

Planning Committee

Report of Head of Planning and Building Control on 15-Oct-2020

Plans List Item Number: 1.

Reason for bringing to committee: Major Development

Location: LAND NORTH EAST OF SHAYLOR ANCHOR BROOK INDUSTRIAL PARK, WHARF APPROACH, ALDRIDGE

Proposal: ERECTION OF A B2/B8 INDUSTRIAL/WAREHOUSING UNIT WITH ANCILLARY OFFICE SPACE AND THE ERECTION OF A RETAIL UNIT (A1/A3 USE CLASS) AND PROVISION OF ACCESSES, CAR PARKING, LANDSCAPING AND ASSOCIATED WORKS (AFFECTING PUBLIC RIGHT OF WAY ALD17)

Application Number: 19/1543

Applicant: James Slater

Agent: Paul Instone

Application Type: Full Application: Major Use Class B2 (General Industrial)

Case Officer: Mike Brereton

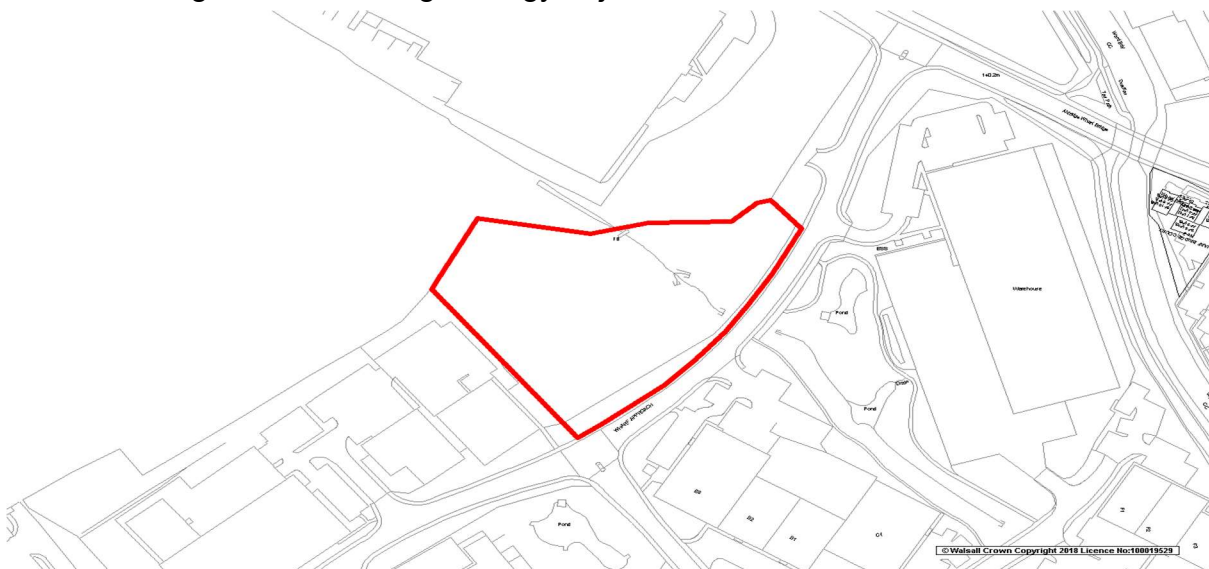
Ward: Rushall-Shelfield

Expired Date: 24-Mar-2020

Time Extension Expiry: 23-Oct-2020

Recommendation Summary: Planning Committee resolve to Delegate to the Head of Planning & Building Control to Grant Planning Permission Subject to Conditions and subject to:

- No new material considerations being received within the consultation period;
- The amendment and finalising of conditions; and
- Overcoming the outstanding ecology objections.



Proposal

In the south-west section of the site, this application proposes the erection of a B2/B8 industrial warehouse unit and ancillary office space with a pitched roof measuring:

- 3,348m² total footprint (3,275m² gross internal floorspace);
- 83m wide;
- 40m deep; and
- 13.5m high (10.7m high to eaves).

The warehouse would be a portal frame steel clad building with window openings to the east elevation facing Wharf Approach and main entrance and roller shutters to the north elevation to provide access via the car park area and service yard. The internal layout would be open-plan with an internal haunch height of 10m to suit the intended occupier's operational requirements. The following external materials are proposed:

- Blue / black engineering brick;
- Metal profile roof in Goosewing Grey (RAL 7038);
- Metal profile cladding in a mix of Pure Grey (RAL 000 50 00), Goosewing Grey (RAL 7038) and Anthracite Grey (RAL 7016);
- Roller shutters and fire exit doors in Goosewing Grey (RAL 7038);
- Windows, doors and rainwater pipes in Anthracite Grey (RAL 7016); and
- Feature surrounds to openings and soffits and fascias in Traffic Ref (RAL 3020).

A total of 31 vehicle parking spaces are provided for the B2/B8 unit including 2 x disabled spaces and an 8-bicycle store to the front of the proposed warehouse with a hard-surfaced turning area further beyond. A sub-station is also proposed in the eastern-most corner of the proposed car park which would sit on top of a below-ground 1m plinth and would measure 3.1m wide, 2.3m deep and 2.3m high.

Graded banks and landscaping areas are proposed to the front and rear of the site, removal of an existing footbridge over the brook and the provision of a new retaining wall along the north-west, east and part of the north-east elevation of the unit measuring between 0.35m and 1.65m high (increasing in height to the west away from Wharf Approach to reflect the grading of the site).

A new vehicle access is proposed to serve the B2/B8 unit off Wharf Approach opposite the existing access to units to the south-east along with a new pedestrian link and crossing to Wharf Approach.

In the north-east section of the site, beyond an existing brook, an A1/A3 unit (end-user to be Greggs) with a mono-pitch roof is proposed along with associated landscaping. The unit would measure:

- 145m² total footprint (120m² gross internal floorspace);
- 16m wide;
- 9m deep; and
- 4.7m and 5.5m high.

The unit would be finished in the following external materials:

- Blue / black engineering brick;
- Metal profile roof in Goosewing Grey (RAL 7038);
- Metal cladding in Pure Grey (RAL 000 50 00); and
- All other external openings and features to be finished in Anthracite Grey (RAL 7016).

A new vehicle access is proposed off Wharf Approach opposite the existing access to the Outokumpu stainless distribution unit (formerly Metafin) along with 11 x vehicle parking spaces, including 1 x disabled space, and a 6-bicycle store. A new pedestrian link to Wharf Approach is also proposed.

The proposed boundary treatment is 2.4m high palisade fencing to the majority of the sites perimeter, and finished in black to tie in with the existing fence. A 2.4m high paladin mesh fence and gates, also finished in black, would be installed to the service yard area of the B2/B8 unit along with a 1.1m high timber post and rail fence around the A1/A3 unit.

This application shows the removal of the existing Public Right of Way 'Ald 17'. It should be noted that the extinguishment of this footpath is being processed separately under a Section 247 Order by the Department for Transport.

Whilst A1 and A3 use classes now form part of the new use class E (Commercial, Business and Service), there are transitional provisions in place which make it clear that any planning applications submitted before 1st September 2020 should continue to refer to the previous use classes when determining the associated application. This approach has been adopted for this current application.

The following documents have been submitted in support of the application:

- **Tree Assessment (dated 17th November 2019)** – Concludes the existing trees are of moderate and low quality. Proposes the removal of Trees T1, T4, T5, T6, T7, T8, T9, T10, T12, T35, T43, T44 and G8, along with the pruning and removal of self-seeded stems for G5, G6 and G7. The report also sets out a number of measures to protect retained trees during construction including recommending the use of an updated Arboricultural Method Statement.

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- **Design and Access Statement (dated November 2019)** – Sets out the design methods adopted against the local context along with an assessment against the Council's adopted Development Plan Policies.
- **Planning Statement (dated November 2019)** – Provides an assessment of the proposal against local and national planning policies and guidance and includes a sequential test for the proposed A1/A3 unit.
- **Flood Risk Assessment (dated November 2019)** – Concludes that risk of flooding from sea and rivers is low, and that this type of 'less vulnerable' form of development is acceptable. Also concludes that there is a medium to high risk of surface water flooding on part of the site and sets out a number of mitigation measures.
- **Transport Statement (November 2019)** – Sets out expected two-way trip rates of 23 in the am peak period and 18 in the pm peak period in connection with the proposed B2/B8 warehouse and A1/A3 unit.
- **Framework Travel Plan (dated November 2019)** – Sets out a proposed strategy, targets and measures to encourage the use of sustainable modes of transport.
- **Technical Note (dated 15th July 2020)** – Sets out the proposed stopping up / extinguishment of the Public Right of Way.
- **Preliminary Ecological Appraisal (dated 1st September 2020)** – Makes an assessment of the proposal against important and protected habitats and species and designated nature sites, and recommends a number of mitigation and enhancement measures.
- **Ground Investigation Report (dated 22nd February 2019)** – Provides an assessment of ground conditions, contamination and ground gas and sets out recommended measures.
- **Landscape Management Plan (dated February 2020)** – Sets out the proposed management of landscaping areas within the site.

Site and Surroundings

The application site is 10,446m² (1.04ha) located within the Anchor Brook Industrial Estate off Wharf Approach, Aldridge. The site is currently an un-developed parcel of land situated between existing industrial warehouse units to the south-east (Shaylor Group) with the Atlas Works (Ibstock) brick factory to the north off Stubbers Green Road. The site currently includes an existing Public Right of Way reference 'Ald17' which runs along the north-west of the site perimeter, with the adjoining Green Belt (including Atlas Quarry) further beyond. The right of way continues along the northern site boundary.

The majority of the site is allocated within the Site Allocation Document (SAD) under Policy IND2 site reference 'IN10.2' as vacant potential high quality employment land, with the remaining area to the north-east of an existing brook forming part of an existing high quality employment land under site reference 'IN10.1' of SAD Policy IND1.

The site is currently covered in vegetation and contains a number of trees, although none are protected trees.

The application site falls within Flood Zone 1, the lowest area of probable flooding from sea and rivers, and is 1.2m lower than the adjacent site to the south-west. The site also slopes gently downwards to the west away from Wharf Approach. A sewer easement exists along the front and central sections of the site restricting certain forms of development in those locations.

A number of designated sites are present in the locality:

- Stubbers Green Bog Site of Special Scientific Interest (SSSI) and Site of Importance to Nature Conservation (SINC) 300m to the north;
- Swan Pool and The Swag SSSI 800m to north-west;
- Daw End Railway Cutting 100m to the south-west;
- Park Lime Pits Local Nature Reserve (LNR) 100m to the south-west; and
- Jockey Fields SSI 150m to the north.

Relevant Planning History

None

Relevant Policies

National Planning Policy Framework (NPPF)

www.gov.uk/guidance/national-planning-policy-framework

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

Key provisions of the NPPF relevant in this case:

- **NPPF 2 – Achieving sustainable development**
- **NPPF 4 – Decision Making**

- **NPPF 6 – Building a strong, competitive economy**
- **NPPF 7 – Ensuring the vitality of town centres**
- **NPPF 8 – Promoting healthy and safe communities**
- **NPPF 9 – Promoting sustainable transport**
- **NPPF 11 – Making effective use of land**
- **NPPF 12 – Achieving well-designed places**
- **NPPF 14 – Meeting the challenge of climate change, flooding and coastal change**
- **NPPF 15 – Conserving and enhancing the natural environment**

On **planning conditions** the NPPF (para 55) says:

Planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. Agreeing conditions early is beneficial to all parties involved. Conditions that are required to be discharged before development commences should be avoided unless there is a clear justification.

On **decision-making** the NPPF sets out the view that local planning authorities should approach decisions in a positive and creative way. They should use the full range of planning tools available and work proactively with applications to secure developments that will improve the economic, social and environmental conditions of the area. Pre-application engagement is encouraged.

National Planning Policy Guidance

On **material planning consideration** the NPPG confirms- planning is concerned with land use in the public interest, so that the protection of purely private interests... could not be material considerations

Reducing Inequalities

The Equality Act 2010 (the '2010 Act') sets out 9 protected characteristics which should be taken into account in all decision making.

Development Plan

www.go.walsall.gov.uk/planning_policy

Saved Policies of Walsall Unitary Development Plan

- GP2: Environmental Protection
- GP5: Equal Opportunities
- GP6: Disabled People
- ENV10: Pollution
- ENV11: Light Pollution

- ENV13: Development Near Power Lines, Substations and Transformers
- ENV17: New Planting
- ENV18: Existing Woodlands, Trees and Hedgerows
- ENV23: Nature Conservation and New Development
- ENV32: Design and Development Proposals
- ENV33: Landscape Design
- ENV35: Appearance of Commercial Buildings
- ENV40: Conservation, Protection and Use of Water Resources
- S1: Definition of Town Centre Uses
- S7: Out-of-Centre and Edge-of-Centre Developments
- T7 - Car Parking
- T8 – Walking
- T9 – Cycling
- T13: Parking Provision for Cars, Cycles and Taxis

Black Country Core Strategy

- CSP2: Development Outside the Growth Network
- CSP3: Environmental Infrastructure
- CSP4: Place Making
- DEL1: Infrastructure Provision
- EMP1: Providing for Economic Growth
- EMP2: Actual and Potential Strategic High Quality Employment Areas
- EMP5: Improving Access to the Labour Market
- CEN7: Controlling Out-of-Centre Development
- TRAN2: Managing Transport Impacts of New Development
- TRAN4: Creating Coherent Networks for Cycling and for Walking
- ENV1: Nature Conservation
- ENV2: Historic Character and Local Distinctiveness
- ENV3: Design Quality
- ENV5: Flood Risk, Sustainable Drainage Systems and Urban Heat Island
- ENV7: Renewable Energy
- ENV8: Air Quality

Walsall Site Allocation Document 2019

- IND1: Existing High Quality Industry
- IND2: Potential High Quality Industry
- EN1: Natural Environment Protection, Management and Enhancement
- EN3: Flood Risk

Supplementary Planning Document

Conserving Walsall's Natural Environment

Development with the potential to affect species, habitats or earth heritage features

- NE1 – Impact Assessment

- NE2 – Protected and Important Species
 - NE3 – Long Term Management of Mitigation and Compensatory Measures
- Survey standards

- NE4 – Survey Standards
- The natural environment and new development

- NE5 – Habitat Creation and Enhancement Measures
 - NE6 – Compensatory Provision
- Development with the potential to affect trees, woodlands and hedgerows

- NE7 - Impact Assessment
- NE8 – Retained Trees, Woodlands or Hedgerows
- NE9 – Replacement Planting

Designing Walsall

- DW1 Sustainability
- DW2 Safe and Welcoming Places
- DW3 Character
- DW4 Continuity
- DW5 Ease of Movement
- DW6 Legibility
- DW10 Well Designed Sustainable Buildings

Air Quality SPD

- **Section 5 – Mitigation and Compensation:**
- Type 1 – Electric Vehicle Charging Points
- Type 2 - Practical Mitigation Measures
- Type 3 – Additional Measures
- 5.12 - Emissions from Construction Sites

Consultation Replies (*Officer comments in italics*)

Coal Authority: No objection subject to inclusion of standing advice (30th March 2020) (*the standing advice would be included as a note to applicant and already forms part of the Council's standard decision notice template*).

Fire Authority: No objection subject to a note to applicant regarding emergency vehicle access and fire-fighting equipment (3rd April 2020) (*this would be added as a note to applicant*).

Local Highway Authority:

- No objection subject to conditions to secure the on and off-site highway infrastructure works, parking, turning areas and cycle stores, a Construction Methodology Statement, restriction of the warehouse unit to B2/ B8 uses only and notes to applicant (16th September 2020).
- Further details required on stopping up of footpath 'ALD 17' (1st June 2020).

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- No objection subject to conditions to require implantation of highways infrastructure works, provision of cycle shelter, submission of a Construction Methodology Statement, laying out of parking and vehicle access, retention of area for HGV turning area only and restriction of larger unit to B2/B8 use (15th April 2020).
- Amendments required regarding visibility splays, drainage and pedestrian crossing along with recommended conditions regarding vehicle access and pedestrian crossing details, provision of cycle shelter, submission of a Construction Methodology Statement, laying out of parking and vehicle access, retention of area for HGV turning area only and restriction of larger unit to B2/B8 use (17th February 2020).

Local Access Forum: Object to stopping up of footpath 'ALD 17' (14th April 2020)
(*Objections to the separate Stopping up Order process were withdrawn in July 2020*).

Ramblers Association: Object to stopping up of footpath 'ALD 17' (14th April 2020)
(*Objections to the separate Stopping up Order process were withdrawn in July 2020*).

Severn Trent Water:

- No objection subject to a note to application regarding works to a public sewer (16th March 2020).
- No objection subject to a condition to secure drainage details (17th January 2020).

Public Rights of Way Officer:

- No objection subject to notes to applicant regarding the stopping up process and permits (15th September 2020).
- No objection to the stopping up of footpath 'ALD 17' subject to a condition to secure the appropriate measures in stopping the footpath (3rd February 2020).
- Holding objection on the grounds that additional information is required in relation to the stopping up of footpath 'ALD 17' (1st April 2020).

Canal and River Trust: No comments to make (1st April 2020).

Lead Local Flood Authority:

- No objection subject to a condition to secure a detailed surface water drainage scheme (19th May 2020).
- No objection subject to a condition to secure a detailed surface water drainage scheme (5th February 2020).

Highways England: No objection (30th March 2020).

Pollution Control:

- No objection (15th April 2020).
- No objection subject to condition to secure electric vehicle charging points (25th March 2020).
- No objection subject to conditions regarding contaminated land and electric vehicle charging points (14th February 2020).
- No objection subject to conditions regarding contaminated land and electric vehicle charging points (30th January 2020).

Strategic Planning Policy: Support proposed B2/B8 warehouse and no objection to A1/A3 use subject to condition to restrict the use in this out-of-centre location (24th March 2020).

Archaeology Officer: No objection (5th February 2020).

Ecology:

- Additional details required on ecology (23rd September 2020)
- Additional details required on ecology (14th April 2020).
- Additional details required on ecology (12th March 2020).
- Additional details required on ecology (27th January 2020).

Tree Officer: No comments received.

Wildlife Trust: No comments received.

Inland Waterways Association: No comments received.

Representations

17 x objections have been received. Only 11 x respondents stated their grounds of objection as follows (*Officer comments in italics*):

- Impact on smaller local businesses in the immediate area (*market competitiveness is not a material planning consideration*);
- Increase in traffic and noise pollution;
- Weight restricted bridge at Dumblederry Lane;
- Not notified of this planning application (*the Council has met its statutory duty to consult by notifying adjoining occupiers, advertising the application within the local press and by way of erecting a site notice*); and
- No hot food license required for companies such as Greggs despite these companies advertising the sale of hot food (*the retail use of this type of operation is well established within planning case law*).

Determining Issues

- Principle of Development
- Design, Appearance and Layout
- Amenity
- Ecology
- Flooding and Drainage
- Contaminated Land and Land Stability
- Highways
- Trees and Landscaping
- Other Matters

Assessment of the Proposal

Principle of Development

The principle of a B2/B8 industrial warehouse development on this allocated employment site, and within an existing industrial estate, is supported and would provide 42 x jobs. Emerging evidence for the Black Country Plan shows that there is a significant shortfall of employment land and this proposal would bring forward the development of an existing allocated employment site which is therefore strongly supported on these grounds.

Whilst the provision of an A1 / A3 (retail / hot food) unit would usually be considered as a main town centre use, the applicant explains that the unit would serve the surrounding employment area, and would generate around a further 12 x full and part time jobs for local people. A condition would be included to secure the recruitment of local people in line with the aims of BCCS Policy EMP5.

Policies IND2 of the SAD, and EMP2 of the BCCS allow for non-employment uses in employment areas where it can be demonstrated that they are of an appropriate scale and nature which would not harm the quality or operation of employment land. Similarly, BCCS Policy CEN6 allows the provision of small-scale town centre uses of up to 200m² outside of defined centres where it would serve a local need, and this current proposal is for a unit with a floorspace of 120m² which falls within this remit.

In line with the requirements of NPPF Paragraph 86, the applicant has submitted a sequential test which explains that the proposed location has been identified to enable workers from the surrounding employment area to access the unit on foot for baked and convenience goods and concludes that given the specific locational requirements, there are no nearby sites within existing centres that could accommodate this use.

On balance, given that the nearest centre of Aldridge is over half a mile from the application site, and on the basis that the proposal would serve a local need for the wider employment area, it is considered to be of an appropriate scale and nature and is therefore acceptable in this instance. NPPF Paragraph 80 also requires 'significant weight' to be given to economic growth which weighs in favour of this current proposal.

In terms of impacts on the vitality and viability of nearby centres, this proposal falls significantly below the threshold of 2,500m² for an Impact Assessment as set out in NPPF Paragraph 89. However, given the points set out above, it is considered that this proposal is unlikely to significantly harm nearby centres on the basis that the scale and nature of the use would serve the employment workforce within the immediate area, and would not therefore affect the way in which other customers continue to access convenience and other goods within the Aldridge District Centre.

A condition would be included to restrict the scale and use of the A1/A3 unit to ensure it remains to be an appropriate form of development within the employment area. It is well established that the Greggs model falls within a retail use class (A1) and this would therefore be reflected in the condition to define the permission.

A neighbour has commented on the fact that a hot food license is not required for Greggs, despite the sale of hot food items. Licensing falls outside the scope of the planning process, and the use class position has been set out above.

As explained at the start of this report, whilst A1 and A3 use classes now form part of the new use class E (Commercial, Business and Service), there are transitional provisions in place which make it clear that any planning applications submitted before 1st September 2020 should continue to refer to the previous use classes when determining the associated application. This approach has been adopted for this current application.

Whilst objections have been received to the proposed A1 / A3 unit regarding impacts on existing businesses such as other food operators in within the employment area, it should be

noted that market competitiveness is not a material planning consideration and no weight can therefore be given to this matter.

On balance, it is considered that the applicant has demonstrated that the retail unit is of an appropriate scale and nature to serve the surrounding employment workforce which is acceptable subject to the conditions set out, and the proposed B2/B8 use is strongly supported. Overall, the proposal is considered to be in accordance with BCCS Policies EMP1, EMP2, EMP5 and CEN7, SAD Policies IND1 and IND2 and the NPPF.

Design, Appearance and Layout

The proposed design and appearance is considered acceptable, and would reflect the character of the surrounding employment area. Furthermore, the proposed external materials palette is considered acceptable and would result in a vibrant and modern appearance thereby ensuring a high quality development which would integrate well with the surrounding environment. The proposed boundary treatments are also considered acceptable, and would be secured by condition along with a condition to secure the details of external materials.

The proposed site plan includes an area for covered outdoor seating associated with the A1 unit, and a further condition would be included to secure further details to ensure a satisfactory appearance.

In terms of layout, the proposal is considered makes the best use of the land when taking into account the present constraints in the form of varying land levels, a brook and sewer easement, and would also provide an attractive and active frontage to Wharf Approach. This is considered to therefore meet the aims of NPPF Paragraph 117 which requires the most effective use of land.

Whilst the proposed B2/B8 building would be higher than the adjacent employment building to the south-west (Shaylor Group), it would only sit around 3.1m above this existing building due to the lower ground level of the application site, and is considered would not harm the character or appearance of the area. It should be noted that the proposed height is required to meet the operational requirements of the intended occupier, which is common for this size of industrial unit.

A condition would be included to ensure the B2/B8 building is designed to provide 10% on-site renewable energy as required by BCCS Policy ENV7.

The position of potential signage is shown on the submitted elevation plans, however the specific details of adverts would need to be considered via a separate application for advertisement consent. A note to applicant would be included to set this out.

Overall, the proposal is considered acceptable subject to the conditions and note to applicant set out above, and accords with Saved UDP Policies GP2, ENV32 and ENV35, BCCS Policies CSP4, ENV2, ENV3 and ENV7, DW1 to DW6 and DW10 of the Designing Walsall SPD and the NPPF.

Amenity

Given the sites location within an existing employment area, and its distance of over 200m to nearest residential occupiers to the north-east along Stubbers Green Road, and beyond an existing operational industrial unit and the canal, it is considered that the proposal would not result in any significant additional impacts on the amenity of nearest residents. A Construction Environment Management Plan would be secured by condition to minimise impacts during construction, along with a further condition to restrict the opening hours of the A1 unit to the proposed hours of 06:00am to 22:00pm to minimise any additional impacts arising.

Further conditions would be included to require the submission of details for any external lighting, and to restrict the use of an external tannoy or similar system, to safeguard the amenity of nearby occupiers.

The applicant has requested that no restriction is placed on the operating hours of the B2/B8 unit, and this is considered acceptable on the basis that it is common for an industrial warehouse of this scale and nature to require the flexibility of 24 hour operation to suit operational needs. Given the above mentioned distance to nearest residential occupiers, it is considered that any additional noise and disturbance would not be significant. It should be noted that Pollution Control do not object to the proposal, and have not requested a restriction on operating hours.

A neighbour has objected on grounds of increased traffic and noise. In addition to the assessment above, it is noted that this neighbour is located just under half a mile to the south-west of the application site and beyond multiple existing industrial units and the railway line. No significant additional amenity impacts are therefore considered likely to arise to this neighbour over and above any already arising. Furthermore, the expected vehicle trips of 23 in the am peak period and 18 in the pm peak period, which would be spread across the highway network, is considered would not result in significant additional impacts to the amenity of surrounding occupiers.

Overall, the proposal is considered acceptable subject to the conditions as set out and accords with Saved UDP Policies GP2 and ENV11 and the NPPF.

Ecology

The applicant has submitted an ecological assessment of the proposal, taking account of any potential habitat features and important and protected species within the site itself, and within the wider area. As part of ongoing discussions, the applicant has submitted an updated assessment which is currently out for consultation with the Council's ecology consultant with a view to addressing the following final matters:

- An assessment of the context of the site and its location to statutory and non-statutory designated sites and potential effects (including water quality);
- Further assessment of Great Crested Newts taking into account ponds in the vicinity that could provide potential habitat, the value of terrestrial habitat at the site, and the potential for refugia / hibernacula opportunities within areas of trees and scrub;
- Additional contextual information and assessment on the potential for reptile species;
- Inclusion of desk study information relating to water voles and an assessment of habitat suitability; and
- Further assessment on the foraging and commuting habitat potential within the site taking into account its position within the local landscape.

It is therefore requested that members of this Planning Committee resolve to delegate the determination of this application to the Head of Planning and Building Control to finalise and amend planning conditions as necessary, and subject to overcoming the ecology related objection.

Flooding and Drainage

As shown on the Environment Agency's published flood risk map, the application site is located within Flood Zone 1, the lowest area of potential flooding from sea and rivers. Furthermore, the proposed type of development is considered to be 'less vulnerable' than other forms of development i.e. housing.

The submitted Flood Risk Assessment and Drainage Strategy concludes that there is a medium to high risk of surface water flooding on part of the site, and sets out a number of mitigation measures. However, the Lead Local Flood Authority has requested the inclusion of a condition to secure a detailed surface water drainage scheme. This would be added as a condition.

Overall, the proposal is considered acceptable subject to the condition set out and accords with BCCS Policy ENV5, SAD Policy EN3 and the NPPF.

Contaminated Land and Land Stability

The applicant has submitted a Ground Investigation Report which concludes that the development can be carried out safely subject to a number of recommended mitigation measures. These would be secured by condition.

Pollution Control do not object to this proposal, and have not requested any further conditions be imposed on ground contamination.

The application site falls within the 'low risk' zone for past coal mining, and the standard advice would therefore be included within the decision notice as recommended by the Coal Authority.

Overall, the proposal is considered acceptable and accords with Saved UDP Policy GP2 and the NPPF.

Highways

The proposal would provide 31 x vehicle spaces for the B2/B8 warehouse unit and 11 x vehicle spaces for the A1 unit which accords with the Council's adopted parking standards. The proposed new vehicle accesses, pedestrian crossing facility, manoeuvring areas, and cycle stores are also considered to be acceptable and would be secured by condition in line with the recommendations of the Local Highway Authority.

A neighbour raises concern with the increased use of a weight restricted bridge at Dumblederry Lane. These restrictions are implemented and managed by separate highways legislation, and would need to be observed by drivers of vehicles associated with this development. This is not a matter which can be controlled by the planning process. It should however be noted that the surrounding highway network provides a number of alternative

routes to the application site off of the strategic highway network which would avoid the use of the weight-restricted bridge.

Furthermore, the expected vehicle trips of 23 in the am peak period and 18 in the pm peak period is considered would not result in any significant additional impacts on highways safety, or to the operation of the highway network. Highways England do not object to this proposal.

Whilst it is unfortunate that this proposal would result in the closure of footpath 'ALD17', the applicant has demonstrated that it is necessary to facilitate the proposed development, and the footpath is currently overgrown. The public Rights of Way Officer does not object to the proposal, and is satisfied with the details shown on the submitted plans regarding the measures needed in connection with the closure of this footpath. Objections from the Local Access Forum and Ramblers Association have been withdrawn in connection with the associated Stopping up Order being processed by the Department for Transport.

