



Planning Committee

Report of Head of Planning and Building Control, Regeneration Directorate on 18th September 2014

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Regeneration Directorate – Planning and Building Control

Planning Committee

Report of Head of Planning and Building Control, Regeneration Directorate on 18/09/2014

Plans list item no: 1.

Reason for bringing to committee: Major application

Application Number: 14/0767/FL
Application Type: Full application

Case Officer: Shawn Fleet
Telephone Number: 01922 650453
Email: planningservices@walsall.gov.uk
Agent: PlanIT Planning and Development Ltd
Expired Date: 01/09/2014

Applicant: Walsall Housing Group

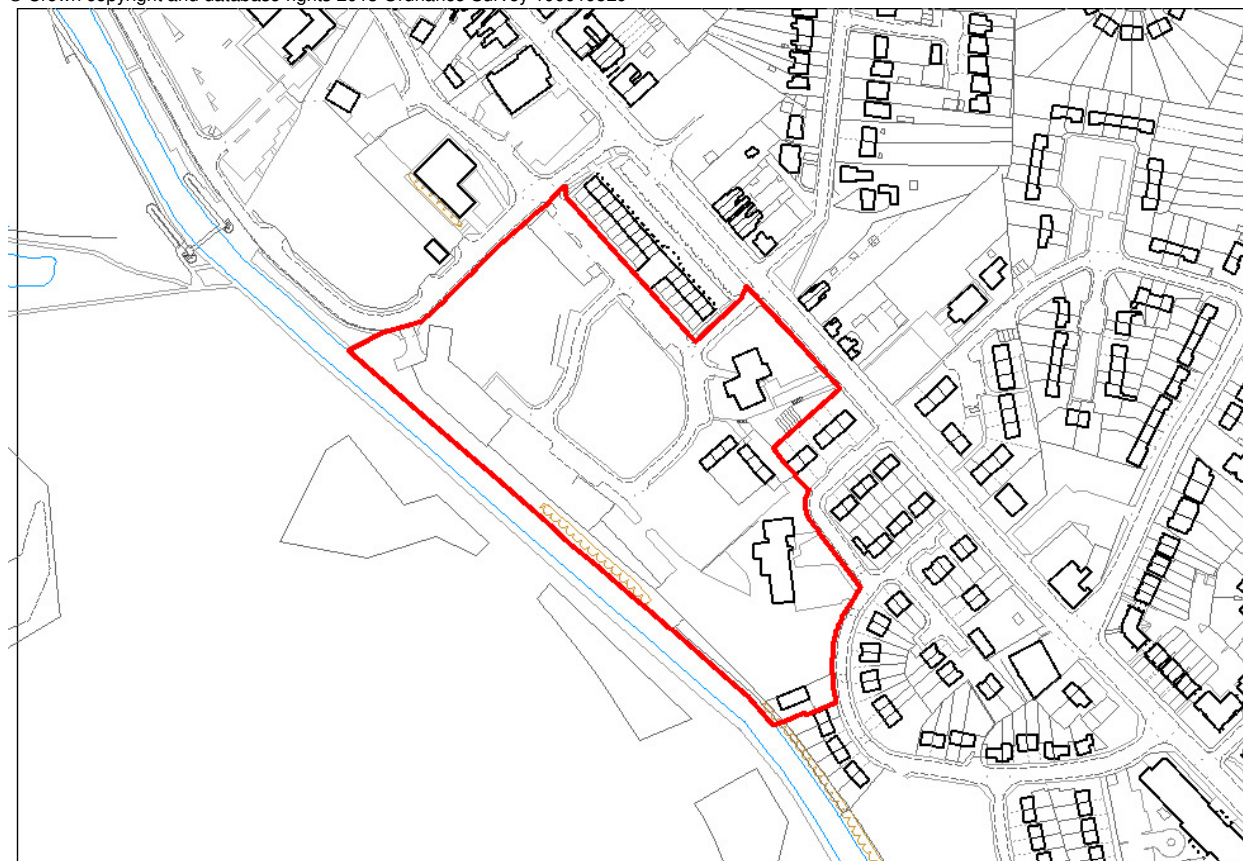
Proposal: Full planning application for 157 residential dwellings with car parking, new estate roads, public open space, canal side park and associated infrastructure.

Location: LAND AT SILVER COURT, SILVER STREET, BROWNHILLS, WALSALL, WS8 6ES

Ward: Brownhills

Recommendation Summary: Grant with conditions, subject to no new information raising new material issues

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Application and Site Details

This application is for the redevelopment of land to the rear of Silver Court. The majority of the site is now vacant, but previously was occupied by a social housing development at Silver Court Gardens, now demolished. There are 6 existing bungalows on site, that will be demolished as the project progresses on site. In addition, within the site sit two tower blocks, Severn House and Humphries House.

Combined, the two application sites extends to 4.52 hectares. The bulk of the site is this site, the former Silver Court Gardens site which historically comprised a residential development in the form of four rectangular rows of flats (85 in total). The flats were demolished in 2005 and the site is now cleared with only areas of hard standing remaining. This site is contained between Silver Street and Lindon Drive. It has a significant frontage onto the Wyrley and Essington Canal although access onto the canal is restricted by thick vegetation ground cover. Prior to residential land uses, part of the site was traditionally used for industry associated with a 19th century gas works operation.

This site measures 3.53Ha. Within the site are the existing tower blocks of Severn House and Humphries House that have previously been refurbished. The south west the site is bound by Wyrley and Essington canal. To the south east are existing 2 storey houses on Lindon Drive and to the east it is bound by Lindon Drive. To the north, the site is bound by the 'Silver Court' precinct (residential & commercial) and to the north west by Silver Street.

The site also includes six existing bungalows which are located off Lindon Drive between Humphries House and Severn House and the site of a former hall which was located next to 11 Drive.

From north to south, the site gradually falls approximately 6 metres, whereas from west to east it falls approximately 4 metres.

On the south west boundary, near the canal, there are some well developed trees, which will be retained where possible. To the north, at Severn House facing High Street, are also some well developed trees that are being retained. The development will be accessed by the existing road network, Silver Street, Silver Court Gardens and Lindon Drive. Adjacent to the site, on the other side of the canal is situated Clayhanger Common.

The Wyrley and Essington Canal is a Site of Local Importance for Nature Conservation (SLINC) and wildlife corridor which partly falls within the proposed development site.

The proposal will provide 157 new dwellings for market sale and affordable rent across a range of housing types including apartments, bungalows and houses for social rent, purchase and elderly accommodation. The properties have been designed in accordance with the following standards:

- Secure by Design (all housing)
- Code for Sustainable Homes Level 3 (affordable only)
- Housing Quality Indicators (HQI) (affordable only)
- Lifetime Homes (LTH) (affordable only)

The housing will provide the following range of accommodation:

	1 Bed	2 Bed	3 Bed	4 Bed
Affordable Apartment	15	24	0	0
Affordable Bungalow	2	4	0	0
Open Market House	0	9	27	14
Elderly Apartments	24	38	0	0
Totals	41	75	27	14

The Density on the site is 44.47 dwellings per Hectare. The houses are a mix of detached, semi-detached units and terraced units. These are a mixture of 2 storey, 2.5 storey, 3 storey dwellings. The 3 storey dwellings are situated on the street facing the canal to provide a robust frontage.

Also, there are two 4 storey apartment blocks within the development, a 'General Needs' block and an 'Over 55's' block, situated near the existing tower blocks.

In respect of parking provision, the total number of car parking spaces is 226. This includes parking designated for the retained Humphries and Severn House. The applicants have stated that this should discourage residents to park on street and street parking will be used temporarily by visitors.

In terms of the design of the site, the layout has been designed around the site constraints and taking into consideration the existing tower blocks, the Silver Court precinct to the North and the green corridors surrounding the canal.

The design principles follow good urban design practice that includes creating spaces that are safe, well overlooked and distinctive, with good connections and landscaping. The layout has been formed also by the following considerations:

- there are busy roads surrounding the development, High Street and Silver Street, so new access roads are designed within the site that prevent people using them as shortcuts by using traffic calming measures and different road treatments, such as shared surfaces, to deter non residents entering the development.
- to plan a perimeter style development to promote a public front/private back approach, with minimal gaps between the dwellings and avoiding rear car parking courts where possible.
- to provide dual aspect dwellings overlooking the streets, as well as the green spaces created by the canal.
- to improve and enhance cycle and pedestrian links from Lindon Drive and Silver Court Gardens through the site.
- to provide a range of different house types across the two tenures, to create a diverse environment for new residents.
- to improve the sites permeability with links High Street and the shopping areas in Brownhills and
- the new green spaces created by the canal.

The two new apartment blocks situated near the existing tower blocks, Humphries House (17 storey) and Severn House (8 storey), are both 4 storey. The applicants have proposed these as transition elements between the blocks and the new dwellings.

The frontage to the canal consists of 3 storey dwellings to provide a strong street scene.

Within the surrounding area, there is an eclectic mix of residential properties including traditional single and two storey properties on Lindon Drive, the existing two tower blocks on site, as well as the Silver Court precinct to the north of the site, which includes A1/A2 uses to the ground floor facing onto the High Street with residential use above which is accessed from the rear. The materials used in the locality generally consists of a simple palette of materials that include brick, tile and render.

