet operational needs whilst not exceeding any maximum parking standards that are specified. Appropriate provision of parking for people with special needs must be included, as set out in Policy T13.

T13, Parking Provision for Cars, Cycles and Taxis - II. The standard car parking space should be 4.8m by 2.5m. This can be reduced to 4.8m by 2.2m where it can be shown that there is a low rate of turnover during the day. Provision should also be made for adequate circulation space. Parking should normally be visible from the highway; where this is not possible, there should be adequate signing. Parking should also, wherever possible, be visible from buildings, in the interests of security.

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.

Conserving Walsall's Natural Environment SPD

NE4: Refers to survey standards.

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

Consultations

Canal & Rivers Trust – No objections subject to conditions.

Inland waterways- to be updated at planning committee

Limestone- to be updated at planning committee

Coal Authority – No objections subject to note for applicant.

Pollution Control – No objections subject to conditions for the installation of ground gas protection measures in relation to the portacabin.

Transportation – No objections subject to conditions

Ecology – No objections

Landscape – No objections

Western Power- to be updated at planning committee

Public Participation Response

None

Determining Issues

Principle of Development

Ground Contamination

Residential amenity

Ecology and Canal SLINC

Design and Character of Area

Parking and Highway Safety

Observations

Principle of Development

The application site is within a core employment area and the use is not a core employment use. The application site has not been used since 2009 and the site characteristics (location to canal and ground stability) may mean that a core employment use is not viable. EMP2 protects the land for High Quality industry; the proposal which would be sui generis would not preclude high quality uses in the long term. The proposal would put back into use a site which is overgrown and which is vulnerable to fly tipping and anti-social behaviour, on balance it is considered that the proposed use is acceptable and can be restricted through condition and that the development would not preclude future redevelopment of the site for core employment uses.

Ground Contamination

Pollution Control Officers advise that the site is located partly upon and within 250 metres of a former private landfill site that is known to be gassing. It is not clear whether any gas remaining is migrating off site, therefore any structure including a portable cabin would need to have ground gas ingress prevention measures and any service penetrations sealed to preclude the ingress of ground gas in to the building which can be conditioned.

Impact upon residential amenity

The nearest residential properties are on Hollyhead Road (Black Country Route) which are over 100 metres away on the opposite side of the road and separated from the site by a large building. Those houses are more likely to be subjected to significant levels of road traffic noise from the Hollyhead Road (Black Country Route) than the application site.

This industrial estate is generally unrestricted in terms of working hours. It is not appropriate or necessary, in this instance to introduce hours of operation conditions on this site particularly as it is considered would have no impact on any residential amenity.

Ecology and Canal SLINC

The Canals and River trust advise that drainage methods of new developments can have significant impacts on the structural integrity, water quality and the biodiversity of waterways and have requested a condition be attached for full details to be submitted and agreed prior to the first use of the new development.

The submitted landscape plan and details are considered acceptable by the Ecology Officer to demonstrate that there will be no significant impact on Ecology.

Design and Character of the Area

The Proposal would retain existing boundary trees and existing wire mesh fencing on the canal side and to the tyre shredding plant. New 2.4 metre high palisade fencing is proposed facing Bull Lane and Western Way, no elevation details are provided but in the context of the existing industrial area subject to the finish of the palisade fencing, which can be secured by planning condition, is considered acceptable and would have little impact on the character of the area.

Parking and Highway Safety

The Highways Officer has no objection as the proposed use will involve significantly fewer vehicle movements than the previous car park use: 20-25 movements per day compared to 250+ vehicle movements per day under the previous use. On balance the Highway Authority considers the development will not have severe transportation implications and is acceptable in accordance with NPPF Paragraph 32. Conditions have been recommended for the existing dropped kerb lay-by on Bull Lane to be replaced with a new kerb that the parking areas are demarked prior to use and for details of the cycle parking facilities, all of which can be conditioned.

Recommendation: Grant Permission Subject to Conditions

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

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

2. The works hereby approved shall only be carried out in accordance with the following drawings:

Location Plan deposited 03/02/15

Proposed Site Plan (1189:01A) deposited 26/01/15

Proposed Portacabin Details (1189:02A) deposited 26/01/15

Planning Statement deposited 26/01/15

Appendix A: Air Quality and Coal Mining Risk deposited 26/01/15

Reason: To define the permission.

- 3a. Prior to the development first coming into use, all vehicle hard standing and parking areas shall be fully consolidated, hard surfaced and drained so that surface water from the site does not discharge onto the public highway or into any highway drain. All parking bays shall be clearly demarcated on the ground.

- 3b. These areas shall thereafter be retained and used for no other purpose.

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

- 4a. Notwithstanding the submitted details and prior to the commencement of the development, full details of the cycle shelter for the use of staff, which shall covered and illuminated shall be submitted to and approved in writing by the Local Planning Authority.

- 4b. The approved details shall be fully implemented prior to the development first coming into use and shall be retained thereafter and used for no other purpose.

Reason: In order to implement the development the above details are considered necessary to encourage sustainable modes of travel, in accordance with UDP policy T13 and Black Country Core Strategy Policy TRAN4.

- 5a. Prior to the commencement of the development and in consultation with the Highway Authority, full engineering details of the required reconstruction of the public footway back to full kerb height along the Bull Lane frontage, shall be submitted to and approved in writing by the Local Planning Authority.

5b. Prior to the development first coming into use, the footway reconstruction works shall be fully implemented in accordance with the approved details and to the satisfaction of the Highway Authority.

Reason: The existing public footway along the Bull Lane frontage is, for most part, a continuous dropped footway crossing presumably associated with previous uses of the site. This footway crossing is currently facilitating unauthorised parking on the site and is not required to serve the proposed development. Therefore prior to implementation it is necessary that the footway is reconstructed back to full kerb height, in the interests of highway safety and in accordance with UDP Policy T1, T8, T11 and BCCS TRAN4.

6a. Prior to the development commencing details of ground gas ingress protection measures to be installed in the proposed structure shall be provided to and agreed in writing with the Local Planning Authority.

6b. The agreed details shall be fully implemented and retained thereafter.

Reason: Necessary to ensure there are no public health issues during implementation and in the interests of occupying amenity and to comply with UDP policy ENV10.

7. No development shall take place until details of the means of drainage for the site shall be submitted to and agreed in writing by the Local Planning Authority and thereafter implemented in accordance with the agreed details.

Reason: Necessary to ensure that surface water from the site is disposed of in a safe and appropriate manner in order to protect the integrity of the waterway structure and water quality prior to development commencing in accordance with policies ENV4 Canals and ENV5 Flood Risk, Sustainable Drainage Systems and Urban Heat Island of the adopted Black Country Joint Core Strategy and paragraph 120 of the National Planning Policy Framework relating to land instability.

8a. Notwithstanding the submitted details and plans, prior to the implementation of any lighting, details shall be submitted to and approved by the Local Planning Authority.

8b. The approved details shall be fully implemented and retained thereafter.

Reason: In the interests of protected bat species and to comply with UDP policy ENV23.

9. The location of the fencing details illustrated on plan number 1189:01A shall be fully implemented and retained thereafter

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

10. The 2.4 metre high palisade fencing illustrated on plan number 1189:01A shall be powder coated dark green and retained thereafter.

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

Notes to Applicant:

1. The attention of the applicant is drawn to the need to keep the highway free from any mud or other material emanating from the application site or any works pertaining thereto.
2. The applicant will be expected to enter into an agreement under S278 of the Highways Act 1980 with the Highway Authority for all works within the existing public highway.
3. Advice on basic ground gas ingress protection requirements can be found by reference to the following publication; "Protective measures for housing on gas-contaminated land", BRE Report 414, ISBN 1 86081460 3 (contact CRC Ltd 020 7505 6622 for order information).
4. The Canal & River Trust offer no right of support to the adjacent property. The land owner should take appropriate steps to ensure that their works do not adversely affect the canal infrastructure at this location.