Overall, it is considered that the development would not have an unacceptable impact on road safety or have severe cumulative impacts on the operation of the road network and the closure of footpath 'ALD17' is acceptable. The proposal accords with Saved UDP Policies T7, T8, T9 and T13, BCCS Policies TRAN2 and TRAN4 and the NPPF.

A further condition would be included to secure the provision of Electric Vehicle Charging points in accordance with BCCS Policy ENV8 and the Air Quality SPD.

Trees and Landscaping

The submitted tree survey concludes that the existing trees are category B and C, medium and low quality respectively. None of the trees are protected, and whilst a number are proposed to be removed to facilitate the development, a comprehensive landscaping scheme has been submitted which includes appropriate compensatory planting. This would be secured by condition, along with conditions to safeguard retained trees during construction.

It is understood that some of the existing trees and vegetation on the site may have the potential to provide foraging and other habitat to important or protected species, and the conditions would therefore be updated as necessary to reflect the final ecology comments as mentioned further above.

Overall, and subject to final ecology comments, the proposal is considered to be acceptable and accords with Saved UDP Policies ENV17, ENV18 and ENV33, NE7 to NE9 of the Natural Environment SPD and the NPPF.

Other Matters

A nearby business operator raised concern that they were not directly notified of this planning application. It is understood that this comment relates to the operator of a nearby catering van, and it should be noted that this would not have a fixed address to enable the Local Planning Authority to directly notify this person.

However, it can be confirmed that the Council has met its statutory duty to consult by notifying adjoining occupiers, advertising the application within the local press and by way of erecting a site notice.

The recommendations of the Fire Authority regarding emergency vehicle access and equipment, and Severn Trent Water notes regarding sewer connections would be added as notes to applicant.

Conclusions and Reasons for Decision

As set out above, it has been demonstrated that the proposal would bring forward the development of an allocated employment site and would provide a small retail facility to meet a local need. The development would not result in harm to the character of the area, to nearby occupiers' amenity, to highways safety or operation of the highway network, or to other environmental factors as considered in the report.

The proposal is therefore considered acceptable subject to the conditions set out in this report, and subject to resolution from members to delegate the decision to the Head of Planning and Building Control to amend and finalise planning conditions, and subject to overcoming the ecology objections.

Taking into account the above factors it is considered that the application accords with the local and national planning policies and guidance set out in this report, and should be recommended for approval.

Positive and Proactive Working with the Applicant

Approve

Officers have spoken with the applicant's agent and in response to concerns raised regarding the Public Right of Way, amended plans have been submitted which enable full support to be given to the scheme.

Recommendation

Planning Committee resolve to Delegate to the Head of Planning & Building Control to Grant Planning Permission Subject to Conditions and subject to:

- No new material considerations being received within the consultation period;
- The amendment and finalising of conditions; and
- Overcoming the outstanding ecology objections.

Conditions and Reasons

1: The development hereby permitted shall be begun not later than 3 years from the date of this permission.

Reason: To ensure the satisfactory commencement of the development in accordance with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2: The development hereby permitted shall not be carried out otherwise than in accordance with the following approved plans details and documents:

- Swept Path Analysis 'J32-3205-PS-013'. Received 30th March 2020
- Standard Foundation for Substation 'EKV0014' Rev A. Received 18th March 2020
- Standard Enclosure for Substation 'EKV0015'. Received 18th March 2020
- Ground Investigation Report (GIP Ltd) 'KCD/26246'. Received 7th February 2020
- Existing and Proposed Site Sections '16159-PA-11'. Received 24th June 2020
- Proposed Boundary Treatment '16159-PA-10' Rev C. Received 24th June 2020
- Proposed Site Plan '16159-PA-03' Rev E. Received 24th June 2020
- Landscape Management Plan (Pegasus Group) 'P19-2109'. Received 25th February 2020
- Soft Landscape Proposals 'P19-2109_01B'. Received 25th February 2020
- Drainage and Levels Strategy 'C7095-200' Rev P5. Received 25th February 2020
- Street Scene '16159-PA_06' Rev B. Received 25th February 2020
- Tree Survey Assessment (Cotswold Wildlife Surveys) '19522/A2/AIA/AMS'. Amended, received 17th December 2019
- Design and Access Statement (dated November 2019). Received 3rd December 2019
- Flood Risk Assessment (JBA Consulting dated November 2019). Received 3rd December 2019
- Transport Statement (Mode Transport Ltd dated November 2019). Received 3rd December 2019
- Framework Travel Plan (Mode Transport Ltd dated November 2019). Received 3rd December 2019
- Planning Statement. Received 3rd December 2019
- Proposed Elevations A1/A3 Unit '16159-PA_08' Rev A. Amended, received 24th December 2019
- Proposed Floor Plan A1/A3 Unit '16159-PA_07' Rev A. Amended, received 24th December 2019
- Existing Site Plan '16159-PA_02' Rev A. Amended, received 24th December 2019
- Proposed Elevations B2/B8 Unit '16159-PA_05' Rev A. Amended, received 24th December 2019
- Proposed Floor Plan B2/B8 Unit '16159-PA_04' Rev A. Amended, received 24th December 2019
- Location Plan '16159-PA01' Rev A. Amended, received 24th December 2019

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

3a: No development shall commence until an Order has been made and come into effect for the Stopping up of Footpath 17 Aldridge between Wharf Approach and Dumblederry Lane.

3b: Prior to occupation of the development all fencing shall be installed and all public rights of way pointer signs, way marker posts and way marker discs shall be removed, in accordance with the above agreed details.

Reason: To enable development to be implemented in accordance with an approved planning decision and in the interests of safety and security of the development and the public.

4: No development shall commence until the pedestrian crossing on Wharf Approach as shown on Proposed Site Plan '16159-PA-03' Rev E, received on 24th June 2020, has been fully constructed and laid out.

Reason: To ensure the safe and satisfactory operation of the development, in the interests of highway safety and in accordance with Saved UDP Policy GP2 and the NPPF.

5a: Prior to the commencement of development a Construction Environmental Management Statement shall be submitted in writing to and approved in writing by the Local Planning Authority. The Construction Environmental Management Statement shall include:

1. Construction working hours
2. Parking and turning facilities for vehicles of site operatives and visitors
3. Loading and unloading of materials
4. Storage of plant and materials used in constructing the development
5. A scheme for recycling/disposing of waste resulting from construction works
6. Temporary portacabins and welfare facilities for site operatives
7. Site security arrangements including hoardings
8. Wheel washing facilities and/or other measures to prevent mud or other material emanating from the application site reaching the highway
9. Measures to prevent flying debris
10. Dust mitigation measures
11. Measures to prevent site drag-out (including need for wheel cleaning and use of a road-sweeper)
12. Noise and vibration (if piling and/or ground stabilisation is to be conducted) mitigation measures

5b: The development hereby permitted shall not be carried out otherwise than in accordance with the approved Construction Environmental Management Statement and the approved Construction Environmental Management Statement shall be maintained throughout the construction period.

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 in accordance with saved policies GP2 and ENV32 of Walsall's Unitary Development Plan.

6a: Prior to commencement of development a detailed surface water drainage scheme for the site shall be submitted to and approved in writing by the Local Planning. The scheme shall demonstrate:

- Surface water drainage system(s);
- Limiting the discharge rate generated by all rainfall events up to the 100 year plus 40% (for climate change) critical storm to 10.0l/s;
- Provision of surface water run-off attenuation storage;
- The incorporation of adequate surface water treatment;
- Detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details on any attenuation system, and the outfall arrangements. Calculations to demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods;
- Plans illustrating flooded areas and flow paths in the event of exceedance of the drainage system; and
- Provision of a management and maintenance plan for surface water drainage to ensure that surface water drainage systems shall be maintained and managed for the lifetime of the development.

6b: Prior to any part of the development hereby permitted first coming into use, the scheme shall be implemented in accordance with the approved details and thereafter retained for the lifetime of the development.

Reason: To ensure the development is provided with a satisfactory means of drainage and/or to reduce the risk of creating or exacerbating a flooding problem and/or to minimise the risk of pollution and/or to safeguard water quality from fuels, oils and other chemicals from the site in accordance with NPPF10, BCCS Policy ENV5 and saved Walsall's Unitary Development Plan policy GP2 and ENV40.

7a: Prior to commencement of development, the protection measures for retained trees as set out within the submitted 'Tree Survey Assessment 19522/A2/AIA/AMS' amended and received on 17th December 2019, shall be installed and retained during the course of construction.

7b: The development hereby permitted shall not be carried out otherwise than in accordance with the recommendations and measures set out within the submitted 'Tree Survey Assessment 19522/A2/AIA/AMS' amended and received on 17th December 2019.

Reason: To preserve and enhance the visual amenities of the locality in accordance with Saved Policy ENV18 of the UDP and Conserving Walsall's Natural Environment SPD.

8a: Prior to commencement of development, details shall be submitted to and approved in writing by the Local Planning Authority showing the type, height, and finish of the covered outdoor seating areas associated with the A1 unit as shown on Proposed Site Plan '16159-PA-03' Rev E, received on 24th June 2020.

8b: The development shall be carried out in accordance with the approved details and thereafter retained for the lifetime of the development.

Reason: To ensure the satisfactory appearance of the development and to comply with Saved Policies GP2 and ENV32 of the Walsall Unitary Development Plan.

9: Prior to commencement of development, a programme shall be submitted to and approved in writing by the Local Planning Authority detailing how the recruitment of local people will be promoted for the construction and operation of the hereby permitted development.

Reason: To promote the use of a local labour force in accordance with BCCS Policy EMP5.

10a: Prior to the commencement of building operations above damp proof course of the development hereby permitted details shall be submitted to and agreed in writing by the Local Planning Authority to demonstrate energy consumption savings of at least 10% of the overall on-site energy demand for the development.

10b: The development shall not be constructed otherwise in accordance with the approved details and the approved details shall thereafter be retained for the lifetime of the development.

Reason: To encourage sustainable development and reduce impacts on the environment and to accord with Policy ENV7 of the Black Country Core Strategy and the National Planning Policy Framework.

11a: Prior to the commencement of building operations above damp proof course of the development hereby permitted details of electric vehicle charging points to be provided for the development shall be submitted in writing to and agreed in writing by the Local Planning Authority.

11b: Prior to any part of the development hereby permitted first coming into use the approved electric vehicle charging points shall be installed in accordance with the approved details and shall be retained and maintained for the lifetime of the development.

Reason: In the interests of creating a sustainable form of development and to encourage the use of ultra-low emission vehicles in accordance with Policies ENV8 and DEL1 of the Black Country Core Strategy.

12a: Prior to the development hereby permitted first coming into use, the access, parking and vehicle manoeuvring areas serving that unit as shown on Proposed Site Plan '16159-PA-03' Rev E, received on 24th June 2020, shall be fully consolidated, hard surfaced and drained so that surface water run-off from these areas does not discharge onto the highway or into any highway drain, together with the clear demarcation of all parking bays.

12b: These areas shall thereafter be retained for the lifetime of the development and shall not be used for any other purpose.

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

13: Prior to any part of the development hereby permitted first coming into use, all highway infrastructure works required to facilitate the development, including the new bellmouth

accesses as shown on Proposed Site Plan '16159-PA-03' Rev E, received on 24th June 2020, shall be fully implemented and thereafter retained for the lifetime of the development.

Reason: To ensure the safe and satisfactory operation of the development, in the interests of highway safety and in accordance with Saved UDP Policy GP2 and the NPPF.

14a: Prior to the development hereby permitted first coming into use, the cycle shelter facility serving that unit as shown on Proposed Site Plan '16159-PA-03' Rev E, received on 24th June 2020, shall be fully implemented in accordance with the approved details.

14b: The cycle shelter facility shall thereafter be retained for the lifetime of the development and shall not be used for any other purpose.

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

15a: Prior to any part of the development hereby permitted first coming into use the hereby approved landscaping scheme as shown on 'Soft Landscape Proposals P19-2109_01' received 25th February 2020, shall be implemented.

15b: The landscaping shall thereafter be maintained and managed in accordance with the hereby approved 'Landscape Management Plan P19-2109' received 25th February 2020.

15c: If within a period of 5 years from the date of the planting of any trees shrubs or plants, that tree shrub or plant, or any tree shrub or plant planted in replacement for it, is removed, uprooted, destroyed or dies and or becomes seriously damaged or diseased in that period another tree shrub or plant of the same species and size as that originally planted shall be planted at the same place.

Reason: In the interests of the visual amenities of the area in accordance with saved policies ENV17 and ENV33 of Walsall's Unitary Development Plan.

16a: The development hereby permitted shall be completed using the external materials as shown on the submitted plans and the facing materials shall thereafter be retained for the lifetime of the development.

16b: Prior to any part of the development hereby permitted first coming into use, the boundary treatments as shown on 'Proposed Boundary Treatment '16159-PA-10', Rev C received on 24th June 2020, shall be installed and thereafter retained for the lifetime of the development.

Reason: To ensure the satisfactory appearance and functioning of the development in accordance with the saved policies GP2 and ENV32 of the Walsall Unitary Development Plan and in the interest of highway and pedestrian safety in accordance with the saved UDP policies T7 and T13 of the Walsall Unitary Development Plan.

17: The development shall be carried out in accordance with the recommendations and measures contained within the submitted Ground Investigation Report (GIP Ltd) 'KCD/26246' received 7th February 2020.

Reason: To ensure a safe environment and to control the environmental impacts of the development in accordance with saved policies GP2 and ENV32 of Walsall's Unitary Development Plan.

18: The HGV turning area within the service and delivery yard of the B2/B8 unit as shown on Proposed Site Plan '16159-PA-03' Rev E, received on 24th June 2020, shall at all times be kept clear and free of externally stored materials and any other goods.

Reason: To ensure the service yard remains unobstructed and is available for HGV manoeuvring at all times, in the interests of safe and satisfactory operation of the development and in the interests of highway safety.

19. Notwithstanding the details submitted, the hereby permitted development for the retail use as shown on submitted plans shall not exceed a total gross internal floorspace of 120m², shall not be used otherwise than by Greggs, or a similar operator, under Use Class A1 (retail) for the preparation, baking and retail sale of bread, flour and sugar confectionary, savoury products, fresh and delicatessen foods, sandwiches, snacks, soups, beverages, soft drinks and ice cream.

Reason: To define the planning permission, to ensure that the retail offer continues to be of a scale and nature to meet a local need and is appropriate in an employment area, to protect the vitality and viability of centres and in accordance with BCCS Policies EMP1, EMP2, EMP5 and CEN7, SAD Policies IND1 and IND2 and the NPPF.

20: The warehouse unit as shown on Proposed Site Plan '16159-PA-03' Rev E, received on 24th June 2020, shall not be used otherwise than for operations falling within B2 (General industrial) and / or B8 (B8 Storage or distribution) uses.

Reason: To ensure adequate off street parking is available in accordance with UDP Policy GP2, T7 and T13 and in the interests of the efficient operation of the public highway.

21a: No external lighting shall be installed on the site unless details of the lighting including the intensity of illumination and predicted lighting contours have first been submitted in writing to and approved in writing by the Local Planning Authority.

21b: No external lighting shall be installed on the site otherwise than in accordance with the approved details.

Reason: In the interests of the visual amenities of the area in accordance with saved policies GP2, ENV11 and ENV32 of Walsall's Unitary Development Plan.

22: The hereby permitted A1 retail use as shown on 'Proposed Site Plan '16159-PA-03' Rev E received on 24th June 2020, shall not be open to customers otherwise than between the hours of 06:00am to 22:00pm on any day.

Reason: To protect the amenities of nearby residential occupiers in accordance with saved UDP policies GP2 and ENV32.

23: No materials or goods shall be stored in the open areas of the site at any time.

Reason: To ensure the satisfactory appearance of the development and to comply with Saved policies GP2 and ENV32 of the Walsall Unitary Development Plan.

24: No public address facility, tannoy, radio or similar device shall be installed at any time to the external areas of the site.

Reason: To safeguard the amenities of nearby occupiers and in accordance with Saved UDP Policy GP2 and the NPPF.

Notes for Applicant

Adverts:

Please note that a separate application for advertisement consent is required prior to the installation of advertisements.

Public Rights of Way:

The Council does not recommend the use of S247 Town and Country Planning Act 1990. S257 Town and Country Planning Act 1990 is the standard procedure for the stopping up of public rights of way affected by development and S247 applications are made to the Department for Transport.

A permit to work and/or a temporary prohibition of pedestrians order may be required prior to commencement of work adjacent to, or within, public footpath 17 Aldridge.

No excavations, scaffolding, hoarding, signage, movement and storage of materials, or other obstructions associated with the proposed development are to be present within, on, over or underneath the path until either the footpath has been formally stopped up or the Local Highways Authority has provided prior consent.

Prior to commencement of any temporary works, full details must be submitted to the Local Highway Authority along with an application for any necessary permits and/or temporary traffic regulation orders and payment of the appropriate fees. Permits and consents will require the path to be reinstated when the temporary works have been completed. Please contact Public Rights of Way on 07415 234156, at least 28 days prior to commencement of any temporary works within or adjoining the public footpath to discuss the requirements.

Local Highway Authority:

1. The applicant will be expected to enter into an agreement under S38/278 of the Highways Act 1980 with the Highway Authority for works within the existing public highway or adoptable highway works. The agreement shall include full engineering details including the new access works, the pedestrian crossing point on Wharf Approach, layouts, alignments, widths and levels, together with all necessary drainage arrangements and demarcations.

For further advice please contact Highway Development Control Team at Stephen.pittaway@walsall.gov.uk

2. A Licence under S142 of the Highways Act 1980 shall be entered into for the maintenance of those areas of Landscaping that fall within the adopted highway boundary.
3. The required removal and relocation of the existing street lighting column shall be with the agreement in writing with Walsall Council's street lighting partner Amey.
4. The existing bus stop on the northern side of the main access shall be relocated with the agreement of Transport for West Midlands - contacts at TfWM Julie Smithers – 0121 214 7123 julie.smithers@tfwm.org.uk and the Black Country Team – BLACKCOUNTRYTEAM@tfwm.org.uk
5. 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.

Fire Authority:

Access routes should have a minimum width of 3.7m between kerbs, noting that WMFS appliances require a minimum height clearance of 4.1m and a minimum carrying capacity of 15 tonnes. Turning facilities should be provided in any dead-end access route that is more than 20m long. Buildings not fitted with fire mains, 2000m² to 8000m² and top storey less than 11m from ground level should have access for a pump appliance to 15% of the perimeter. Water supplies for firefighting should be in accordance with ADB Vol 2, Sec 16 and "National Guidance Document on the Provision for Fire Fighting" published by Local Government Association and WaterUK:

<https://www.water.org.uk/wp-content/uploads/2018/11/national-guidance-document-on-water-for-ffg-final.pdf>

For further information please contact the WMFS Water Office at the address given above or by email on Water.Officer@wmfs.net

The approval of Building Control will be required to Part B of the Building Regulations 2010.

Severn Trent Water:

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

End of Officers Report



Planning Committee

Report of Head of Planning and Building Control on 15-Oct-2020

Plans List Item Number: 2.

Reason for bringing to committee: Major application

Location: FORMER A B WASTE MANAGEMENT LTD, CEMETERY ROAD, DARLASTON, WEDNESBURY, WS10 8NA

Proposal: CONSTRUCTION OF NEW RAILWAY STATION INCLUDING TWO PLATFORMS, FOOTBRIDGE, INSTALLATION OF STEPS AND LIFT, PLATFORM FURNITURE, LIGHTING, SOFT AND HARD LANDSCAPING, FLOOD MITIGATION, SERVICES AND BOUNDARY TREATMENT AND OTHER ASSOCIATED WORKS. CONSTRUCTION OF CAR PARK (UP TO 300 SPACES) INCORPORATING ACCESSIBLE SPACES AND PARKING, CHARGING FACILITIES FOR ELECTRIC VEHICLES, PARKING FOR CYCLES AND MOTORCYCLES AND INSTALLATION OF MEASURES TO RESTRICT VEHICULAR ACCESS TO KENDRICKS ROAD BRIDGE.

Application Number: 20/0746

Applicant: WMCA

Agent: Peter Gillan

Application Type: Full Application: Major Mixed Use Classes

Case Officer: Devinder Matharu

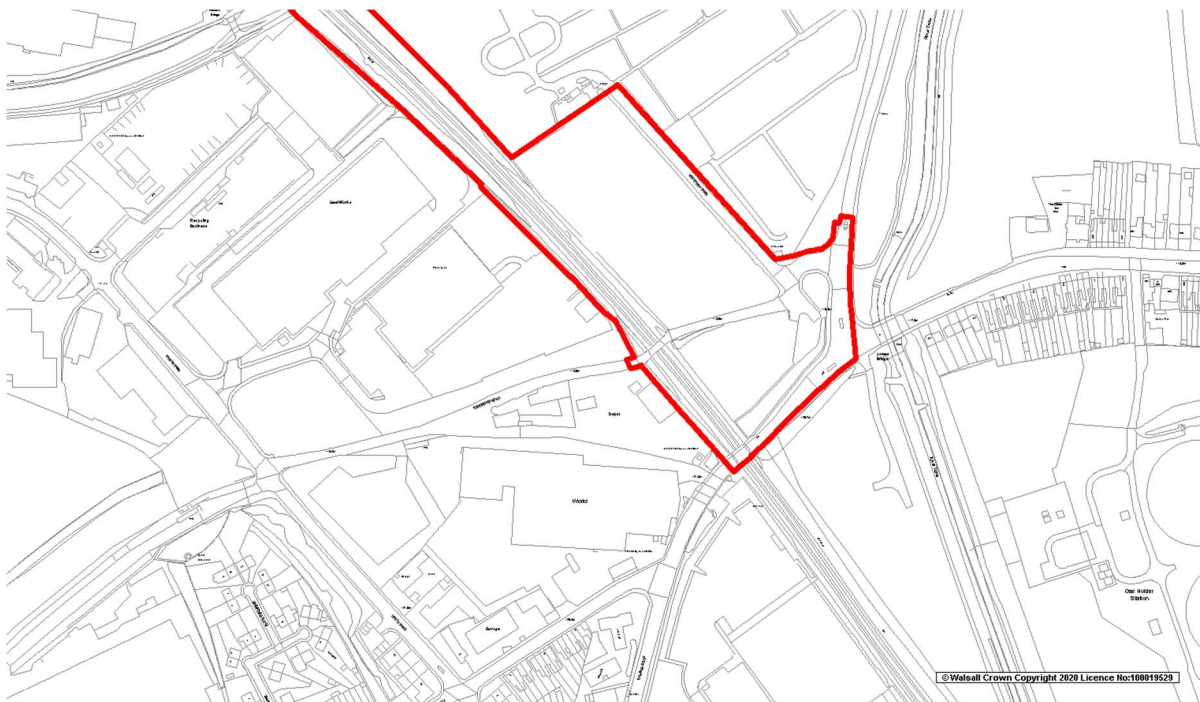
Ward: Pleck, Bentley And Darlaston North

Expired Date: 20-Oct-2020

Time Extension Expiry:

Recommendation Summary: Planning Committee resolve to Grant Planning Permission Subject to Conditions Delegating to the Head of Planning & Building Control to secure a S106 Agreement for a river level gauge on third party land, plus potential works to the adjacent canal network and subject to ...

- No new material considerations being received within the consultation period;
- The amendment and finalising of conditions;
- No further comments from a statutory consultee raising material planning considerations not previously addressed;
- Overcoming the outstanding objection raised by Flood Risk Officer and clarification sought by Canal and River Trust and Archaeology Officer.



Proposal

The application proposes the construction of new railway station including two platforms, footbridge, installation of steps and lift, platform furniture, lighting, soft and hard landscaping, flood mitigation, services and boundary treatment and other associated works.

The scheme requires two new platforms to be constructed, one serving each line. The platforms are connected by a new covered footbridge, with a lift and stairs at each end giving full accessibility to each platform. The station is also proposed to provide the following:

- New 300 space car park, including 15 disabled spaces and 30 EV charging spaces
- Cycle shelter with 30 cycle parking spaces
- Car/ taxi drop-off point
- New junction arrangement at Bentley Mill Way
- New cycle/ pedestrian accesses
- Retaining wall to be provided fronting Cemetery Road and along the smaller site on Kendricks Road
- installation of measures to restrict vehicular access to Kendrick's Road bridge

The proposed location for the railway station is adjacent the site of the original station known as James Bridge Station which was built on the Grand Junction Railway in 1837 and closed in January 1965. The railway lines that ran through the site of the original station are in use today as part of the Walsall – Wolverhampton Line.

The following documents have been submitted with the application.

- River level gauge plan, which shows the river level gauge with telemetry to be installed along Bentley Mill Way outside of the red line of the application site. The plans also shows the location of flood warning signs and CCTV.
- Visualisation plans illustrating the whole development.
- Statement of community interest outlining the consultation process for the proposed railway station.
- RSA1 Designers response outlining justifications to demonstrate that the proposed layout does not pose any significant safety issue.
- Phase 1 Geo-environmental Report that identifies contamination on site and proposes further remedial works.
- Heritage Assessment which states there are two listed buildings comprising the Globe Public House Grade II listed approximately 150m east of the Site, and James Bridge Aqueduct Grade II listed approximately 250m north-east of the Site. A single locally listed structure, the Tramway Generating Station is approximately 350m east of the Site. The document also addresses archaeology on the site.
- Flood Risk Assessment which identifies the site in flood zones 2 and 3 It also states: the car park would be raised to prevent water backing up on Cemetery Road and the railway, a flood wall will be provided along Cemetery Road, a flood bund will be constructed along the western boundary of the site, flood risk signs to be installed, river level gauge will be installed to the north of the site and will provide live river level data to West Midlands Combined Authority control office to monitor water levels, audible evacuation notice will be issued via the public address system at the Station, CCTV to monitor river levels, electronic signage to warn of flooding and measures to stop trains.
- Design and Access Statement, which addresses the site.
- Coal mining report, which identifies the site in a high coal risk areas and mitigation measures.
- Preliminary Ecological survey, which identifies potential impacts to habitat species and measures to avoid harm and mitigation measures.
- Ecological statement concluding that neither the construction nor operational phases of the development would result in significant adverse ecological impacts.
- Noise Assessment, which states the introduction of the additional trains to service the proposed station, increase in noise, is 0.5 dB during the day (06:00 to 00:00), with no increase at night.
- External lighting details
- Air Quality Assessment, which concludes 30 electric charging points are to be provided.
- Transports Assessment, which addresses the proposed pedestrian and cycle accesses and proposed road works on Bentley Mill Way.
- Planning Statement which address flooding, contamination, coal mining, historic assets, public engagement, landscaping etc states:
 - o West Midlands Rail Executive (WMRE) and Transport for West Midlands (TfWM) are delivering a package of two new railway stations for Darlaston and Willenhall, within the administrative boundaries of Walsall Metropolitan Borough Council (WMBC).
 - o The proposed stations are located on the Walsall – Wolverhampton railway line. The first phase of the proposals to enhance rail services is

a Walsall to Wolverhampton rail link, with stations built at Willenhall and Darlaston.

- TfWM's Strategic Transport Plan '*Movement for Growth*' sets out a vision for the metropolitan rail and rapid transit network based on suburban rail, metro (light rail) and tram-train, very light rail and SPRINT Bus Rapid Transit lines on suitable links of one single network. This is effectively integrated with local bus networks at main centre interchanges and local interfaces, underpinned by park and ride and whole system information, promotion and ticketing.
- The creation of this one, single high quality network will be a major transformation of public transport in the West Midlands.
- The long term network as shown in the figure below is heavily influenced by the West Midlands HS2 Connectivity Programme and has been informed by the findings of the Black Country Rapid Transit Review. Rail schemes in the HS2 Connectivity Programme improve rail capacity and line speeds and include new stations and services.
- The Black Country Enterprise Zone, led by the Black Country Local Enterprise Partnership, comprises a portfolio of sites across Wolverhampton and Walsall, including sites in Darlaston. The proposed site of the railway station at Darlaston is located within the Darlaston locality of the Black Country Enterprise Zone (BCEZ)
- The Connectivity Programme supports the Growth Strategy's vision to harness the unrivalled connectivity and investment of HS2 to create a step change in the Midlands' economic performance, driving growth and significantly improving outcomes for people, businesses and places.
- The proposed stations will promote the use of public transport and, coupled with the new and improved services, will accommodate the travel demand anticipated by significant forecast growth.
- The proposed stations are aimed at removing barriers to travel; increasing mobility and accessibility to educational, employment and leisure opportunities.
- The scheme also provides a reliable, efficient alternative to the private car, encouraging a modal shift toward more sustainable travel modes.
- The new stations will maximise opportunities for sustainable travel.

Site and Surroundings

The application site is a rectangular parcel of land that is split into two by Kendricks Road running through the southern end of the site. The larger parcel of land is located to the southern side of Cemetery Road with the small parcel of land on the southern side of Kendricks Road.

Both sites back onto the railway to the west of the site.

The site also includes part of Cemetery Road to the north and Darlaston Road to the south of the Kendricks Road part of the site including the existing railway bridge.