In this application, a red / brown multi brick has been chosen for the main facing material for the houses, with some corbelling detailing to add interest. The chosen materials for the two apartment blocks are a red/ brown multi brick with some elements of a second contrasting blue brick. Other materials selected are cladding panels in a Titanium finish, as well as dark grey coloured panels to be utilised on the top floors of the apartments. The applicants have proposed that a natural colour mortar will be used to the red brick.

External brick boundary walls to be faced in the same brick as the dwellings.

All windows to the houses will be uPVC grey colour and all doors and windows will comply with Secured by Design. Front doors will include full height glazed panels to the side where possible. Roof tiles will be dark grey. Boundary railings to the dwellings (where indicated in the boundary plan ref D160) will be black polyester powder coated with heavy duty metal posts utilised to demarcate the pedestrian entrance.

The main concept for the appearance of the proposed elevations was to provide a contemporary solution that produced a distinctive character with its own identity. While the proposed houses are designed to respect the surrounding context in terms of scale and materials it is intended the scheme will establish a new character.

A red / brown multi style brick is proposed as the main facing material and to contrast and compliment it. Gables are used to articulate the elevations and provide rhythm to the street scenes and a dynamic roofscape. The fenestration to the houses has a simple rational with generous sized windows allowing for good day lighting to the rooms behind.

In terms of sustainability, the affordable rent homes have been designed to meet Code for Sustainable Homes level 3. The sales properties will be designed to meet the latest Building regulation requirements.

A fabric first approach has been adopted to meet the requirements of the Code and Building Regulations Under Category 2 of the Code water consumption is set at 105 litres per day.

There will be a compliant Site Waste Management Plan (SWMP) as set down in the Code to target benchmarks to set relevant procedures and to monitor the works.

Local Authority refuse storage has been considered in the layout design with all houses and bungalows have access to rear gardens where storage is available. The apartment blocks have special designated areas for refuse collection.

The existing District heating scheme located in Humphries House and also feeding Severn House will be subject to a main diversion. We are investigating the possibility of adding either or both of the over 55 block and general need apartments to the scheme.

The proposed landscape design for the development at Silver Court seeks to exploit the existing built and natural form together with site constraints and opportunities and provide an integrated design solution.

The current site is essentially “land locked” by existing hard boundaries, the canal and Brownhills High Street. To address these constraints, the master plan for the site seeks to create opportunities for increasing permeability within and through the site to connect with existing route ways and open spaces.

Design proposals have been created to maximise the potential for linking with the canal towpath and High Street to encourage movement and flow through the site. This will create a sense of continuity and integration with the existing built form; encouraging natural surveillance and a sense of wider community ownership.

It is the applicants view that accessibility to and through the site will be encouraged. This is a key consideration as the development proposal seeks to remove the existing scrub that has developed on site which has some wildlife benefits and replace this with a more managed landscape.

Shared space areas have been proposed with the expectation that they will act as both a traffic calming measure and create a sense of identity; unifying the overall landscaping areas. The design proposals have been created to enhance the existing green network and strengthen natural habitats and amenity areas. The landscape choice of trees, shrubs and open amenity areas will draw on the local species and seek to reflect the habitats of the Brownhills area.

Central to the design will be the creation of a play space. This will be created using fixed play equipment combined with natural features such as mounding and boulders.

The design proposals have been created with the intention of strengthening the existing ecology of the area and for the development to have a positive impact on local wildlife and encourage local people to engage with their natural environment. The proposals have been informed by ecological appraisals and species surveys. The main emphasis of the design in the applicants view is to ensure the canal habitat is augmented and strengthened. A key element of the design will be to ensure that the canal side habitat is able to be proactively managed in the future. This will include the creation of controlled access points to reduce the current desire lines within the site and limit existing disturbance to wildlife. This will ensure a more viable and sustainable habitat in relation to the proposed development.

Planting within the proposed development will seek to reflect local provenance species and the prevailing sandstone geology of the area. Where appropriate species such as Birch, Scots Pine and Heathers will be utilised.

Resident Consultation

Prior to the submission of the application, a public consultation event was held on the 2nd of May in the Tesco car park in Brownhills. 48 responses were provided with the majority (23) from WHG residents, 21 from owner occupiers and remainder from private rented or other tenure types.

The vast majority of people either agreed or strongly agreed with the nature of the proposals (41 people) with only one person in disagreement. The regeneration of the area using brownfield land was seen as a positive though was a desire to see more bungalows in the mix. The provision of additional parking for Humphries House and Severn House residents was welcomed.

The canal side proposals were agreed with by 8 people and strongly agreed with by 35 people, a total of 94% of the views expressed with only one person of a differing view who was strongly opposed to the proposal.

Supporting Information

- The Habitats Regulations Assessment – Stage 1 Screening Report
- Affordable Housing Statement
- Bat and Reptile Survey Report
- Building Phasing Plan
- Design & Access Statement
- Contaminated Land Desk Study Report
- Drainage Strategy
- Ecological Appraisal
- Flood Risk Assessment
- Ground Investigation Report
- Landscape Plan
- Levels Strategy
- Phase I Habitat Survey
- Planning Statement
- Topographical Survey
- Transport Statement
- Travel Plan
- Tree Report

Relevant Planning History

14/0692/ND – Screening opinion for residential development of Silver Court and Market sites - Environmental Impact Assessment not required.

Relevant Planning Policy Summary

National Planning Policy Framework (NPPF)

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

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

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

Key provisions of the NPPF relevant in this case:

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

Paragraph 32 states all developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

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

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

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

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

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

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

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

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

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

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

On **planning conditions** the NPPF says:

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

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

The Development Plan

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

The Black Country Core Strategy (BCCS) (2011)

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

This was adopted under the current Local Development Framework system, and the NPPF says that for 12 months from the publication of the national framework "*decision-takers may continue to*

give full weight to relevant policies. However, it is more than 12 months since the NPPF was published in March 2012. Now (as with the saved policies of Walsall's UDP) the NPPF advises that "... due weight should be given to relevant policies ... according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)." To consider the conformity of the BCCS with the NPPF the four Black Country councils have completed a 'Compatibility Self-Assessment Checklist' (published by the Planning Advisory Service) and have discussed the results with a Planning Inspector. Whilst there is no formal mechanism to certify that the BCCS is consistent with the NPPF the discussions led officers to the conclusion that the exercise identified no issues that would conflict with the NPPF or require a review of the BCCS in terms of conformity.

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

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

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

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

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

The Spatial Objectives include

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

The above are supported by the following policies:

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

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

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

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

CSP5: Emphasises the need to develop and manage movement and ensure sustainable modes of transport are promoted.

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

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

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

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

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

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

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

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

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

ENV1: Seeks to safeguard nature conservation.

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

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

ENV4: Development Proposals will promote the multifunctional nature of the Black Country canal network.

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

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

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

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

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

Walsall's Unitary Development Plan (UDP)

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

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

The relevant policies are:

3.6, 3.7, & GP2: seek to make a positive contribution to the quality of the environment, whilst protecting people and ensuring adequate and safe access is provided.

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

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

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

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

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

ENV24: New development should maintain the integrity of wildlife corridors.

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

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

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

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

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

H4 (only clauses (g) to (j) are "saved"): Provides more detail about affordable housing in support of BCCS policy HOU3.

8.8: Residential developments will only be permitted where adequate school capacity exists or can be provided. Where residential developments necessitate the provision of new or improved educational facilities or other forms of social and community infrastructure the Council will require developers to make a financial contribution to the costs of providing these facilities

8.9: On housing sites of 1 hectare (or 30 dwellings) or more accessible community healthcare facilities should be provided to serve the development. The Council may require a contribution from developers towards such provision.

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

LC9: Promotes the provision of canal side facilities and environmental improvements to enhance the attractiveness and recreational potential of the canal network. Silver Street is listed as one of the potential locations.

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

T1: Seeks to improve access and help people get around

T4: Development proposals where there are significant transport implications must be accompanied by a Transport Assessment which considers accessibility of the development by all modes of transport, including the impact on the highway network. Such developments will be required to fund or contribute towards any necessary off-site infrastructure.

T7: All development should satisfy the car parking standards set out in Policy T13. All parking provision should be well designed and sensitively integrated into the townscape or landscape, respecting the character of the local area, and with appropriate use of materials and landscape treatment.

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

T10 (a): Refers to accessibility standards.

T11: Residential development should be within easy walking/cycling distance of a range of facilities with direct/safe access to surrounding areas and measures to improve links between the development and its catchment area. It also seeks to improve access for pedestrians, cyclists and wheelchair users.

T13: Parking Provision

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

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

4 bedroom houses and above 3 spaces per unit

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

LC8 & 8.36: Refer to provision of community facilities particularly in neighbourhoods where there is a lack of such facilities.

Supplementary Planning Documents (SPD)

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

Designing Walsall SPD

Aims to achieve high quality development that reflects the borough's local distinctiveness and character, through key design principles and policies. The following are the relevant policies;
DW1: Sustainability – new development must show that its design maximises energy efficiency in terms of layout, orientation and sustainable use of resources.

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

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

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

DW5: Ease of Movement – connections to existing routes

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

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

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

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

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

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

Conserving Walsall's Natural Environment SPD

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

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

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

Supplementary Planning Document for Affordable Housing

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

Supplementary Planning Document Urban Open Space

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

Consultations On The Planning Application

Transportation – No objection subject to conditions relating to access, layout and parking and phasing.