Walsall Council

Economy and Environment – Planning and Building Control

Planning Committee

Report of Head of Planning and Building Control, Economy and Environment on 30/04/2015

Plans list item no: 7.

Reason for bringing to committee: Significant Community Interest

Application Number: 15/0180/OL
Application Type: Outline Application

Case Officer: Alison Ives
Telephone Number: 01922 652604
Email: planningservices@walsall.gov.uk
Agent: A21 Architects

Applicant: Mr Graham-Wilson & Abigail-Burn-Murdoch

Proposal: Outline Application for Residential Development of 8 Detached Dwellings - Access, Layout and Scale to be determined.

Location: 47 PORTLAND ROAD, WALSALL, WS9 8NU

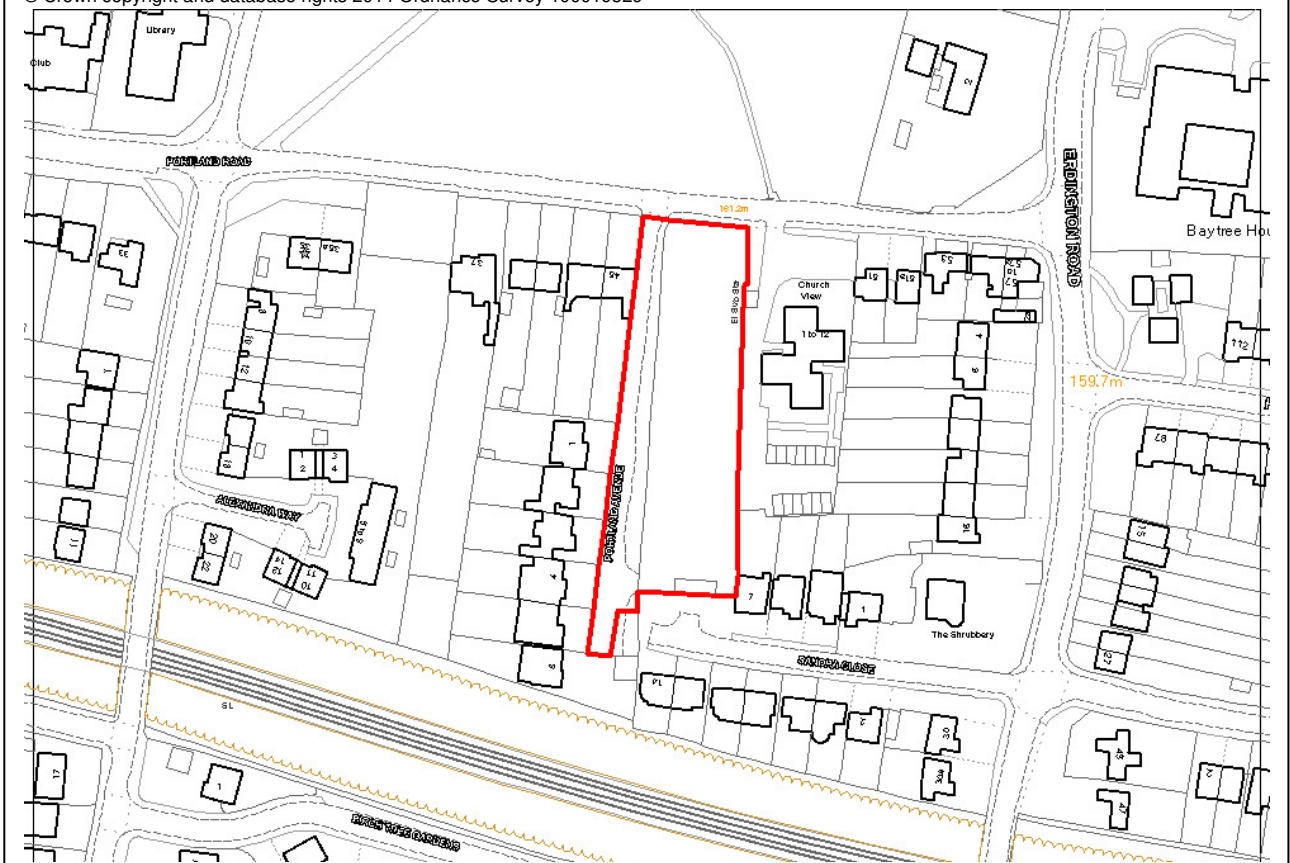
Ward: Aldridge Central & South

Expired Date: 10/04/2015

Extension of Time Target Date:

Recommendation Summary: Grant Permission Subject to Conditions

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Textphone: 0845 111 2910, Fax: (01922) 652670

Application and Site Details

The proposal seeks outline permission for the erection of 8 detached dwellings on the site of a former detached house, 47 Portland Road. Means of access, layout and scale are to be considered.

The site is at the junction of Portland Road and Portland Avenue in Aldridge Conservation Area and faces The Croft open space. There is a Tree Preservation Order on the site (18/1982) covering the mature Sycamore and Ash trees which are predominantly located along the boundary with Portland Avenue. The site is within walking distance of Aldridge District Centre. There is a combination of bungalows, two storey housing and three storey flats surrounding the site in Portland Road, Portland Avenue and Sandra Close. Portland Avenue is an unadopted cul-de-sac. There is a boundary wall between the site and Church View flats and 7 Sandra Close which returns at the end of Portland Avenue.

The proposed layout shows two detached houses facing Portland Road utilising the existing dropped kerb to create individual driveways for plots H1 and H2. These are set back 12-13m from the highway in line with the adjacent house at 45 Portland Road. The remaining six detached houses (plots H3 – H8) are at the rear of plots H1/H2 and face Portland Avenue which is an unadopted private road. The houses on plots H3-H8 are set between 7m and 9.4m from the road immediately behind the row of protected trees. Each plot has an individual driveway beneath the canopy of the trees. The plans identify tree protection zones.

The proposed block plan identifies the eaves and ridge height of the proposed dwellings on plots H1/H2 to be 1.5m higher than 45 Portland Road. The ridge height of plots H3-H7 begins 600mm higher but reduces in height on plots nearer the end of the cul-de-sac. The outline elevations indicate the proposed scale of the dwellings and relationship to surrounding flats and housing. The outline of the permitted apartment scheme is also included for information.

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

The Design & Access Statement – Explains that there is an existing planning permission for 7 dwellings (14/1205/OL) and another for 22 apartments in two blocks (04/0876/FL/E4). It describes the site and surrounding location, layout, scale and access, it discusses the relationship to the protected trees, services and waste removal, ecology and Secure by Design.

The Planning Statement – Explains the site and surroundings and highlights national and local planning policy and guidance. It discusses the principle of development, potential impact of the development on the character of the area and amenities of surrounding occupiers, means of access and parking, TPO trees and ecology.

The Updated Tree Survey – Assesses the 14 remaining TPO trees which are all retained as part of the proposed development.

The Badger Survey – Provides results of a survey undertaken on 16 March 2015 by an ecologist. It describes the site, highlights relevant legislation and survey methods. No badger setts were found or evidence of recent mammal excavations. No mammal tracks, footprints or latrines attributable to badgers were found. One mammal hole identified previously has overgrown indicating it has not been used recently and as it narrows it is uncharacteristic of holes excavated by badgers. Although there may be badgers setts on or close to the railway

embankment in the vicinity there is no evidence of badgers regularly traversing or foraging on the site. Steep trenches should have mammal ramps.