Kendricks Road is a narrow road that links Cemetery Road to the east to Heath Road on the west. Kendrick's Road slopes upwards from Cemetery Road. This part of the site is enclosed by a 1.8m high palisade fence. There is an embankment towards the railway bridge and Darlaston Road.

Cemetery Road is a cul de sac that provides access to James Bridge Cemetery and at the end of the road which is a two storey lodge. James Bridge cemetery is on the opposite side of the road from the proposed station. The site from Cemetery Road is enclosed by railings and has high raised kerbs along the Cemetery Road frontage in parts. There are double yellow lines along the junctions of both Kendricks Road and Cemetery Road and along the junction of Cemetery Road with Bentley Mill Way.

There are residential properties within 30m of the site to the west along Darlaston Road.

There are two heritage assets in close proximity to the site, Grade II listed public house, the Globe Inn some 100m further along Darlaston Road and Grade II James Bridge Aquaduct to the north east of the site.

The Rive Tame is located to the east of the site 16m from the Kendricks Road part of the site.

The Walsall Canal is located along the north western boundary of the site and is on an embankment and carried on a viaduct over the railway. Beyond the railway boundary are commercial uses and industrial buildings that are accessed from Heath Road.

The sites are in a high risk coal area, flood zones 2 and 3, historic environment record and in an area of land contamination.

Relevant Planning History

19/0260 Land at former, A B Waste Management LTD, Cemetery Road, EIA Screening Opinion for a new railway station, off cemetery road, Darlaston. Screening Opinion EIA Not Required.

18/1212 Land adjacent to Darlaston Tyre LTD, Kendricks Road. End of life vehicle recycling site. Granted subject to conditions 03-Jan-2019.

Relevant Policies

National Planning Policy Framework (NPPF)

www.gov.uk/guidance/national-planning-policy-framework

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

Key provisions of the NPPF relevant in this case:

- **NPPF 2 – Achieving sustainable development**
- **NPPF 4 – Decision Making**
- **NPPF 6 – Building a strong, competitive economy**
- **NPPF 7 – Ensuring the vitality of town centres**
- **NPPF 8 – Promoting healthy and safe communities**
- **NPPF 9 – Promoting sustainable transport**
- **NPPF 11 – Making effective use of land**
- **NPPF 12 – Achieving well-designed places**
- **NPPF 14 – Meeting the challenge of climate change, flooding and coastal change**
- **NPPF 15 – Conserving and enhancing the natural environment**
- **NPPF 16 – Conserving and enhancing the historic environment**

On **planning conditions** the NPPF (para 55) says:

Planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. Agreeing conditions early is beneficial to all parties involved. Conditions that are required to be discharged before development commences should be avoided unless there is a clear justification.

On **decision-making** the NPPF sets out the view that local planning authorities should approach decisions in a positive and creative way. They should use the full range of planning tools available and work proactively with applications to secure developments that will improve the economic, social and environmental conditions of the area. Pre-application engagement is encouraged.

National Planning Policy Guidance

On **material planning consideration** the NPPG confirms- planning is concerned with land use in the public interest, so that the protection of purely private interests... could not be material considerations

Reducing Inequalities

The Equality Act 2010 (the '2010 Act ') sets out 9 protected characteristics which should be taken into account in all decision making.

Development Plan

www.go.walsall.gov.uk/planning_policy

Saved Policies of Walsall Unitary Development Plan

- 3.13 to 3.15 Building Conservation & Archaeology
- GP2: Environmental Protection
- GP3: Planning Obligations
- GP6: Disabled People
- ENV10: Pollution
- ENV11: Light Pollution
- ENV14: Development of Derelict and Previously-Developed Sites
- ENV17: New Planting
- ENV18: Existing Woodlands, Trees and Hedgerows
- ENV23: Nature Conservation and New Development
- ENV25: Archaeology
- ENV26: Industrial Archaeology
- ENV27: Buildings of Historic or Architectural Interest
- ENV32: Design and Development Proposals
- ENV33: Landscape Design
- ENV40: Conservation, Protection and Use of Water Resources
- T1 - Helping People to Get Around
- T2 - Bus Services
- T3 - The Rail and Metro Network
- T7 - Car Parking
- T8 – Walking
- T9 – Cycling
- T10: Accessibility Standards – General
- T11: Access for Pedestrians, Cyclists and Wheelchair users
- T12: Access by Public Transport (Bus, Rail, Metro and Ring and Ride)
- T13: Parking Provision for Cars, Cycles and Taxis

Black Country Core Strategy

- DEL1: Infrastructure Provision
- EMP2: Actual and Potential Strategic High Quality Employment Areas
- EMP3: Local Quality Employment Areas
- TRAN1: Priorities for the Development of the Transport Network
- TRAN4: Creating Coherent Networks for Cycling and for Walking
- ENV2: Historic Character and Local Distinctiveness
- ENV3: Design Quality
- ENV4: Canals
- ENV5: Flood Risk, Sustainable Drainage Systems and Urban Heat Island
- ENV8: Air Quality
- CSP5: Transport Strategy

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IND2: Potential High Quality Industry
IND3: Retained Local Quality Industry
EN3: Flood Risk
EN4: Canals
T3: The Rail Network
T4: The Highway Network
W3: New Waste Management Development- Waste Treatment and Transfer
LC5: Greenways

Supplementary Planning Document

Conserving Walsall's Natural Environment

Development with the potential to affect species, habitats or earth heritage features

- NE1 – Impact Assessment
- NE2 – Protected and Important Species
- NE3 – Long Term Management of Mitigation and Compensatory Measures

Survey standards

- NE4 – Survey Standards

The natural environment and new development

- NE5 – Habitat Creation and Enhancement Measures
- NE6 – Compensatory Provision

Development with the potential to affect trees, woodlands and hedgerows

- NE7 - Impact Assessment
- NE8 – Retained Trees, Woodlands or Hedgerows
- NE9 – Replacement Planting
- NE10 – Tree Preservation Order

Designing Walsall

- DW1 Sustainability
- DW2 Safe and Welcoming Places
- DW3 Character
- DW4 Continuity
- DW5 Ease of Movement
- DW6 Legibility
- DW7 Diversity
- DW8 Adaptability
- DW9 High Quality Public Realm
- DW10 Well Designed Sustainable Buildings

Air Quality SPD

- ***Section 5 – Mitigation and Compensation:***
- Type 1 – Electric Vehicle Charging Points
- Type 2 - Practical Mitigation Measures
- Type 3 – Additional Measures

- 5.12 - Emissions from Construction Sites
- 5.13 – Use of Conditions, Obligations and CIL
- 5.22 - Viability

Consultation Replies

Highways England – No objection

Cadent Gas – No objection but makes comments that they need to assess the site before works commence.

Inland Waterways – No objection as the proposals indicate there will be no impact to the amenity of Walsall Canal but makes comments that James Bridge Aqueduct (Grade II, NHLE 1186743) is shown as lying within the red line boundary of the site. Whilst it is unlikely that the construction of the station and its immediate infrastructure should have no impact on this listed structure its inclusion in the location plan raises a concern.

Fire Officer – No objection subject to compliance with building regulations for fire appliance access, suitable water supplies etc

Natural England – No objection

Coal Authority – No objection subject to a planning condition for remedial ground works.

Strategic Policy – No objection

Archaeology- No objection but makes comments without ground level details it is difficult to tell whether there will be significant ground reduction, as such a condition is recommended for a programme of archaeological works.

Canal and River Trust – No objection but raises the following concerns; the flood risk assessment does not preclude the operation of the sluice, bridge valve and weir and this needs to be addressed before determination of the application, the transport assessment identifies pedestrians to leave the site via Bentley Mill way and join the towpath at James Bridge aqueduct with no provision for encouraging this further, towpath access is stepped and cycle wheeling ramp is required, existing access way to Forsters Bridge aqueduct within the red line and proposal can include a towpath to the canal, the proposal has potential for significant footfall along the canal towpath and either financial contributions are required or to provide infrastructure upgrades, lighting should be positioned away from the canal so as not to impact upon nocturnal species.

Severn Trent Water –No objection subject to drainage condition and noted for applicant regarding drainage.

Pollution Control – No objection subject to planning conditions regarding construction works and air quality assessment requirements.

Network Rail – No objection

Flood Risk Officer – Objection on the grounds that exceedance plans illustrating flooded areas and flow paths in the event of exceedance of the drainage system need to be submitted and if discharge to a surface water sewer is proposed then evidence should be provided from the sewerage undertaker, Severn Trent Water regarding permission to connect.

Public Lighting Officer – Objection, the lighting drawings do not match the details in the submitted documents, the lanterns are incorrectly orientated with part of the car park being lit and pedestrian areas being unlit, there are no details of light spillage and the overall the design is not energy efficient or acceptable.

Environment Agency – No objection subject to planning conditions relating to design proposals and flood plain storage compensatory mitigation, as built topographical survey of the area of floodplain compensation details to be submitted, no raising of ground levels to disrupt water flows, electric charging points and remedial strategy for contamination works.

Transportation – No objection subject to planning conditions relating to parking, drainage, parking fees, construction works for the new roadway and construction methodology.

Conservation Officer –No objection and no further visualization plans are required.

Police- No objection but makes comments that the fencing should be in accordance with secure by design.

Representations

Six letters have been received from three residents objecting to the proposal on the following grounds: (*officers comments in italics below*)

- Parking issues including: not made available right away, customers park outside residents home, will parking be free, if parking not free residents want permits, affect surrounding street with on street parking, overflow car park to accommodate for need
- The street by the proposed station is not cleaned- *this is not a material planning consideration*

- Litter issues including: drivers throw litter from cars and no litter bins - *this is not a material planning consideration*

One letter has been received supporting the proposal on the following grounds:

- Benefit the economy and transport infrastructure

Determining Issues

- Principle of development
- Contamination, land stability and Archaeology
- Design and character of the area
- Impact upon neighbouring residential and commercial occupiers
- Impact upon listed buildings
- Flooding, drainage and impact upon Walsall canal.
- Ecology and Landscaping
- Access and parking

Assessment of the Proposal

Principle of development

The Darlaston site is outside the District Centre defined in the unitary development plan. The land around the Darlaston station site is identified for industrial development and is divided into two parcels, as site IN98.1: Cemetery Road (Former Junction Works) is identified as Potential High Quality Industry (SAD Policy IND2 and site IN98.2: Former Railway Tavern is identified as Retained Local Quality Industry in the Examination Modifications (SAD Policy IND3).

SAD Policy IND2 seeks to protect Potential High Quality Employment sites from redevelopment for non-employment land uses in accordance with BCCS Policy EMP2. SAD Policy IND3 states that proposals for non-industrial uses on Retained Local Quality Industry sites will only be allowed where this is supported in BCCS Policy EMP3. The BCCS policy permits various non-industrial uses typically found in industrial areas on Local Quality Employment sites, but the list of uses permitted does not include railway stations.

The Cemetery Road site is also identified in SAD Policy W3 as a Potential Waste Site and although the policy supports waste management development on the Potential Waste Sites identified, as they are industrial sites, there is no presumption that they will be developed with waste management facilities.

Kendricks Road, including the bridge over the railway, is shown on the UDP Proposals Map as a proposed Greenway (walking and cycling route) under Policy LC5, which has been replaced by SAD policy LC5 which states the Greenway network, as shown on the Policies Map, will continue to be created, enhanced and safeguarded. Priorities will be greenways which form part of the National Cycle Route29 and Safe Routes30 to Schools, improving access to open spaces and the countryside, areas of low car ownership, the Metropolitan Strategic Cycle Network

and the Canal Network. It also states the design of Greenways should take account of community safety objectives (see BCCS Policy ENV3) and avoidance of potential nuisance to adjoining residents. Greenways will not be permitted in close proximity to existing or proposed rail lines if this would be prejudicial to safety or rail operational / design requirements.

There is a potential tension between strategic policies for transport and the strategic/ site-specific policies for employment land. Strategic policies strongly support the provision of new rail services and station in the proposed location. The loss of a modest quantity of employment land could be justified in view of the strategic benefits to the area, as well as the wider benefits of reducing car use and opening up access to employment opportunities in Darlaston identified in the SAD.

On balance, the proposed railway station at Darlaston can be supported.

Contamination, land stability and Archaeology

The application site is contaminated and affected by ground gas issues. The submitted Desk Study has identified past uses of the site and referred to intrusive investigation as well as identifying the need for further intrusive investigations. Pollution Control advise any landscaped areas on site will need to be tested to ensure the soils are suitable for reuse or to import clean growing material. They also advise if any material is to be disposed to landfill or sent off-site, the material will need to be tested to determine the Waste Acceptance Criteria. Overall, Pollution Control have no objection to the proposed development subject to a contaminated land condition.

The Coal Authority identify the site in an area of probable shallow coal mining attributed to the thick coal seams inferred to outcrop within the site and surrounding area. They also advise the zone of influence of an off-site recorded mine entry extends into the site. The submitted Coal Mining Risk Assessment Report identifies there is a high risk to the proposed development from coal mining legacy and in order to mitigate the risk remedial / mitigatory measures are required to ensure that the development is safe and stable. Remedial measures can be secured by way of a planning condition.

The Heritage Statement concludes that there is a low potential for any archaeological deposits pre-dating the late post-medieval period. It also notes that the site is the location of the Grand Junction Works (Bolt and Nut), shown on historic mapping of 1887. Whilst there was further 20th century industrial development on the site, it is possible that archaeological remains relating to the earlier phases of the works survive as below-ground structures and deposits in the proposed car park area. Landscaping or the excavation of service trenches in this area during construction of the proposed station may expose them. These remains, should they be present, would be of local significance.

There are no proposed levels submitted with the application relating to the car park, so it is difficult to tell whether there will be significant ground reduction here. If

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significant ground reduction is to occur (beyond removing the concrete slabs of the former modern buildings), then a programme of archaeological work comprising a watching brief would be appropriate mitigation, to identify and record any earlier remains that may be exposed. However, if ground reduction is not occurring, then no further archaeological work would be required. Any archaeological remains relating to the former Bolt and Nut works would be preserved in situ.

Details of levels have been requested in order to fully assess the proposal, hence the recommendation to delegate to the Head of Planning and Building Control to allow for full consideration of these details once submitted. Further consultee consultation will be undertaken when these details are submitted.

Design and character of the area

The proposal would include the construction of two platforms serving each line to and from Birmingham. The platforms would be served by a covered footbridge including lifts and stairs. The proposed footbridge and stairs would be located towards the rear of the site adjacent the existing railway as such, the proposed structure would be seen against the backdrop of the existing industrial units on the other side of the railway. Materials to construct the footbridges can be sought by way of a planning condition.

The proposed covered sheltered areas on the platform would be seen from long views across the site on Cemetery Road and from the neighbouring industrial site, however, given they would blend into the existing background as they would allow view through the structure, they are considered acceptable. The final materials have not yet been confirmed, these details can be sought by way of a planning condition.

The proposed cycle shelter would be located towards the railway and as such would not be visually detrimental when viewed across the open car park site and seen in the context of the station structures.

Overall, the proposed footbridges, covered canopies and cycle shelter would not unduly harm the character and appearance of the industrial background to the railway site.

The proposed car park would be located towards the Cemetery Road frontage and would provide an open vista into the site. The planning agent has confirmed that the car park and the smaller parcel of land on Kendricks Road will be raised by 0.6m. The full impact of the car park would be assessed when the existing and proposed ground levels requested are submitted.

The proposal includes the raising of the existing land on Cemetery Road where the car park would be laid out, land level details have been sought to fully assess the proposal in respect of the visual amenity of the proposal.

The proposal includes the demolition of the previous factory wall along Kendricks Road and the construction of a retaining wall along Cemetery Road and Kendricks Road, whilst a plan has been provided of the proposed wall, further details regarding the land levels details have been sought to fully assess the proposal. Details of the proposed boundary treatment would be sought by planning condition.

The Public Lighting Officer has objected to the proposal on the grounds that the lighting drawings do not match the details in the submitted documents, the lanterns are incorrectly orientated with part of the car park being lit and pedestrian areas being unlit, there are no details of light spillage and the overall the design is not energy efficient or acceptable in accordance with Policy ENV11 of the UDP. A detailed lighting scheme can be sought by planning condition.

The Air Quality Assessment concludes air quality will not be a significant issue when the station becomes operational and measures have been included to comply with the Air Quality SPD and measures to control impacts during the construction of the station and associated infrastructure. Pollution Control have no objection to the proposal subject to air quality planning conditions.

Impact upon neighbouring residential and commercial occupiers

Beyond the railway line, there are industrial uses and buildings with residential properties some 33m away from the site entrance along Darlaston Road. The nearest residential property is the Lodge, located at the end of the cul de sac, Cemetery Road. It is considered that the proposed footbridge, whilst can be seen from long views from The Ledge would not unduly harm the visual amenities of these neighbouring occupiers as the footbridge structure would be seen against the neighbouring industrial premises.

The submitted noise assessment determines that the operational train station will not result in noise levels that are significantly different to existing background noise levels. Furthermore, given the distance to the nearest residential dwelling from the proposed railway station, it is unlikely that noise from the construction of the railway station would have a significant impact upon the amenities of these neighbouring residential occupiers.

Pollution Control do point out that that if ground stabilisation or improvement works are to be undertaken, which will generate ground vibration, then such works will need to be controlled by planning condition seeking a construction management plan to ensure that nearby businesses will not be significantly affected from adverse noise and vibration. The construction management plan would also secure details of the control of dust and debris on site to protect nearby residents and commercial occupiers.

On balance, it is considered that the proposal would not unduly harm the amenities of neighbouring residential or commercial occupiers once the stations have been built and operational to warrant refusal of the proposal.

Impact upon listed buildings

The Globe Inn is a Grade II listed building some 100m further along Darlaston Road on the northern side and James Bridge Aqueduct is Grade II listed located north east of the site, adjacent the red line site boundary.

The Conservation Officer has advised the scheme for both railways are identical and there is sparse information as to how they would be seen in the built environment. The planning agent has now submitted visuals of the proposed development, and it is considered that members delegate to the Head of Planning and Building Control to undertake further re-consultation with the Conservation Officer. It is also considered consultation with Historic England is undertaken to ensure the proposed development does not impact upon the existing historic environment and adjacent listed structures.

Flooding, Drainage and Impact upon Walsall Canal

The site lies within flood zones 2 and 3, and the River Tame and Walsall Canal are within close proximity to the site. The submitted flood risk assessment states the car park would be raised to prevent water backing up on Cemetery Road and the railway with a floodwall will be provided along Cemetery Road, a flood bund will be constructed along the western boundary of the site. It also states flood risk signs in the site are to be installed together with an office to monitor water levels, a public address system to allow for audible evacuation notice, electric signage electronic signage to warn of flooding and measures to stop trains.

The Flood Risk Officer has objected to the proposal seeking plans illustrating flooded areas and flow paths in the event of exceedance of the drainage system to be submitted in order to fully assess the proposal. They also advise discharge is to a surface water sewer is proposed then evidence should be provided from the sewerage undertaker, Severn Trent Water regarding permission to connect. The planning agent has submitted the requested details which is currently out to consultation. It is considered that members delegate to the Head of Planning and Building Control to await the planning agent's response in respect of this aspect and to undertake further consultation with the Flood Risk Officer. The planning agent will also need to liaise with Severn Trent Water.

The proposal seeks to install a river gauge to the north of the site and will provide live river level data to West Midlands Combined Authority. This would be situated outside of the red line site boundary on third party land, as such would need to be secured by a section 106 agreement.

The Environment Agency have no objections to the proposal subject to planning conditions to secure details relating to design proposals, flood plain storage compensatory mitigation, as built topographical survey of the area of floodplain compensation details, no raising of ground levels to disrupt water flows, electric charging points and remedial strategy for contamination works. The LPA have sought these details regarding levels from the applicant. It is considered, the application is delegated to the Head of Planning and Building Control to allow the applicant to submit the details, so as the full scale of the development can be fully addressed. Further consultee consultation with the Local Lead Flood Authority will be undertaken when these details are submitted.

Seven Trent Water have no objection to the proposal subject to a planning condition securing drainage details.

The Canal and River Trust have advised they have a sluice, bridge valve and weir in close proximity to the site to control water levels in the nearby Walsall Canal, which the flood risk assessment has not addressed. They have concerns that ongoing works and construction works do not preclude their operation and as such, have sought clarification. The applicant has been in negotiation with the CRT and the LPA is awaiting a conclusion. It is considered the application is delegated to the Head of Planning and Building Control to allow the planning agent to address these concerns with a potential formal planning consultation with the CRT once the LPA has received the details.

Inland Waterways have no objection to the proposal, as the proposed railway station would not impact on the amenity of the Walsall Canal.

Ecology and Landscaping

The submitted Ecological assessments state neither the construction nor operational phases of the development would result in significant adverse ecological impacts but measures will be undertaken to avoid harm.

The Canal and River Trust raise concerns over proposed lighting nearby the canal and the proposed impact this would have upon nocturnal species on the area in accordance with Policies ENV11 and ENV23 of the UDP and Conserving Walsall's Natural Environment SPD. Lighting details can be sought by way of a planning condition.

The proposal seeks to include some landscaping within the site, whilst no details have been submitted upfront; these can be secured by way of a planning condition.

Access and parking

The proposal seeks to provide 300 car parking space and 30 electric charging points, together with a new junction arrangement at Bentley Mill Way and new pedestrian and cycle accesses.

The Highway Officer has no objection to the proposal subject to planning conditions relating to the demarcation and drainage of the proposed car park, ramped access points from Kendricks Road not being implemented unless motorised vehicular traffic is prohibited, highway works shall be undertaken and a construction management plan for the proposed works. The Highway Officer is also seeking that the car park is free of charge to prevent on street parking and introducing new highway safety issues with on street parking adjacent the junction with the railway bridge.

The Canal and River Trust have raised comments about accessibility for cycle users along the stepped James Bridge Aqueduct and are seeking a 'cycle wheelie ramp' together with the increased footfall along the canal towpath have sought the creation of a path to the Forsters Bridge aqueduct. The CRT have either sought these details as part of the application or advised that a contributed sum would be required to secure the Trust to incorporate these features. The planning agent has confirmed that they are willing to provide a financial contribution towards the works sought by the CRT but the final figure would have to be negotiated. It is considered that the application is delegated to the Head of Planning and Building Control to allow the applicant to address these concerns and further consultation with the CRT undertaken.

Conclusions and Reasons for Decision

The principle of development of the railway station is considered acceptable. The design and layout are considered acceptable. Further issues with the planning agent will need to be resolved regarding drainage, highway issues and consultee responses.

The proposal complies with the policies as set out in the policy section of this report.

Taking into account the above factors it is considered that the application should be recommended for approval.

Positive and Proactive Working with the Applicant

Approve

Officers have sought further information regarding the proposed works.

Recommendation

Planning Committee resolve to Grant Planning Permission Subject to Conditions Delegating to the Head of Planning & Building Control to secure a S106 Agreement for a river level gauge on third party land, plus potential works to the adjacent canal network and subject to ...

- No new material considerations being received within the consultation period;
- The amendment and finalising of conditions;
- No further comments from a statutory consultee raising material planning considerations not previously addressed;
- Overcoming the outstanding objection raised by Flood Risk Officer and clarification sought by Canal and River Trust and Archaeological Officer.

Conditions and Reasons

1.The development hereby permitted shall be begun not later than 3 years from the date of this permission.

Reason: To ensure the satisfactory commencement of the development in accordance with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2.The development hereby permitted shall not be carried out otherwise than in accordance with the following approved plans details and documents:

- Location Plan submitted 13-07-2020
- Proposed site layout submitted 13-07-2020
- Retaining Wall submitted 13-07-2020
- Elevation and level submitted 13-07-2020

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

3a. Prior to the commencement of development hereby permitted drainage plans for the discharge of surface water and disposal of foul sewerage and all existing and proposed underground services and sewers shall be submitted in writing to and approved in writing by the Local Planning Authority.

3b. The development shall not be carried out otherwise than in accordance with the approved details and the approved drainage shall thereafter be retained as installed for the lifetime of the development.

Reason: To ensure the development is provided with a satisfactory means of drainage and/or to reduce the risk of creating or exacerbating a flooding problem and/or to minimise the risk of pollution and/or to safeguard water quality from fuels,

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oils and other chemicals from the site in accordance with NPPF10, BCCS Policy ENV5 and saved Walsall's Unitary Development Plan policy GP2 and ENV40.

4a. Prior to the commencement of development hereby approved, a Construction Environmental Management Statement shall be submitted in writing to and approved in writing by the Local Planning Authority. The Construction Environmental Management Statement shall include:

1. Construction working hours
2. Parking and turning facilities for vehicles of site operatives and visitors
3. Loading and unloading of materials
4. Storage of plant and materials used in constructing the development
5. A scheme for recycling/disposing of waste resulting from construction works
6. Temporary portacabins and welfare facilities for site operatives
7. Site security arrangements including hoardings
8. Wheel washing facilities and/or other measures to prevent mud or other material emanating from the application site reaching the highway
9. Measures to prevent flying debris
10. Dust mitigation measures (particularly as the contaminated land investigation has indicated that land is contaminated)
11. Measures to prevent site drag-out (including need for wheel cleaning and use of a road-sweeper)
12. Noise and vibration (if piling and/or ground stabilisation is to be conducted) mitigation measures

4b. The development hereby permitted shall not be carried out otherwise than in accordance with the approved Construction Environmental Management Statement and the approved Construction Environmental Management Statement shall be maintained throughout the construction period.

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, to control the environmental impacts of the development and 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. in accordance with saved policies GP2 and ENV32 of Walsall's Unitary Development Plan.

5a. Prior to built development commencing a Remediation Statement setting out details of remedial measures (including design and specification details) to deal with

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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)

5b. The remedial measures as set out in the 'Remediation Statement' required by part a of this condition shall be implemented in accordance with the agreed timetable.

5c. If during the undertaking of remedial works or the construction of the approved development unexpected ground contamination not identified by the site investigation is encountered, development shall cease until the Remediation Statement required by part 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.

5d. 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 prevent potential contamination of the ground due to any potentially hazardous materials associated with the buildings or their previous use in accordance with saved policies GP2 and ENV14 of Walsall's Unitary Development Plan.

6a. Prior to the commencement of development hereby approved, a remediation strategy to deal with the risks associated with contamination of the site shall be submitted to and approved in writing by the Local Planning Authority. This strategy will include the following components:

- i. A preliminary risk assessment which has identified:
 - all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors
 - potentially unacceptable risks arising from contamination at the site
- ii. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.
- iii. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

- iv. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

6b. The development hereby permitted shall not be carried out otherwise than in accordance with the approved details and the approved details shall thereafter be retained for the lifetime of the development.

Reason: to reduce the risk of creating or exacerbating a flooding problem and/or to minimise the risk of pollution and/or to safeguard water quality from fuels, oils and other chemicals from the site in accordance with NPPF10, BCCS Policy ENV5 and saved Walsall's Unitary Development Plan policy GP2 and ENV40 and the NPPF.

7a. Prior to the commencement of development hereby approved, details showing the power supply to the 30 EV charging spaces to be constructed using flood resistant and resilient construction methods, including a supply safety cut off shall be submitted in writing to and approved in writing by the Local Planning Authority.

7b. The development hereby permitted shall not be carried out otherwise than in accordance with the approved details and the approved details shall thereafter be retained for the lifetime of the development.

Reason: To ensure the electric charging points are useable given the site is in a flood zone and prone to flooding in accordance with Policies GP2 and ENV40 of the UDP.

8a. Prior to commencement of the development hereby permitted details of landscaping including both hard and soft landscape works and earthworks shall be submitted in writing to and approved in writing by the Local Planning Authority.

8b. Prior to occupation of the development hereby permitted the approved landscaping details shall be carried out.

8c. If within a period of 5 years from the date of the planting of any trees shrubs or plants, that tree shrub or plant, or any tree shrub or plant planted in replacement for it, is removed, uprooted, destroyed or dies and or becomes seriously damaged or diseased in that period another tree shrub or plant of the same species and size as that originally planted shall be planted at the same place.

Reason: In the interests of the visual amenities of the area in accordance with saved policies ENV17 and ENV33 of Walsall's Unitary Development Plan.

9a. Notwithstanding the details as submitted and prior to commencement of the development hereby permitted, details of external lighting including the intensity of illumination, position of lighting columns, light spillage including a light spillage plan

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

9b. The development hereby permitted shall not be carried out otherwise than in accordance with the approved details and the approved details shall thereafter be retained for the lifetime of the development.

Reason: In the interests of the visual amenities of the area in accordance with saved policies GP2, ENV11 and ENV32 of Walsall's Unitary Development Plan.

10a. Prior to commencement of the development hereby permitted, a programme of archaeological work comprising a watching brief to identify and record any earlier remains that may be exposed shall be submitted to and approved in writing by the Local Planning Authority.

10b. The development hereby permitted shall not be carried out otherwise than in accordance with the approved details and the approved details shall thereafter be retained for the lifetime of the development.

Reason: To ensure archaeological remains are appropriately recorded in accordance with Policy ENV25 of the UDP and the NPPF.

11a. Prior to commencement of the development hereby permitted, an as built topographical survey of the area of floodplain compensation shall be submitted in writing to and approved in writing by the Local Planning Authority.