The recommended conditions relate to ensuring the closure of the existing sections of highway through a stopping up order and phasing of the alterations to the highway as work proceeds. A Traffic Regulation Order(s) revoking the existing one-way operation of Silver Street and imposing a Prohibition of Driving over a closed section of Silver Street and imposing a 20mph speed limit on Silver Street up to the closure point has also been recommended.

Other conditions require details of technical design drawings, development in accordance with the submitted Travel Plan and provision of cycle facilities.

Pollution Control (Scientific Team) – No objection

Confirmed no comment to make.

Pollution Control (Contaminated Land) –No objection subject to conditions.

The Contaminated Land Team supports this development proposal subject to works being implemented to investigate and remediate any localised ground contamination and ground gas issues associated with the site. Conditions to address these concerns have been provided.

Environmental Health – No objection

Confirmed no comments to make.

Rights of Way – No comment

Ecology – Objection

There is too little information to assess the ecological impacts on protected species and the Site of Local Importance for Nature Conservation.

There is insufficient clarity on the proposed loss of existing trees but the apparent loss seems excessive.

Landscape Officer – No objection subject to condition

Some aspects of this scheme are acceptable, but the proposals do remove a large amount of existing trees scrub and woodland. It is believed that a revised layout would improve the design and quality of landscaped space provided. However if scheme is approved, the landscaping information is mainly there but would require more information.

A condition has been recommended to secure revised landscaping details together with phasing details and boundary treatments together with securing the subsequent delivery of the planting.

Conservation – No objection subject to conditions.

Consideration has been given to the impact of the development on the Wyley and Essington Canal, an undesignated heritage asset of significant strategic landscape value in the Borough. It is considered that the proposal will bring about significant regeneration to this part of Brownhills and

deliver additional activity and surveillance along the canal. Two issues were raised relating to landscaping architectural design.

Housing Strategy –Support

Following long negotiation with WHG, I support the tenure mix with a focus being given to open market sale

Anti-Social Behaviour Officer – Comments awaited

Comments sought as part of extended consultation.

Regeneration Officer - Support

The inclusion of a pedestrian path and landscape enhancements along the canal section within proposals for the development area are supported however, there is concern that not enough parking spaces are provided for the future residents and visitors of the development, particularly the inadequate levels of parking provided for the over 50s block on the assumption that such developments require less parking. Due to the inadequate parking provision in some of the new neighbouring developments there are increasing issues with cars parking on the kerbs and verges, particularly at evenings and weekends. This issue should be addressed within the proposed scheme.

Natural England –Further information requested for the Cannock Chase SAC

Whilst NE have no objection to the proposal with regard to its impact on the Cannock Extension Canal SAC, further information has been requested to ascertain the impact on the Cannock Chase SAC from visitors arising from the development.

Canal & River Trust – Objection to the design

Support is given to the design of the water front properties in relation to their size and the provision of open space between dwellings. However, whilst plots 121 to 134 have a distinctive contemporary character and collectively create a visual landmark for the waterway, the individual plots are near identical in design and this could have a negative visual impact of the perceived quality of the development. This could be improved through introducing design variation between plots.

The main concern of the Trust though and what leads to the objection is the fact that the visitors parking area is visible from the watercourse. It is the view of the Trust that it would benefit the outlook from the Canal if the parking area could be screened.

The Trust has also sought clarification on the nature of the landscaping scheme in terms of the details of planting.

There is a culvert (culvert 25) that passes below the canal and close to the general needs flats

Birmingham and Black Country Wildlife Trust - No objection subject to condition

The Trust has expressed disappointment with the nature of the planting which focuses on ornamental planting. Subject to revised landscaping details, the Trust does not object to the application.

Environment Agency – No objection subject to condition

National Grid – No objection

Low or Medium pressure (below 2 bar) gas pipes and associated equipment has been identified as being in the vicinity of the proposed works. The applicant will need to provide either an easement to National Grid or divert the mains or isolate them as necessary

Local Access Forum (Walsall Ramblers) – No objection

Impact on existing ROWs seems minimal as only BRO 35 (listed above) is in the vicinity and should not be effected.

The pleasing thing about this development seems to be the use of integrated footpaths through the estate which will give good pedestrian access away from the routes taken by motor vehicles and this is something we have often campaigned for in the past where new houses are being built. Hopefully we can get these paths formally registered so that they will remain in place and fully maintained into the future.

Inland Waterways Association – No objection

The Association considers the layout to be acceptable and the landscaping along the frontage is welcomed. However, the appearance of the town houses is questioned with a preference for 2 or 2.5 storey house. The appearance of the apartment blocks are considered plain and uninspiring.

Severn Trent – No objection subject to conditions

A condition has been requested seeking the provision of drainage details for foul and surface water.

Public Participation Response On The Planning Application

No comments received.

HABITATS REGULATIONS ASSESSMENT

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

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

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

- a) is likely to have a significant effect on a European site or a European offshore marine site (either alone or in combination with other plans or projects), and
- b) is not directly connected with or necessary to the management of that site, must make an appropriate assessment of the implications for that site in view of that site's conservation objectives".

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

The applicant has provided a Habitats Regulations Assessment screening report. This is currently under consultation with Natural England and their comments will be updated at committee.

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

The Habitats Regulations Assessment considers the potential impact of the proposals on two sites; Cannock Chase Special Area of Conservation (SAC) and Cannock Extension Canal SAC. The key potential impacts are increased recreational pressure, invasion by bracken and scrub, hydrological changes and air pollution.

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

- There is a limited net increase in the number of dwellings on these previously developed sites and accessibility of the sites to existing open space in the local area and Walsall the development is unlikely to lead to a significant increase in visitors to Cannock Chase SAC.
- The risk to conservation objectives of Cannock Chase SAC is negligible.
- There is unlikely to be a significant change in boat traffic along the Cannock Extension Canal and best practice measures during construction will control potential pollution of the Cannock Extension Canal SAC.
- There are no anticipated combined effects upon these European sites.

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

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

Determining Issues On The Planning Application

- Principle of residential development
- Relationship to surrounding properties
- Provision of affordable housing
- Phasing of development
- Layout and design
- Means of access and parking
- Impact on canal, landscape and natural environment
- Ground conditions
- Local finance considerations

Observations On The Planning Application

Principle of residential development

Housing renewal and the provision of good quality housing in the Brownhills area is supported by the BCCS. The sites were formerly occupied by housing and provision of new housing is acceptable in principle as it brings forward vacant land in accordance with UDP policy ENV14.

UDP policy H3 also encourages provision of additional housing through the re-use of previously developed land provided a satisfactory residential environment can be achieved. The housing key diagram in the BCCS identifies the Silver Court area as a housing renewal hub that will be a focus for housing renewal activity. The site also falls within Regeneration Corridor 15 as identified in the BCCS.

On this basis, it is considered that the principle of residential development is acceptable.

Relationship to surrounding properties

Although close to the centre of Brownhills, the majority of the site sits away from other residential properties with the blacks at Humpries House and Severn House being closest to the development along with the flats above the Silver Court shopping parade. The over 55 block and the general needs block are both close to existing development on Lindon Drive. In the case of the over 55's block, this is on the opposite side of Lindon Drive whilst the general needs block is separated from 11 Lindon Drive by a parking area.

The general needs block is considered to be the most sensitively located part of the development given it is a four storey block close to a two storey development. However, the building is located due north of 11 Lindon Drive which in turn will result in limited overshadowing. The distance of some 14.5m combined with the fact that the four floor on the southern end of the block has been removed resulting in a three storey elevation will mean any issues of over bearing will be limited. The building has also been orientated so that the southern elevation only has a limited number of rooms, in this case the stairwell and the living room/ kitchen. These windows can be conditioned for obscure glazing as they are respectively a non-habitable areas or the room is dual aspect. Given the character of the area which is defined by the much larger developments at Humpries House and Severn House, it is considered that the development proposed in this instance is acceptable.

Provision of affordable housing

The Senior Housing Strategy Officer has confirmed that they support the application. In particular they support the tenure mix with a focus being given to open market sale.

With only 41 units out of a total of 157 set aside for open market housing, the balance of housing in this instance is heavily orientated to meeting identified housing needs. 45 of the units have been identified as purely affordable whilst 62 units are for over 55's. It is considered this represents a suitable mix of housing for the locality, a fact supported by the majority of the feedback through the public consultation exercise.

It is considered that the approach taken in this applicants to deliver a range of affordable housing is acceptable and meets the requirements of Policy HOU3 of the BCCS which requires provision of 25% affordable housing on qualifying sites of 15 units or over. In line with other similar applications put forward by WHG which are part funded by HCA grant notably Lindon Drive (13/1423/FL) and Goscote (ref 12/0036/OL), it is considered that the affordable housing offer can be secured through condition.

Phasing of development

It is recognised that this development is being brought forward at the same time as the delivery of housing on the Market site neat to Tesco. Although separated to ensure this principle element can be delivered independent of any potential highway matters that may arise on the Market site, the two sites will be built out together and effectively represent a single cohesive form of development.

As part of that unified nature of development, this site will be accommodating the affordable housing needs for both elements of the scheme as a whole.

It is recognised that the smaller Market site is solely focused on the provision of the open market element of the housing mix. Whilst the overall Brownhills area will benefit from the range of affordable housing being provided in this instance it is also recognised that the open market element should not be delivered far in advance of the affordable element. To ensure this is achieved, it is considered that a pair of Grampian style conditions be employed, one on each application, to tie the build out of the two stages of development together with a focus on the delivery of the affordable units.