Relevant Planning History

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

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

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

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

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

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

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:

- Support sustainable development
- Requiring good design
- Conserving and enhancing the natural environment
- Promoting sustainable transport

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 aims to deliver a wide choice of high quality homes and advises local planning authorities to plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community.

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
- Are visually attractive as a result of good architecture and appropriate landscaping

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

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

Paragraph 109 encourages protection and enhancement of valued landscapes and geological conservation and remediation and mitigation of despoiled, degraded, derelict, contaminated and unstable land where appropriate.

Paragraph 110 aims to minimise pollution and other adverse effects on the local and natural environment.

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.

Paragraph 126 - Local planning authorities should have a positive strategy for the conservation and enjoyment of the historic environment.

Paragraph 131 seeks to sustain and enhance the significance of heritage assets and putting them to viable uses consistent with their conservation and making a positive contribution to local character and distinctiveness.

Paragraph 137 states new development in Conservation Areas should enhance their significance and preserve elements of their setting that make a positive contribution.

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)

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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

3. Model sustainable communities on redundant employment land in the Regeneration Corridors that make the best use of existing opportunities and are well integrated with surrounding areas.
6. A high quality environment enhancing the unique biodiversity and geodiversity of the Black Country and making the most of its assets whilst valuing its local character and industrial legacy.

9. Sufficient waste recycling and waste management facilities in locations which are the most accessible and have the least environmental impact.
10. Safeguard and make the most sustainable use of the Black Country's mineral resources including primary, secondary and recycled materials without compromising environmental quality.

The above are supported by the following policies:

CSP2: Outside strategic centres and regeneration corridors a mix of good quality residential areas where people choose to live should be provided.

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

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

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

HOU2: 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.

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

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

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

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

ENV1: Seeks to safeguard nature conservation.

ENV2: Development proposals will be required to preserve and, where appropriate, enhance local character. Development proposals will be required to preserve and where appropriate enhance aspects of the historic environment together with their settings.

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

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

Walsall's Unitary Development Plan (UDP)

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

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

The relevant policies are:

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

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

ENV14: Encourages reclamation and development of derelict and previously developed land where possible in accordance with other policies.

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

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

ENV29: Development should preserve or enhance the character and appearance of a Conservation Area

ENV32: Proposals should take in to account the surrounding context particularly within or adjacent to the Green Belt including consideration of the effect on the local character of the area, vehicular and pedestrian patterns and visual relationship to surrounding areas.

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

ENV40: The quality of all water resources will be protected.

H3: Encourages provision of 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.

T1: All development should conform to the accessibility standards set out in policies T10-T13.

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

T5: Seeks to implement selective improvements to highway infrastructure and states highway improvement schemes should be designed to minimise any adverse impact on the environment or the amenity of residents.

T7 – All development should satisfy the car parking standards set out in Policy T13.

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.

4 bedroom houses and above 3 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.

Conserving Walsall's Natural Environment SPD

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

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

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

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

Consultations

Transportation – No objections subject to securing access, layout and scale for which conditions are recommended. The proposed development is less intensive than the approved 22 apartment scheme and offers betterment in traffic generation terms. Although Portland Avenue is sub-standard in terms of highway design, it is a private road and deliveries and refuse collection vehicles already access

Portland Avenue to serve the existing dwellings and it is expected this arrangement will continue (confirmed between the applicant and Walsall Waste Management). On this basis the development will not have severe transportation implications as is acceptable in accordance with paragraph 32 of the NPPF.

Conservation Officer – No objections. The access and layout will not have a material impact on the character of the conservation area or setting of listed buildings. The majority of the proposed houses do not front onto the common so the layout does not have a significant impact. The buildings are less of a scale than the formerly approved apartments and is more in keeping with the village green character.

Fire Service – It appears the turning facility is not suitable for emergency vehicles. There should be 16.8m between kerbs of 19.2m between walls.

Natural Environment (Ecology) – No objections. Details of new bat boxes should be secured by condition.

Pollution Control – No objections. Due to the proximity of the development to neighbouring properties it is considered that a restriction of hours on the construction phase of the development should be secured. A condition is recommended.

Severn Trent Water – No objections subject to securing drainage details by condition.

Town Centre Manager – Supports the proposals as it will add spending power in support of the town centre viability.

Tree Officer – No objections. The proposals have no greater impact on protected trees than the previous permission. Tree protection measures highlighted in the updated tree survey should be secured by recommended conditions.

Public Participation Response

There are 5 letters of objection from 3 households and three letters from Staffordshire Badger Conservation Group. These are summarised as follows:

- Badgers may be present on site as they visit neighbouring gardens
- An ecological survey should be undertaken to assess badger activity and mitigation measures incorporated if required
- Badgers have been seen on site
- Site management measures will be required to address badgers
- Protected species (bats) have already been lost on site
- Loss of wildlife
- The site is not previously developed it was a back garden
- 8 houses is inappropriate for the site, fewer houses would be better
- Cramped and out of keeping
- Inappropriate scale, density and massing detrimental to the area
- Detrimental to the conservation area

- Plot H8 is close to the boundary wall of 7 Sandra Close
- There should be a gap between plot H8 and the wall
- Small gardens
- Previous objections to the earlier scheme still apply
- Loss of privacy
- Overlooking
- Loss of sunlight
- Increased traffic in Portland Avenue and parking in Portland Avenue
- Inadequate parking
- Increased congestion and parking causing highway safety issues
- Adverse impact on protected trees
- Trees are likely to cause problems for future occupiers
- A site visit should be undertaken by councillors
- Trenches exposed on site are dangerous

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

Determining Issues

- Principle of development
- Layout and Scale of the development
- Access
- Impact on the character and amenity of the Conservation Area
- Relationship between surrounding properties
- Trees and Ecology

Observations

Principle of development

The original dwelling was demolished in 2001 following the grant of permission. There is a current planning permission for the erection of 22 apartments in two large four storey buildings on the site (04/0876/FL/E4) and more recently outline permission for the erection of 7 dwellings (14/1205/OL). The principle of residential development on the site is already established despite the neighbours concern that this is not a previously developed site. The applicant's fallback position would be to complete the approved apartment development.

Objectors consider the scheme is out of keeping with the surrounding area and would prefer a development of fewer houses. The density of the scheme is 24 dwellings per hectare which is considered acceptable and not overdeveloped.

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

Layout and Scale of the development

The outline permission seeks approval of layout and scale. The layout shows two properties fronting Portland Road and the remaining 6 properties facing Portland Avenue with clear definition between public and private spaces. The layout achieves adequate rear garden spaces in excess of 68m² per dwelling in accordance with Council guidelines.

The layout also accommodates driveways for each house to provide for off-street parking. Although the driveways are between the retained TPO trees the tree officer does not raise any objections. The canopy of the trees is well above the proposed height of the houses so there will not be significant overshadowing. It is recommended that bat boxes are provided in

the proposed new dwellings and retained trees as on the earlier permission so a condition is recommended to secure this.

The scale of the buildings is illustrated on the proposed outline elevations which indicated the height of the proposed dwellings is lower than the approved apartment scheme and more in keeping with the scale of surrounding houses. Although the proposed dwellings facing Portland Road are taller than Church View flats or 43/45 Portland Road the scale of the proposed dwellings is not overly dominant given the separation between the existing and proposed properties. The detailed appearance of the dwellings will be subject to reserved matters to but given the scale of the dwellings is acceptable the development would respect the conservation area and The Croft setting.

The density of the proposal is 24 dwellings per hectare and the density of existing housing in Portland Avenue is 30 dwellings per hectare. Despite the objections claiming that the development is cramped, and the scale, massing and density are out of keeping with the area the proposal is actually lower density and is considered appropriate. The density is also lower than the approved apartment scheme which is 67 dwellings per hectare.