11b. The development hereby permitted shall not be carried out otherwise than in accordance with the approved details and the approved details shall thereafter be retained for the lifetime of the development.

Reason: To ensure that the floodplain compensation area is constructed in accordance with the approved scheme in accordance with NPPF10, BCCS Policy ENV5 and saved Walsall's Unitary Development Plan policy GP2 and ENV40.

12a. Prior to commencement of the development hereby permitted, the following details

- The new car park entrance bellmouth,
 - The reinstatement of all redundant dropped kerb access points reinstated back to full kerb height and replacement of the Trieff kerbing along Cemetery Road with full faced kerbing,
 - The installation and position of a tactile pedestrian crossing on Cemetery Road
 - The physical means of closure of Kendricks Road to vehicular traffic
- shall be submitted in writing to and approved in writing by the Local Planning Authority

12b. The development hereby permitted shall not be carried out otherwise than in accordance with the approved details and the approved details shall thereafter be retained for the lifetime of the development.

Reason: To ensure adequate highway infrastructure works are completed in accordance with Policy GP2 of the UDP and Policy T4 of the SAD.

13a. Prior to the commencement of building operations above damp proof course of the development hereby permitted a schedule of materials to be used in the construction of the external surfaces including details of the colour, size, texture, material and specification of facing and roofing materials of the proposed footbridge, proposed covered canopies and cycle store shall be submitted in writing to and approved in writing by the Local Planning Authority.

13b. The development shall not be carried out otherwise than in accordance with the approved details and the approved materials shall thereafter be retained for the lifetime of the development.

Reason: To ensure the satisfactory appearance of the development and to comply with saved policies GP2 and ENV32 Walsall's Unitary Development Plan.

14a. Prior to the commencement of building operations above damp proof course of the development hereby permitted details of the proposed boundary treatment of the site, including heights, positions and extents, materials and finishes of all walls, fences, gates or other means of enclosure, shall be submitted in writing to and approved in writing by the Local Planning Authority. The submitted details shall include all internal site divisions in addition to the perimeter boundary treatments and all gates shall be designed and installed so they cannot open outwards onto a highway.

14b. The development shall not be carried out otherwise than in accordance with the approved schedule and the boundary treatments shall thereafter be retained for the lifetime of the development.

14c. The development hereby permitted shall not be occupied until all boundary treatments have been erected in accordance with the approved schedule.

Reason: To ensure the satisfactory appearance and functioning of the development in accordance with the saved policies GP2 and ENV32 of the Walsall Unitary Development Plan and in the interest of highway and pedestrian safety in accordance with the saved UDP policies T7 and T13 of the Walsall Unitary Development Plan.

15a. The development shall not be carried out otherwise than in accordance with the design proposals and flood plain storage compensatory mitigation submitted scheme detailed under sections 7.0 and 8.4, of the hereby approved Flood Risk

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Assessment, as shown on Figure 7.2 and drawing No. 60570107-ACM-PBJ-DAR-DR-DS-000001 Revision P1 (Darlaston Railway Station Flood Risk Assessment Flood Storage Area Cross Sections) submitted on 07-07-2020.

15b. The development shall not be carried out otherwise than in accordance with the mitigation measures implemented at the groundwork's phase of the development, accordance with the scheme's timing/ phasing arrangements. The approved details shall thereafter be retained for the lifetime of the development.

Reason: To reduce the risk of flooding to the proposed development and future users and to prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided in accordance with NPPF10, BCCS Policy ENV5 and saved Walsall's Unitary Development Plan policy GP2 and ENV40.

16. The development shall not be carried out otherwise than in accordance with no raising of ground levels or erection of any building, structure or any other such obstruction to flood flows within the area of floodplain compensation created as part of the development of this site.

Reason: To safeguard the efficient workings of the area of floodplain compensation from inappropriate development in accordance with NPPF10, BCCS Policy ENV5 and saved Walsall's Unitary Development Plan policy GP2 and ENV40.

17a. The development hereby permitted shall not be carried out otherwise than in accordance with the approved Air Quality Assessment, Ref. 60570107-ACM-PBJ-DAR-RP-TN-000001, by AECOM submitted on 07-07-2020 and the approved details shall thereafter be retained for the lifetime of the development.

17b. prior to the first use of the development hereby approved, a written validation statement shall be submitted to the Local Planning Authority that confirms the implementation of the agreed air quality mitigation measures.

Reason: To reduce potential negative health impact upon future occupants in compliance with the saved policy ENV10 of Walsall's Unitary Development Plan.

18. The development hereby permitted shall not be carried out otherwise than in accordance with the approved measures described within section 4 Coal Mining Risk Assessment, dated June 2020 submitted 07-07-2020 and the approved details shall thereafter be retained for the lifetime of the development.

Reason: To ensure the site has been made safe and stable for the development in accordance with Policy ENV14 of the UDP.

19a. Prior to the railway station first coming into use, the Park and Ride car park shall be implemented and brought into use, being consolidated, hard surfaced, drained together with the clear demarcation of all parking bays, pedestrian walkways

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and crossing points.

19b. The Park and Ride car park shall thereafter be retained and used for no other purpose.

Reason: To ensure adequate off street parking is available upon the opening of the station and thereafter, in accordance with UDP Policies GP2 and T3, BCCS Policy TRAN1 and highway safety.

Notes for applicant: Pollution Control

Contaminated Land

CL2

When making assessments of any contaminants identified as being present upon and within 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: Environment Agency

Paragraph 179 of the National Planning Policy Framework states "Where a site is affected by contamination or land stability issues, responsibility for securing safe development rests with the developer and/or landowner."

We recommend that developers and /or Landowner should:

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1. Follow the advice in Land Contamination: risk management <https://www.gov.uk/guidance/land-contamination-how-to-manage-the-risks> when dealing with land affected by contamination.
2. Refer to the [Environment Agency Guiding principles for land contamination](#) for the type of information that we required in order to assess risks to controlled waters from the site. The Local Authority can advise on risk to other receptors, such as human health.
3. Refer to our website at www.gov.uk for more information.

Condition 11a: As-builts shall be provided electronically, in both an AutoCAD format (.dwg) and Adobe PDF format (.pdf).

Notes for applicant: Police

Fencing used should be ANTI-CLIMB in accordance with SBD (Secure By Design) and conforms to LPS 1175 SR2

Notes for the 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 required to enter into an agreement under S38/S278 of the Highways Act 1980 with the Highway Authority for all works within the public highway or adoptable highway works. For further information please contact the Highways Development Control Team at Stephen.Pittaway@walsall.gov.uk
3. The closure of Kendricks Road will require a Traffic Regulation Order. For further information contact Traffic.Management Team at Traffic.Management@walsall.gov.uk

End of Officers Report



Planning Committee

Report of Head of Planning and Building Control on 15-Oct-2020

Plans List Item Number: 3.

Reason for bringing to committee: Major application

Location: LAND ADJACENT RAILWAY AT BILSTON STREET/ ROSE HILL, WILLENHALL

Proposal: DEMOLITION OF EXISTING INDUSTRIAL BUILDINGS, CONSTRUCTION OF NEW RAILWAY STATION INCLUDING TWO PLATFORMS, FOOTBRIDGE, INSTALLATION OF STEPS AND LIFT, PLATFORM FURNITURE, LIGHTING, SOFT AND HARD LANDSCAPING, FLOOD MITIGATION, SERVICES AND BOUNDARY TREATMENT AND OTHER ASSOCIATED WORKS. CONSTRUCTION OF CAR PARKING (UP TO 33 SPACES) INCLUDING ACCESSIBLE SPACES, PARKING AND ARGING FACILITIES FOR ELECTRIC VEHICLES, PARKING FOR CYCLES AND MOTORCYCLES AND INCLUDING IMPROVEMENTS TO PEDESTRIAN/CROSSING FACILITIES ON BILSTON STREET.

Application Number: 20/0748

Applicant: WMCA

Agent: Peter Gillan

Application Type: Full Application: Major Mixed Use Classes

Case Officer: Devinder Matharu

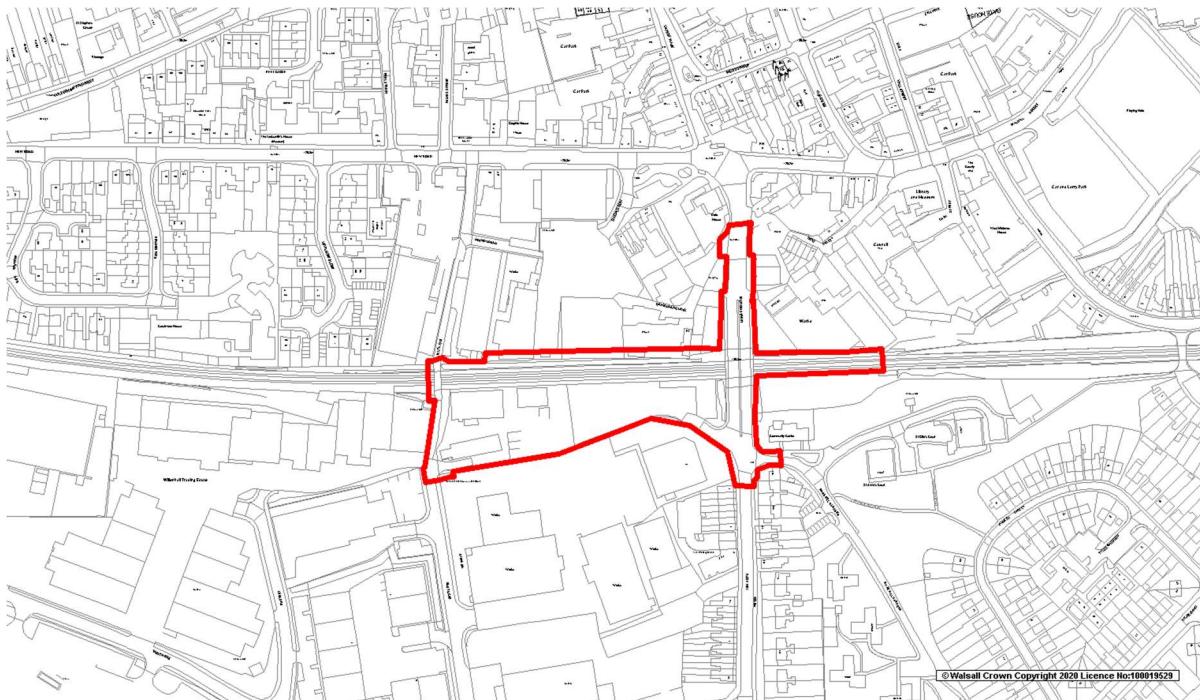
Ward: Willenhall South

Expired Date: 20-Oct-2020

Time Extension Expiry:

Recommendation Summary: Planning Committee resolve to Grant Planning Permission Subject to Conditions and Delegate to the Head of Planning & Building Control subject to

- No new material considerations being received within the consultation period;
- The amendment and finalising of conditions;
- No further comments from a statutory consultee raising material planning considerations not previously addressed;
- Overcoming the outstanding objection[s] raised by Conservation Officer and Flood Risk Officer and Flood Risk Officer.



Proposal

The application proposes the construction of new railway station including demolition of existing industrial buildings, construction of new railway station including two platforms, footbridge, installation of steps and lift, platform furniture, lighting, soft and hard landscaping, flood mitigation, services and boundary treatment and other associated works.

The scheme requires two new platforms to be constructed approximately 105m in length, one serving each line. The platforms are connected by a new covered footbridge, with a lift and stairs at each end giving full accessibility to each platform. The station is also proposed to provide the following:

- New 33 space car park, including 4 Electric Vehicle parking spaces, 3 disabled/ accessible parking spaces, 1 accessible Electric Vehicle space and 2 enlarged parking spaces
- 10 cycle parking spaces
- Car/ taxi drop-off point
- Parking for bicycles and motorbikes
- Passive provision for future station building
- New stepped access on Bilston Street Bridge to platform
- improvements to pedestrian/crossing facilities on Bilston Street

The following documents have been submitted with the application.

- Statement of community interest outlining the consultation process for the proposed railway station.
- RSA1 Designers response outlining justifications have been provided to demonstrate that the proposed layout does not pose any significant safety issue.

- Phase 1 Geo-environmental Report that identifies contamination on site and proposes further remedial works.
- Flood Risk Assessment, which identifies the River Tame and the Old Thame culvert, the majority of the site is in flood zone 2 with small sections in zones 1 and 2, flooding on the site varies from high to low, mitigation measures are proposed with voids under the railways and the footbridge on struts and the car park to be raised.
- Design and Access Statement, which addresses the site.
- Coal mining report, which identifies the site in a high coal risk areas and mitigation measures.
- Preliminary Ecological survey, which identifies potential impacts to habitat species and measures to avoid harm and mitigation measures.
- Ecological statement concluding that neither the construction nor operational phases of the development would result in significant adverse ecological impacts.
- Noise Assessment which states the introduction of the additional trains to service the proposed station, increase in noise is 0.5 dB during the day (06:00 to 00:00), with no increase at night.
- External lighting details
- Air Quality Assessment, which concludes 5 electric charging points and 10 cycle spaces are to be provided.
- Transports Assessment which addresses the proposed development and highway works.
- Planning Statement which address flooding, contamination, coal mining, historic assets, public engagement, landscaping etc states:
 - o West Midlands Rail Executive (WMRE) and Transport for West Midlands (TfWM) are delivering a package of two new railway stations for Darlaston and Willenhall, within the administrative boundaries of Walsall Metropolitan Borough Council (WMBC).
 - o The proposed stations are located on the Walsall – Wolverhampton railway line. The first phase of the proposals to enhance rail services is a Walsall to Wolverhampton rail link, with stations built at Willenhall and Darlaston.
 - o TfWM's Strategic Transport Plan '*Movement for Growth*' sets out a vision for the metropolitan rail and rapid transit network based on suburban rail, metro (light rail) and tram-train, very light rail and SPRINT Bus Rapid Transit lines on suitable links of one single network. This is effectively integrated with local bus networks at main centre interchanges and local interfaces, underpinned by park and ride and whole system information, promotion and ticketing.
 - o The creation of this one, single high quality network will be a major transformation of public transport in the West Midlands.
 - o The long term network as shown in the figure below is heavily influenced by the West Midlands HS2 Connectivity Programme and has been informed by the findings of the Black Country Rapid Transit Review. Rail schemes in the HS2 Connectivity Programme improve rail capacity and line speeds and include new stations and services.
 - o The Connectivity Programme supports the Growth Strategy's vision to harness the unrivalled connectivity and investment of HS2 to create a step change in the Midland's economic performance, driving growth and significantly improving outcomes for people, businesses and places.

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- The proposed stations will promote the use of public transport and, coupled with the new and improved services, will accommodate the travel demand anticipated by significant forecast growth.
- The proposed stations are aimed at removing barriers to travel; increasing mobility and accessibility to educational, employment and leisure opportunities.
- The scheme also provides a reliable, efficient alternative to the private car, encouraging a modal shift toward more sustainable travel modes.
- The new stations will maximise opportunities for sustainable travel.

Site and Surroundings

The application site is a parcel of land located to the south of the railway in Willenhall, forms part of the site on the eastern and western railway line and extends along Bilston Street.

The application site is accessed from a slip road off Bilston Street on the western side, the existing driveway to the site slopes downwards, as the railway is set at a lower level.

The red line boundary of the site extends toward the Willenhall Conservation Area to the north of the site. Dale House is a Grade II listed building located within 13m of the red line part of the site to the north.

There are commercial uses towards the west of the application site, commercial buildings to the south of the slip road accessed from the slip road and to the north of the existing railway. On the opposite side of Bilston Street is a nursery and residential properties on both sides of Bilston Lane in close proximity to the site access.

The Old Tame culvert runs through the southern half of the application site with the River Tame being located to the south away from the application site. The sites are in a high risk coal area, flood zones 2 and 3, historic environment record and in an area of land contamination.

Relevant Planning History

None

Relevant Policies

National Planning Policy Framework (NPPF)

www.gov.uk/guidance/national-planning-policy-framework

The NPPF sets out the Government's position on the role of the planning system in

both plan-making and decision-taking. It states that the purpose of the planning system is to contribute to the achievement of sustainable development, in economic, social and environmental terms, and it emphasises a “*presumption in favour of sustainable development*”.

Key provisions of the NPPF relevant in this case:

- **NPPF 2 – Achieving sustainable development**
- **NPPF 4 – Decision Making**
- **NPPF 6 – Building a strong, competitive economy**
- **NPPF 7 – Ensuring the vitality of town centres**
- **NPPF 8 – Promoting healthy and safe communities**
- **NPPF 9 – Promoting sustainable transport**
- **NPPF 11 – Making effective use of land**
- **NPPF 12 – Achieving well-designed places**
- **NPPF 14 – Meeting the challenge of climate change, flooding and coastal change**
- **NPPF 15 – Conserving and enhancing the natural environment**
- **NPPF 16 – Conserving and enhancing the historic environment**

On **planning conditions** the NPPF (para 55) says:

Planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. Agreeing conditions early is beneficial to all parties involved. Conditions that are required to be discharged before development commences should be avoided unless there is a clear justification.

On **decision-making** the NPPF sets out the view that local planning authorities should approach decisions in a positive and creative way. They should use the full range of planning tools available and work proactively with applications to secure developments that will improve the economic, social and environmental conditions of the area. Pre-application engagement is encouraged.

National Planning Policy Guidance

On **material planning consideration** the NPPG confirms- planning is concerned with land use in the public interest, so that the protection of purely private interests... could not be material considerations

Reducing Inequalities

The Equality Act 2010 (the ‘2010 Act ’) sets out 9 protected characteristics which should be taken into account in all decision making.

Development Plan

www.go.walsall.gov.uk/planning_policy

Saved Policies of Walsall Unitary Development Plan

- 3.13 to 3.15 Building Conservation & Archaeology
- GP2: Environmental Protection
- GP3: Planning Obligations
- GP6: Disabled People
- ENV10: Pollution
- ENV11: Light Pollution
- ENV14: Development of Derelict and Previously-Developed Sites
- ENV17: New Planting
- ENV18: Existing Woodlands, Trees and Hedgerows
- ENV23: Nature Conservation and New Development
- ENV25: Archaeology
- ENV26: Industrial Archaeology
- ENV27: Buildings of Historic or Architectural Interest
- ENV32: Design and Development Proposals
- ENV33: Landscape Design
- ENV40: Conservation, Protection and Use of Water Resources
- S1: Definition of Town Centre Uses
- S2: The Hierarchy of Centres
- S3: Integration of Developments into Centres
- S4: The Town and District Centres: General Principles
- T1 - Helping People to Get Around
- T2 - Bus Services
- T3 - The Rail and Metro Network
- T7 - Car Parking
- T8 – Walking
- T9 – Cycling
- T10: Accessibility Standards – General
- T11: Access for Pedestrians, Cyclists and Wheelchair users
- T12: Access by Public Transport (Bus, Rail, Metro and Ring and Ride)
- T13: Parking Provision for Cars, Cycles and Taxis
- WH5: Rail Station and Transport Interchange
- WH6: Buses
- WH7: Pedestrians
- WH8: Provision for Cyclists
- WH9: Traffic Management
- WH10: Parking

Black Country Core Strategy

- Vision, Sustainability Principles and Spatial Objectives
- CSP4: Place Making
- CSP5: Transport Strategy
- EMP2: Actual and Potential Strategic High Quality Employment Areas
- CEN1: The Importance of the Black Country Centres for the Regeneration Strategy

- CEN2: Hierarchy of Centres
- CEN3: Growth in the Strategic Centres
- CEN4: Regeneration of Town Centres
- CEN5: District and Local Centres
- CEN8: Car Parking in Centres
- TRAN4: Creating Coherent Networks for Cycling and for Walking
- TRAN5: Influencing the Demand for Travel and Travel Choice
- ENV2: Historic Character and Local Distinctiveness
- ENV3: Design Quality
- ENV5: Flood Risk, Sustainable Drainage Systems and Urban Heat Island
- ENV8: Air Quality

Walsall Site Allocation Document 2019

IND2: Potential High Quality Industry

EN3: Flood Risk

EN5: Conservation Areas

T3: The Rail Network

T4: The Highway Network

Supplementary Planning Document

Conserving Walsall's Natural Environment

Development with the potential to affect species, habitats or earth heritage features

- NE1 – Impact Assessment
- NE2 – Protected and Important Species
- NE3 – Long Term Management of Mitigation and Compensatory Measures

Survey standards

- NE4 – Survey Standards

The natural environment and new development

- NE5 – Habitat Creation and Enhancement Measures
- NE6 – Compensatory Provision

Development with the potential to affect trees, woodlands and hedgerows

- NE7 - Impact Assessment
- NE8 – Retained Trees, Woodlands or Hedgerows
- NE9 – Replacement Planting
- NE10 – Tree Preservation Order

Designing Walsall

- DW1 Sustainability
- DW2 Safe and Welcoming Places
- DW3 Character

- DW4 Continuity
- DW5 Ease of Movement
- DW6 Legibility
- DW7 Diversity
- DW8 Adaptability
- DW9 High Quality Public Realm
- DW10 Well Designed Sustainable Buildings

Air Quality SPD

- **Section 5 – Mitigation and Compensation:**
- Type 1 – Electric Vehicle Charging Points
- Type 2 - Practical Mitigation Measures
- Type 3 – Additional Measures
- 5.12 - Emissions from Construction Sites
- 5.13 – Use of Conditions, Obligations and CIL
- 5.22 - Viability

Consultation Replies

Cadent Gas – No objection but makes comments that they need to assess the site before works commence.

Highways England – No objection

Coal Authority – No objection subject to remedial works being sought by condition.

Fire Officer – No objection subject to compliance with building regulations for fire appliance access, suitable water supplies..etc

Community Safety Officer – No objection subject to secure by design but makes comments on boundary fencing and CCTV.

Archaeology – No objection

Natural England – No objection.

Public Health – No objection

Strategic Planning Policy – No objection

Pollution Control – no objection subject to planning conditions relating to contaminated land, construction management and air quality.

Severn Trent Water –No objection subject to drainage condition and noted for applicant regarding drainage.

Police- No objection but makes comments that the fencing should be in accordance with secure by design.

Network Rail – No objection

Local Access Forum – No objection but makes comments relating to pedestrian access in respect of the crossing and barriers to the site, increased footfall and vehicular traffic along Bilston Street and drop off and pick off traffic coming into the area.

Environmental Health – No objection

Public Lighting Officer – Objection, the lighting drawings do not match the details in the submitted documents, there are no details of light spillage and the overall the design is not energy efficient or acceptable.

Flood Risk Officer – Objection on the grounds that exceedance plans illustrating flooded areas and flow paths in the event of exceedance of the drainage system need to be submitted and if discharge to a surface water sewer is proposed then evidence should be provided from the sewerage undertaker, Severn Trent Water regarding permission to connect.

Environment Agency - No objection subject to planning conditions relating to design proposals and flood plain storage compensatory mitigation, as built topographical survey of the area of floodplain compensation details to be submitted, no raising of ground levels to disrupt water flows, and remedial strategy for contamination works.

Conservation Officer – No objection on the grounds that no visualisation plans are required.

Representations

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

- The application site includes third party land.
- Neighbours not consulted
- Concerns over narrowing of bridge
- Concerns over parking
- Affect loading and unloading for adjacent businesses
- Concerns over red route proposal

One letter has been received supporting the proposal on the following grounds:

- Wonderful for the town

Determining Issues

- Principle of development
- Contamination, land stability and Archaeology
- Design and impact upon the Willenhall Conservation Area
- Impact upon neighbouring residential and commercial occupiers
- Impact upon listed buildings
- Flooding and Drainage
- Ecology and Landscaping
- Access and parking

Assessment of the Proposal

Principle of development

The red line site includes parts the District Centre boundary to the north of the railway and the parcel of land to the south east. A small area coloured in red on the Willenhall Inset Map is subject to UDP Policy WH5, which states the Council will strongly encourage Centro (now TfWM) to construct a passenger railway station to serve Willenhall District Centre, as a matter of priority. UDP Policy WH5 states a railway station would increase the profile and accessibility of the District Centre and would open up wider employment opportunities for local people. The proposed station site off Bilston Street via Rosehill accommodating a small car park is supported in principle.

The land south of the railway line is allocated as a Core Employment Area, subject to SAD Policy IND2 mapped as a Potential High Quality Industry site (Site IN78.3) and subject to SAD Policy IND2. This policy states that non-high quality industrial uses will be discouraged on Potential High Quality Industry sites except where they do not impinge adversely on the overall quality of the area, and that proposals for non-industrial uses will not be permitted except where allowed by BCCS Policy EMP2.

Site IN78.3 is currently occupied by a waste management facility identified as an Other Existing Waste Site (yellow symbol) on the SAD Policies Map. This site is therefore also subject to SAD Policy W2 (Site W43: Triple R Solutions), which seeks to safeguard existing waste facilities in line with BCCS Policy WM2. As the facility is not identified as a Strategic Waste Site, the main 'material considerations' for the railway station proposal will be the impact of non-waste development on any lawful waste management operations being carried out, and the site's importance to Black Country's waste management infrastructure.

The proposed station site off Bilston Street via Rosehill accommodating a small car park is supported in principle.

Contamination, land stability and Archaeology

The site is contaminated and Pollution Control have recommended planning conditions to address contamination on site. Overall, Pollution Control have no objection to the proposal.

The site is in a high risk coal mining area, the Coal Authority have no objection to the proposal subject to a planning condition to remedial works being undertaken. Remedial measures can be secured by way of a planning condition.

The Archaeology Officer whilst having no objection to the proposal has advised there is no heritage statement with the application and the red line boundary to the east of Bilston Street is for the tracks only, and so any archaeology present associated with the former passenger station is unlikely to be disturbed. On the western side of Bilston Street, where the new platforms and station building are to be located, there is likely to be truncation due to the removal of the sidings, the former goods station, and the construction of modern industrial buildings.

Design and impact upon Willenhall Conservation Area

The proposal would include the construction of two platforms serving each line to and from Birmingham. The platforms would be served by a covered footbridge including lifts and stairs. The railway is set at a lower level; however, the footbridges would be seen due to the design and scale of the development. Materials to construct the footbridges can be sought by way of a planning condition.

The Conservation Officer has concerns that no heritage statement has been submitted, as part of the red line extends up to Willenhall conservation area. The Conservation Officer also has concerns regarding the design and materials of the proposed footbridges and the visual aspect when viewed through long views across the conservation area.

The applicant is negotiating with the conservation officer regarding their comments; with the LPA awaiting the conclusion of these negotiations which may require further consultation. It is considered that the application is delegated to the Head of Planning and Building Control to address these issues.

The Community Safety Team have concerns over fencing and CCTV for safety and security. CCTV on site can be sought by way of a planning condition to ensure surveillance of the railway and proposed footbridges. Fencing can also be sort via planning conditions.

The Public Lighting Officer has objected to the proposal on the grounds that the lighting drawings do not match the details in the submitted documents, the lanterns are incorrectly orientated with part of the car park being lit and pedestrian areas being unlit, there are no details of light spillage and the overall the design is not energy efficient or acceptable in accordance with UDP Policy ENV11. Lighting details can be sought by way of a planning condition.

The Air Quality Assessment concludes air quality will not be a significant issue when the station becomes operational and measures have been included to comply with

the Air Quality SPD and measures to control impacts during the construction of the station and associated infrastructure. Pollution Control have no objection to the proposal subject to air quality planning conditions.

The LPA have sought level details from the applicant to fully assess the proposal, consequently, the application is recommended to be delegated to the Head of Planning and Building Control for details to be submitted and fully addressed. Further consultee consultation will be undertaken when these details are submitted.

Impact upon neighbouring residential and commercial occupiers

There are residential properties in close proximity to the site access on Bilston Street. There are commercial uses adjacent the site and to the north of the railway.

The submitted noise assessment determines that the operational train station will not result in noise levels that are significantly different to existing background noise levels. Furthermore, given the distance to the nearest residential dwelling from the proposed railway station, it is unlikely that noise from the construction of the railway will have a significant impact upon the amenities of these neighbouring residential occupiers. Pollution Control have also made comments about the proposed Public Address system and have sought an acoustic noise assessment, which can be secured by planning condition.

Pollution Control have sought details for a construction management plan to ensure that nearby businesses will not be significantly affected from adverse noise and vibration. The construction management plan would also secure details of the control of dust and debris on site to protect nearby residents and commercial occupiers. This can be secured via a planning condition

On balance, it is considered that the proposal would not unduly harm the amenities of neighbouring residential or commercial occupiers once the stations have been built and operational to warrant refusal of the proposal.

Flooding and Drainage

The site lies within flood zones 2 and 3, and the River Tame and Walsall Canal are within close proximity to the site. The Flood Risk Assessment states the platforms have been designed with voids beneath, to allow water to flow beneath the platforms and ensure that the platforms will not restrict floods flow along the railway line as far as possible. The footbridge is supported on struts rather than having a solid base, which limits the footprint of the bridge to that required by the lift shaft. The document also states the development will include land raising to reduce the flood risk to the proposed car park to low. Mitigation measures have also been included to prevent surface water flooding and culvert blockages.