Such an approach whilst unorthodox is considered to be acceptable in this case and the applicant is one and the same for both proposals. Even if the smaller Market site is transferred to a third party, they will also be bound by the condition to work with WHG and ensure their build out programme complements the work on the Silver Court site.

The development is to be phased with the bungalows created early on which will allow for the demolition of the six bungalows near Lindon Drive. This will then be followed by the creation of the general needs block and then the open market housing and the over 55's block. In summary this will mean a build out of the site from the south to the north and then on to the Market site.

Layout and design

The site has been laid out on a traditional road pattern with the majority of the housing laid out in two blocks. The south eastern part of the site has been centred around a central area of open space around which will be the elderly persons apartments and the general needs flats. Together, these two units will flank Humphries house helping to step down the scale of development from the larger block.

The six flats to be demolished off Lindon Drive will be replaced by six new bungalows which are to be sited within the heart of the site next to two and a half storey dwellings.

Facing the canal, the applicants have proposed a series of three storey, four bedroom town houses. Collectively, these properties will create a strong design feature which overlooks the canal and ensures the development has an outward looking aspect respecting the character of the area.

The comments of the Canal and Rivers Trust and the Conservation Officer are noted in respect of the design. The approach taken by the applicants to deliver a strong frontage to the canal is welcomed and will provide a strong degree of passive surveillance of this public realm space along the waters edge. The design of the buildings when seen individually can be considered as somewhat simple in form however the layout of the site is such that the house types will not be used in isolation but to create a collective street scene that will be read from the street as a cohesive design element.

The criticism of the design by the Trust that there should be a degree of variance in the design would, in your officers opinion result in a more chaotic design which would be far more harmful to the street scene.

The comments of the Trust in respect of the intrusion of the parking provision is also considered. It is recognised that some parking provision is provided close the turning head at the end of the service road for the river side properties and also along its length. Further parking provision is then located either adjacent to the dwellings or deeper within the site. Given these parking areas will be set against the back drop of the development as a whole and obscured in part from views from the

canal by natural landscaping, it is considered views of the parking areas will be negligible and have limited impact on the views from the canal.

The views of the Conservation office are noted especially with regard to the design details and the use of materials. To this end, a condition is recommended to secure full details of the materials to be used.

At the heart of the site is an area of open space which is to be used for the provision of children's play as indicated on the Landscaping plan. The area will be surrounded by a series of trees including a circle of hornbeam with birch and small leaved limes along the footpaths leading to the play space.

In terms of open space provision the scheme provides over 2,600 sqm of open space in the core area with over 1,300 sqm of further open space provided in smaller parcels of land for example alongside the canal walk. Collectively, this is a significant level of open space and the provision of onsite equipment is noted.

In accordance with policy LC1 of the UDP and Supplementary Planning Document: Urban Open Space the proposal triggers the need for urban open space provision. As the developer is offering nil contributions towards open space, the developer has undertaken to provide a financial assessment to demonstrate the viability of the scheme and justify this request. The outcome of this assessment will be assessed by Asset Management. Given the remediation costs associated with the scale of development, in particular the cleanup of the former gar works site to the south, it is anticipated that the developer will be able to demonstrate that the viability of the scheme does not allow for further contributions towards urban open space. Should this be proven, it is recommended that any contributions are not collected. An update on this matter will be provided to committee.

Means of access and parking

The proposed development site is located off Silver Street within Brownhills adjacent to the High Street. There is a high level of pedestrian infrastructure and cycle infrastructure surrounding the site. The site is well located to encourage travel by bus with good accessibility to local facilities and the frequent local bus services that operate throughout the day.

The proposed elderly apartments will be served via an access onto Lindon Drive. The Phase 1 elements of the development will be served via Silver Street and Silver Court Gardens, a section of which will be Stopped-Up to facilitate the development. Although not part of this application, the Market Square site will be served via a new priority controlled T-junction onto Silver Street.

Hence this TA examines the following three options:

- Option 1 - Retaining the existing one way traffic flow on Silver Street;
- Option 2 - Part reduction of the one way traffic flow and introducing a section of two way flow on Silver Street;
- Option 3 - Full Closure of Silver Street.

Option 1 will involve no modifications to Silver Street and hence all vehicles approaching the Market Square site would be required to travel south along Silver Street. All vehicles would also depart the site travelling westbound on Silver Street passed the adjacent Tesco store.

Option 2 involves reducing the length of the existing one-way section of Silver Street. In this option it is proposed that Silver Street between High Street and a point to the west of the Market Square access would be made two-way. To the west of the site access the existing one-way restriction would remain.

This arrangement identifies that the one-way restriction would be reinforced through reducing the width of Silver Street to 3.5 metres and to provide a kerbed central island to replace the current hatching. There would be a distance of 60metres between the one-way restriction and the access into the Market Square site. Hence, this option retains a reasonable length of one-way carriageway, which with the additional measures would prohibit drivers from ignoring the restriction.

Due to the existing restrictions on Silver Street, service vehicles for Tesco and other stores are required to exit the site to the south along Silver Street and continue to the Miners Roundabout. Option 2 would allow the service vehicles to continue to operate along this route as per the current operations, however it would also provide them with the option to turn out onto High Street. A vehicle tracking assessment has been undertaken and this demonstrates that a maximum legal articulated vehicle (16.5 metre long) can turn into and out of Silver Street from High Street.

To enable a service vehicle to turn left into Silver Street whilst a car is waiting to exit onto High Street the eastern kerb line has been modified slightly. With this modification the service vehicles would be able to turn into and out of Silver Street without any conflicts.

Option 3 proposes the closure of Silver Street to the west of the Market Square site. This could be secured through a Stopping-up-Order or a Traffic Regulation Order. As a result the through traffic that currently routes along Silver Street to access the Tesco store would be required to reroute along High Street to the Miners roundabout. The Tesco and Farmfoods service vehicles will also be required to exit onto High Street. Hence, this option would enhance the residential nature of the proposed development

The Councils Transport Officers have considered all three of these options and the impacts they could have on the surrounding highway network. It is considered that all three options are viable and could be accommodated within the existing infrastructure.

To ensure the development is carried out in accordance with the design parameters as set out in the Transport Statement, conditions have been recommended to agree the design details prior to development.

The detailed review of the accidents indicated that there was not a specific highway safety issue that would need to be addressed as part of these proposals.

No alterations to Silver Street are proposed as part of this full planning application however, three options have been considered for altering Silver Street should the Market Square section of the site be developed. These options have been considered to identify the preferred option for providing improved vehicle access to the Market Square site for residents, as well as improving the amenity of the area by removing HGV and through traffic movements.

In terms of assessing the impact of the development on the capacity of the surrounding highway network to accommodate the development proposed, assessments have indicated that the High Street/Silver Street T-junction operates within capacity for both future year assessments. The Miners roundabout operates within capacity during the AM peak hour period with and without the development generated traffic. The Silver Street arm of the junction operates above the 0.85 threshold limit for the future base year scenario.

Based on a worst case scenario with all vehicles travelling to the roundabout, the additional traffic equates to an additional vehicle at the junction every 40 seconds. The applicants argue this level of traffic would not have a material impact on the operation or safety of the junction. This figure would reduce further to an additional vehicle every 75 – 80 seconds if access option 2 or 3 was to be taken forward.

The Highways Officer has not raised objection to the level of parking provision on the site. 132 spaces are provided for the new houses with 28 spaces for Humphries House, 14 for Severn House and a further 40 for the elderly apartments. A total of 214 spaces across the site.

Due to its location, the site is considered to be suitable for both cycling and public transport usage. A condition has been recommended by the Transport officer to secure the provision of cycling facilities and this is supported.

Impact on canal, landscape and natural environment

The application will have a significant impact on the character of the canal in this part of Brownhills by removing a section of the undergrowth that runs alongside the canal and within the wider Silver Court area and replacing it with a more urban form of development with a managed landscape.

Whilst there are arguments that could be levied to suggest that the scrub should be retained, it is recognised that the development is for residential development which will inevitably have an impact on the immediate locality. It is expected that the development will result in pressure being placed on the habitat either in the short term from children seeking to use it as play area or later on from the wider community for its removal.

In their comments, the Council's Ecologist has objected on the grounds of a lack of information to assess the ecological impacts on protected species and the SLINC. Furthermore, the Ecologist is of the view that additional survey work is required in respect of bats and reptiles before a full assessment of the potential impacts of the development can be made.

Two key questions have been raised by the Ecologist these being firstly whether the demolition of any buildings or other structures which the reporter describes as being present will have an adverse impact on bats and secondly, whether the removal of many of the tree lines and the reduction of the canal side tree belt will have an adverse impact on roosting, commuting or foraging bats.

Further information has also been raised in respect of the details of the reptile survey in terms of the quality of the survey information and clarification in respect of the potential for water voles on the site and for nesting birds.

The Ecologist has also sought further information in respect of the loss of trees from the site so that an assessment can be made about the quality of the replacement provision.

Question marks have also been raised in respect of the nature of the replacement planting and whilst the suggestion from the applicants that planting of a local provenance to blend in with the character of the area was welcomed, it was noted that the actual planting specifications were more ornamental and non-native.