Severn Trent Water has recommended a condition to secure detail of appropriate drainage.

The addition of one extra house in Portland Avenue compared to the earlier permission does not significantly change the layout or scale of the development.

The proposed layout and scale are satisfactory and do not have any significant impact on the character of the area. As appearance and landscaping of the site are reserved for subsequent approval there is further opportunity to ensure the character of the Conservation Area is protected and enhanced. Retention of the trees will also help assimilate the development into its surroundings.

Access

The two plots fronting Portland Road utilise the original in/out access that served 47 Portland Road and is acceptable subject to a slight adjustment for plot H1 to realign the dropped crossing with the driveway. A condition is recommended to secure this.

There will be six additional dwellings served off Portland Avenue and residents are concerned about increased traffic, congestion and parking in the vicinity. The Fire Service has also highlighted that there does not appear to be adequate turning space for a fire service vehicle. The access is no different to the approved scheme under permission 14/1205/OL which was previously acceptable to the Fire Service. Any further comments will be reported at committee.

The number of proposed dwellings, even with the extra dwelling, does not trigger the need for any traffic impact assessment and the additional dwellings will not create a significant amount of additional traffic or on street parking that would have a significant adverse impact on highway safety in the surrounding highways. It is also considered that the proposals would not have a greater impact on highway safety than the approved apartment scheme.

The width of Portland Avenue is unaffected by the proposals.

It is recommended that a construction traffic methodology plan is agreed before works commence given the private access is shared with existing residents.

The proposed layout demonstrates how off-street parking can be provided. The Transportation officer recommends a condition to ensure that the reserved matters

submission makes provision for off-street parking appropriate to the number of eventual bedrooms per dwelling in accordance with policy T13.

Impact on the character and amenity of the Conservation Area

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

Objectors are concerned the proposals are detrimental but the Conservation officer raises not objections.

Relationship between surrounding properties

Only the front part of Church View flats have windows in the gable facing the site and this faces the gable of plot H1 so there is no significant overlooking. There is also almost 12m between the building and garden boundary of plot H1.

There is 10m between the rear of plot H8 and the gable wall of 7 Sandra Close which is below the 13m recommended guidelines. There are no habitable room windows in the gable wall of 7 Sandra Close and although there is a single storey conservatory extension at the rear the existing boundary wall masks any view of this. The details of the appearance of the dwellings are reserved for subsequent approval but the proposals are considered not to cause significant harm to the outlook, daylight or privacy of 7 Sandra Close.

The neighbour considers there is a need for a greater gap between the gable of plot H8 and their garden boundary wall. There are no proposals for the existing boundary wall but any replacement or repair will be controlled by the recommended condition to secure boundary treatments. If damage is caused to the neighbouring property this is a civil matter not a material planning matter.

There are bungalows opposite the site on Portland Avenue at least 20m away on the opposite side of the highway. Despite being below the recommended 24m this is an acceptable distance and is similar to the relationship between properties in Sandra Close nearby and should not have a significant impact on the outlook, daylight or privacy of residents. There is existing screening to some of the bungalows opposite.

The adjacent property 45 Portland Road has two storey side extensions that abut the highway in Portland Avenue. There are only small non-habitable windows in the extended gable. This is almost 10m away from the property on plot H2 which is considered adequate and will not harm the outlook, privacy or daylight to either property.

A condition to restrict construction hours to protect amenities is recommended. The current trenches on the site which neighbours consider to be dangerous are enclosed with safety fencing to prevent trespass.

Neighbours consider committee should visit the site. Although this is not usual procedure, photographs and videos are provided at committee to help members reach a decision.

The relationship between the proposals and the surrounding properties is considered acceptable.

Trees and Ecology

The proposal allows retention of the remaining TPO trees and the Tree Officer has no objections to this. These trees are an important part of the character of the site and although one objector states the trees are likely to cause problems for future occupiers and will be removed their immediate retention does help assimilate the development into the conservation area. Tree protection measures are required and a condition is recommended to secure this.

The scheme has no greater impact on the trees than the approved apartment scheme or the outline permission for 7 dwellings. Also as the tree canopies are very high so less likely to cause overshadowing of the dwellings themselves. The potential impact of parking over tree roots can be addressed by specific construction methods to be secured by condition as identified in the Updated Tree Survey.

The trees are to remain so wildlife using these trees will remain and new gardens offer opportunity for new habitats.

Local residents and Staffordshire Badger Conservation Group are concerned that badgers have been seen on site and adequate survey and mitigation measures should be provided if required. A Badger Survey has been provided and finds no evidence of badger setts or that badgers are present on site. No mitigation measures are required.

The Ecologist is satisfied that there will be no adverse impact on protected species and recommends a condition to secure new bat roosts in the trees and dwellings. This addresses the neighbours concern about the potential impact on protected species.

Positive and Proactive working with the applicant

Officers have discussed the significance of the proposals with the applicant and their agent and discussed the process for determining this application. In response to this advice relevant supporting information and additional revised plans have been submitted. In light of the submitted details officers are able to support the scheme.

Recommendation: Grant Permission Subject to Conditions

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

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

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

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

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

- a) Appearance
- b) Landscaping

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

4a. Prior to the commencement of the development drainage details for the disposal of both surface water and foul sewage shall be submitted to and approved in writing by the Local Planning Authority.

4b. The development shall be completed with the approved details and retained as such.

Reason: To ensure the development is provided with satisfactory means of drainage and to reduce the risk of flooding and pollution. Drainage is below ground infrastructure that needs to be resolved before construction of any new dwellings is commenced.

5a. Prior to the commencement of any built development above damp proof level on any structure details of external facing and roofing materials shall be submitted to and approved in writing by the local planning authority.

5b. The development shall be completed in accordance with the approved facing materials.

Reason: To ensure the facing and roofing materials harmonise with those in the surrounding vicinity.

6a. Prior to the commencement of the development, a Construction Methodology Statement and plan including details of a turning facility and parking for site operatives, the siting of portakabins and materials, shall be submitted to and approved in writing by the Local Planning Authority.

6b. The Construction Methodology Statement shall be implemented and retained during the period of construction in accordance with the approved details.

Reason: To ensure the safe and satisfactory operation of the development during construction due to the sensitive nature of the site near to Aldridge District Centre, a local church and school. Construction methodology needs to be implemented from the outset of a development so details are required for approval beforehand.

7. As part of any reserved matters submission the dwelling design shall include sufficient parking to meet UDP policy T13 parking standards.

Reason: To accord with UDP Policy T13.

8a. Prior to the commencement of any built development above damp proof level full details of the design, construction and location of artificial bat roosts to be incorporated into the new buildings and of bat boxes erect on trees shall be submitted to an approved in writing by the local planning authority.

8b. The approved scheme shall be incorporated before any part of the development is brought into use and retained free of obstruction thereafter.

Reason: To conserve local bat populations.

9a. Prior to the commencement of any built development above damp proof level, a detailed landscaping scheme and maintenance strategy for the development (including any

necessary phasing of implementation) shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be submitted on a plan to an appropriate scale and shall include where applicable, details of:

- (i) Ground preparation for any planting and seeding/turfing areas should include the requirement to de-compact formation level below any top soiling following inevitable heavy trafficking by construction plant.
- (ii) Topsoil depths – shrub/hedgerow planting areas should be at least 450mm : grass seeded /turfed areas should be at least 150mm.
- (iii) Further details of proposed tree/plant species, number of plants/shrubs, size at time of planting, density, ground surface treatment, tree support and tree pit details, root barriers and mulching. full details of sizes/ container volumes/ seed mixes/ plant numbers/ provenance/ botanical and English names and methods of planting.
- (iv) Tree planting and staking details which should be ideally shown as standard detail(s)
- (v) Full specification for walls, fences, gates (boundary and internal, showing materials, heights and location), and paving (materials and layout).