The Flood Risk Officer has objected to the proposal on the grounds that exceedance plans illustrating flooded areas and flow paths in the event of exceedance of the drainage system need to be submitted in order to fully assess the proposal. This issue is covered in the recommendation of the report. Seven Trent Water have no objection to the proposal subject to a planning condition securing drainage details.

The Environment Agency have no objections to the proposal subject to planning conditions to secure details relating to design proposals, flood plain storage compensatory mitigation, as built topographical survey of the area of floodplain compensation details, no raising of ground levels to disrupt water flows, electric charging points and remedial strategy for contamination works.

The applicant has submitted the information sought by the local Lead Flood Authority, consultation with the LLFA has been undertaken, members will be updated at planning committee.

Ecology and Landscaping

The submitted Ecological assessments state neither the construction nor operational phases of the development would result in significant adverse ecological impacts but measures will be undertaken to avoid harm.

The proposal seeks to include some landscaping within the site; it is considered that the proposed landscaping is considered acceptable.

Access and parking

The proposal seeks to provide 33 car parking spaces, 5 electric charging points and 10 cycle spaces.

The Highway Officer has no objection to the proposal subject to planning conditions regarding the car park being demarcated and drained, a construction management and highway infrastructure works to the bridge on Bilston Street being submitted.

The Highway Officer has also sought a planning condition to ensure that the proposed parking area is free of charge to prevent on street parking issues along the existing slip road and Bilston Street.

Conclusions and Reasons for Decision

The principle of development of the railway station is considered acceptable. The design and layout are considered acceptable. Further issues with the planning agent will need to be resolved regarding drainage, highway issues and consultee responses.

The proposal complies with the policies as set out in the policy section of this report.

Taking into account the above factors it is considered that the application should be recommended for approval.

Taking into account the above factors it is considered that the application should be recommended for approval.

Positive and Proactive Working with the Applicant

Approve

Existing and proposed level details have been sought from the planning agent to fully assess this application.

Recommendation

Planning Committee resolve to Grant Planning Permission Subject to Conditions and Delegate to the Head of Planning & Building Control subject to ...

- No new material considerations being received within the consultation period;
- The amendment and finalising of conditions;
- No further comments from a statutory consultee raising material planning considerations not previously addressed;
- Overcoming the outstanding objection[s] raised by Conservation Officer and Flood Risk Officer and Flood Risk Officer.

Conditions and Reasons

1.The development hereby permitted shall be begun not later than 3 years from the date of this permission.

Reason: To ensure the satisfactory commencement of the development in accordance with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2.The development hereby permitted shall not be carried out otherwise than in accordance with the following approved plans details and documents:

- Location Plan submitted 13-07-2020
- Proposed site layout submitted 13-07-2020
- Elevation and level submitted 13-07-2020
- Landscape Plan submitted 07-07-2020

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

3a. Prior to the commencement of development hereby permitted drainage plans for the discharge of surface water and disposal of foul sewerage and all existing and proposed underground services and sewers shall be submitted in writing to and approved in writing by the Local Planning Authority.

3b. The development shall not be carried out otherwise than in accordance with the approved details and the approved drainage shall thereafter be retained as installed for the lifetime of the development.

Reason: To ensure the development is provided with a satisfactory means of drainage and/or to reduce the risk of creating or exacerbating a flooding problem and/or to minimise the risk of pollution and/or to safeguard water quality from fuels, oils and other chemicals from the site in accordance with NPPF10, BCCS Policy ENV5 and saved Walsall's Unitary Development Plan policy GP2 and ENV40.

4a. Prior to the commencement of development hereby approved, a Construction Environmental Management Statement shall be submitted in writing to and approved in writing by the Local Planning Authority. The Construction Environmental Management Statement shall include:

13. Construction working hours
14. Parking and turning facilities for vehicles of site operatives and visitors
15. Loading and unloading of materials
16. Storage of plant and materials used in constructing the development
17. A scheme for recycling/disposing of waste resulting from construction works
18. Temporary portacabins and welfare facilities for site operatives
19. Site security arrangements including hoardings
20. Wheel washing facilities and/or other measures to prevent mud or other material emanating from the application site reaching the highway
21. Measures to prevent flying debris
22. Dust mitigation measures (particularly as the contaminated land investigation has indicated that land is contaminated)
23. Measures to prevent site drag-out (including need for wheel cleaning and use of a road-sweeper)
24. Noise and vibration (if piling and/or ground stabilisation is to be conducted) mitigation measures

4b. The development hereby permitted shall not be carried out otherwise than in accordance with the approved Construction Environmental Management Statement

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and the approved Construction Environmental Management Statement shall be maintained throughout the construction period.

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 and 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 in accordance with saved policies GP2 and ENV32 of Walsall's Unitary Development Plan and Policy T4 of the SAD.

5a. Prior to the commencement of development hereby approved, highway infrastructure works detailing:

- I. Modifications to the station car park entrance off Bilston Street,
- II. The installation of a controlled pedestrian crossing facility on Rose Hill including footway build-outs,
- III. Revisions to on-street parking restrictions to create taxi bays and junction protection restrictions.

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

5b. The development hereby permitted shall not be carried out otherwise than in accordance with the approved highway infrastructure works.

Reason: To ensure adequate infrastructure works are completed upon the opening of the station and thereafter, in accordance with UDP Policies GP2, T3, WH5, BCCS Policy TRAN1 and highway safety.

6a. Prior to built development commencing a Remediation Statement setting out details of remedial measures (including design and specification details) 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)

6b. The remedial measures as set out in the Remediation Statement required by part a of this condition shall be implemented in accordance with the agreed timetable.

6c. If during the undertaking of remedial works or the construction of the approved development unexpected ground contamination not identified by the site investigation is encountered, development shall cease until the Remediation Statement required by part 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.

6d. A validation report confirming the details of the measures implemented together with substantiating information and justification of any changes from

PAGE 66 OF 140

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 prevent potential contamination of the ground due to any potentially hazardous materials associated with the buildings or their previous use in accordance with saved policies GP2 and ENV14 of Walsall's Unitary Development Plan.

7a. Prior to the commencement of development hereby approved, a remediation strategy to deal with the risks associated with contamination of the site shall be submitted in writing to and approved in writing by the Local Planning Authority. This strategy will include the following components:

- v. A preliminary risk assessment which has identified:
 - all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors
 - potentially unacceptable risks arising from contamination at the site
- vi. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.
- vii. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
- viii. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

7b. The development hereby permitted shall not be carried out otherwise than in accordance with the approved details and the approved details shall thereafter be retained for the lifetime of the development..

Reason: to reduce the risk of creating or exacerbating a flooding problem and/or to minimise the risk of pollution and/or to safeguard water quality from fuels, oils and other chemicals from the site in accordance with NPPF10, BCCS Policy ENV5 and saved Walsall's Unitary Development Plan policy GP2 and ENV40 and the NPPF.

8a. Prior to commencement of the development hereby permitted, details of lighting including the intensity of illumination, position of lighting columns, light spillage including a light spillage plan and predicted lighting contours shall be submitted in writing to and approved in writing by the Local Planning Authority.

8b. The development hereby permitted shall not be carried out otherwise than in accordance with the approved details and the approved details shall thereafter be retained for the lifetime of the development.

Reason: In the interests of the visual amenities of the area in accordance with saved policies GP2, ENV11 and ENV32 of Walsall's Unitary Development Plan.

9a. Prior to commencement of the development hereby permitted, a detailed acoustic impact assessment to ensure the Public Address system will not disturb nearby residential premises and mitigation measures shall be submitted in writing to and approved in writing by the Local Planning Authority.

9b. A validation statement shall be submitted in writing to and approved in writing by the Local Planning Authority.

9c. The development hereby permitted shall not be carried out otherwise than in accordance with the approved details and the approved details shall thereafter be retained for the lifetime of the development.

Reason: To protect the amenities of nearby by residents in respect of Policies GP2, ENV10 and ENV32 of the UDP.

10a. Prior to commencement of the development hereby permitted, a details remediation scheme to protect the development from effects of coal mining related land instability shall be submitted to and approved in writing by the local planning authority.

10b. The development hereby permitted shall not be carried out otherwise than in accordance with the approved details and the approved details shall thereafter be retained for the lifetime of the development.

Reason: To ensure the site has been made safe and stable for the development in accordance with Policy ENV14 of the UDP.

11a. Prior to commencement of the development hereby permitted, an as built topographical survey of the area of floodplain compensation shall be submitted in writing to and approved in writing by the Local Planning Authority.

11b. The development hereby permitted shall not be carried out otherwise than in accordance with the approved details and the approved details shall thereafter be retained for the lifetime of the development.

Reason: To ensure that the floodplain compensation area is constructed in accordance with the approved scheme in accordance with NPPF10, BCCS Policy ENV5 and saved Walsall's Unitary Development Plan policy GP2 and ENV40.

12a. Prior to the commencement of building operations above damp proof course of the development hereby permitted a schedule of materials to be used in the construction of the external surfaces including details of the colour, size, texture, material and specification of facing and roofing materials of the proposed footbridge, proposed covered canopies and cycle store shall be submitted in writing to and approved in writing by the Local Planning Authority.

12b. The development shall not be carried out otherwise than in accordance with the approved details and the approved materials shall thereafter be retained for the lifetime of the development.

Reason: To ensure the satisfactory appearance of the development and to comply with saved policies GP2 and ENV32 Walsall's Unitary Development Plan.

13a. Prior to the commencement of building operations above damp proof course of the development hereby permitted details of the proposed boundary treatment of the site, including heights, positions and extents, materials and finishes of all walls, fences, gates or other means of enclosure, shall be submitted in writing to and approved in writing by the Local Planning Authority. The submitted details shall include all internal site divisions in addition to the perimeter boundary treatments and all gates shall be designed and installed so they cannot open outwards onto a highway.

13b. The development shall not be carried out otherwise than in accordance with the approved schedule and the boundary treatments shall thereafter be retained for the lifetime of the development.

13c. The development hereby permitted shall not be occupied until all boundary treatments have been erected in accordance with the approved schedule.

Reason: To ensure the satisfactory appearance and functioning of the development in accordance with the saved policies GP2 and ENV32 of the Walsall Unitary Development Plan and in the interest of highway and pedestrian safety in accordance with the saved UDP policies T7 and T13 of the Walsall Unitary Development Plan.

14a. The development shall not be carried out otherwise than in accordance with the design proposals and flood plain storage compensatory mitigation detailed under sections 7.0 and 8.4, of the hereby approved Flood Risk Assessment, as shown on Figure 7.2 and drawing No. 60570107-ACM-PBJ-DAR-DR-DS-000001 Revision P1 (Willenhall Railway Station Flood Risk Assessment Existing and Proposed Site Cross Sections). submitted on 07-07-2020.

14b. The development shall not be carried out otherwise than in accordance with the mitigation measures implemented at the groundwork's phase of the development, accordance with the scheme's timing/ phasing arrangements. The approved details shall thereafter be retained for the lifetime of the development.

Reasons: To reduce the risk of flooding to the proposed development and future users and to prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided in accordance with NPPF10, BCCS Policy ENV5 and saved Walsall's Unitary Development Plan policy GP2 and ENV40.

15. The development shall not be carried out otherwise than in accordance with no raising of ground levels or erection of any building, structure or any other such obstruction to flood flows within the area of floodplain compensation created as part of the development of this site.

Reason: To safeguard the efficient workings of the area of floodplain compensation from inappropriate development in accordance with NPPF10, BCCS Policy ENV5 and saved Walsall's Unitary Development Plan policy GP2 and ENV40.

16a. The development shall not be carried out otherwise than in accordance with the measures described within Air Quality Assessment, Ref. 60570107-ACM-PBJ-DAR-RP-TN-000001, by AECOM submitted on 07-07-2020.

16b. A written validation statement shall be submitted to and approved in writing the Local Planning Authority that confirms the implementation of the agreed air quality mitigation measures have been implemented.

Reason: To reduce potential negative health impact upon future occupants in compliance with the saved policy ENV10 of Walsall's Unitary Development Plan.

17. The development shall not be carried out otherwise than in accordance with land level changes will be made during the first stage of development, with land lowering occurring first in accordance with the flood risk assessment extract section 7.2.3 submitted 07-07-2020 to ensure that there will be no increase in flood risk offsite during the construction phase.

Reason: To safeguard the site from flooding in accordance with NPPF10, BCCS Policy ENV5 and saved Walsall's Unitary Development Plan policy GP2 and ENV40.

18a. Prior to occupation of the development hereby permitted the approved landscaping details as shown on the landscape plan submitted 07-07-2020, shall be implemented within the first planting season.

18b. If within a period of 5 years from the date of the planting of any trees shrubs or plants, that tree shrub or plant, or any tree shrub or plant planted in replacement for it, is removed, uprooted, destroyed or dies and or becomes seriously damaged or diseased in that period another tree shrub or plant of the same species and size as that originally planted shall be planted at the same place.

Reason: In the interests of the visual amenities of the area in accordance with saved policies ENV17 and ENV33 of Walsall's Unitary Development Plan.

19a. Prior to the railway station first coming into use, the Park and Ride car park shall be implemented and brought into use, being consolidated, hard surfaced, drained together with the clear demarcation of all parking bays, pedestrian walkways and crossing points.

19b. The Park and Ride car park shall thereafter be retained and used for no other purpose.

Reason: To ensure adequate off street parking is available upon the opening of the station and thereafter, in accordance with UDP Policies GP2, T3, WH5, BCCS Policy TRAN1 and highway safety.

Notes for applicant: Pollution Control

Contaminated Land

CL2

When making assessments of any contaminants identified as being present upon and within 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: Environment Agency

Paragraph 179 of the National Planning Policy Framework states “Where a site is affected by contamination or land stability issues, responsibility for securing safe development rests with the developer and/or landowner.”

We recommend that developers and /or Landowner should:

4. Follow the advice in Land Contamination: risk management <https://www.gov.uk/guidance/land-contamination-how-to-manage-the-risks> when dealing with land affected by contamination.
5. Refer to the [Environment Agency Guiding principles for land contamination](#) for the type of information that we required in order to assess risks to controlled waters from the site. The Local Authority can advise on risk to other receptors, such as human health.
6. Refer to our website at www.gov.uk for more information.

As-builts shall be provided electronically, in both an AutoCAD format (.dwg) and Adobe PDF format (.pdf).

Notes for applicant: Police

Fencing used should be ANTI-CLIMB in accordance with SBD (Secure By Design) and conforms to LPS 1175 SR2

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 required to enter into an agreement under S38/S278 of the Highways Act 1980 with the Highway Authority for all works within the public highway or adoptable highway works. For further information please contact the Highways Development Control Team at Stephen.Pittaway@walsall.gov.uk
3. Revisions to the on-street parking to create the taxi bays will require modifications to the existing Traffic Regulation Orders. For further information contact Traffic.Management Team at Traffic.Management@walsall.gov.uk

End of Officers Report



Planning Committee

Report of Head of Planning and Building Control on 15-Oct-2020

Plans List Item Number: 4.

Reason for bringing to committee: Major Development

Location: DEVELOPMENT SITE AT GEORGE STREET AND UPPER HALL LANE, GEORGE STREET, WALSALL, WS1 1RL

Proposal: CONSTRUCTION OF A NEW TEACHING BUILDING EXTENSION WITH CONNECTING BRIDGE TO THE EXISTING SCHOOL, ACCESS, PARKING, LANDSCAPING AND DRAINAGE.

Application Number: 20/0899

Applicant: Interserve Construction Ltd on behalf of

Agent: Mr Oliver Corbett

Application Type: Full Application: Major Use Class D1 (Non-Residential Institutions)

Case Officer: Leon Carroll

Ward: St Matthews

Expired Date: 23-Oct-2020

Time Extension Expiry:

Recommendation Summary: That Planning Committee resolve to Delegate to the Head of Planning & Building Control to Grant Planning Permission subject to

- The amendment and finalising of conditions;
- Overcoming the outstanding objections raised by the Lead Local Flood Authority, Archaeology and Ecology.

Economy and Environment, Development Management

Planning Committee

Report of Head of Planning and Building Control on 15-Oct-2020

Plans List Item Number: 5.

Reason for bringing to committee: Major Development

Location: DEVELOPMENT SITE AT GEORGE STREET AND UPPER HALL LANE,
GEORGE STREET, WALSALL, WS1 1RL

Proposal: CONSTRUCTION OF A NEW SCHOOL BUILDING WITH ASSOCIATED
PLAY AREA AND MUGA COURT, ACCESS, PARKING, LANDSCAPING AND
DRAINAGE.

Application Number: 20/0900

Applicant: Interserve Construction Ltd on
behalf of

Agent: Mr Oliver Corbett

Application Type: Full Application: Major
Use Class D1 (Non-Residential Institutions)

Case Officer: Leon Carroll

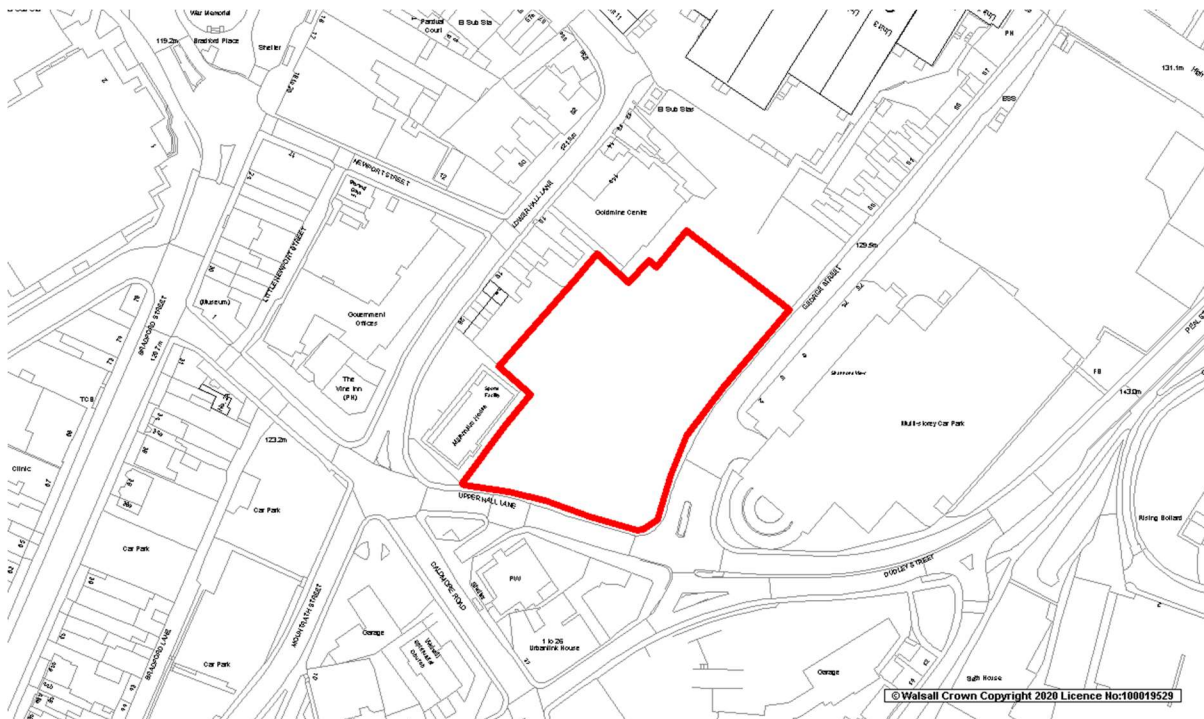
Ward: St Matthews

Expired Date: 23-Oct-2020

Time Extension Expiry:

Recommendation Summary: That Planning Committee resolve to Delegate to the
Head of Planning & Building Control to Grant Planning Permission subject to

- The amendment and finalising of conditions;
- Overcoming the outstanding objections raised by the Lead Local Flood Authority, Archaeology and Ecology.



LATE PAPER – **Officers Report to follow**



Planning Committee

Report of Head of Planning and Building Control on 15-Oct-2020

Plans List Item Number: 6.

Reason for bringing to committee: Major development

Location: LAND OFF DARLASTON ROAD BETWEEN CANAL AND, BENTLEY MILL WAY, BENTLEY, WS2 9SG

Proposal: CONSTRUCTION OF COMMERCIAL BUILDING (USE CLASSES B1(C), B2 AND B8 WITH ANCILLARY OFFICES), ASSOCIATED HIGHWAYS WORKS TO DARLASTON ROAD, PROVISION OF PARKING, ACCESS AND CIRCULATION AREAS WITHIN SITE, PROVISION OF FLOOD COMPENSATION AREA AND ALL OTHER ASSOCIATED WORKS.

Application Number: 20/0254

Applicant: Cayborn Ltd

Agent: Stansgate Planning

Application Type: Full Application: Major
Use Class B2 (General Industrial)

Case Officer: Leon Carroll

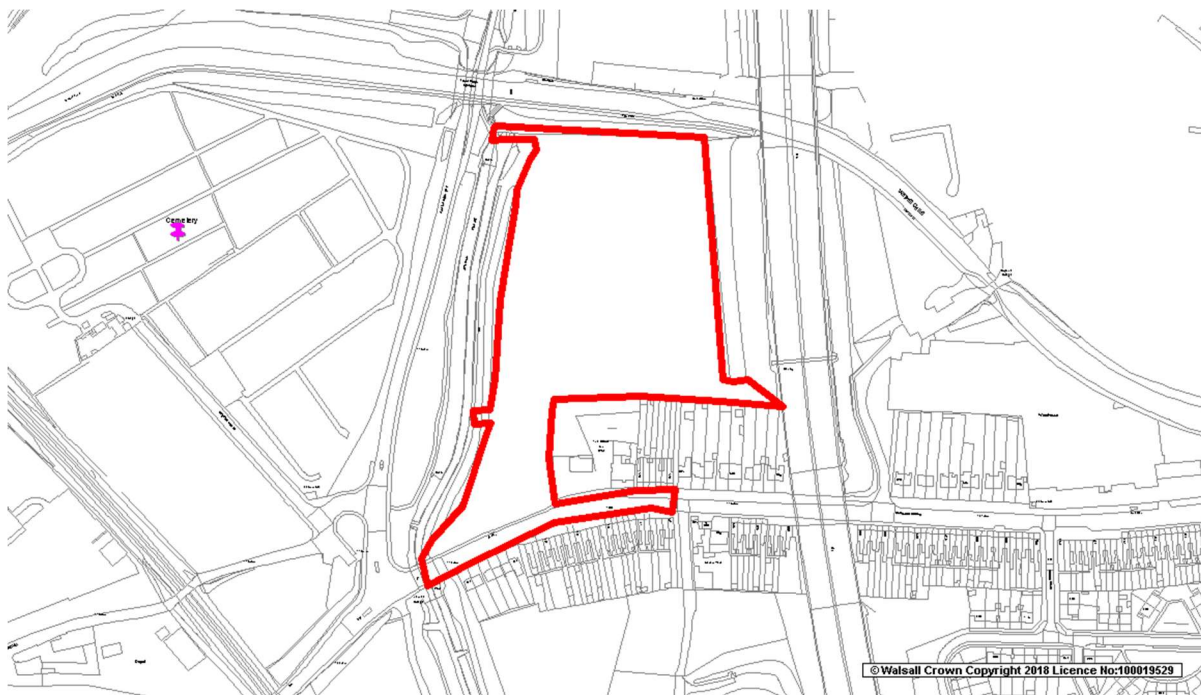
Ward: Pleck, Bentley And Darlaston North

Expired Date: 02-Jun-2020

Time Extension Expiry:

Recommendation Summary: Planning Committee resolve to Grant Planning Permission and delegate to the Head of Planning & Building Control Subject to

- The amendment and finalising of planning conditions;
- Resolving outstanding ecology matters.
- Highways England



Proposal

The proposal relates to the construction of a 10,500m² commercial building for use classes B2 (general industrial) and B8 (storage and distribution) with associated access road, car parking, infrastructure and landscaping. The proposal as originally submitted included B1c use, which has now been superseded by new use class E(g)(iii), however this use is considered to require significantly more car parking than can be provided on site therefore the proposal under consideration does not include use class B1c/E(g)(iii).

The proposal also includes a resident's car park to accommodate residents whose current car parking arrangements on Darlaston Road will be displaced as part of the proposal. This full planning application relates to an earlier EIA Screening case (Ref: 19/1305 EIA) which determined that an Environmental Impact Assessment was not required for the proposal.

Site and Surroundings

The site is a 2.6 hectare parcel of land situated in the Bentley area of Walsall. The site is immediately bounded to the north by the Walsall Canal, to the east by the M6 motorway which is on a raised embankment, to the south by dwellings and a grade II listed public house on Darlaston Road, and to the east by the River Tame. The site has no history of previous built development but evidence of coal workings exist on site.

The land to the north and east of the site is currently vacant but was previously used as a refuse tip and industrial works respectively. On the western side of the site beyond the River Tame and Bentley Mill Way is the large James Bridge Cemetery. To the south of the site there are residential dwellings on both sides of Darlaston Road with another vacant former industrial site beyond. The wider local area has a mixed character of residential housing estates interspersed with large and small commercial industrial units along with retail estates and recreation open space. The application site is approximately 2 miles from both Junction 9 and Junction 10 of the M6 motorway.

BC53214P: Outline application for the erection of B1, B2, B8 Industrial Units and Associated Works & Access from Darlaston Road. Approved 22 May 2001.

03/2480/FL/W1: Relaxation of Conditions 1, 5, 32 AND 33 of BC53214P (extension of time period to submit reserved matters by 25th May 2007, road work related issues). Approved 15 June 2004.

19/1305: Environmental Impact Assessment screening request for industrial building 11160sqm on a 2.89hectare site. EIA not required 10 December 2019.

Relevant Policies

National Planning Policy Framework (NPPF)

www.gov.uk/guidance/national-planning-policy-framework

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

Key provisions of the NPPF relevant in this case:

- **NPPF 2 – Achieving sustainable development**
- **NPPF 4 – Decision Making**
- **NPPF 6 – Building a strong, competitive economy**
- **NPPF 8 – Promoting healthy and safe communities**
- **NPPF 9 – Promoting sustainable transport**
- **NPPF 11 – Making effective use of land**
- **NPPF 12 – Achieving well-designed places**
- **NPPF 14 – Meeting the challenge of climate change, flooding and coastal change**

- **NPPF 15 – Conserving and enhancing the natural environment**
- **NPPF 16 – Conserving and enhancing the historic environment**

On **planning conditions** the NPPF (para 55) says:

Planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. Agreeing conditions early is beneficial to all parties involved. Conditions that are required to be discharged before development commences should be avoided unless there is a clear justification.

On **decision-making** the NPPF sets out the view that local planning authorities should approach decisions in a positive and creative way. They should use the full range of planning tools available and work proactively with applications to secure developments that will improve the economic, social and environmental conditions of the area. Pre-application engagement is encouraged.

National Planning Policy Guidance

On **material planning consideration** the NPPG confirms- planning is concerned with land use in the public interest, so that the protection of purely private interests... could not be material considerations

Reducing Inequalities

The Equality Act 2010 (the '2010 Act ') sets out 9 protected characteristics which should be taken into account in all decision making. The **characteristics** that are protected by the Equality Act 2010 are:

- age
- disability
- gender reassignment
- marriage or civil partnership (in employment only)
- pregnancy and maternity
- race
- religion or belief
- sex
- sexual orientation

Of these protected characteristics, disability and age are perhaps where planning and development have the most impact.

In addition, the 2010 Act imposes a Public Sector Equality Duty "PSED" on public bodies to have due regard to the need to eliminate discrimination, harassment and victimisation, to advance equality and to foster good relations. This includes

removing or minimising disadvantages, taking steps to meet needs and encouraging participation in public life.

Section 149(6) of the 2010 Act confirms that compliance with the duties may involve treating some people more favourably than others. The word favourably does not mean 'preferentially'. For example, where a difference in ground levels exists, it may be perfectly sensible to install some steps. However, this would discriminate against those unable to climb steps due to a protected characteristic. We therefore look upon those with a disability more favourably, in that we take into account their circumstances more than those of a person without such a protected characteristic and we think about a ramp instead. They are not treated preferentially, because the ramp does not give them an advantage; it merely puts them on a level playing field with someone without the protected characteristic. As such the decision makers should consider the needs of those with protected characteristics in each circumstance in order to ensure they are not disadvantaged by a scheme or proposal.