In response to these points the applicants Ecologists has submitted additional information in respect of the condition of the site which is used by people walking dogs within the area, fishing and mountain biking. In addition the area along the canal is heavily fly tipped with deposits of rubbish and litter. It was also noted that site has been subject to various tree and shrub planting schemes over successive years, which has not been proactively managed or maintained.

The applicants have argued that the Silver Court and adjoining Market Place development will see the introduction of a significant development for the area and the surrounding habitats and public access will need to be managed accordingly. In relation to the ongoing management of the SLINC and corridor I have concluded that some form of footpath will be required.

The applicants have indicated that any canal side lighting will be restricted. There will also be an informal footpath, which is approximately 1.8m wide and will be constructed using gravel set back from canal edge by approximately 1.5m. The applicants are of the view that this is entirely in keeping with the local canal side environment and would be in complementary with nearby precedents and will enable local residents to enjoy the natural environment on their doorstep in a controlled manner and at the same time allow for proactive habitat management.

In respect of the shortcomings of the ecological report highlighted by the Councils Ecologist, the applicants ecologist has provided additional information to clarify the work undertaken. Further comments are awaited in response to the additional information and will be updated at the planning committee.

Subject to the detail of the response, it is considered that in this instance the approach taken by the applicants to introduce a managed landscape to the side of the canal as opposed to seeking to secure optimal enhancements for wildlife represents an appropriate approach to securing a long-term future to the site.

It is your officers opinion that the approach taken in this instance by the applicants has notable merit. The development combined with the neighbouring Market site will bring nearly 200 families into the locality. Given the current informal uses being made of this part of the site e.g. cycling or dog walking, it is considered that these impacts will be exacerbated and accordingly the landscaping alongside the canal needs to be orientated to a readily manageable scheme.

It is accepted that the approach advocated will not offer the optimum outcome for localised wildlife but it is felt that the development can be supported on the basis that the proposed landscaping should be sustainable in light of the domestic usage pressures likely to be placed on it from the residents. The proposed scheme will bring long-term habitats which should co-exist in a cohesive manner.

Natural England have confirmed that the proposed development will not have a detrimental impact on any of the SSSI sites in the proximity of the development site and on this basis have no objection.

They have also indicated the need for an appropriate assessment to be undertaken in accordance with the HRA regulations. It is the Local Planning Authorities view that the proposed development will not have an adverse impact either on the Cannock Chase SAC or the Essington & Wyrley Canal SAC and accordingly no further assessment is required into the potential impact the development could have had on these two sites.

Ground conditions

Due to the presence of a former gas works site close to the site of Severn House and the proposed general needs housing block, the applicants have submitted extensive ground investigation information with the application which has been considered by the Councils Contamination Officer and the Environment Agency.

Based on the information submitted, it is considered that the applicants have established an appropriate strategy to deal with the contamination on site. In respect of this, it is considered that the development of the site can adequately be managed through the use of a condition to address potential impact from land contamination. In the first instance, the applicant should undertake a site investigation, ground contamination survey and assessment of ground gas, having regard to current best practice shall be undertaken for parts of the site not yet characterised through the existing survey work. This will include the land under the existing six bungalows.

The development will thereafter be undertaken in accordance with the approved details and at the end of the works on site, a validation report confirming the details of the measures implemented together with substantiating information and justification of any changes from the agreed remedial arrangements needs to be submitted to the Local Planning Authority.

In light of this, it is considered the proposal are acceptable subject to the imposition of a condition.

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 157 new homes.

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

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

Positive and Proactive working with the applicant

Officers have discussed the significance of the proposals with the applicant's agent and discussed the process for determining this application. In response to this advice relevant supporting information has been submitted to enable full support to be given to the scheme.

Recommendation on the Habitats Regulations Assessment

It is recommended that the Habitats Regulation Assessment Report and associated provision dated May 2014 be endorsed by the Planning Committee, as the competent authority and confirm that, the Council considers that the proposed development would not have a significant effect on a European site.

Recommendation on the planning application

Grant permission subject to conditions and subject to the outcome of the viability assessment a S106 Agreement to secure environmental improvements to open space

Recommendation: Grant with conditions, subject to no new information raising new material

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

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

2a. Prior to the commencement of development, details of a phasing scheme relating to this development and the delivery of housing for planning application 14/0771/OL shall be submitted to and approved in writing by the Local Planning Authority . The scheme shall include details of the construction and occupation of each phase of development on each site.

2b. The development hereby approved shall be undertaken in accordance with the agreed details

Reason: To ensure the delivery of affordable housing

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

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

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

4a. Prior to the commencement of development details of the proposed lighting including details of foundations, luminance in candelas, hours of operation shall be submitted to and approved in writing by the Local Planning Authority.

4b. The development shall be implemented in accordance with the agreed details and maintained thereafter

Reason: To protect the integrity of the canal, minimise the problems of glare, show consideration for bats and avoid unnecessary light pollution in accordance with policies ENV1, ENV3 and ENV4 of the Black Country Core Strategy.

5a. No development shall take place until details of the proposed method statement for the works to the canal ‘embankment’ and details of the measures to raise the ground levels have first been submitted to and agreed in writing by the Local Planning Authority in consultation with the Canal & River Trust. All works shall comply with the “Code of Practice for Works Affecting Canal & River Trust” a copy of which is available at the website www.canalrivertrust.org.uk

5b. The development shall be implemented in accordance with the agreed method statement and details.

Reason: To protect the structural stability of the canal embankment in accordance with policy ENV4 of the Black Country Core Strategy and paragraph 120 of the National Planning Policy Framework.

6a. Prior to the commencement of the development revised details of landscaping including the following matters shall be submitted and approved in writing by the local planning authority.

- Preparation of land for planting including need for decompaction.
- Specification and depths of topsoil/ subsoil/ growing medium and any mulches.
- Specifications for all planting to include: full latin plant names to include genus and cultivar.
- Locations and full specifications of all hard landscaping/ lighting and drainage. (Drainage must be carried out to sustainable urban drainage systems principles.)
- Any phasing.
- Tree planting and staking details which should be ideally shown as standard detail(s)
- Boundary treatments: height, size, type and specifications to any fencing, gates walls or barriers along perimeter or which are designed to protect interior areas on the site.
- Levels of existing and proposed features to be shown with the same design

Before any part of the development is brought into use a 5 year management plan shall be submitted to the Local Planning Authority and approved in writing. The management plan shall be carried out to an accepted methodology and provide full details of:

- How the ornamental landscape schemes will be maintained through the establishment period and managed thereafter.
- Provision for the replacement of any plant which dies, becomes diseased or damaged.
- Details of routine maintenance such as pruning/ litter picking/ cutting/ watering in dry period/ weeding.

The landscape scheme shall be managed in accordance with the approved management plan unless otherwise approved in writing by the Local Planning Authority.

6b. The approved landscaping shall be implemented within 12 months of the completion of the development.

6c. All planting shall be maintained for a period of 5 years from the full completion of the scheme. Within this period any trees, shrubs or plants which dies, becomes seriously diseased, damaged or is removed shall be replaced with a tree, shrub or plant of the same or greater size and same species as that originally required to be planted.

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

7a. Prior to the commencement of the development drainage plans for the disposal of surface water and foul sewage shall be submitted to and approved in writing by the local planning authority.

7b. The scheme shall be fully implemented in accordance with the agreed details before the development is first brought into use and retained as such.

Reason: To ensure the development is provided with satisfactory means of drainage, to protect the integrity of the of the canal as a waterway structure along with the water quality and to reduce the risk of flooding and pollution.

8a. Prior to commencement of the development, full details of the proposed cycle shelter facility shall be submitted to and approved by the Local Planning Authority.

8b. Prior to the first occupation of any apartment on the development, the cycle shelter facility shall be fully implemented in accordance with the approved details and shall thereafter be retained.

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

9a. Prior to the first occupation of any dwelling on the development, all access ways and parking areas serving that dwelling shall fully consolidated, hard surfaced and drained and the car parking bays clearly demarcated, in accordance with the approved details and brought into use.

9b. These areas shall thereafter be retained and used for no other purpose.

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

10a. Prior to the commencement of development a Construction and Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The plan shall include details of the following:

- Location of site compound
- Parking for site operatives vehicles including private cars
- Location of material storage facilities
- Arrangements for deliveries to the site
- Wheel washing
- Measures for the control of dust
- Arrangements for neighbour liaison

10b. The development shall thereafter be undertaken in accordance with the agreed details in the CEMP.

Reason: To protect neighbouring residential amenity

11a. Prior to the commencement of the built development full details of all external facing materials shall be submitted to the Local Planning Authority for approval in writing.

11b. The development shall be carried out fully in accordance with the agreed materials.

Reason: To ensure the satisfactory appearance of the development.

12. No more than 15 dwellings shall be occupied on the application site, unless the applicant has made appropriate on-site provision towards affordable housing in accordance with policies HOU3 of the Black Country Core Strategy and GP3 of the Walsall Unitary Development Plan and the Affordable Housing Supplementary Planning Document. The affordable housing shall be retained thereafter.

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

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

08.00 to 14.00 Saturdays. No plant, machinery or equipment associated with such works shall be started up or operational on the development site outside of these permitted hours.

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

Reason: To protect the amenities of surrounding occupiers.

14. Prior to commencement of any development the applicant shall pursue the extinguishment of all adopted highway, within the red line boundary, under Section 247 of the Town and Country Planning Act 1990 and all associated costs to be met by the applicant.

Reason: To allow the approved development to be undertaken and to meet the necessary statutory highway stopping up requirements.