9b. The scheme shall be completed fully in accordance with the approved details before the development is occupied and retained as such.

9c. All planted areas shall be maintained for a period of 5 years from the full completion of the scheme. Within this period any tree(s), shrubs or plant which die, becomes seriously diseased, damaged or is removed shall be replaced with a tree, shrub or plant of the same or greater size and same species as that originally required to be planted.

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

10a. Prior to the commencement of any built development above damp proof level details of proposed measures to achieve a high quality sustainable design shall be 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. Additional ecological measures

10b. 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 deliver a higher quality and sustainable means of construction.

11a. Prior to the first occupation of any of the approved dwellings full details of all boundary treatment shall be submitted to and approved in writing by the local planning authority.

11b. The development shall be completed in accordance with the approved details and retained thereafter.

Reason: To ensure the satisfactory appearance of the development and to secure the site.

12. Prior to the first occupation of any of the approved dwellings full details of any proposed external lighting to be installed on the site shall be submitted to and approved in writing by the Local Planning Authority. Any details of external lighting approved by the Local Planning Authority shall be installed fully in accordance with the approved details and retained as such.

Reason: To safeguard the visual amenities of the area.

13. None of the existing trees on the site shall be lopped, felled or root pruned without the prior consent in writing of the Local Planning Authority. The development shall be implemented in accordance with the approved tree protection and construction methodology measures as identified in the approved Updated Tree Survey prepared by Paul Dickinson & Associates (February 2015) in accordance with the recommendations of BS5837:2012 and maintained throughout the development.

Reason: To safeguard the trees in the Conservation Area on site.

14. During demolition, site preparation and building operations no storage of materials, equipment or waste, nor passage of vehicles, nor lighting of fires shall take place beneath the canopy of any tree to be retained.

Reason: To safeguard the trees in the Conservation Area on site.

15a. Prior to the first occupation of any new dwelling on the development, the proposed vehicle hard standing/parking areas serving that dwelling shall be fully consolidated, hard surfaced, drained and brought into use.

15b. All parking areas shall be thereafter retained and used for no other purpose.

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

16. Prior to the first occupation of the dwelling on Plot H1 fronting Portland Road, a new dropped kerb footway crossing shall be installed to align with the new driveway. The works shall be constructed to a specification to be approved and agreed in writing by the Local Planning Authority. Any works shall meet all statutory requirements.

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

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

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

Reason: To protect the amenities of surrounding occupiers.

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

- Proposed Block Plan (0603/100 Rev. B) received 05/02/15
- Proposed Site Plan (0603/101 Rev B) received 05/02/15
- Location Plan & Proposed Outline Elevations (0603/102 Rev B) received 05/02/15
- Design & Access Statement received 05/02/15
- Planning Statement received 05/02/15
- Updated Tree Survey prepared by Paul Dickinson & Associates (February 2015) received 05/02/15
- Badger Survey prepared by Dr Jackie Underhill (18/03/15) received 25/03/15

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



Walsall Council

Economy and Environment – Planning and Building Control

Planning Committee

Report of Head of Planning and Building Control, Economy and Environment on 30/04/2015

Plans list item no: 8.

Reason for bringing to committee: Called in by Councillor L Rattigan and contrary to policy.

Application Number: 15/0081/FL
Application Type: Full application

Applicant: Mr Z Hussain

Proposal: Single storey rear extension and garage conversion.

Location: 2 SCHOLARS WALK, WALSALL, WS4 1SW

Ward: Rushall-Shelfield

Case Officer: Devinder Matharu

Telephone Number: 01922 652602

Email: planningservices@walsall.gov.uk

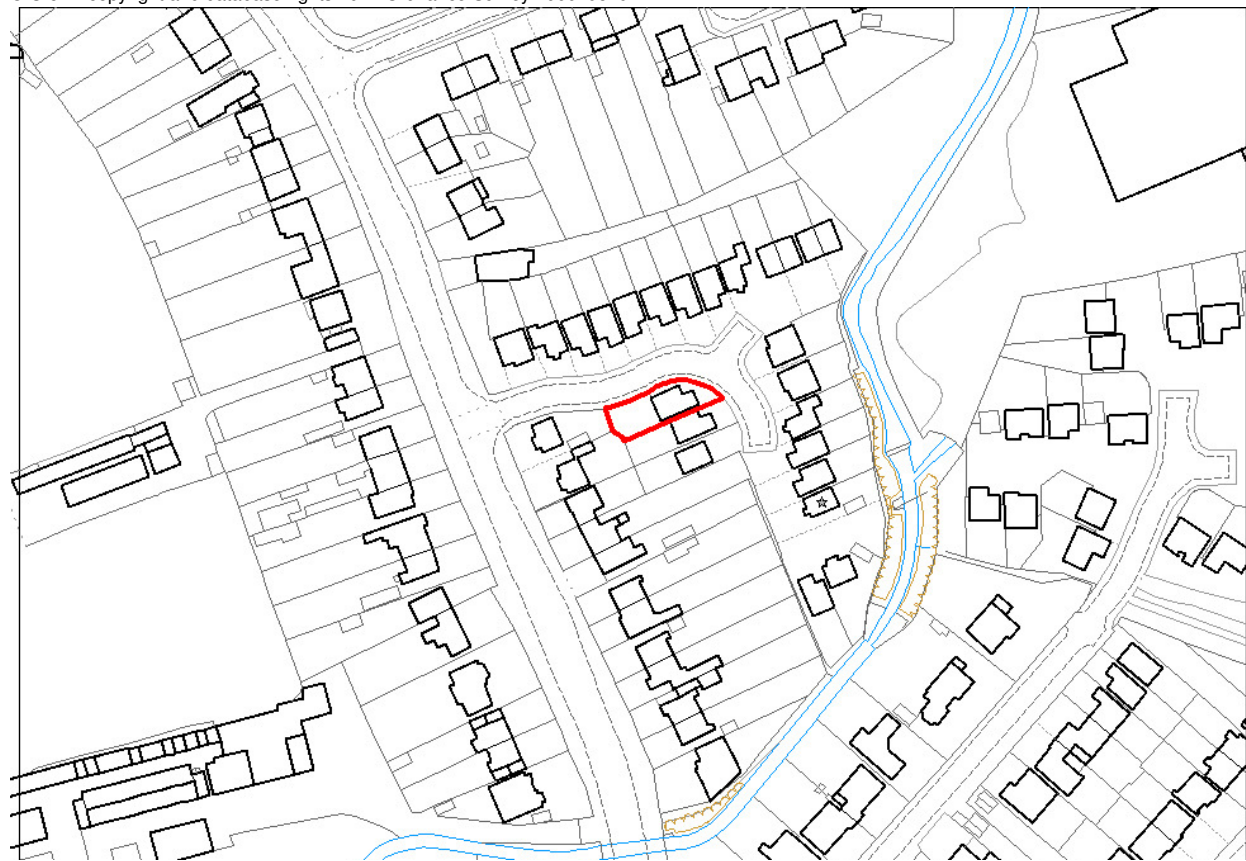
Agent: Mr Lee Mitchell

Expired Date: 06/04/2015

Extension of Time Target Date:
08/05/2015

Recommendation Summary: Refuse

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Textphone: 0845 111 2910, Fax: (01922) 652670

Current Status

Councillor Rattigan has called in the planning application on the grounds to support the application on medical grounds for a family member for whom the extension is required and neighbours have no objections to the proposed plans.