Development Plan

www.go.walsall.gov.uk/planning_policy

Saved Policies of Walsall Unitary Development Plan

- 3.6 to 3.8 Environmental Improvement
- 3.9 Derelict Land Reclamation
- 3.11 Forestry and Trees
- 3.13 to 3.15 Building Conservation & Archaeology
- GP2: Environmental Protection
- GP3: Planning Obligations
- ENV10: Pollution
- ENV11: Light Pollution
- ENV14: Development of Derelict and Previously-Developed Sites
- ENV23: Nature Conservation and New Development
- ENV24: Wildlife Corridors
- ENV25: Archaeology
- ENV27: Buildings of Historic or Architectural Interest
- ENV32: Design and Development Proposals
- T7 - Car Parking

Black Country Core Strategy

- DEL1: Infrastructure Provision
- EMP1: Providing for Economic Growth
- EMP2: Actual and Potential Strategic High Quality Employment Areas
- EMP5: Improving Access to the Labour Market
- ENV1: Nature Conservation
- ENV2: Historic Character and Local Distinctiveness

- ENV3: Design Quality
- ENV4: Canals
- ENV5: Flood Risk, Sustainable Drainage Systems and Urban Heat Island
- ENV7: Renewable Energy
- ENV8: Air Quality

Walsall Site Allocation Document 2019

RC1: The Regeneration Corridors

IND2: Potential High Quality Industry

EN1: Natural Environment Protection, Management and Enhancement

EN3: Flood Risk

EN4: Canals

T4: The Highway Network

Supplementary Planning Documents

Conserving Walsall's Natural Environment

Development with the potential to affect species, habitats or earth heritage features

- NE1 – Impact Assessment
- NE2 – Protected and Important Species
- NE3 – Long Term Management of Mitigation and Compensatory Measures

Survey standards

- NE4 – Survey Standards

The natural environment and new development

- NE5 – Habitat Creation and Enhancement Measures
- NE6 – Compensatory Provision

Development with the potential to affect trees, woodlands and hedgerows

- NE7 - Impact Assessment
- NE8 – Retained Trees, Woodlands or Hedgerows
- NE9 – Replacement Planting
- NE10 – Tree Preservation Order

Designing Walsall

- DW1 Sustainability
- DW2 Safe and Welcoming Places
- DW3 Character
- DW4 Continuity
- DW5 Ease of Movement
- DW6 Legibility
- DW7 Diversity
- DW8 Adaptability
- DW9 High Quality Public Realm

- DW9(a) Planning Obligations and Qualifying development
- DW10 Well Designed Sustainable Buildings

Air Quality SPD

- **Section 5 – Mitigation and Compensation:**
- Type 1 – Electric Vehicle Charging Points
- Type 2 - Practical Mitigation Measures
- Type 3 – Additional Measures
- 5.12 - Emissions from Construction Sites
- 5.13 – Use of Conditions, Obligations and CIL
- 5.22 - Viability

Consultation Replies

Planning Policy - This is a key site that forms an important part of the council's employment land supply. Development for B1(c)/B2/B8 is therefore strongly supported by planning policy subject to detailed matters relating to transport and access, air quality and nature conservation. There are several environmental designations on or adjacent to the site that should be addressed through the development:

- The entire site is designated as a Site of Local Importance for Nature Conservation (SLINC site reference WA096 Bentley Mill Lane, designated on account of its mosaic of neutral grassland). However, the development plan allocation overrides this designation.
- The western edge of the site lies within flood zones 2 and 3.
- The adjacent Globe Public House and James Bridge Aqueduct are both grade II listed buildings.
- The fringes of the site (the areas indicated as landscaping on the submitted plan) are identified as open space under SAD policy OS1 (site reference OS5043 Darlaston Road Open Space)
- There is a Greenway along Bentley Mill Way

Ecology - Comments to be updated in due course.

Severn Trent Water - No objections to the proposals subject to the inclusion of the following condition:

- The development hereby permitted should not commence until drainage plans for the disposal of foul and surface water flows have been submitted to and approved by the Local Planning Authority, and
- The scheme shall be implemented in accordance with the approved details before the development is first brought into use. This is to ensure that the development is provided with a satisfactory means of drainage as well as to prevent or to avoid exacerbating any flooding issues and to minimise the risk of pollution.

Public Lighting - The external lighting is acceptable as per the amended drawing Ref: 1026034-CDL-ZZ-XX-DR-E-89000 REV P3 dated 03-07-20

Police Architectural Liaison Officer – No objections.

Natural England – no site specific comments.

Highway Authority – Following the submission of the Fore Technical Note dated 14th September which has taken into account and assessed;-

i) the traffic impact of the 4th arm at the A4038 Darlaston Road/Bentley Mill Way signalised junction currently under construction under planning permission 17/0843 (Darlaston Builders Merchants),

ii) the traffic impact of the proposed Darlaston Railway Station at Cemetery Road under planning application 20/0746,

and demonstrated that the vehicle trips from the development will not have any significant impact on the operation of the highway network,

the Highway Authority has no further concerns and has no objections, subject to appropriate conditions.

Highways England – Comments to be updated in due course.

Lead Local Flood Authority - We are now satisfied with the submitted proposals and have no objection to the granting of planning permission. We would however recommend that conditions be attached to any planning permission in order to secure the implementation of the scheme in accordance with the submitted documents.

West Midlands Fire Service – no objection.

Historic Environment - There are no objections to the construction of the new building as outlined in this application from building conservation / historic environment management point of view.

The future operation of the proposed distribution centre type business however is of some concern as the increased traffic flows (assuming HGVs would be accessing the M6 motorway using the Bentley Mill Lane) would be traversing under the Grade II Listed 'Walsall Canal James Bridge Aqueduct at Bentley Mill Lane'. At present the vehicular access underneath is for single lane traffic only and height restricted, and as such consideration must be given to how it can be ensured that any increase in traffic will not undermine the structural integrity (and thus the special architectural and historic interest) of the Listed canal structure.

Archaeology and Historic Environment Officer - No archaeological implications for this proposal. The site is within the area of the medieval Walsall Manor Deer Park, however this would not necessarily have much below-ground archaeology relating to it, and later industrial use and extraction within the site boundaries is likely to have truncated any evidence of earlier activity.

Coal Authority - In light of all information submitted in support of this planning application, the Coal Authority considers that the applicant, based on the expert advice provided by their technical consultants, has demonstrated that the site can be made safe and stable for the development proposed subject to the implementation of an approved scheme of remedial works identified within Design Methodology Statement, dated 26 May 2020. Conditions provided.

Canal and River Trust –

Expressed concerns regarding the structural integrity of the canal embankment, visual impact, biodiversity and connectivity. The CRT suggested appropriate conditions.

Lightspill is likely to reach the embankment and canal corridor which would cause nuisance to bat activity along the canal corridor. Similarly, the lighting near to the river Tame is also likely to disturb, disrupt or reduce bat activity. We therefore ask that the light scheme be amended prior to the determination of the application to direct lighting away from sensitive receptors whilst retaining safety and security for those operating on site. Consideration of existing and proposed planting and screening would also assist in a more accurate and thorough consideration of the likely impacts of the lighting on surrounding biodiversity interests. We particularly seek compliance with saved UDP Policy ENV11

Cadent Gas Limited – High pressure gas main on site. This pipeline is part of the High Pressure transportation system and operates at a Pressure of; 19 bar is laid subject to easements and is cathodically protected by an impressed current or sacrificial anode system.

The Institute of Gas Engineers Standards (IGE/TD/1), states that no habitable buildings be constructed within 7.5 metres of the proven pipeline position. (known as the Building Proximity Distance, (BPD)).

Furthermore you must ensure you consult with the Health and Safety Executive who may specify a greater distance where development is restricted. Guidance can be sought through the HSE's; Planning Advice Web App (Formally PAHDI).

Pollution Control

No objections subject to appropriate conditions.

Historic England – no comment.

Network Rail – no comment.

Sport England – no comment.

Health and Safety Executive – no response received.

Ecology Officer – Comments to be updated in due course.

Tree Officer- Comments to be updated in due course.

Building Control – response received.

Community Safety Team – no response received.

Drainage – no response received.

Environment Agency – no response received.

Transport For West Midlands – no response received.

The Wildlife Trust – no response received.

Public Health – no response received.

RSPB – no response received.

Inland Waterways Association Birmingham - no response received.

Inland Waterways Associate Lichfield – no response received.

Friends of the Earth – no response received.

Environmental Health – no response received.

Local Access Forum – no response received.

Representations

One public comment was received. The comment expressed concerns regarding noise, pollution, light pollution, hours of operation, vibration, impact on trees. These matters are addressed below.

Determining Issues

- Principle of development
- Design and appearance including landscaping
- Impact on residential amenity
- Impact on highway safety

- Impact on flood risk and drainage
- Stability of land
- Ground contamination
- Impact on wildlife and biodiversity
- Impact on air quality

Assessment of the Proposal

Principle of development

The site is allocated for employment use as site ref IN105 under policy IND2 of the Walsall Site Allocations Document. This policy seeks to safeguard existing and potential high quality employment land to meet the targets set out in the Black Country Core Strategy. The site is one of a number identified in Policy IND2 as Potential High Quality Industry. The provisions of BCCS policy EMP2 and UDP Saved Policy JP8 apply to development of the site. Policy IND2 states that “non-high quality industrial uses will be discouraged except where they can be shown not to impinge adversely on the overall quality of the area. Proposals for non-industrial uses will not be permitted except where allowed by BCCS Policy EMP2.” The proposed development is to provide a single building suitable for B1, B2 and B8 uses which is an appropriate form of development for the site allocation. The proposal is therefore acceptable in principle subject to a full assessment of the impacts of the development on the local environment and highway safety.

Design and appearance including landscaping

The proposed building will have a floor area of 10498m² and a maximum ridge height of 15.9m. The building will be 78m deep and 128m wide, with its long sides running north to south. In structural terms, the main part of the building will be one open space, whilst a two storey structure at the south western corner will provide a reception area and stairwell to a mezzanine floor open plan office space with a floor area of 525m². The walls of the main building will be clad in two tone horizontal laid cladding in metallic grey and vertically laid cladding in basalt grey. The office building will be clad in horizontally laid composite wall cladding in anthracite with aluminium framed glazing. The roof comprises two identical hipped pitched roofs running north to south with a central valley gutter set behind a parapet on all sides.

The proposed building is of a design, shape and massing consistent with the proposed use, and the materials palette and design are considered to create a functional, visually appropriate structure. The Council’s Heritage Conservation specialist is satisfied that the development will not harm the setting of the nearby Grade II listed building to the south, the Globe Inn.

Impact on residential amenity

The nearest affected dwellings are Nos 308 to 354 Darlaston Road, along with the Globe Inn which is located to the west of No 354. The southern elevation of the building will be 67m from the nearest dwelling whilst the proposed loading docks will be located on the western side of the building approximately 113m from the nearest building.

Having considered the submitted acoustic assessment provided by the applicant, Pollution Control were satisfied that the location and orientation of the proposal would limit audible noise to acceptable levels in terms of their impact on the nearest dwellings. However as it is not currently known who the eventual end user of the site will be, no details have been provided of extraction or ventilation equipment. Pollution Control have therefore requested a condition requiring all such plant to be located inside the building or at suitable locations to be approved in writing by the Local Planning Authority.

Pollution Control expressed concern about the levels of internal noise which may be generated by the future use of the building but which cannot yet be assessed. However they were satisfied that the calculated worst case scenario noise level suggested in the submitted acoustic assessment is substantially below the measured background level when measured from Darlaston Road and James Bridge Cemetery. The proposal will therefore not result in any unacceptable impact on neighbouring residents in terms of noise pollution.

A Framework Construction Environmental Management Plan has been submitted by the applicant and Pollution Control are satisfied that the measures detailed within are sufficient to minimise the impacts on local amenity during construction. A condition requiring the development to adhere to the CEMP will be attached to the decision notice.

Impact on highway safety

The proposal includes a new access road from the A4038 Darlaston Road and the application site is approximately 2 miles from both Junction 9 and Junction 10 of the M6 motorway. The Highway Authority initially had concerns regarding the cumulative impact of this proposal and other developments including the proposed railway station at Cemetery Road. In order to overcome these concerns the applicant submitted a Fore Technical Note dated 14th September which has taken into account and assessed the traffic impact of the 4th arm at the A4038 Darlaston Road/Bentley Mill Way signalised junction currently under construction under planning permission 17/0843 (Darlaston Builders Merchants), and the traffic impact of the proposed Darlaston Railway Station at Cemetery Road under planning application 20/0746.

The applicant has demonstrated that the vehicle trips from the development will not have any significant impact on the operation of the highway network, the Highway Authority advised that they had no further concerns or objections, subject to the imposition of appropriate planning conditions.

Impact on Flood Risk and Drainage

The River Tame flows along the western boundary of the site and parts of the site are therefore within Flood Zones 2 and 3. In support of the application the applicant submitted a Sustainable Drainage Strategy and SuDS Management and Maintenance Plan. The Lead Local Flood Authority was satisfied that subject to adherence to the above strategy the proposal would not result in any increase in flood risk either on the site or downstream of the site. The LLFA recommended an appropriate condition in this regard. The proposal is therefore not considered to increase flood risk and is in accordance with Policy ENV5 of the Black Country Core Strategy, Policy EN3 of the Walsall Site Allocations Document and Section 14 of the National Planning Policy Framework.

Stability of Land

There is evidence that the site has previously been used for coal workings. However the Coal Authority is satisfied that the applicant has demonstrated that the site can be made safe and stable for the development proposed subject to the implementation of an approved scheme of remedial works identified within its submitted Design Methodology Statement. The Coal Authority has provided suitable planning conditions, and the proposal is therefore considered to be in accordance with Paragraph 170 e) of the National Planning Policy Framework.

Ground Contamination

In support of the proposal the applicant has submitted a geo-environmental and geotechnical assessment relating to ground condition on the site. This assessment is based on a site investigation in 2015. Whilst the submitted assessment indicates that ground gas was not present during monitoring in 2015, a synopsis of the gas monitoring results is included which suggest that the site may have been waterlogged at this time.

In the absence of the primary report upon which the submitted assessment is based and in view of the time lapse since the investigation was undertaken, Pollution Control have concerns that the ground conditions, particularly the water table may have changed. This has the potential to affect the underlying ground gas conditions. To take account of this conditions will be attached that secure an updated site investigation and assessment of the ground conditions, identify the presence of any contamination and establish the prevailing ground gas conditions. Provision of this

information will facilitate drafting of any appropriate remediation or mitigation statement necessary to address matters identified by the updated site investigation.

Impact on wildlife and biodiversity

The site is previously undeveloped save for some historic mine workings, therefore the site now appears as a large area of scrubland with scattered trees and shrubs and long grass. The River Tame runs just outside the western boundary of the site. The site is identified as a Site of Local Importance to Nature Conservation. The council's ecologists comments are expected in due course.

Impact on air quality

Pollution Control advised that whilst they had no specific objections to the proposal in terms of air quality, the application is required to demonstrate how they will comply with the requirements of the Black Country Air Quality Supplementary Planning Document. A suitable condition will therefore be added to the decision notice.

Conclusions and Reasons for Decision

The proposed development will provide a high quality commercial site which will create large a number of jobs and thereby contribute to the prosperity of the local economy. The proposal has been well designed and accompanied by detailed supporting information. The development is not considered to have any significantly adverse impact on the character of the area, residential amenity or community and highway safety. Taking into account the above factors it is considered that the application should be recommended for approval.

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. The National Planning Policy Framework encourages pre-application discussion in all formats to help ensure that proposed developments are delivered in the most appropriate way that creates economic growth, suitable housing and other forms of development so long as they safeguard the natural and built environment, highway safety and the amenity of citizens. In this instance the council has been able to support the proposed development and has worked with the applicant as detailed in the planning report.

Recommendation

The application is recommended for approval subject to the following conditions.

Conditions and Reasons

Time Limit

1. The development hereby permitted shall be begun not later than 3 years from the date of this permission.

Reason: To ensure the satisfactory commencement of the development in accordance with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

Approved Plans

2. The development shall not be carried out otherwise than in accordance with the following approved plans and documents:

Location Plan Dwg No 18-211-P-01 Rev B received 2nd March 2020
Existing Site Plan Dwg No 18-211-P-02 received 2nd March 2020
Proposed Floor and Roof Plans Dwg No 18-211-P-04 received 2nd March 2020
Proposed Elevations and Sections Dwg No 18-211-P-05 received 2nd March 2020
Illustrative Site Sections Dwg No 18-211-P-07 received 2nd March 2020
Planting Plan Overview Dwg No 7016.PP.4.0 Rev B received 2nd March 2020
Planting Plan 1 of 3 Dwg No 7016.PP.4.1 Rev B received 2nd March 2020
Planting Plan 2 of 3 Dwg No 7016.PP.4.2 Rev B received 2nd March 2020
Planting Plan 3 of 3 Dwg No 7016.PP.4.3 Rev B received 2nd March 2020
External Lighting Layout Dwg No 1026034-CDL-ZZ-XX-DR-E-89000 Rev P3 received 3rd July 2020
Drainage Layout Dwg No 100 P6 received 3rd July 2020
Paving Layout Dwg No 101 P4 received 3rd July 2020
Access Road Horizontal and Vertical Alignment Dwg No 105 P1 received 2nd March 2020
Sections to Canal Wall Dwg No SK120 P2 received 2nd March 2020
Sections to Flood Compensation Area Dwg No SK121 P2 received 2nd March 2020
Flood Plain Compensation Dwg No DRW-BWB-ZZ-XX-YE-SK-0002 Rev P07 received 2nd March 2020
Site Access Autotrack Analysis Dwg No 6046-P-200-02 Rev A received 2nd March 2020

Reason: For the avoidance of doubt and in the interests of proper planning.

Materials

3. Notwithstanding the details as submitted and prior to development being constructed above damp proof course, arrangements shall be made with the Local Planning Authority for the inspection of all external facing and roofing materials to be used in the development hereby permitted. The samples shall then be approved in writing by the Local Planning Authority and the development constructed in accordance with the approved details.

Reason: To ensure the use of appropriate materials and to ensure the development is of a high quality design in accordance with Policy ENV3 of the Black Country Core Strategy, saved Policy ENV32 of the Walsall Unitary Development Plan, the Designing Walsall Supplementary Planning Document and Section 12 of the National Planning Policy Framework.

Highways

4. Notwithstanding the details submitted the proposed development hereby permitted shall be used for B2 (General Industry) and B8 (Warehousing and Distribution) uses only.

Reason: The proposed E(g)(iii) (formerly B1c) Light Industry use is a significantly more intensive use in T13 Parking Policy terms than B2 or B8. The use of the development for B1(c) use would result in a significant shortfall in on-site parking to about a third of the policy maximum requirement. This has the potential to displace parking off site and onto the local highway network, contrary to the free flow of traffic along the highway and to highway safety.

5 a). Prior to the commencement of the development hereby permitted, full engineering details of the proposed new traffic signal junction access onto A4038 Darlaston Road, including all associated adoptable highway works, works with the existing public highway together with the residents car park, as specified within the Transport Assessment and any subsequent Addendum and in accordance with the approved plans, shall be submitted to for approval in writing by the Local Planning Authority, and an agreement under S278/S38 of the Highways Act 1980 entered into. Any agreement for street lighting should be agreed in writing with Walsall Metropolitan Borough Council's Street lighting partner Amey.

b). Prior to development first coming into operation all highway infrastructure works detailed and specified within the agreement under the S278/S38 of the Highways Act 1980 together with the residents car park, shall be fully implemented, completed and brought into use to the satisfaction of the Highway Authority.

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

6. Prior to the implementation of the new highway access point hereby permitted, the residents off street vehicular parking to replace the displaced on street residents parking shall be hard surfaced, drained to prevent water run off on to a public highway or public highway drain or the River Tame, marked out and available for the use of those residents affected by the new highway junction. The off street residents vehicular parking shall thereafter be retained and available to those affected residents for the lifetime of the development.

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

7a. Notwithstanding the details as submitted and prior to the first occupation of the off road Residents Car Park hereby permitted, details of the management to include; day to day operational use of the car park, how it will be secured from unauthorised third party access, boundary fencing and gates, lighting, CCTV including who will monitor the CCTV, plus the on-going maintenance of the car park shall be submitted to and approved in writing by the Local Planning Authority.

7b. The development hereby permitted shall not be carried out otherwise than in accordance with the approved details and the approved details shall thereafter be retained for the lifetime of the development

Reason: To ensure the satisfactory operation of the car park for residents only.

8. a) Prior to the first occupation of the development hereby permitted, the internal access road, vehicle manoeuvring, turning areas and vehicular parking shall be implemented being consolidated, hard surfaced and drained so that surface water run-off from these areas does not discharge onto the public highway or into any public highway drain or the River Tame, together with the demarcation of all parking bays.

b) The development hereby permitted shall not be carried out otherwise than in accordance with the approved details and the approved details shall thereafter be retained for the lifetime of the development and used for no other purpose.

Reason: To ensure the satisfactory completion and operation of the development and in accordance with Saved Policies GP2, T7 and T13 of the Walsall Unitary Development Plan.

9. a) Prior to the first occupation of the development hereby permitted full details of the proposed staff and visitor cycle shelter, which shall be covered and illuminated, shall be submitted to and approved in writing by the Local Planning Authority.

b) The development hereby permitted shall not be carried out otherwise than in accordance with the approved cycle shelter details and the approved details shall thereafter be retained for the lifetime of the development and used for no other purpose.

Reason: To encourage sustainable modes of travel and in accordance with Saved Policy T13 of the Walsall Unitary Development Plan and Policy TRAN4 of the Black Country Core Strategy.

10. a) Prior to the commencement of development a Construction Environmental Management Statement shall be submitted in writing to and approved in writing by the Local Planning Authority. The Construction Environmental Management Statement shall include:

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

b. The development hereby permitted shall not be carried out otherwise than in accordance with the approved Construction Environmental Management Statement and the approved Construction Environmental Management Statement shall be maintained throughout the construction period.

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 in accordance with saved policies GP2 and ENV32 of Walsall's Unitary Development Plan.

11. Upon first occupation of the development hereby permitted, the measures and incentives to promote the development's sustainability credentials and encourage

non car borne travel modes shall be implemented in accordance with the submitted Fore Transport Travel Plan Statement dated 10th February 2020.

Reason: To encourage sustainable travel modes, in accordance with Policy TRAN2 of the Black Country Core Strategy and saved Policy T10 of the Walsall Unitary Development Plan.

Drainage

12. a) Notwithstanding the details as submitted and prior to the commencement of the development hereby permitted drainage plans for the disposal of foul and surface water flows shall be submitted to and approved in writing by the Local Planning Authority.

b. The development hereby permitted shall not be carried out otherwise than in accordance with the approved details and the approved details shall thereafter be retained for the lifetime of the development.

Reason: To ensure that the development is provided with a satisfactory means of drainage and to manage the risk of flooding and pollution in accordance with saved Policy ENV10 of the Walsall Unitary Development Plan, Policy ENV5 of the Black Country Core Strategy, Policy EN3 of the Walsall Site Allocations Document and Section 14 of the National Planning Policy Framework.

Flood risk

13. The development hereby permitted shall not be carried out otherwise than in accordance with the approved drainage scheme shown in the Darlaston Road, Walsall, Sustainable Drainage Strategy, BWB, February 2020, Appendix 6 and the approved details shall thereafter be retained and maintained in accordance with the SuDS Management and Maintenance Plan contained within Section 5 of the same report for the lifetime of the development.

Reason: To reduce the risk of surface water flooding to the development and properties downstream for the lifetime of the development in accordance with Policy ENV5 of the Black Country Core Strategy, Policy EN3 of the Walsall Site Allocations Document and Section 14 of the National Planning Policy Framework.

Noise

14a. Notwithstanding the details as submitted and prior to the installation of any plant, machinery or equipment used for the purpose of liquid pumping, providing compressed air, heating, ventilation and air conditioning shall be submitted to and approved in writing by the Local Planning Authority. Details shall include the location

of any plant, machinery or equipment and to include any acoustic mitigation measures.

14b. The development hereby permitted shall not be carried out otherwise than in accordance with the approved details and the approved details shall thereafter be retained for the lifetime of the development.

Reason: To safeguard the amenity of adjacent residential properties and to accord with paragraph 127(f) of the National Planning Policy Framework.

Contaminated Land

15 i) Prior to built development commencing an updated 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 identified and/or potential hazards arising from any land contamination and/or ground gas shall be forwarded to the Local Planning Authority. (see Note for Applicant CL2)

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

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

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

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

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

Canal embankment

17a. Prior to the commencement of the development hereby permitted, details of the earthworks proposed within 10m of the northern boundary of the site (including at the toe of the canal embankment) and their impact on the canal embankment, including details of vibration monitoring and mitigation as a result of the works to be carried out in relation to the proposed piling works, and the method statements for these, should be submitted to and agreed in writing by the Local Planning Authority.

17b. The development hereby permitted shall not be carried out otherwise than in accordance with the approved details and the approved details shall thereafter be retained for the lifetime of the development.

Reason: To ensure that the vibration caused by the site preparation and construction works do not result in damage to or slippage of the canal embankment or any water inundation of the site.

Air Quality

18. a) Prior to commencement of the development hereby permitted, details of an Air Quality Low Emission Scheme shall be submitted to and approved in writing by the Local Planning Authority.

b) The development hereby permitted shall not be carried out otherwise than in accordance with the approved details and the approved details shall thereafter be retained for the lifetime of the development.

c) Prior to the first occupation of the development hereby permitted, a written Low Emission Scheme Validation Statement shall be submitted to and agreed in writing with the Local Planning Authority demonstrating the agreed air quality low emission scheme has been installed and functioning.

Reason: in the interests of creating a sustainable form of development and to encourage the use of ultra-low emission vehicles in accordance with Policies ENV8 (Air Quality) and DEL1 (Infrastructure Provision) of the Black Country Core Strategy.

19. The office space hereby permitted shall not exceed 252m² and shall at no time be severed and operated as a separate planning unit.

Reason: In the interests of protecting the primary use of the site and to ensure the office accommodation remains ancillary.

20. a. Prior to the commencement of building operations above damp proof course of the development hereby permitted details of the proposed boundary treatment of the site, including heights, positions and extents, materials and finishes of all walls, fences, gates or other means of enclosure, shall be submitted in writing to and approved in writing by the Local Planning Authority. The submitted details shall include all internal site divisions in addition to the perimeter boundary treatments and all gates shall be designed and installed so they cannot open outwards onto a highway.

b. The development shall not be carried out otherwise than in accordance with the approved schedule and the boundary treatments shall thereafter be retained for the lifetime of the development.

c. The development hereby permitted shall not be occupied until all boundary treatments have been erected in accordance with the approved schedule.

Reason: To ensure the satisfactory appearance and functioning of the development in accordance with the saved policies GP2 and ENV32 of the Walsall Unitary Development Plan and in the interest of highway and pedestrian safety in accordance with the saved UDP policies T7 and T13 of the Walsall Unitary Development Plan.

21. Notwithstanding the information shown on submitted plans, the development hereby permitted shall not be carried out otherwise than to meet the following minimum-security measures and thereafter the security measures shall be retained;

- All external doors to the building to be PAS24; 2016
- All ground floor windows and over accessible roofs to be PAS24; 2016
- All ground floor windows and over accessible roofs to have not less than one pane of 6.4mm laminated glass.
- There should be an area of defensible space in front of all ground floor windows
- No Lead or metal should be used on the ground floor,
- Dusk until dawn lights (white light source) to be installed adjacent to each external door

Reason: To ensure the safety and security of the development and its occupiers in compliance with NPPF 12 and saved policy ENV32 of Walsall's Unitary Development Plan.

22. a) Notwithstanding the submitted information and prior to commencement of the development hereby permitted, details of measures to prevent oil, fuel and other chemicals entering the River Tame shall be submitted to and approved in writing by the Local Planning Authority

b) The development shall be carried out in accordance with the approved details and thereafter retained for the lifetime of the development.

Reason: To prevent the contamination of the nearby watercourse and to protect the natural environment in accordance with saved Policies GP2, ENV10 and ENV32 of the Walsall Unitary Development Plan.

23 a) Notwithstanding the submitted information and prior to commencement of the development hereby permitted, details of vehicle restraint measures to prevent vehicles entering the River Tame shall be submitted to and approved in writing by the Local Planning Authority.

b) The development shall be carried out in accordance with the approved details and thereafter retained for the lifetime of the development.

Reason: In the interests of the health and safety of future users of the site and to protect the natural environment in accordance with saved Policies GP2, ENV10 and ENV32 of the Walsall Unitary Development Plan.

Notes for Applicant

Severn Trent Water

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

Please note that there is no guarantee that you will be able to build over or close to any Severn Trent sewers, and where diversion is required there is no guarantee that you will be able to undertake those works on a self-lay basis. Every approach to build near to or divert our assets has to be assessed on its own merit and the decision of what is or isn't permissible is taken based on the risk to the asset and the wider catchment it serves. It is vital therefore that you contact us at the earliest opportunity to discuss the implications of our assets crossing your site. Failure to do so could significantly affect the costs and timescales of your project if it transpires diversionary works need to be carried out by Severn Trent.

Canal and River Trust

- 1) The applicant/developer is advised to contact the CRT Works Engineering Team on 0330 040 4040 in order to ensure that any necessary consents are obtained and that the works comply with the Trust's "Code of Practice for Works Affecting the Canal & River Trust".

Cadent Gas

Guidance for working near pipelines text.

Air Quality SPD

The Air Quality SPD (Section 5.6) advises the following about Electric Vehicle Charging Points:

The electric vehicle charging point parking provision for commercial premises is 5% of points to comply with EN 62196-2 (J1772) Type 2, Mode 3, 7 pin, 32 amp, 7kw, with appropriate cable provision in place for a further 5% to meet any future increase in demand. Wherever possible the power supply and charging point should both be phase 3 compatible. Where only single-phase power supply is available the charging unit should be capable of handling 3-phase power if supply is subsequently upgraded. The charging unit is to be supplied by its own independent radial circuit.