15a Prior to the commencement of the development, full engineering details of the following highway infrastructure and adoptable highway works shall be submitted to the Local Planning Authority for technical approval;

- i. All new estate roads, footways and footpaths, including layout,
- ii. alignments, widths and levels, together with all necessary drainage arrangements and run off calculations, which shall comply with any plans approved under the planning consent. The adoptable street lighting shall be with the agreement in writing with Walsall Council's Street lighting partner Amey.
- iii. The relocation where required of any existing traffic calming measures to appropriate new positions in agreement with the Council's Road Safety Team.
- iv. All new vehicle access points onto existing public highways and the reinstatement back to full kerb height of any redundant vehicle access points.
- v. The provision of a new controlled pedestrian crossing across High Street, in a position to be agreed with the Council's Road Safety Team.
- vi. The provision of tactile pedestrian crossing points in appropriate locations across all new and modified junctions and including the following junctions;- Silver Street/ High Street, Lindon Drive/High Street, across Lindon Drive opposite no.46.

15b. Prior to the commencement of any dwelling on the development to highway infrastructure and adoptable highway works required under Condition 15(i) above shall be fully implemented in accordance with the approved details and to the satisfaction of the Highway Authority.

Reason: In the interests of highway safety and to ensure the satisfactory operation of the development in accordance with UDP Policy GP2, T1, T6,T8 T10, T11 and T12, Black Country Core Strategy TRAN4 and Manual for Streets.

16a Prior to the commencement on site of any part of Phase 1b of the development shown on BM3 drawing no. D08 dated March 2013;-

- i) An appropriate Traffic Regulation Order (s) revoking the existing One-way operation of Silver Street and imposing a Prohibition of Driving over a closed section of Silver Street and imposing a 20mph speed limit on Silver Street up to the closure point shall be advertised, confirmed and implemented at the developer's expense.

16b. Full engineering details of the following highway infrastructure works shall be submitted to the Local Planning Authority for technical approval;

- i) The modification of the Silver Street/High Street junction to accommodate two-way HGV movements in and out of Silver Street,

- ii) The modification of the Kirkside Grove/ Silver Street junction to discourage HGV right turn movements out of Kirkside Grove,
- iii) The means of closure of Silver Street to vehicular traffic either side of the Pier Street junction.
- iv) The layout of the new junction at the bend on Silver Street.
- v) Traffic calming measures on Silver Street, south of Kirkside Grove, to reduce speeds to 20mph.
- vi) All highway signing and lining details.
- vii) Full engineering details of the adoptable estate road shall be submitted to the Local Planning Authority for technical approval, including the layouts, alignments, widths and levels, together with all necessary drainage arrangements and run off calculations, which shall comply with any plans approved under the planning consent. Adoptable street lighting shall be with the agreement in writing with Walsall Council's Street lighting partner Amey.
- viii) Appropriate vehicle restraint measures at the bend on Silver Street and measures to prevent parking on the verge between Silver Street and the canal.

16c. Prior to the first occupation of any dwelling on the development on Phase 1B all highway infrastructure works as detailed in Condition 16 (a) and (b) above shall be fully implemented in accordance with the approved details and to the satisfaction of the Highway Authority.

Reason: In the interests of highway safety and to ensure the satisfactory operation of the development in accordance with UDP Policy GP2 and Manual for Streets.

17. A revised site layout plan shall be submitted to and approved in writing by the Local Planning Authority demonstrating:-

- i) All road junctions, shared access drive entrances and car parking court entrances having 2.4m x 4.3m visibility splays within which no planting or structures exceeding 600mm in height above carriageway level shall be permitted at any time,
- ii) All individual direct frontage access points having 2.4m x 3.4m pedestrian visibility splays within which no planting or structures exceeding 600mm in height above carriageway level shall be permitted at any time,
- iii) All adoptable footways being 2.0 metres in width.
- iv) An Autotrack analysis demonstrating that a 10.7m long refuse wagon can safely and satisfactorily make a full turning manoeuvre all adoptable turning areas,
- v) The cycle shelter facility for Phase 1a of the development (General Needs Flats) shall be relocated nearer to the main building entrance from a relatively remote location to a more suitable , accessible position with better natural surveillance.
- vi) A refuse bin collection point to serve plots 136 to 141 shall be provided as near as possible to the main carriageway for use on collections days.

Reason: To ensure the satisfactory operation and servicing of the development in accordance with UDP Policy GP2, Black Country Core Strategy TRAN4, Manual for Streets and highway safety.

18a Prior to the first occupation of any dwelling on the development, all car parking areas, vehicle hard standing areas and access ways serving that dwelling shall be full consolidated , hard surfaced and drained and brought into use.

18b. These areas shall thereafter be retained and used for no other purpose.

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

19a) Prior to the commencement of the development, a construction methodology statement shall be submitted to and approved by the Local Planning Authority detailing where parking and turning facilities for site operatives and construction deliveries will be provided during the period of construction.

19b) This provision shall be retained during construction in accordance with the approved details.

Reason: In the interests of minimising the potential for disruption to the free flow of traffic on the public highway and in the interests of highway safety during the period of construction.

20. Prior the first occupation of any dwelling on the development, the measures and commitments contained with the submitted BWB Residential Travel Plan shall be fully implemented and the said measures and commitments shall thereafter be monitored, reviewed and the targets adjusted accordingly in accordance with the plan.

Reason: To encourage to use of sustainable travel and to reduce the reliance on motor cars in accordance with UDP Policy T10 and Black Country Core Strategy TRAN2.

21a. Prior to the commencement of Phase 1a shown on BM3 drawing no. D08 dated March 2013, full details of the cycle shelter facility shall be submitted to and approved by the Local Planning Authority.

21b. Prior to the first occupation of any flat on Phase 1a, the cycle shelter shall be fully implemented in accordance with the approved details and shall thereafter be retained and used for no other purpose.

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

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

- D00 Location Plan
- D06 Site Layout Rev I
- D08 Build Phasing Plan
- D10 Street Scenes
- D11 Street Scenes
- D100 House Type PDH 204
- D101 House Type BES 2B
- D102 House Type PDH 301
- D103 House Type PDH 301
- D104 House Type PDH 307
- D105 House Type PDH 308
- D106 House Type PDH 310
- D107 House Type PDH 401
- D108 House Type PDH 402
- D109 Bungalow 2bB-1
- D110 Bungalow 2bB-2
- D111 Bungalow 1bB-1
- D112 Bungalow 1bB-2
- D200 Over 55 Block Plans
- D201 Over 55 Block Plans
- D202 Over 55 Block Elevations
- D203 Over 55 Block Elevations
- D205 General Needs Block Plans

D206 General Needs Block Elevations
D207 General Needs Block Elevations
D160 Boundary Plan
D161 Boundary Details
001 Landscape Plan Rev A

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

Notes for Applicant – Contaminated Land

CL1: Ground investigation surveys should have regard to current “Best Practice” and the advice and guidance contained in the National Planning Policy Framework (2012); British Standard BS10175: 2011 “Investigation of potentially contaminated sites – Code of Practice”; British Standard BS5930: 1999 “Code of practice for site investigations”; Construction Industry Research and Information Association “Assessing risks posed by hazardous ground gasses to buildings (Revised)” (CIRIA C665); or any relevant successors of such guidance. You are strongly advised to consult with the Local Planning Authority on the construction, location and potential retention of any boreholes installed for the purposes of ground gas and or groundwater before installation of same

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

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

Note for applicant – Fire Service

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

Note for applicant – Environment Agency

The developer should consider incorporation of a sustainable drainage system (SuDS) that maximises the use of above ground storage and conveyance. This would provide multiple benefits for flood risk, water quality and biodiversity.

Note for applicant - Public sewers

Severn Trent Water advises that there is a public sewer located within the application site. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent. You are advised to contact Severn Trent Water to discuss your proposals. Severn Trent Water will seek to assist you in obtaining a solution which protects both the public sewer and the building. Please note, when submitting a Building Regulations application, the building control officer is required to check the sewer maps supplied by Severn Trent Water and advise them of any proposals located over or within 3 metres of a public sewer. In many cases under the provisions of Building Regulations 2000 Part H4, Severn Trent Water can direct the building control officer to refuse building regulations approval. If you require any further information please contact Rhiannon Thomas on 01902 793883.

Note for applicant – Canal & River Trust

The applicant/developer is advised to contact the Works Engineering Team on 0303 040 4040 in order to ensure that any necessary consents are obtained and that the works comply with the Trust's "Code of Practice for Works affecting Canal & River Trust".

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

The applicant/developer will be required to enter into agreement with Canal & River Trust for the incorporation of our land within the scheme. This will require consent from the Canal & River Trust, in the form of a commercial agreement and consent will be required from the Secretary of State.

Note for applicant – Highways

The applicant will be expected to enter into an agreement under S278 of the Highways Act 1980 for all works within the public highway.

It is recommended that the main private access road into the site off Lindon Close is constructed to a specification capable of being used by a 26 ton refuse wagon.



Walsall Council

Regeneration Directorate – Planning and Building Control

Planning Committee

Report of Head of Planning and Building Control, Regeneration Directorate on 18/09/2014

Plans list item no: 2.