Application and Site Details

Scholars Walk is a cul de sac located off the eastern side of Pelsall Lane and serves 25 dwellings. Number 22 Scholars Walk is a three bedroom detached house located on the western side of Scholars Walk. The property is located at the corner of Scholars Walk and has a front driveway, garage and a front garden that extends to the side of the house fronting Scholars Walk. The front and side of the house are open with a 1.8m high wall from the rear elevation of the property forming the side boundary of the rear garden along Scholars Walk. This boundary wall forms a continuous side boundary to 66b Pelsall Lane, the property at the rear of the site. Behind the boundary wall are conifers.

In front of the house, adjacent the driveway is a lamp post.

The rear garden boundary of the application site with number 66b Pelsall Lane is a 1.8m high close board fence. A row of conifer trees are planted in front of the fence within the rear garden of the application site.

The boundary treatment with number 4 Scholars Walk is a close board round top fence that is approximately 1.8m high at the highest point.

To the rear of the application site is number 66b Pelsall Lane, a detached house with a rear conservatory. To the southern side of the application site is number 4 Scholars Walk, a detached house that is positioned approximately 1.8m further back from the rear elevation of number 2. The ground floor of this neighbouring property has a habitable room.

The application proposes:

- the erection of a single storey rear extension that would extend out 4m from the original rear elevation of the house and would extend the whole width of the house at 6.5m. The roof would be 2.5m to the eaves and 3.8m high.
- The rear extension would provide an additional bedroom and an extension to the existing lounge.
- The conversion of the garage to provide a shower room. The shower room would have a window.

The number of bedrooms would increase to 4 in total.

A plan has been submitted which shows three parking spaces with two options with a parking space at an angle to the front garden adjacent the driveway and an option showing a parking space within the rear garden of the property.

The parking space shown within the rear garden of the application site will need to be included within the description of development.

The proposed extension would leave the property with a rear garden length that averages out at 7.6m and a total amenity area of 64 square metres.

Relevant Planning History

BC57281P – Rushall Primary School, Pelsall Lane. Proposed development of 25 houses, new access road to Pelsall Lane and associated landscaping works. GSC March 1999.

Planning condition 2 restricts development within classes A, D and E.

Planning condition 3 restricts any side facing doors or windows.

Planning condition 7 restricts other vehicular access other than those shown on the approved plans

Condition 12 prevents any means of enclosure

Relevant Planning Policy Summary

National Planning Policy Framework (NPPF)

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

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

- Seek to secure high quality design and good standards of amenity for all existing and future occupants

Key provisions of the NPPF relevant in this case:

7: Requiring Good Design

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

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

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

On **conditions** the NPPF says:

Planning obligations should only be sought where they meet all of the following tests:

- necessary to make the development acceptable in planning terms;
- directly related to the development; and
- fairly and reasonably related in scale and kind to the development.

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

Costs imposed on developments should pay careful attention to viability and take account of market conditions.

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

The Development Plan

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

The 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)

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 key planning policies include

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.

CSP4 – Place making

The design of spaces and buildings will be influenced by their context and seek to enhance the unique attributes the area offers in terms of its local character and heritage whilst responding to current day needs, changes in society and cultural diversity.

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:

Policies GP2, 3.6, 3.7 seek to make a positive contribution to the quality of the environment, whilst protecting people and not permitting development which would have an unacceptable adverse impact on the environment. Considerations to be taken into account in the assessment of development proposals include:

I. Visual appearance.

VI. Overlooking, loss of privacy, and the effect on daylight and sunlight received by nearby property.

VII. The adequacy of the access, and parking.

3.113, 3.114, 3.115, ENV32 & 3.116: new development should be considered in relation to its setting and should create high quality of built and landscape design, well integrated with surrounding land uses and local character. Designing out crime' through design, layout, landscaping and boundary treatments is encouraged.

ENV14 encourages the development of previously developed land.

T4 – residential street are minor roads

T7- All development should satisfy the car parking standards set out in Policy

T13. This will involve providing an adequate level of car parking to meet operational needs whilst not exceeding any maximum parking standards that are specified.

T13: Parking Provision

3 bedroom houses and above, 3 spaces per unit

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

Supplementary Planning 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

Provides guidance on how to achieve good urban design within Walsall, including a range of key issues that developers must address. For residential developments, Privacy and aspect distances between dwellings must ensure that all occupants have a satisfactory level of amenity, whilst reflecting the existing and emerging character of the area. This will normally mean designing developments that, as a minimum, meet the numerical guidelines contained in Appendix E (listed below) although distances greater than these guidelines state will be applicable where it is appropriate to the character of the area. It may be possible to achieve shorter distances through creative design or in order to protect an area's character.

Policy DW3 refers to character.

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

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

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

Consultations

Transportation – Objection on the grounds of parking, access and visibility.

Pollution Control Contaminated Land Team –No objection

Arboricultural Officer – No objection.
Ecology – No objection

Public Participation Responses

None

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

Determining Issues

- Principle of development
- Design of extension and character of area
- Impact upon existing occupiers
- Impact upon the amenities of surrounding occupiers
- Trees
- Parking and Access

Observations

Principle of development

Planning permission is required for the proposed extension, as on the original planning permission BC57281P for the whole estate, permitted development rights for extensions, porches and outbuildings have been removed due to the relatively small size of the rear and front gardens. Whilst the proposal would normally be permitted development, as permitted development rights have been removed, the scheme would have to be considered under current planning policy.

Annexe D of Designing Walsall SPD requires a rear garden length of 12m and a total amenity area of 68 square metres. The rear garden length, in this case would fall short by 4.4m and the total amenity area by 4 square metres. Whilst, this shortfall would not be excessive given the above figures, the proposal seeks to include a rear car parking area which would further reduce the rear garden length to 6m and the total amenity area to 55 square metres, a shortfall of 13 square metres.

The proposal seeks to install a small window in the side elevation facing number 4 in the garage conversion; planning condition 3 restricts any side facing doors or windows. If permission was to be granted, it can be conditioned that this window is obscurely glazed with the upper part opening only.

Design of extension and character of area

The design of the single storey extension is considered to be acceptable and would not detract from the character or setting of the existing house.

Impact upon existing occupiers

The agent has submitted a plan which shows that the rear garden would be further reduced by the introduction of a parking space within the rear garden of the property. The proposed extension and rear parking space would unduly impact upon the amenities of the existing occupiers by way loss of amenity with the reduced amenity space.

Impact upon the amenities of surrounding occupiers

Number 4 Scholars Walk is positioned approximately 1.8m further back from the rear elevation of number 2. The rear of this neighbouring property has windows at both ground and first floor. The nearest window on the ground floor is a habitable room window. The proposed extension at number 2 would extend out 4.0m from the original rear elevation of the property, so in total number 2 would sit further forward by 5.8m from the rear elevation of number 4.

The depth of the proposed extension in close proximity to number 4 would have an overbearing impact on the rear habitable room window and rear garden of number 4 Scholars Walk resulting in loss of light. Consideration though is given to the presence of the existing shed in the garden of number 2. This structure lies adjacent to the boundary fence with number 4. It is approximately 2.4m from the rear of the house and extends 1.8m into the garden resulting in the rear wall of the shed being some 4.0m from the rear of number 2, a similar distance to the proposed extension.

Although the eaves of the shed and the ridge of its roof are lower than the extension, it is positioned hard to the boundary and not set back. The extension is 0.85m away from the fence line and as a result its impact is slightly diminished. In assessing the scheme, consideration is also given to the fact that number 2 is located immediately to the north of its neighbour. This means that any impact from overshadowing will be negligible.