Further information on Electric Vehicle Charging Points and the necessity to provide these can be found in the following:

- West Midlands Low Emissions Towns and Cities Programme, Good Practice - Air Quality Planning Guidance,
- Black Country Air Quality Supplementary Planning Document (SPD),
- General Procurement Guidance for Electric Vehicle Charging Points, UK Electric Vehicle Supply Equipment Association (April 2015),
- Institute of Engineering and Technology (IET) Code of Practice for Electric Vehicle Charging Equipment Installation.

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 2019; British Standard BS10175: 2011 +A2:2017 '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

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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 and within 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.

End of Officers Report



Planning Committee

Report of Head of Planning and Building Control on 15-Oct-2020

Plans List Item Number: 7.

Reason for bringing to committee: Major Application

Location: 107-110, PADDOCK LANE, WALSALL, WS1 2EH

Proposal: RESIDENTIAL DEVELOPMENT - 13NO. 1 BED APARTMENTS AND 2NO. 2 BED APARTMENTS AND INCLUDING DEMOLITION WORKS WITHIN A CONSERVATION AREA

Application Number: 19/0285

Applicant: Urban Link Property Developments Limited

Agent: J Mason Associates Ltd

Application Type: Full Application: Major Use Class C3 (Dwellinghouses)

Case Officer: Jasmine Kaur

Ward: St Matthews

Expired Date: 30-May-2019

Time Extension Expiry:

Recommendation Summary: Grant subject to conditions delegated to the Head of Planning and Building Control to secure a Section 106 for urban open space and the finalising and amending of planning conditions



Proposal

This application seeks planning consent for 15 apartment residential development - 13no. 1 bed apartments and 2no. 2 bed apartments and including demolition works within a Churchill conservation area. The total site area is 878 sqm, with 11 parking spaces being provided within the residential scheme.

The existing site land levels falling in a westerly direction from Union Street. The apartments would be split into two blocks with the higher part of the building being 12.7m down to 9.7metres. The design of the development is a traditional pitched roof brick and tile design, with some larger window openings, render, protruding brick detailing and Juliet balconies. The dimension of the apartment block is 13.2m deep on the north side, 7.3 on the southern side and 8.2m wide.

The materials for external finishing include the mixture of traditional brick and light render at certain points to break up the elevations. It is also noted that the projected brick detailing has also been adopted to add further depth and texture to the main elevations of the building.

Site and Surroundings

The application site is located adjacent to Paddock Lane, Walsall, located at a corner position with a frontage to both Paddock Lane and Union Street. To the rear and East side of the site sits existing residential properties which form the predominant use of the surrounding area, along with light industrial/commercial units. The site is located within the Churchill Conservation Area and within 100m 4 locally listed buildings and extending the search radius around the development site to 250m brings in eight nationally designated (listed) heritage assets. There is substantial variation in the natural ground level and the site is located at the high level. Nearest urban open space is Churchill. There are number of existing residential buildings near the surrounding area.

Relevant Planning History

No relevant planning history

Relevant Policies

National Planning Policy Framework (NPPF)

www.gov.uk/guidance/national-planning-policy-framework

The NPPF sets out the Government's position on the role of the planning system in both plan-making and decision-taking. It states that the purpose of the planning system is to contribute to the achievement of sustainable development, in economic,

social and environmental terms, and it emphasises a “*presumption in favour of sustainable development*”.

Key provisions of the NPPF relevant in this case:

- NPPF 2 – Achieving sustainable development
- NPPF 4 – Decision Making
- NPPF 5 – Delivering a sufficient supply of homes
- NPPF 7 – Ensuring the vitality of town centres
- NPPF 8 – Promoting healthy and safe communities
- NPPF 9 – Promoting sustainable transport
- NPPF 11 – Making effective use of land
- NPPF 12 – Achieving well-designed places
- NPPF 16 – Conserving and enhancing the historic environment

On **planning conditions** the NPPF (para 55) says:

Planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. Agreeing conditions early is beneficial to all parties involved. Conditions that are required to be discharged before development commences should be avoided unless there is a clear justification.

On **decision-making** the NPPF sets out the view that local planning authorities should approach decisions in a positive and creative way. They should use the full range of planning tools available and work proactively with applications to secure developments that will improve the economic, social and environmental conditions of the area. Pre-application engagement is encouraged.

National Planning Policy Guidance

On **material planning consideration** the NPPG confirms- planning is concerned with land use in the public interest, so that the protection of purely private interests... could not be material considerations

Reducing Inequalities

The Equality Act 2010 (the ‘2010 Act ’) sets out 9 protected characteristics which should be taken into account in all decision making. The **characteristics** that are protected by the Equality Act 2010 are:

- age
- disability
- gender reassignment
- marriage or civil partnership (in employment only)
- pregnancy and maternity

- race
- religion or belief
- sex
- sexual orientation

Of these protected characteristics, disability and age are perhaps where planning and development have the most impact.

In addition, the 2010 Act imposes a Public Sector Equality Duty “PSED” on public bodies to have due regard to the need to eliminate discrimination, harassment and victimisation, to advance equality and to foster good relations. This includes removing or minimising disadvantages, taking steps to meet needs and encouraging participation in public life.

Section 149(6) of the 2010 Act confirms that compliance with the duties may involve treating some people more favourably than others. The word favourably does not mean ‘preferentially’. For example, where a difference in ground levels exists, it may be perfectly sensible to install some steps. However, this would discriminate against those unable to climb steps due to a protected characteristic. We therefore look upon those with a disability more favourably, in that we take into account their circumstances more than those of a person without such a protected characteristic and we think about a ramp instead. They are not treated preferentially, because the ramp does not give them an advantage; it merely puts them on a level playing field with someone without the protected characteristic. As such the decision makers should consider the needs of those with protected characteristics in each circumstance in order to ensure they are not disadvantaged by a scheme or proposal.

Development Plan

www.go.walsall.gov.uk/planning_policy

Saved Policies of Walsall Unitary Development Plan

- GP2: Environmental Protection
- GP3: Planning Obligations
- ENV27: Buildings of Historic or Architectural Interest
- ENV28: The ‘Local List’ of Buildings of Historic or Architectural Interest
- ENV29: Conservation Areas-
- ENV32: Design and Development Proposals
- S8: Housing in Town Centres
- T7 - Car Parking
- T9 – Cycling
- T11: Access for Pedestrians, Cyclists and Wheelchair users
- T12: Access by Public Transport (Bus, Rail, Metro and Ring and Ride)

- T13: Parking Provision for Cars, Cycles and Taxis
- 8.3 Urban Open Space

Black Country Core Strategy

- CSP4: Place Making
- HOU1: Delivering Sustainable Housing Growth
- HOU2: Housing Density, Type and Accessibility
- HOU3: Delivering Affordable Housing
- HOU5: Education and Health Care Facilities
- ENV2: Historic Character and Local Distinctiveness
- ENV3: Design Quality

Walsall Site Allocation Document 2019

HC2: Development of Other Land for Housing
 OS1: Open Space, Sport and Recreation
 LC5: Greenways
 EN5: Development in Conservation Areas

Walsall Town Centre Area Action Plan 2019

AAP1: Walsall Town Centre Boundary
 AAPS1: Primary Shopping Area
 AAPS2: New Retail Development
 AAPLV1: Residential Developments
 APPLV2: Education
 AAPLV3: Health Care Facilities
 APPLV4: Community Facilities
 AAPLV5: Protecting and Enhancing Historic Character and Local Distinctiveness
 AAPLV6: Securing Good Design
 AAPLV7: Enhancing Public Realm
 AAPLV8: Environmental Infrastructure
 AAPT1: Pedestrian Movement, Access and Linkages
 AAPT2: Cycling
 AAPT3: Public Transport
 AAPT4: Road Improvements
 AAPT5: Car parking
 AAPINV1: Regeneration Strategy
 AAPINV2: St Matthews Quarter

Supplementary Planning Document

Conserving Walsall's Natural Environment

Designing Walsall

- DW1 Sustainability
- DW2 Safe and Welcoming Places
- DW3 Character
- DW4 Continuity
- DW5 Ease of Movement
- DW6 Legibility
- DW7 Diversity
- DW8 Adaptability
- DW9 High Quality Public Realm
- DW9(a) Planning Obligations and Qualifying development
- DW10 Well Designed Sustainable Buildings

Open space, sport and recreation

- OS1: Qualifying Development
- OS2: Planning Obligations
- OS3: Scale of Contribution
- OS5: Use of Contributions

Air Quality SPD

- Section 5 – Mitigation and Compensation:
- Type 1 – Electric Vehicle Charging Points
- Type 2 - Practical Mitigation Measures
- Type 3 – Additional Measures
- 5.12 - Emissions from Construction Sites
- 5.13 – Use of Conditions, Obligations and CIL
- 5.22 - Viability

Consultation Replies

West Midlands Fire Service – No objection but offered fire safety advice.

Local highway authority – No objections subject to following conditions are imposed the vehicle footway crossing, parking area clearly demarcated, full details of the proposed cycle shelter and informative.

Archaeology - No objection subject to a Heritage Statement by a contractor with appropriate expertise should also be submitted.

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Housing standards – Requested dimension of the proposed bedroom sizes/ No comments.

Pollution control - Pollution Control recommends conditions to require the incorporation of electric charging points in the development and to prevent or minimise environmental impact during the course of building works.

Strategic planning policy - Residential development on the site can therefore be supported in principle under planning policy, but the design and height of the proposal would have an adverse impact on the character of the conservation area, and the amenity of adjacent dwellings.

West midlands police – No objection to security preventive measures condition being imposed.

Natural England – No comments

Conservation officer - Historic environment/ building conservation point of view there are no further comments at this stage.

HISTORIC ENGLAND - Do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.

Representations

One objection:

There will be impact on the residents during the construction and demolition stage

One support letter from Central Hall Methodist Church:

Principal of the development is supported but during the construction and demolition stage there is potential disruption during construction work and any long-term alterations to current use of Paddock Lane, which is narrow. The car park/main entrance is directly opposite the construction site. As a church, community hall and host to several community organisations, the site is in constant use, 7 days per week, day and evenings. Only car parking spaces (11), included in the application are less than the number of dwellings. What provision is made by the applicant for the inevitable extra cars.

Officer response

Pollution control was consulted on the application and condition have been recommended for construction method statement which would be agreed prior to any construction works commencing on site. In relation shortfall in parking spaces, it is Town centre location with good connectivity with public transport. Therefore, the shortfall in the car parking spaces would not cause extra pressure for parking in the area. Highways have been consulted and no objection has been raised.

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Determining Issues

- Principle of development
- Sustainability Assessment of the Proposal
- Impact upon the character and appearance of the area
- Design and Impact on Character of the Conservation Area and the Setting of a Listed Building
- Residential Amenity
- Security and reducing the fear of crime
- Pollution Control
- Highways
- S106 Obligation Requirements

Assessment of the Proposal

Principle of the development

The National Planning Policy Framework sets out a clear presumption in favour of sustainable development referring (at paragraph 14) to this being a 'golden thread running through both plan-making and decision-taking'. It notes that, for decision takers, this means approving development proposals that accord with the development plan. Section 6 of the National Planning Policy Framework for housing specifically states in para 49 that housing applications should be considered in the context of the presumption in favour of sustainable development. Walsall's Unitary Development Plan reconfirms the guidance as contained in the National Planning Policy Framework on sustainable development. This site is allocated for housing in the SAD as site. No representations have been received against this allocation, so the policy has substantial weight. The site is also listed as a potential housing site in the Brownfield Land Register.

Whilst the SAD policy indicates a capacity up to 24 dwellings, BCCS Policy HOU2 states that all developments will aim to achieve a minimum net density of 35 dwellings per hectare. The provision of 15 dwellings in the current proposal would equate to a density of 37 dwellings per hectare so would remain acceptable under this policy.

The principle of development is therefore acceptable.

Sustainability Assessment of Proposal

The National Planning Policy Framework provides (para 187) that '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 location of the application is inside of the designated settlement boundary and being adheres to saved policies. It is clear on reviewing the guidance in the National Planning Policy Framework.

The application site is located along Paddock Lane, Walsall, presenting a frontage both Paddock Lane and Union Street. To the rear and East side of the site sits existing residential properties which form the predominant use of the surrounding area, along with light industrial/commercial units. The site could therefore be viewed as an ideal opportunity to create additional housing, strengthening the local community by making use of what is, a derelict site in an established community.

It is located within an area of predominantly residential area with a range of community facilities within a 10-minute walking radius. The location of the site adjacent to a long-established community, retail, open space facilities, and close to public transport nodes are all positive characteristics which need to be maximised through the provision of safe, direct, convenient and interesting residential planning.

The site has remained as vacant land used for informal car parking for several years. The proposal brings forward currently underused brownfield land adjacent to Walsall town centre. The two, currently unused industrial units that sit to the south west of the site, will be removed.

The proposed scheme will provide new residential accommodation, creating a positive addition to the local community.

Furthermore, the proposed apartment block will reflect the existing houses/ blocks is in keeping with the Paddock Lane (opposite the site). Buildings all generally have brick facade and are up to two or three storeys in height within/ surrounding the town centre making a positive contribution to the local townscape at this corner position.

Therefore, in terms of paragraph 55 of the National Planning Policy Framework, this proposal is considered to promote a sustainable development in line the requirements of the National Planning Policy Framework.

The proximity of the site to local facilities contributes to supporting the existing infrastructure and businesses.

In relation to paragraph 7 of the National Planning Policy Framework, the proposal would be likely to contribute to a strong, responsive and economy through the creation of construction and related jobs and ongoing contribution to the local economy from the creation of up to 15 additional households in the area.

The proposal would contribute towards providing the supply of housing required to meet the needs of the present and the future generations in the area and by having the potential to create high quality-built environment.

Character and Appearance of the area and historic environment

Walsall's Development Plan states that development will be of a high-quality design that respects local distinctiveness, enhancing the character and appearance of the area. It states that within settlement limits proposals will be supported where they do not have a negative impact on the character and appearance of the surrounding locality. Walsall's Development Plan continues by supporting all proposals should maintain or enhance the character of the surrounding area and should respect the

scale and density of surrounding development. Based on the proposal, it is considered the development accords with these development plan aims and objectives

The application site is located within the close proximity of the Heritage Assets and applicant has complied with requirements of reducing the height of the structures to ensure it does not have impact on locally listed buildings and nationally listed buildings.

Views towards St. Matthew's Church and the impact of the proposed development on the significance of this Grade II* Listed building.

It assessed that a negligible change (introduced by the proposed development) in how St. Matthew's Church can be viewed from over almost 250m away will not impact on the significance of the church as a Grade II* Listed Building.

The 'views towards St. Matthews' Church' would be slightly curtailed from the corner of Paddock Lane and Union Street by the proposed development –essentially the same view could still be experienced from slightly further along Paddock Lane, or by climbing further up the hill to the public green space between the tower blocks known as 'Paddock Flats'. There are extensive views across Walsall from this vicinity and it is assessed that a three storey building of the proposed design (which complies with the four storey criterion of Policy AAPL6) would not affect this experience.

The applicant has modified the design of the proposed building in response to earlier comments on the lacking quality of its design. The updated exterior appearance is assessed to be an improvement to the previous design and as such this amendment is accepted.

From the historic environment point of view it considered this development could be supported subject to a condition relating to historic building recording (regarding the historic workshop building to be demolished) attached.

It is assessed that in light of the above considerations the proposed development does not contradict Local or national historic environment policy.

The proposed/ amended plans and the supported documents indicate that the design of the local setting have been taken into consideration for its design and layout.

The proposed the height, materials and design is acceptable and would not harm the historic character of the area. Therefore, proposal is in compliance with the adopted planning policies.

Residential Amenities

All the proposed flats are ventilated and have access to natural light; also, the flats are isolated do not encourage any overlooking or invasion of privacy. In relation to the separation distance according to Designing Walsall SPD appendix D, the front meets 24m separation between habitable windows. The distance between the eastern elevation and commercial properties on the Ablewell Street is approximately

11.9m; and the height of the commercial building is much lower in comparison to the proposed residential units. Therefore, the proposal would not result in significant overlooking.

Whilst no private amenity space is provided within the application boundary, taking into account the town centre location and Church Hill open space is 200-300m walking distance away from the application site. Accordingly, there would be sufficient access to amenity areas to mitigate the lack of on-site open space.

Site Access and Highways

Walsall's Unitary Development Plan requires vehicular access into and out of the site to be safe and an assessment made as to whether the existing local roads can be suitably accommodate the impact of the proposal, whether adequate parking and turning spaces exist within the site and that the needs of pedestrian and cyclists have been met. This policy is considered to carry significant weight in the determination of the application as it complies with paragraph 32 of the National Planning Policy Framework which requires all schemes to provide safe access for all.

Due to the levels of the site changing substantially from East to West, the proposal has been designed accordingly to allow for the best possible access to be achieved to all areas of the site.

Presenting the main frontage to Paddock Lane, vehicle access has to the site has been proposed to the east of the site. This allows all vehicles to be located away from the apartments.

Due to the levels of the site stepped access to the flats has been created centrally on the site. Access to Stair Lobby A can also be gained from back of footpath.

The provision of the access route onto the Paddock Lane will give further easy, quick, safe and generally sustainable vehicular access onto Paddock Lane for destinations further afield or into the town centre.

The Local Highway Authority have no objection subject to conditions in respect of highway (transportation) conditions being imposed.

Impact on the Natural Environment and Landscape.

The proposed development will be for residential use with hard and soft landscaping. It is considered, the site adequately addresses above ground attributes which will not have an adverse impact on living conditions, usability of proposed amenity areas, whilst not having a detrimental impact to the visual amenity of the surrounding area.

Security and reducing the fear of crime

Church Hill has been identified as an IMPACT area which Walsall has 4 in total, these are areas which are evidence based to be High Crime, High harm and High Police demand areas.

The proposed development will consist of residential development - 13no. 1 bed apartments and 2no. 2 bed apartments and including demolition will be located in the Church Hill Conservation Area.

The Designing Out Crime Officer objected to the proposed development because the application site falls within one of highest crime areas of Walsall. It is considered, that subject to safeguarding conditions to secure the future occupiers of the residential development, the introduction of a residential use at this location can be positive. It brings natural surveillance to the site and immediate location where there is limited at this time. Whilst it would address all crime, it would contribute to reducing crime. The planning condition has been recommended to secure the site. On balance the positive elements of the proposal, in these circumstances, outweigh the negative elements.

Pollution Control

The pollution control has no objection to the proposal, subject to conditions relating to vehicle electrical charging points, construction method statement and low NOx boilers. These are acceptable as planning conditions.

S.106 Obligation Requirements

The development of 15 houses falls below the size threshold to require affordable housing. A contribution to off-site open space would be required in accordance with BCCS Policy DEL1, UDP Policies GP3 and LC1, and the Open Space SPD. Based on the proposed development and the Council's ready reckoner, the urban open space contribution would be £11,917.00. The nearest Urban Open Spaces are the Churchill open space which is 200 metres away. Planning obligations assist in mitigating the impact of unacceptable development to make it acceptable in planning terms. Planning obligations may only constitute a reason for granting planning permission if they meet the 3 following statutory tests to make the development acceptable in planning terms:

- 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.

These tests are set out in The Community Infrastructure Levy Regulations 2010 (as amended) Regulation 122 and National Planning Policy Framework paragraph 56.

Based on the three tests in the legislation, it is considered that an urban open space contribution is considered necessary to make the development acceptable in planning terms. For the monies to be spent and meet the second test, the local planning authority advises planning committee to direct the £11,917.00 contribution towards the Churchill urban open space. This urban open space would be considered directly related to the development as it is within a reasonable walking distance of the development site and given there is no private amenity space on site, it is considered future occupiers of the development are likely to use Churchill urban open space consequently any improvements are a positive outcome for the wider community, but also for the future occupiers of the development.

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The applicant has agreed to sign up to a S106 legal agreement.

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 15 new homes.

The Government has indicated that, for 2019-20, it will award approximately £1,000 per dwelling per year, plus a further £350 for each affordable dwelling, for each net additional dwelling provided. The payment is made each year for a period of 4 years from completion of the dwelling. In 2019-20 the total payments, taking account of completions over the last 4 years, are expected to amount to £2,911,601.

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

Conclusions and Reasons for Decision

In weighing the material planning considerations, taking into account the national and local planning guidance and neighbour comments, it is considered the proposed retention and refurbishment of the premises as offices would reflect the use and design of the other properties in the locality. The proposal is considered acceptable in land use planning terms, to have a limited impact on the character of the wider area and the amenity for neighbouring occupiers.

The development is considered to meet the aims and objectives of the National Planning Policy, Black Country Core Strategy, Walsall Unitary Development Plan and Supplementary Planning Document Designing Walsall.

The proposals would have a low or minimal impact on the neighbouring buildings in the locality with no overlooking and there are no objections to the proposed scheme.

None of the other matters raised through the publicity and consultation process amount to material considerations outweighing the assessment of the main issues set out above. Taking into account the above factors it is considered that the application should be recommended for approval.

Positive and Proactive Working with the Applicant

Approve

Officers have confirmed to the applicant's agent that the submitted details are acceptable and no further changes have been requested.

Recommendation

Grant subject to conditions delegated to the Head of Planning and Building Control to secure a Section 106 for urban open space and the finalising and amending of planning conditions

Conditions

Conditions and Reasons

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

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

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

- Design and Access Statement – January 2019 – received 28th February 2019
- Further information – December 2019 – received 18th December 2019
- Proposed Plans & Elevations – Drawing No. JMA-ZZ-GA-A-0002 -REV B
- Location Plan – Drawing No. JMA-XX-SI-A-9001
- 100% Open Market – Land at 107-110 Paddock Lane Walsall – 27 June 2019
- Detailed Site Plan & Landscaping – Drawing No. JMA-ZZ-GA-A-0003 Rev A -

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

3. Prior to the parking area first coming into use, a vehicle footway crossing to align with the new access shall and the new crossing shall not exceed five 900mm flat kerbs and two 900mm taper kerbs.

Reason: To ensure the satisfactory completion and operation of the access, in accordance with UDP Policy GP2, the Council's footway crossing procedure and in the interests of highway safety.

4. Prior to the approved use first coming into operation, the parking area shall be clearly demarcated with 11 spaces.

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

5. Prior to the approved use first coming into operation, the cycle shelter shall be fully implemented in accordance with approved details.

Reason: To ensure the satisfactory operation of the cycle shelter, in accordance with UDP Policy, BCCS, TRAN4, T9, T10 and T13.

6. No building shall be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the

Written Scheme of Investigation approved and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason: To ensure that archaeological remains and features are recorded and published prior to their destruction

7. To secure the conduct of a watching brief during development groundworks

The applicant/developer shall ensure that all groundworks, including geotechnical works, are monitored and recorded by an archaeologist or an archaeological organisation to be approved by the council and in accordance with the Written Scheme of Investigation approved under condition 6

Reason: To record remains of archaeological interest before destruction.

8a. The applicant shall install full infrastructure for electric vehicle charging facilities for the new dwelling and a plan shall be submitted in writing to the Local Planning Authority that provides details of the proposed electric vehicle charging point.

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

8c. No boilers shall be installed and used in the unit hereby approved, save for boilers which have maximum NOx emissions no greater than 56 mg/kWh for gas and liquefied petroleum gas (LPG) boilers and a maximum of 120 mg/kWh for oil-fired boilers.

Reason: To conserve and enhance the natural environment.

9a. Prior to the commencement of development a Construction Environmental Management Statement shall be submitted in writing to and approved in writing by the Local Planning Authority. The Construction Environmental Management Statement shall include:

- i. Construction working hours
- ii. Parking and turning facilities for vehicles of site operatives and visitors
- iii. Loading and unloading of materials
- iv. Storage of plant and materials used in constructing the development
- v. A scheme for recycling/disposing of waste resulting from construction works
- vi. Temporary portacabins and welfare facilities for site operatives
- vii. Site security arrangements including hoardings
- viii. Wheel washing facilities and/or other measures to prevent mud or other material emanating from the application site reaching the highway
- ix. Measures to prevent flying debris

- x. Dust mitigation measures (particularly as the contaminated land investigation has indicated that land is contaminated)
- xi. Measures to prevent site drag-out (including need for wheel cleaning and use of a road-sweeper)
- xii. Noise and vibration (if piling and/or ground stabilisation is to be conducted) mitigation measures

9b. The development hereby permitted shall not be carried out otherwise than in accordance with the approved Construction Environmental Management Statement and the approved Construction Environmental Management Statement shall be maintained throughout the construction period.

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 in accordance with saved policies GP2 and ENV32 of Walsall's Unitary Development Plan.

10a. Prior to the commencement of the development a schedule of materials to be used in the external finishes shall be submitted to and approved in writing by the Local Planning Authority

10b. The development hereby permitted shall not be carried out otherwise than in accordance with the approved details and the approved details shall thereafter be retained for the lifetime of the development.

Reason: In order to protect the character of the area and to ensure the satisfactory appearance of the development and accord Policy Env28, ENV32 of the Walsall Unitary Development Plan and AAPLLV5 of the Walsall Town Centre Area Action Plan 2019.

11. The demolition works hereby permitted shall not be carried out otherwise than as part of the completion of development for which planning permission was granted on 30.03.2020 and such demolition and development shall be carried out without interruption and in complete accordance with the plans referred to in this consent and any subsequent approval of details.

Reason: To ensure the demolition is followed by immediate rebuilding and to maintain the character and appearance of the Conservation Area.

12a. notwithstanding any of the details submitted, the hereby approved development shall not be constructed otherwise than to meet the following minimum security measures and thereafter the security measures shall be retained;

- All external doors shall have a door entry phone system and electronic lock release
- Entrances shall be well lit both internally and externally and include CCTV coverage.

- All Entrance, exit doors and frames including any within shared corridors and lobbies shall be of a robust vandal resistant material, with vandal resistant viewing

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panels to meet PAS 24:2012 doors should be on all external entrance and exit doors and any within shared corridors, lobbies.

- A minimum standard of TS-007 3 star rated cylinders with Secure By Design and Sold Secure Diamond standard certification shall be used on all door locks. - Where thumb turn locks are to be installed these should be those that cannot be 'by passed' such as the ASB Thumb turn 3 star cylinders or the Ultion Locks.

- No Lead shall be used on the ground floor as the West Midlands is suffering high levels of metal theft. Where possible lead substitute products should be used (except for window frames, doors, door frames plus door and window furniture).

- All ground floor windows and any accessible windows shall comply with BS7950 or WCL4 standards and have at least one pane of 6.4mm laminated glass. This includes French doors and patio doors.

- Paths to and from the street to doors shall be direct and not create hiding places - The building shall be fitted with an intruder alarm.

- Mail boxes shall be located at the primary entrance/exit lobby point of the building, covered by CCTV, 1.5mm steel letterboxes of robust construction, lockable individual letterboxes, secure, anti-identity theft proof and wall mounted

- lighting within internal communal areas shall be PIR activated

11b. Prior to first occupation of the hereby approved development, a written independent validation report confirming the security measures have been installed throughout the development shall be submitted for the written approval of the Council.

Reason: To ensure the safety and security of the development and its occupiers in compliance with saved UDP policy ENV32 and H1.

Informative

West Midlands Fire Service

Approved Document B, Volume 1, Dwelling-houses, 2019.

Requirement B5: Access and facilities for the fire service

These sections deal with the following requirement from Part B of Schedule 1 to the Building Regulations 2010.

Requirement

Limits on application Access and facilities for the fire service B5.

(1) The building shall be designed and constructed so as to provide reasonable facilities to assist fire fighters in the protection of life.

(2) Reasonable provision shall be made within the site of the building to enable fire appliances to gain access to the building.

Intention

Provisions covering access and facilities for the fire service are to safeguard the health and safety of people in and around the building. Their extent depends on the size and use of the building. Most firefighting is carried out within the building. In the Secretary of State's view, requirement B5 is met by achieving all of the following.

- a. External access enabling fire appliances to be used near the building.
- b. Access into and within the building for firefighting personnel to both:
 - i. search for and rescue people
 - ii. fight fire.
- c. Provision for internal fire facilities for firefighters to complete their tasks.
- d. Ventilation of heat and smoke from a fire in a basement.

If an alternative approach is taken to providing the means of escape, outside the scope of this approved document, additional provisions for firefighting access may be required. Where deviating from the general guidance, it is advisable to seek advice from the fire and rescue service as early as possible (even if there is no statutory duty to consult)

Section 13: Vehicle access

Provision and design of access routes and hard-standings

13.1 For dwelling-houses, access for a pumping appliance should be provided to within 45m of all points inside the dwelling-house.

13.2 For flats, either of the following provisions should be made.

- a. Provide access for a pumping appliance to within 45m of all points inside each flat of a block, measured along the route of the hose.
- b. Provide fire mains in accordance with paragraphs 13.5 and 13.6.