Reason for bringing to committee: Major application

Application Number: 14/0771/OL

Application Type: Outline Application

Applicant: Walsall Housing Group

Proposal: Application for outline planning permission for up to 40 residential units with means of access included (all other matters reserved)

Location: FORMER MARKET SITE, LAND AT SILVER STREET, BROWNHILLS, WALSALL, WS8 6GD

Ward: Brownhills

Case Officer: Shawn Fleet

Telephone Number: 01922 650453

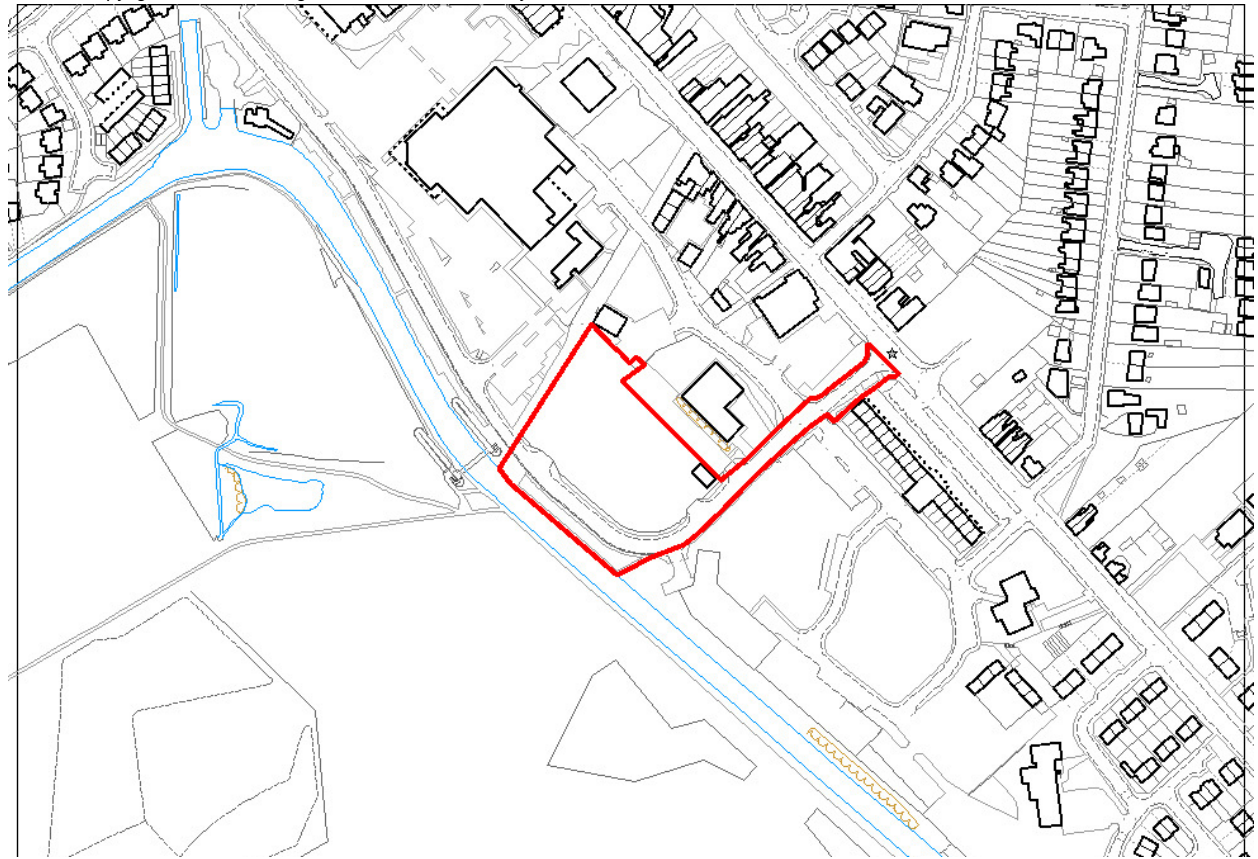
Email: planningservices@walsall.gov.uk

Agent: PlanIT Planning and Development Ltd

Expired Date: 01/09/2014

Recommendation Summary: Grant with conditions, subject to no new information raising new material issues

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Application and Site Details

This application is for the redevelopment of the former Market site at Brownhills. The site is now vacant following closure of the market itself and is a brownfield site.

This application has been brought forward along with the redevelopment of the former housing site at Silver Court to the south. Combined, the two application sites extends to 4.52 hectares. This site is contained between Silver Street which runs to the south and west and to the north is the Methodist Church and senior citizens centre and beyond that Kirkside Grove. To the north lies Tesco and its car parking areas. It has a significant frontage onto the Wyrley and Essington Canal across Silver Street.

This site measures 0.96 Ha gross and 0.62Ha excluding Silver Street. The site is now vacant and is bounded by brick walls. Two openings exist to the south and west onto Silver Street. There is no planting on the market site itself however there is a line of trees fronting the site on the highway verge.

The site also includes six existing bungalows which are located off Lindon Drive between Humpries House and Severn House and the site of a former hall which was located next to 11 Drive. The site is essentially level in nature with little slope. Adjacent to the site, on the other side of the canal is situated Clayhanger Common.

The Wyrley and Essington Canal is a Site of Local Importance for Nature Conservation (SLINC) and wildlife corridor which partly falls within the proposed development site.

The proposal is outline in nature and will provide up to 40 dwellings for market sale. The density on the site at 40 units would be 42 dwellings per Hectare. The houses are a mix of 2 storey properties to the rear near the church rising to 3 storey dwellings on the canal frontage with a small section of four storey dwellings on the north western corner of the site. The taller dwellings are situated on the street facing the canal to provide a robust frontage.

Details of parking provision would be agreed at the reserved matters stage if the application were to be approved.

The surrounding area is predominantly commercial in nature although new two storey residential units are proposed on the opposite side of Silver Street to the south through the associated application.

At this outline stage there are no details on the appearance of the dwellings or the materials to be used. This however will be assessed under the reserved matters application.

Resident Consultation

Prior to the submission of the application, a public consultation event was held on the 2nd of May in the Tesco car park in Brownhills. 48 responses were provided with the majority (23) from WHG residents, 21 from owner occupiers and remainder from private rented or other tenure types.

The vast majority of people either agreed or strongly agreed with the nature of the proposals (41 people) with only one person in disagreement. The regeneration of the area using brownfield land was seen as a positive though was a desire to see more bungalows in the mix. The provision of additional parking for Humphries House and Severn House residents was welcomed.

The canal side proposals were agreed with by 8 people and strongly agreed with by 35 people, a total of 94% of the views expressed with only one person of a differing view who was strongly opposed to the proposal.

Supporting Information

- The Habitats Regulations Assessment – Stage 1 Screening Report
- Affordable Housing Statement
- Bat and Reptile Survey Report
- Building Phasing Plan
- Design & Access Statement
- Contaminated Land Desk Study Report
- Drainage Strategy
- Ecological Appraisal
- Flood Risk Assessment
- Ground Investigation Report
- Landscape Plan
- Levels Strategy
- Phase I Habitat Survey
- Planning Statement
- Topographical Survey
- Transport Statement
- Travel Plan
- Tree Report

Relevant Planning History

14/0692/ND – Screening opinion for residential development of Silver Court and Market sites - Environmental Impact Assessment not required.

Relevant Planning Policy Summary

National Planning Policy Framework (NPPF)

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

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

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

Key provisions of the NPPF relevant in this case:

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

Paragraph 32 states all developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

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

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

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

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

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

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

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

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

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

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

On **planning conditions** the NPPF says:

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

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

The Development Plan

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

The Black Country Core Strategy (BCCS) (2011)

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

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

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

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

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

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

The Spatial Objectives include

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

The above are supported by the following policies:

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

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

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

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

CSP5: Emphasises the need to develop and manage movement and ensure sustainable modes of transport are promoted.

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

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

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

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

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

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

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

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

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

ENV1: Seeks to safeguard nature conservation.

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

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

ENV4: Development Proposals will promote the multifunctional nature of the Black Country canal network.

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

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

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

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

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

Walsall's Unitary Development Plan (UDP)

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

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

The relevant policies are:

3.6, 3.7, & GP2: seek to make a positive contribution to the quality of the environment, whilst protecting people and ensuring adequate and safe access is provided.

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

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

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

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

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

ENV24: New development should maintain the integrity of wildlife corridors.

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

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

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

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

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

H4 (only clauses (g) to (j) are "saved"): Provides more detail about affordable housing in support of BCCS policy HOU3.

8.8: Residential developments will only be permitted where adequate school capacity exists or can be provided. Where residential developments necessitate the provision of new or improved educational facilities or other forms of social and community infrastructure the Council will require developers to make a financial contribution to the costs of providing these facilities

8.9: On housing sites of 1 hectare (or 30 dwellings) or more accessible community healthcare facilities should be provided to serve the development. The Council may require a contribution from developers towards such provision.

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

LC9: Promotes the provision of canal side facilities and environmental improvements to enhance the attractiveness and recreational potential of the canal network. Silver Street is listed as one of the potential locations.

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

T1: Seeks to improve access and help people get around

T4: Development proposals where there are significant transport implications must be accompanied by a Transport Assessment which considers accessibility of the development by all modes of transport, including the impact on the highway network. Such developments will be required to fund or contribute towards any necessary off-site infrastructure.

T7: All development should satisfy the car parking standards set out in Policy T13. All parking provision should be well designed and sensitively integrated into the townscape or landscape, respecting the character of the local area, and with appropriate use of materials and landscape treatment.