Having taken these points into account, it is considered that the difference between the harm arising from the existing shed and the proposed extension is limited and whilst the extension will preclude a some light entering the neighbouring property from the existing gap between the shed and the applicants house, this is restricted and accordingly can only be offered limited weight. If the scheme were found to be acceptable, it is considered neighbouring privacy can be secured through the use of a condition to control the installation of windows in the side elevation.

To the rear of the site is number 66b Pelsall Lane, the boundary treatment between the two properties is a 1.8m high close board fence and conifer trees within the application site. This property has a rear conservatory. The separation distance between the existing conservatory at the rear of this house and the proposed extension at number 2 would be 18.6m. If planning permission was to be granted a planning ensuring the boundary fence between the two properties is retained to maintained to protect the privacy of both occupiers.

Trees

The Arboricultural Officer has no objection to the loss of two conifer trees that form the hedge along the boundary with Scholars Walk, as their loss will have little visual impact in the locality.

Parking and Access

Highways object to the proposal on the grounds of parking, access and visibility.

The proposal would increase the number of bedrooms from 3 to 4 and will result in the loss of the existing garage for parking. Policy T13 of the UDP requires 4 bedroom dwellings to have 3 off road parking spaces. Whilst the proposal seeks to provide 2 new off road parking spaces, one in front of the house adjacent the existing driveway and one to the rear of the site within the rear garden, in highway design terms those spaces are unacceptable.

There is insufficient space across the front corner of the dwelling to accommodate the required 2.4m x 4.8m space which is likely to result in a parked vehicle overhanging the public highway. The angle of the parking space is likely to require a vehicle to manoeuvre over the public footway in order to access/egress the space particularly if there is car already parked on the driveway. Additionally, the position of the existing street lighting column tight on the back of footway on the corner will also make manoeuvring into the proposed space awkward, which would be contrary to highway safety on a bend in the road. The proposed parking space in the rear garden fails to provide the required 2.4m x 3.4m pedestrian visibility splay which does not pass over third party land, contrary to the safe passage of pedestrians along the street and motorists merging from the access.

Planning condition 7 of planning reference BC57281P restricts any other vehicular access other than those shown and approved on the deposited plans. The proposal would be contrary to this condition, as it seeks a new access to the rear of the application site.

Positive and proactive working with the applicant

The excessive depth of the proposed extension in close proximity to number 4 would have an overbearing impact on the rear habitable room window and rear garden of number 4 Scholars Walk as well as resulting in loss of light. As such the proposed extension would unduly impact upon the amenities of the occupiers of number 4 Scholars Walk

The proposed extension and rear parking space would unduly impact upon the amenities of the existing occupiers by way loss of amenity with the reduced amenity space.

Recommendation: Refuse

1) The proposed rear extension and rear parking space would reduce the rear garden and level of amenity space that would be available for the existing occupiers of the existing house. Furthermore, the proposal would fail to comply with the residential standards as set out in Annexe D of Designing Walsall SPD. The proposal would be contrary to the National Planning Policy Framework, policies CSP4 and ENV3 of The Black Country Core Strategy and saved policies GP2, 3.113, 3.114, 3.115, ENV32 and 3.116 of Walsall's Unitary Development Plan 2005.

2) The proposed development fails to not only provide sufficient and adequate parking to meet the operation needs of the development as set out in policy T13 of the UDP but also fails to meet current parking space design requirements contrary to highway safety. The proposal would also be contrary to condition 7 of planning reference BC57281P. As such the proposal would be contrary to Policies GP2, T7 and T13 of Walsall's Unitary Development Plan 2005.



Walsall Council

Economy and Environment – Planning and Building Control

Planning Committee

Report of Head of Planning and Building Control, Economy and Environment on 30/04/2015

Plans list item no: 9.

Reason for bringing to committee: Councillor Andrew has called this application before planning committee because he supports the application despite conflict with the development plan and due to significant community interest.

Application Number: 14/1882/FL

Application Type: Full application

Applicant: All Drain Solutions (Midlands) Ltd

Proposal: Change of use of residential driveway for the storage of a trailer unit and the retention of a home office associated with the 24 hour drainage emergency service business use

Location: 53 AVIEMORE CRESCENT, GREAT BARR, BIRMINGHAM, B43 7QA

Ward: Pheasey Park Farm

Case Officer: Helen Smith

Telephone Number: 01922 652606

Email: planningservices@walsall.gov.uk

Agent:

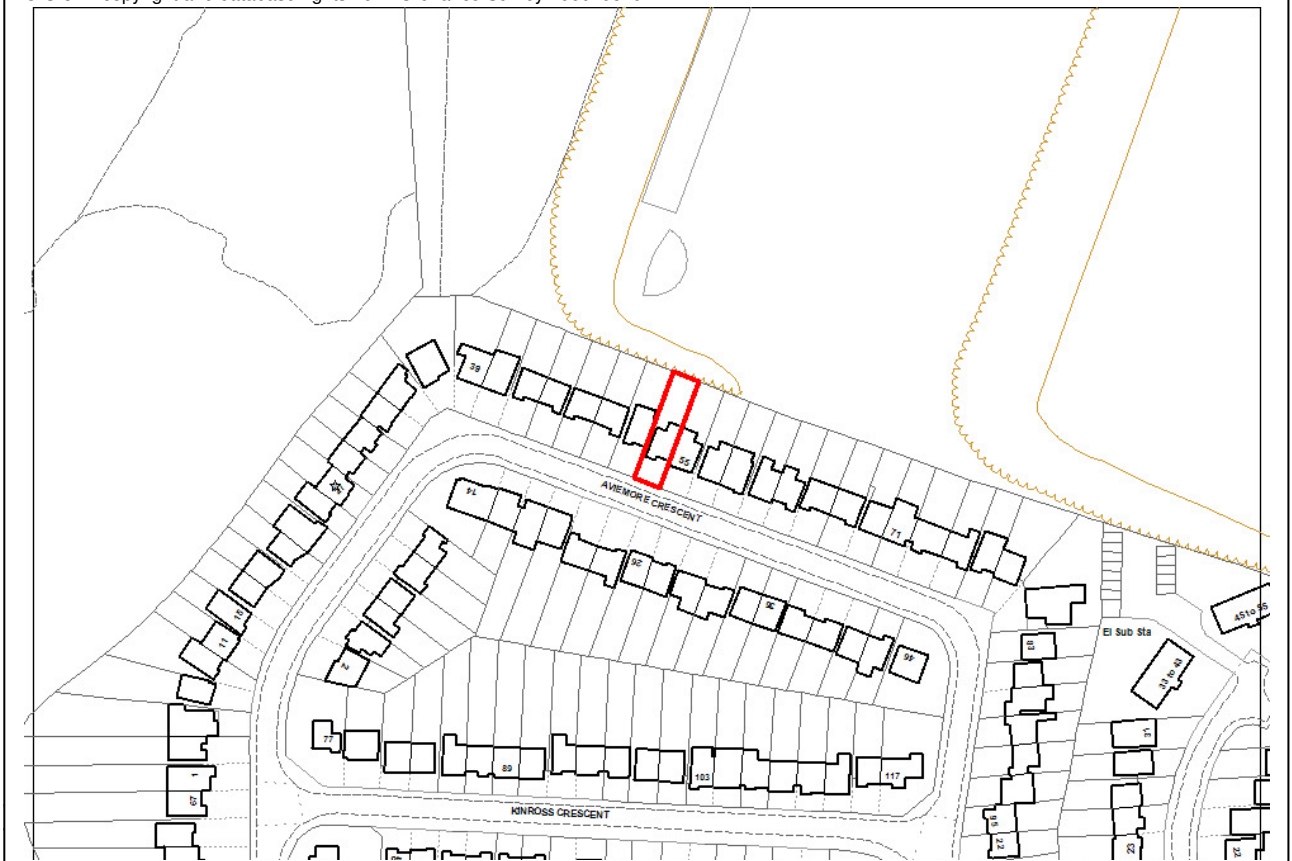
Expired Date: 11/02/2015

Extension of Time Target Date:

08/05/2015

Recommendation Summary: Refuse

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Application and Site Details

This planning application has been made by the land owner to try to regularise the planning position following an enquiry to the Council and subsequent investigation by the Planning Enforcement Team.