13.3 Access routes and hard-standings should comply with the guidance in Table 13.1.

13.4 Dead-end access routes longer than 20m require turning facilities, as in Diagram 13.1. Turning facilities should comply with the guidance in Table 13.1.

Blocks of flats fitted with fire mains

13.5 For buildings fitted with dry fire mains, both of the following apply.

- a. Access should be provided for a pumping appliance to within 18m of each fire main inlet connection point. Inlets should be on the face of the building.
- b. The fire main inlet connection point should be visible from the parking position of the appliance, and satisfy paragraph 14.10.

13.6 For buildings fitted with wet fire mains, access for a pumping appliance should comply with both of the following.

- a. Within 18m, and within sight, of an entrance giving access to the fire main.

b. Within sight of the inlet to replenish the suction tank for the fire main in an emergency

Overall

Access routes should have a minimum width of 3.7m between kerbs, noting that WMFS appliances require a minimum height clearance of 4.1m and a minimum carrying capacity of 15 tonnes (ADB Vol 1, Table 13.1)

Section 14: Fire mains and hydrants – flats

Provision of private hydrants

14.8 A building requires additional fire hydrants if both of the following apply.

- a. It has a compartment with an area of more than 280m².
- b. It is being erected more than 100m from an existing fire hydrant.

14.9 If additional hydrants are required, these should be provided in accordance with the following.

- a. For buildings provided with fire mains – within 90m of dry fire main inlets.

- b. For buildings not provided with fire mains – hydrants should be both of the following.

- i. Within 90m of an entrance to the building.
 - ii. A maximum of 90m apart.

14.10 Each fire hydrant should be clearly indicated by a plate, fixed nearby in a conspicuous position, in accordance with BS 3251.

14.11 Guidance on aspects of the provision and siting of private fire hydrants is given in BS 9990.

Water

Water supplies for firefighting should be in accordance with ADB Vol 2, Sec 16 and “National Guidance Document on the Provision for Fire Fighting” published by Local Government Association and WaterUK:

<https://www.water.org.uk/wp-content/uploads/2018/11/national-guidance-document-on-water-for-ffg-final.pdf>

For further information please contact the WMFS Water Office at the address given above or by email on Water.Officer@wmfs.net

Section 15: Access to buildings for firefighting personnel – flats

Provision of firefighting shafts

15.1 In low rise buildings without deep basements, access for firefighting personnel is typically achieved by providing measures for fire service vehicle access in Section 13 and means of escape.

15.2 A building with a storey more than 18m above the fire and rescue service vehicle access level should have one or more firefighting shafts, each containing a firefighting lift (Diagram 15.1). The number and location of firefighting shafts should comply with paragraphs 15.4 to 15.7. Firefighting shafts are not required to serve a basement that is not large or deep enough to need one (see paragraph 15.3 and Diagram 15.2).

Sprinklers

Where sprinklers in accordance with BS 9251:2014 or BS EN 12845:2015 are fitted throughout a house or block of flats:

- a) the distance between a fire appliance and any point within the house (in houses having no floor more than 4.5m above ground level) may be up to 90m:
- b) the distance between the fire and rescue service pumping appliance and any point within the house or flat may be up to 75m (in houses or flats having one floor more than 4.5m above ground level) (BS 9991:2015 50.1.2).

Blocks of flats with a floor more than 30m above ground level should be fitted with a sprinkler system, throughout the building (ADB Vol 1, Section 7)

The approval of Building Control will be required to Part B of the Building Regulations 2010

Early liaison should be held with this Authority in relation to fixed firefighting facilities, early fire suppression and access (ADB Vol 1, Section 7)

The external access provisions for a building should be planned to complement the internal access requirements for a fire attack plan. (CIBSE Guide E, Fire Safety Engineering 2010, p. 13-14)

Highway (Transportation)

1. The Applicant must ensure that no soil or other debris is washed or placed within the highway. Failure to prevent this incident could result in an offence and a notice being served on the Applicant under Section 151 of the Highways Act 1980.
2. The Applicant must ensure that no water is discharged onto the highway. Failure to prevent this discharge could result in an offence and a notice being served on the Applicant under Section 163 of the Highways Act 1980.
3. The Applicant will be expected to obtain the necessary Road Opening Permit from the Highway Authority for the construction of the dropped kerb footway crossing within the public highway. For further information please contact the Traffic Management Team on 01922 654675.

Pollution Control

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 and within 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 previous unknown filled ground and materials used and processes carried on. A further detail on the matters to be addressed is available in '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.

Air Quality SPD

The Air Quality SPD (Section 5.6) advises the following about Electric Vehicle Charging Points:

An external weatherproof and lockable covered 32 Amp external 7 pin charging socket to comply with EN 62196-2 and be compatible with a J1772 Type 2 connector. The charging unit should feature a Mode 3 (IEC 61851) communication module.

Wherever possible the power supply and charging point should both be phase 3 compatible and be located near the parking area for each dwelling. Where only single-phase power supply is available the charging unit should be capable of handling 3-phase power if supply is subsequently upgraded.

The charging unit is to be supplied by its own independent radial circuit.

Further information on Electric Vehicle Charging Points and the necessity to provide these can be found in the following:

- West Midlands Low Emissions Towns and Cities Programme, Good Practice - Air Quality Planning Guidance,
- Black Country Air Quality Supplementary Planning Document (SPD),
- General Procurement Guidance for Electric Vehicle Charging Points, UK Electric Vehicle Supply Equipment Association (April 2015),
- Institute of Engineering and Technology (IET) Code of Practice for Electric Vehicle Charging Equipment Installation.

Construction Method

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

Natural England

Natural England has not assessed this application for impacts on protected species. Natural England has published Standing Advice which you can use to assess impacts on protected species or you may wish to consult your own ecology services for advice.

Natural England and the Forestry Commission have also published standing advice on ancient woodland and veteran trees which you can use to assess any impacts on ancient woodland.

The lack of comment from Natural England does not imply that there are no impacts on the natural environment, but only that the application is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes. It is for the local planning authority to determine whether or not this application is consistent with national and local policies on the natural environment. Other bodies and individuals may be able to provide information and advice on the environmental value of this site and the impacts of the proposal to assist the decision making process. We advise LPAs to obtain specialist ecological or other environmental advice when determining the environmental impacts of development.

We recommend referring to our SSSI Impact Risk Zones (available on Magic and as a downloadable dataset) prior to consultation with Natural England. Further guidance on when to consult Natural England on planning and development proposals is available on gov.uk at <https://www.gov.uk/guidance/local-planning-authorities-get-environmental-advice>.

West Midlands Police Service

Suitable separate vehicle and pedestrian gates can be considered from Paddock Lane to make the outside area more private and secure.

This with an extension of a suitable intercom / video-com system to those gates.

If not a different layout and configuration of the apartments to facilitate all entry to doors facing Paddock Lane with no rear parking.

Defensible space and natural surveillance should be provided to dwellings avoiding legitimate access close to the building.

Rear parking areas are vulnerable.

Active rooms overlooking parking will provide natural surveillance.

Suitable lighting will provide some security.

The applicant to refer to crime prevention and home security advice contained within SBD New Homes.

Please see

: https://www.securedbydesign.com/images/downloads/HOMES_BROCHURE_2019_NEW_version_2.pdf

Use of gates **can** be considered to restrict access to rear parking. (SBD Homes 2019 page 22 16.1 – 16.11)

If required cycle stores, approved products, are recommended (SBD Homes 2019 page 68, 56).

These located in a clearly visible area.

Secure mail is recommended without providing unnecessary access to private areas. (SBD Homes 2019 page 58 2b. 38).

SBD strongly recommends where possible , mail delivery via a 'secure external letter box' Standard TS009 (DHF TS009) (SBD Homes 2019 page 58 38.3).

'Through the wall mail delivery into secure internal letter boxes' can be considered Standard TS008 (DHF TS008) (SBD Homes 2019 page 59 38.4-5).

Lighting must be at the levels recommended by BS 5489-1:2013.

External LED lights with daylight sensors to the external walls, particularly by entrances and lighting to the parking area.

This to provide security for residents entering and leaving. (SBD Homes 2019 page 63 49.1).

I would recommend 24 hour lighting (switched using a photoelectric cell) to internal communal areas.

Providing security to residents as they make their way within the building. (SBD Homes 2019 page 63 49.2.).

Consider cctv multiplex cctv system for all shared areas in particular facial view on all entrances.

A height to 120% of the screen is required for identification. (SBD Homes 2019 page 47 29.1 – 30.7).

A capture of all persons and vehicles particularly entering and leaving.

Alarm and cctv installers should be approved by NSI, SSAIB or both please see <https://www.nsi.org.uk/> and <https://ssaib.org/>

Card entry system or similar . With correct management and maintenance this should provide security.

Access control to the building see SBD Homes 2019 page 41, 27.

To allow residents entry, to their floor area and apartment.

Dwelling flats entrance door-sets (SBD Homes 2019 page 29, 21.1-8).

PAS 24: 2016 standard doors for houses and apartments.

Communal shared entrances doors and visitor door entry to standards LPS 1175 or STS 202.

Please see: <https://www.securedbydesign.com/guidance/standards-explained>

End of Officers Report



Planning Committee

Report of Head of Planning and Building Control on 15-Oct-2020

Plans List Item Number: 8.

Reason for bringing to committee: Significant Community Interest.

Location: 22, FOREST CLOSE, STREETLY, SUTTON COLDFIELD, B74 2JZ

Proposal: SINGLE STOREY FRONT PORCH EXTENSION AND RAMP

Application Number: 19/1583

Applicant: Mrs Linda Stych

Agent: Mr Robert Wood

Application Type: Full Application:
Householder

Case Officer: Rebecca Rowley

Ward: Streetly

Expired Date: 10-Feb-2020

Time Extension Expiry: 10-Sep-2020

Recommendation Summary: Grant Planning Permission Subject to Conditions in respect of the materials and plans to maintain its appearance and the provision of drainage to prevent water run-off from the front ramp.



Proposal

Following further discussion with the Local Planning Authority, the single storey rear extension which would span the width of the original rear elevation of the dwelling, with a depth of 2.9m and a flat roof height of 3m would meet all of the requirements to be considered permitted development and as such it has been removed from the plans for consideration by this assessment.

This application requests permission for the following extensions to a 2 bedroom bungalow:

Single storey front infill extension with dual pitched roof and 1 x front rooflight

To create extended hallway with wheelchair accessible main entrance door into the house.

- Depth: 2.5m (original proposal was 3m)
- Width: 2.35m (original proposal was 2.6m)
- Height to eaves: 2.6m (in alignment with main roof eaves)
- Roof ridge height: 3.8m (0.8m lower than gable roof behind and 1.4m below main roof ridge) (original proposal was 4m)

One main entrance door is proposed and 1 x roof light above the principal elevation.

Facing materials would match the existing bungalow.

Ramp to front door access

Ground level graduated upwards over a distance of 1.7m to a maximum of 0.2m above ground level at the front door. No railings are proposed.

Site and Surroundings

The application dwelling is a 2 bedroom left hand side semi-detached bungalow. The footprint is L shaped, matching the attached bungalow, so the pair of bungalows create a U shape with the driveways extending into the space between the dwellings at the principal elevation. The front projecting wing has a gable roof and the rear of the dwelling is attached in alignment with the neighbouring bungalow. Facing materials are brick and concrete tiled roof. There is a driveway in front of the dwelling with sufficient space to park 2 vehicles and a separation distance of 7.5m from the principal elevation to the front boundary with the public footpath at the shallowest section and 12.5m at the deeper section.

The application dwelling is one of 4 pairs of semi-detached bungalows, of the same design and facing materials, each pair built with a U shaped footprint, at the end of the cul-de-sac. Rear and side extensions have been added to some of these dwellings using permitted development rights. The remainder of the street consists

of pairs of semi-detached houses of simple design with main gable roofs, with similar facing materials to the application site. The street scene is open plan.

The attached bungalow, no. 24 to the south east, has an extension, 2.5m deep located centrally on the rear elevation. The remainder of the rear elevation is in alignment with the application dwelling.

The adjacent dwelling to the North West side is no. 20 with a separation distance of 2m. It is the right hand side semi of the next pair of semi-detached bungalows of the same design along this part of the street. The principal and rear elevation is in alignment with the application site.

Opposite the dwelling is no. 32 with a separation distance of 35m between the fronts of each building.

To the rear of the dwelling is no.s 31 and 33 Hundred Acre Road with a separation distance of 23m and 16m between the rear elevations of the buildings and the application dwelling respectively. A mature hedge shields the view of the ground floor windows between the buildings.

Relevant Planning History

None relevant.

Google maps show a number of small side and rear extensions and conservatories that have been built using their permitted development rights.

A number of nearby bungalows of similar design have converted their garage into habitable space using their permitted development rights.

Relevant Policies

National Planning Policy Framework (NPPF)

www.gov.uk/guidance/national-planning-policy-framework

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

Key provisions of the NPPF relevant in this case:

- **NPPF 4 – Decision Making**
- **NPPF 12 – Achieving well-designed places**

On **planning conditions** the NPPF says:

Planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. Agreeing conditions early is beneficial to all parties involved. Conditions that are required to be discharged before development commences should be avoided unless there is a clear justification.

On **decision-making** the NPPF sets out the view that local planning authorities should approach decisions in a positive and creative way. They should use the full range of planning tools available and work proactively with applications to secure developments that will improve the economic, social and environmental conditions of the area. Pre-application engagement is encouraged.

National Planning Policy Guidance

On **material planning consideration** the NPPG confirms- planning is concerned with land use in the public interest, so that the protection of purely private interests... could not be material considerations

Reducing Inequalities

The Equality Act 2010 (the '2010 Act ') sets out 9 protected characteristics which should be taken into account in all decision making. The **characteristics** that are protected by the Equality Act 2010 are:

- age
- disability
- gender reassignment
- marriage or civil partnership (in employment only)
- pregnancy and maternity
- race
- religion or belief
- sex
- sexual orientation

Of these protected characteristics, disability and age are perhaps where planning and development have the most impact.

In addition, the 2010 Act imposes a Public Sector Equality Duty "PSED" on public bodies to have due regard to the need to eliminate discrimination, harassment and victimisation, to advance equality and to foster good relations. This includes removing or minimising disadvantages, taking steps to meet needs and encouraging participation in public life.

Section 149(6) of the 2010 Act confirms that compliance with the duties may involve treating some people more favourably than others. The word favourably does not

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mean 'preferentially'. For example, where a difference in ground levels exists, it may be perfectly sensible to install some steps. However, this would discriminate against those unable to climb steps due to a protected characteristic. We therefore look upon those with a disability more favourably, in that we take into account their circumstances more than those of a person without such a protected characteristic and we think about a ramp instead. They are not treated preferentially, because the ramp does not give them an advantage; it merely puts them on a level playing field with someone without the protected characteristic. As such the decision makers should consider the needs of those with protected characteristics in each circumstance in order to ensure they are not disadvantaged by a scheme or proposal.

Local Policy

www.go.walsall.gov.uk/planning_policy

Black Country Core Strategy

- CSP4: Place Making
- ENV2: Historic Character and Local Distinctiveness

Saved Unitary Development Plan

- GP2: Environmental Protection
- GP6: Disabled People
- ENV32: Design and Development Proposals
- T13: Parking Provision for Cars, Cycles and Taxis

Supplementary Planning Document

Designing Walsall

- DW3 Character
- Appendix D

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

Consultation Replies

Pollution Control - support

Local Highways Authority - support

Representations

A petition with 26 signatures from 14 households was submitted objecting to the proposal on the grounds that the appearance of the proposed extension would be out of character with the existing and surrounding uniformed bungalows which would change the aesthetic appearance of the close.

13 representations were received from 8 households, objecting on the following grounds:

Firstly it would greatly reduce light into the hallway while also restricting vehicle access. *(Hallways are non-habitable rooms and the council's policies do not protect them. The front extension is within the curtilage of the applicant and does not encroach onto the neighbour's driveway, retaining the neighbour's driveway)*

Secondly it would set a precedent for other people to build and greatly reducing the openness and spacious airy ambiance this end of the close has to offer.

The proposal would affect the use of the neighbouring driveway and the ability to access in and out of a car parked in this location *(The front extension is within the curtilage of the applicant and does not encroach onto the neighbour's driveway, retaining the neighbour's driveway)*

Gas and electric main services are routed down the driveway. They would require rerouting and we will not grant permission for the applicant to dig up our driveway. *(This is a civil matter between landowners and not a material planning consideration for this planning application)*

If we wish to replace our garage doors with a window, creating a habitable room, the proposal would impact on our natural light to the room and to the porch/hall area. *(The assessment of this planning application can only be based on the current situation, not what may happen in the future. Notwithstanding this, in the event the neighbour did convert their garage to a habitable room and add a front window, the currently proposed front extension at 2.5m deep would not breach the Council's 45 degree code and is considered would cause limited further impact on light availability above what the existing bungalow front projecting wing).*

The valley gutter would sit adjacent to our mains electric board. Should the rainwater pipe block it could cause a very dangerous and expensive situation. *(This is a civil matter between landowners and not a material planning consideration for this planning application)*

Plans show an extreme amount of internal works. I am concerned this could have an adverse structural impact on our property. *(The internal works to facilitate wheel*

chair access is not a material planning consideration for this planning application. Any building works permitted would be subject to building regulations approval)

Plans show a large store in the lounge area. Our opinion is that this could be a further bedroom. *(The planning application has assessed the material planning considerations in relation to the plans which have been submitted)*

We are neighbours at the back of applicant's garden. We would like to object to the proposed planning of a rear and front single storey extension. The rear extension would affect us more than the front. *(The front extension would not be visible from and houses at the rear of the application property as it would be screened by the existing bungalow. The impact of the rear extension is not a material planning consideration as it is permitted development.)*

The proposed front extension would change the look of uniform bungalows and would be out of keeping with the neighbouring properties. It would set a precedent for turning link detached bungalows into mews properties.

It would reduce parking by at least 2 spaces leading to on-street parking for carers and visitors opposite my drive which would be totally unacceptable

Elderly and children need to use footpaths safely, compromised by if cars park half on the path. *(There are no parking restrictions in Forest Close and where and how people park vehicles on the public highway is outside the scope of the planning legislation to consider in processing this planning application)*

In the future users of a mobility scooter would be forced to use the road if cars parked on the footpath *(There are no parking restrictions in Forest Close and where and how people park vehicles on the public highway is outside the scope of the planning legislation to consider in processing this planning application)*

The ring and ride service currently has difficulties turning around in the Close, made worse if the extension is approved creating overspill parking on the road. If it becomes difficult and dangerous for the ring and ride service to turn around my help may be stopped taking away my independence *(This is not a material planning consideration in the processing of the planning application)*

Please review these plans, I'm certain there are more ways to gain disabled access into the bungalow than extending on the front *(The local planning authority is processing a planning application to a property to improve disabled access. It would be unreasonable for the local planning authority to require a disabled person to not be able to access their front door)*

Parking on the footway make access to our driveway difficult and restrict our view down the close when we are reversing making it unsafe and dangerous *(There are no parking restrictions in Forest Close and where and how people park vehicles on the public highway is outside the scope of the planning legislation to consider in processing this planning application)*

We need access to our driveway 24 hours a day due to shift patterns *(This is not a material planning consideration in the processing of the planning application and the proposed extension does not block access of the neighbour's driveway)*

The ramp would cause water to drain down onto no. 24 and no.26 driveway and create a hazard from ice in cold weather.

Please confirm where we are with the planning application, I wrote months ago objecting and had no response. *(The local planning authority's consultation letter confirms that the council does not respond to comments received to planning applications)*

Building works have started *(The agent has confirmed that work may be starting on the rear extension only, which meets the requirements of Permitted Development)*

The revised plans there is very little change, please read my previous letter with my concerns in it *(Considered as part of this planning application)*

Extension, ramp, handrails and raised levels affect the use of our driveway *(For clarity, the proposal does not include handrails. The front extension is within the curtilage of the applicants property and does not encroach on the neighbour's driveway)*

The length of the alterations is 7 metres, consequently we would no longer be able to park our car or reverse into our garage as we would not be able to get out of our car. This has a direct impact on our lives, my wife has osteoarthritis in both knees and imperative we park as close to our front door *(For clarity, the depth of the proposal is 2.5m and the width is 2.35m. Whilst the local planning authority is sympathetic to the neighbour's personal circumstance, this is not a material planning consideration. The front extension is within the curtilage of the applicants property and does not encroach on the neighbour's driveway)*

The distance from our front door and the proposed wall is 2.7metres producing a tunnel effect *(The separation distance for the amended proposal would be 2.8m)*

Create a negative impact for any potential buyer and devalue our property *(This is not a material planning consideration)*

We have a legal right to use our driveway (*The proposal does not prevent the use of the neighbour's driveway as the works are within the applicants curtilage*)

If approved one of our cars would have to be parked at the bottom of our driveway detrimental in our senior years (*This is not a material planning consideration*)

Determining Issues

- Design of Extension and Character of Area
- Amenity of Nearby Residents
- Parking

Assessment of the Proposal

Design of Extension and Character of Area

The original proposal included a rear extension which can be built using permitted development rights. These are planning approvals for certain works given via the national planning legislation without the Council having to be involved. This element has been removed from the proposal.

Neighbours' concerns about the impact of the proposed front extension being out of character with the area and changing the appearance of Forest Close have been considered. The proposed front extension would be set back from the principal elevation of the bungalow by 4.1m within a recess formed by two front projecting wings, one on each of the pair of semi-detached bungalows. The proposed dual pitched roof ridge would be set down lower than the height of the main roof ridge by 1.4m. The bungalow is located at the end of a cul-de-sac, on the left-hand side if viewed on the approach to the end of the cul-de-sac. The proposed front extension would not be visible from the public vantage point along most of the street because it would be obscured from view behind the front projecting wing of the application bungalow. It becomes visible once outside the application bungalow and then seen in the context of the existing property. On this basis, it is considered that the proposed front extension has limited potential to harm the character or appearance of Forest Close due to its limited visibility.

It is acknowledged that the proposed front extension would be visible for the occupants of neighbouring no. 24 and visible when viewed from in front of the buildings at no.s 26, 28, 30, 32 and possibly 34 Forest Close. As the front extension is set back and when seen it is against the existing bungalow, it is considered to be visible to a limited number of people in comparison to an extension added at the front of the principle elevation. The extension is to be constructed from matching materials as the existing bungalow, further reducing its perceived bulk or incongruousness. It is also acknowledged the front extension results in the

replacement of the original garage door, this reflects, adjacent bungalows no.s 26, 28 and 30 who have converted their garage into habitable space.

One neighbour raised a concern that approval of this proposal would set a precedent for turning these link-detached bungalows into mews style properties. It is unclear exactly what this neighbour's interpretation of a mews style property is, as even if every pair of bungalows in the cul-de-sac built a similar style of addition to their frontage, it would still be a bungalow in planning terms. It is considered that the proposed front extension that would create an approximate 6% increase in the footprint of the building has limited potential to cause harm to the character of the application dwelling. The planning applications do not set precedents, as each planning application is assessed on its own merits.

This proposal is considered would meet the requirements of BCCS policies CSP4 and ENV 2, saved UDP policies GP2 and ENV32 and the SPD Designing Walsall Appendix D.

Amenity of Nearby Residents

The original proposed single storey rear extension can be built using permitted development rights without the requirement for planning permission. Consequently there is no assessment required as part of this planning application.

The proposed single storey front extension would be located in a recess between the 6.5m deep front projecting wings of no. 22 and 24 Forest Close. It would be opposite the front entrance door of neighbouring no. 24. Concerns regarding the potential for loss of light to the front door and hallway of no. 24. The front door and hallway in question are also set within the recess between the two bungalows, facing in a north westerly direction. Therefore, sunlight would not reach this area until late afternoon. Taking into account the orientation, and the position within the recess between the bungalows, it is likely there is already limited sunlight available. The addition of the proposed front extension is considered would have limited further impact on the front door and hallway. Notwithstanding this, the front door and hallway are not habitable rooms, consequently any impact from the proposed front extension on the front door and hallway would not be sufficient to warrant refusal of the planning application.

There would be a separation distance of 38m between the proposed extension and any opposite habitable window, exceeding the separation distance requirements set out in the Designing Walsall SPD Appendix D. There are no proposed side facing windows, and considered the proposal causes no further potential for overlooking or reduced privacy to any neighbouring occupant than the existing entrance door.

Concerns regarding the potential for water run-off from the proposed access ramp creating hazardous conditions if it turned to ice in cold weather are noted. Both the application site and the neighbouring driveway are hard-surfaced and should have

sufficient drainage provision to reduce the potential for ice to form on the surface. To reduce any further impact of water run-off from the proposed ramp, a condition can be included to secure the provision of a soak away drain at the bottom of the proposed ramp.

It is considered that this proposal would meet the amenity requirements of saved UDP policy GP2.

Consideration is also given to the fact that the proposed extensions are required to increase ease of access for a disabled occupant. In accordance with the requirements of saved UDP policy GP6, whilst access within buildings is not usually a planning consideration, there is an obligation to provide sensitively for people with disabilities so they are not disadvantaged. This proposal has been weighed against the material planning considerations and neighbouring concerns. It is considered the limited impact the proposal may have on the character of the house or the local area does not outweigh the benefit this proposal would bring to the disabled occupant of the application site.

Parking

In accordance with the requirements of saved UDP policy T13, a 2-bedroom dwelling requires a minimum of 2 off road vehicular parking spaces. After the proposed extension this dwelling would have 2 bedrooms and sufficient space to park 2 vehicles on the hard-surfaced area in front of the house.

Number 24's concerns that the front extension would not leave sufficient space for them to exit their vehicle, if they park adjacent to the proposed extension have been considered. The neighbours existing space between the north-west side elevation of no. 24 and the south east side boundary of the application site is 2.3m. From a Highways perspective, this width is not considered sufficient for a car parking space. If the occupants of no. 24 choose to park their vehicle here, it is likely they must cross the boundary with the application site to exit their vehicle. The applicant has amended the proposed front extension, reducing its width, in order to accommodate the neighbouring concerns. Notwithstanding this, the proposed extension would sit entirely within the applicant's own boundary and the neighbour ability to physically get in to or out of their car, is not a material planning consideration in assessing this planning application.

Conclusions and Reasons for Decision

When assessing the material planning considerations and taking into account the local and national planning guidance and representations received, it is considered that the proposal, according to the plans submitted, would not cause harm to the character of the house or the local area and would not harm the amenity of

neighbouring occupants nor cause harm to highway safety in accordance with the requirements of the NPPF, policies CSP4 and ENV2 of the Black Country Core Strategy and saved policies GP2, ENV32 and T13 of Walsall Unitary Development Plan and Supplementary Planning Document Designing Walsall policy DW3 and Appendix D. It is also required to meet the needs of a disabled occupant, in accordance with saved UDP policy GP6.

The use of safeguarding conditions in respect of the materials and plans to maintain its appearance and the provision of drainage to prevent water run-off from the front ramp will further ensure that the neighbours amenity is protected and that the 6 tests: necessary; relevant to planning and; to the development to be permitted; enforceable; precise and reasonable in all other respects within the national planning guidance are fully met.

Taking into account the above factors it is considered that the application should be recommended for approval.

Positive and Proactive Working with the Applicant

Officers have spoken with the applicant's agent and in response to concerns raised by neighbours regarding the proposed front extension, amended plans have been submitted which enable full support to be given to the scheme.

Recommendation

Grant Permission Subject to Conditions

Conditions and Reasons

1: The development hereby permitted shall be begun not later than 3 years from the date of this permission.

Reason: To ensure the satisfactory commencement of the development in accordance with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2: The development hereby permitted shall not be carried out otherwise than in accordance with the following approved plans details and documents:

- Proposed Plans and Elevations, drawing no. 820-03, submitted 30/09/2020

Reason: To ensure that the development undertaken under this permission shall not be otherwise than in accordance with the terms of the application on the basis of

which planning permission is granted, (except in so far as other conditions may so require).

3: The walls and roof of the development hereby permitted shall comprise facing materials that match, in size, colour and texture, those which are used in the existing building and the facing materials shall thereafter be retained for the lifetime of the development.

Reason: To ensure the satisfactory appearance of the development and to comply with saved policies GP2 and ENV32 of the Walsall Unitary Development Plan.

4: Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), or any Order revising, revoking or succeeding that Order with or without modification, no side facing windows, doors, or other openings other than those shown on the approved plans, shall be installed in any part of this development.

Reason: To safeguard the amenities of the occupiers of adjoining premises and to comply with saved policy GP2 of the Walsall's Unitary Development Plan.

5: Notwithstanding the details as submitted, the development shall not be carried out otherwise than in accordance with a soak-away drain to be installed at the bottom of the ramp in front of the main entrance ramp hereby permitted and shall thereafter be retained for the lifetime of the development.

Reason: To safeguard the amenities of the occupiers of adjoining premises, and the privacy of occupiers of the application property, and to comply with policy GP2 of Walsall's Unitary Development Plan.

Notes for Applicant

1. The attention of the applicant is drawn to the requirement to ensure that the hard surfaced area in front of the property is drained, so that surface water run-off from this area does not discharge onto the highway or into any highway drain.

Petition