This is a semi-detached house with a single storey front extension and a hard-surface frontage which is used for parking.

The surrounding area is residential in character and Aviemore Crescent consists of pairs of semi-detached houses and detached houses of similar design.

This application is for the change of use of the residential driveway for the storage of a yellow high pressure jetting trailer unit which has an industrial character. When the unit not in use it is covered by a heavy duty light grey tarpaulin. A sign written van is parked on the highway and a family car is parked on the drive.

The applicant operates a 24 hour drainage emergency service and preventative drain maintenance service from 53 Aviemore Crescent which is also a family home. Whilst this application relates to storage of the jetting unit it is considered for completeness the business and any other impacts on the residential character of the dwelling house should be reviewed as part of the planning process.

The existing garage was extended and converted into a home office for the business with a separate study area to the rear of the former garage for a school child. The business area includes a computer, desk, a shared printer, fax, office telephone and various filing cabinets/cupboards to store documents such as health and safety files and insurances. The remainder of the house and rear garden retains a residential character.

The applicant has confirmed that other than the van and jetting unit a wheel barrow and old drainage rods, which are no longer in use and due to be discarded, are stored at the property in connection with the business.

It is stated that any business materials are collected directly from their suppliers and stored either on site or in vehicles with any unused materials returned back to their suppliers who raise a credit note. Unwanted materials are disposed of in an arranged waste skip and removed from the site. No dangerous chemicals are used or stored at the application house.

The jetting unit is generally away from the house during normal working hours Monday to Friday between 07:30 hours to 17:30 hours but as the operation is 24 hours the applicant has advised that the jetting trailer unit needs to be available at all times. The unit is stored on the private driveway at the front of the house when not in use.

The applicant has confirmed that he has 4 direct employees (including himself) and staff visit the house on odd occasions i.e. to deliver or collect paperwork and petty cash.

A second jetting unit is fitted within another vehicle which is parked outside an employee's home address and is used by two employees. The jetting trailer unit parked at the application property is used by the applicant who picks up an employee (a relative who also makes social calls to the application house) on the way to a job. Equipment will usually be swapped between the two business crews by arrangement on site rather than at the home address.

The applicant's partner provides clerical assistance for the business and all jobs are communicated between staff by mobile telephone where staff can also view clients' orders and instructions via the internet. Both vehicles have fuel cards and can be re-fuelled without the need to visit the house.

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:

- 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

Key provisions of the NPPF relevant in this case:

7: Requiring Good Design

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

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 pre-application engagement is encouraged and

186. Local planning authorities should approach decision-taking in a positive way to foster the delivery of sustainable development. The relationship between decision-taking and plan-making should be seamless, translating plans into high quality development on the ground.

187. Local planning authorities should look for solutions rather than problems, and decision-takers at every level should seek to approve applications for sustainable development where possible. Local planning authorities should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area.

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 advised that "...due weight should be given to relevant policies....according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater weight they may be given)." To consider the conformity of the BCCS with the NPPF the four Black Country councils have completed a 'Compatibility Self-Assessment Checklist (published by the Planning Advisory Service) and have discussed the results with a Planning Inspector. Whilst there is no formal mechanism to certify that the BCCS is consistent with the NPPF the discussions led officers to the conclusion that the exercise identified no issues that would conflict with the NPPF or require a review of the BCCS in terms of conformity.

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

The relevant policies are:

CSP4: Place Making

ENV2 and ENV3 states that all development should aim to protect and promote the special qualities, design quality and local distinctiveness of the Black Country.

Walsall's Unitary Development Plan (UDP)

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

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

The relevant policies are:

GP2: Environmental Protection

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

I. Visual appearance.

VII. The adequacy of the access, and parking.

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 the following locations:-
- On a visually prominent site.
- (b) When assessing the quality of design of any development proposal the Council will use some or all of the following criteria:-
- The appearance of the proposed development.
 - Community safety and security.
 - The visual relationship of the proposed development with adjacent areas, the street and the character of the surrounding neighbourhood.
 - The effect on the local character of the area.
 - The proposed vehicular and pedestrian circulation patterns.

T7: Car Parking

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

T13: Parking Provision

1, 2 and 3 bedroom houses 2 spaces per unit

4 bedroom houses and above 3 spaces per unit

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

Supplementary Planning 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

Provides guidance on how to achieve good urban design within Walsall, including a range of key issues that developers must address. For residential developments, Privacy and aspect distances between dwellings must ensure that all occupants have a satisfactory level of amenity, whilst reflecting the existing and emerging character of the area.

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

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

Relevant Planning History

06/1304/FL/H12 - Front extension to include conversion of garage into study and porch - granted subject to conditions 14/9/06

Consultation Replies

Transportation – No objections

Representations

The occupiers of no. 26 Avimore Crescent have confirmed they have no objections and consider the proposal would be better as they live opposite no. 53 and always have to be aware of the trailer unit when reversing off their drive.

Determining Issues

- Character of Dwelling House and Impact on Neighbouring Residents
- Parking

Observations

Character of Dwelling House and Impact on Neighbouring Residents

The key test when considering planning permission for a business from home is whether the overall character of a dwelling changes as a result of the business.

The concern is that the business is a 24 hour operation and the jetting trailer unit needs to be available for use at any time which includes overnight, weekends and bank holidays. It is considered that hitching or unhitching the trailer during unsociable hours is likely to cause disturbance to neighbours particularly the adjacent properties. Furthermore, as employees do visit the house at times it is considered that these increased activities to a private house are unusual in a residential area.

UDP Policy GP2 states that 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* ... and it is considered that is would be the case in this instance.

Consequently, it is considered that overall character of the dwelling house has changed and the business operating from this house and the storage of the industrial trailer has a detrimental impact on the amenity of neighbouring residents. Whilst every case is assessed on its own planning merits this doesn't preclude other residents, in this street, from coming forward with similar proposals which would impact on the character of the surrounding area. This development fails to respond sensitively to the site and its setting and is considered fails to accord with the aims of Policy DW3 of Designing Walsall SPD.

The Council's aim is to grow businesses in the right locations. It is considered that the impact of this business operating from this house, would harm the overall character of the house and the immediate area as referred to in UDP Policy ENV32 and is likely to grow over time, consequently, this proposal is recommended for refusal.

Parking

The Highways Authority considers there is sufficient space on the existing hard-surfaced frontage to accommodate two vehicles to meet the requirements of UDP Policy T13 and the jetting trailer unit. The proposal is considered would not have severe transportation implications.

Positive and Proactive Working with the Applicant

Officers have spoken with the applicant and in this instance are unable to support the proposal

Recommendation: Refuse

1. The storage of the jetting trailer unit when combined with the existing 24 hour drainage clearance business based at this house is considered changes the overall residential character of the house and street. The increased vehicle movements when families in the area can expect a reasonable level of amenity, will unduly impact on the amenities of neighbouring residents particularly as the scale of the business is likely to increase over time. The proposal would therefore be contrary to the National Planning Policy Framework including paragraph no's 56, 57, 58 and 64; the Black Country Core Strategy policies ENV2 and ENV3 and Walsall's Unitary Development Plan, in particular policies GP2, and ENV32, and Designing Walsall SPD.