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

T10 (a): Refers to accessibility standards.

T11: Residential development should be within easy walking/cycling distance of a range of facilities with direct/safe access to surrounding areas and measures to improve links between the development and its catchment area. It also seeks to improve access for pedestrians, cyclists and wheelchair users.

T13: Parking Provision

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

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

4 bedroom houses and above 3 spaces per unit

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

LC8 & 8.36: Refer to provision of community facilities particularly in neighbourhoods where there is a lack of such facilities.

Supplementary Planning Documents (SPD)

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

Designing Walsall SPD

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

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

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

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

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

DW5: Ease of Movement – connections to existing routes

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

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

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

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

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

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

Conserving Walsall's Natural Environment SPD

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

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

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

Supplementary Planning Document for Affordable Housing

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

Supplementary Planning Document Urban Open Space

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

Consultations On The Planning Application

Transportation – No objection subject to conditions relating to access, layout and parking and phasing.

The recommended conditions relate to ensuring the closure of the existing sections of highway through a stopping up order and phasing of the alterations to the highway as work proceeds. A Traffic Regulation Order(s) revoking the existing one-way operation of Silver Street and imposing a Prohibition of Driving over a closed section of Silver Street and imposing a 20mph speed limit on Silver Street up to the closure point has also been recommended.

Other conditions require details of technical design drawings, development in accordance with the submitted Travel Plan and provision of cycle facilities.

Pollution Control (Scientific Team) – No objection

Confirmed no comment to make.

Pollution Control (Contaminated Land) –No objection subject to conditions.

The Contaminated Land Team supports this development proposal subject to works being implemented to investigate and remediate any localised ground contamination and ground gas issues associated with the site. Conditions to address these concerns have been provided.

Environmental Health – No objection

Confirmed no comments to make.

Rights of Way – No comment

Landscape Officer – No objection subject to condition

Some aspects of this scheme are acceptable, but the proposals do remove a large amount of existing trees scrub and woodland. It is believed that a revised layout would improve the design and quality of landscaped space provided. However if scheme is approved, the landscaping information is mainly there but would require more information.

A condition has been recommended to secure revised landscaping details together with phasing details and boundary treatments together with securing the subsequent delivery of the planting.

Council Ecologist – No objection

Any development must respect the role of the canal as a SLINC. The few well established trees within the site should be retained within the development.

There are no protected species issues as there are no buildings or trees which are sufficiently mature to contain bats.

Council Conservation Officer – No objection

The construction of housing to overlook the canal will improve its setting and generate surveillance.

Whilst the application is currently only for outline it will be important to ensure that the general urban design principles set out in the indicative layout plan are secured and that new housing fronts towards the canal rather than back onto it.

Housing Strategy –Support

Following long negotiation with WHG, I support the tenure mix with a focus being given to open market sale

Anti-Social Behaviour Officer – Comments awaited

Comments sought as part of extended consultation.

Natural England –Further information requested for the Cannock Chase SAC

Whilst NE have no objection to the proposal with regard to its impact on the Cannock Extension Canal SAC, further information has been requested to ascertain the impact on the Cannock Chase SAC from visitors arising from the development.

Canal & River Trust – Objection to the design

Support is given to the design of the water front properties in relation to their size and the provision of open space between dwellings. However, whilst plots 121 to 134 have a distinctive contemporary character and collectively create a visual landmark for the waterway, the individual plots are near identical in design and this could have a negative visual impact of the perceived quality of the development. This could be improved through introducing design variation between plots.

The main concern of the Trust though and what leads to the objection is the fact that the visitors parking area is visible from the watercourse. It is the view of the Trust that it would benefit the outlook from the Canal if the parking area could be screened.

The Trust has also sought clarification on the nature of the landscaping scheme in terms of the details of planting.

There is a culvert (culvert 25) that passes below the canal and close to the general needs flats

Birmingham and Black Country Wildlife Trust - No objection subject to condition

The Trust has expressed disappointment with the nature of the planting which focuses on ornamental planting. Subject to revised landscaping details, the Trust does not object to the application.

Environment Agency – No objection

National Grid – No objection

Low or Medium pressure (below 2 bar) gas pipes and associated equipment has been identified as being in the vicinity of the proposed works. The applicant will need to provide either an easement to National Grid or divert the mains or isolate them as necessary

Local Access Forum (Walsall Ramblers) – No objection

Impact on existing ROWs seems minimal as only BRO 35 (listed above) is in the vicinity and should not be effected.

The pleasing thing about this development seems to be the use of integrated footpaths through the estate which will give good pedestrian access away from the routes taken by motor vehicles and this is something we have often campaigned for in the past where new houses are being built. Hopefully we can get these paths formally registered so that they will remain in place and fully maintained into the future.

Inland Waterways Association – No objection

The Association considers the layout to be acceptable and the landscaping along the frontage is welcomed. However, the appearance of the 3 to 4 storey block is questioned with a preference for 3 storey houses at a maximum.

It is also requested that this section of Silver Street be made two way

Severn Trent – No objection subject to conditions

A condition has been requested seeking the provision of drainage details for foul and surface water.

Public Participation Response On The Planning Application

One comment received in support of the application. This proposed development will this bring more life to Brownhills it will provide more housing and make use of the land. It will be nice to see modern builds surrounding this area, bringing modern structures to the area leaving the dated builds behind.

HABITATS REGULATIONS ASSESSMENT

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

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

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

- a) is likely to have a significant effect on a European site or a European offshore marine site (either alone or in combination with other plans or projects), and
- b) is not directly connected with or necessary to the management of that site, must make an appropriate assessment of the implications for that site in view of that site's conservation objectives".

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

The applicant has provided a Habitats Regulations Assessment screening report. This is currently under consultation with Natural England and their comments will be updated at committee.

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

The Habitats Regulations Assessment considers the potential impact of the proposals on two sites; Cannock Chase Special Area of Conservation (SAC) and Cannock Extension Canal SAC. The key potential impacts are increased recreational pressure, invasion by bracken and scrub, hydrological changes and air pollution.

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

- There is a limited net increase in the number of dwellings on these previously developed sites and accessibility of the sites to existing open space in the local area and Walsall the development is unlikely to lead to a significant increase in visitors to Cannock Chase SAC.
- The risk to conservation objectives of Cannock Chase SAC is negligible.
- There is unlikely to be a significant change in boat traffic along the Cannock Extension Canal and best practice measures during construction will control potential pollution of the Cannock Extension Canal SAC.
- There are no anticipated combined effects upon these European sites.

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

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

Determining Issues On The Planning Application

- Principle of residential development
- Relationship to surrounding properties
- Provision of affordable housing
- Phasing of development
- Layout and design
- Means of access and parking
- Impact on canal, landscape and natural environment
- Ground conditions
- Local finance considerations

Observations On The Planning Application

Principle of residential development

Housing renewal and the provision of good quality housing in the Brownhills area is supported by the BCCS. The sites were formerly occupied by housing and provision of new housing is acceptable in principle as it brings forward vacant land in accordance with UDP policy ENV14.

UDP policy H3 also encourages provision of additional housing through the re-use of previously developed land provided a satisfactory residential environment can be achieved. The housing key diagram in the BCCS identifies the Silver Court area as a housing renewal hub that will be a focus for housing renewal activity. The site also falls within Regeneration Corridor 15 as identified in the BCCS.

On this basis, it is considered that the principle of residential development is acceptable.

Relationship to surrounding properties

Although close to the centre of Brownhills, the site sits away from other residential properties. The nearest dwellings will be the new houses on the opposite side of Silver Street. As these units will both be two storey on either side of the road, it is considered that a suitable relationship between the dwellings can be secured at the reserved matters stage.

Provision of affordable housing

The Senior Housing Strategy Officer has confirmed that they support the application. In particular they support the tenure mix with a focus being given to open market sale.

It should be noted that this development is being brought forward at the same time as the wider development of Silver Court. That scheme is delivering a wide range of housing types including affordable housing.

With only 41 units out of a total of 157 set aside for open market housing, the balance of housing on the Silver Court site is heavily orientated to meeting identified housing needs. 45 of the units have been identified as purely affordable whilst 62 units are for over 55's. It is considered this represents a suitable mix of housing for the locality, a fact supported by the majority of the feedback through the public consultation exercise.

It is considered that the approach taken in this applicants to deliver a range of affordable housing is acceptable and meets the requirements of Policy HOU3 of the BCCS which requires provision of 25% affordable housing on qualifying sites of 15 units or over. In line with other similar applications put forward by WHG which are part funded by HCA grant notably Lindon Drive (13/1423/FL) and Goscote (ref 12/0036/OL), it is considered that the affordable housing offer can be secured through condition.

Phasing of development

As noted above, it is recognised that this development is being brought forward at the same time as the delivery of housing on Silver Court. Although separated to ensure this principle element can be delivered independent of any potential highway matters that may arise on the Market site, the two sites will be built out together and effectively represent a single cohesive form of development. As part of that unified nature of development, this site will be accommodating the affordable housing needs for both elements of the scheme as whole.

It is recognised that the Market site is solely focused on the provision of the open market element of the housing mix. Whilst the overall Brownhills area will benefit from the range of affordable housing being provided in this instance it is also recognised that the open market element should not be delivered far in advance of the affordable element. To ensure this is achieved, it is considered that a pair of Grampian style conditions be employed, one on each application, to tie the build out of the two stages of development together with a focus on the delivery of the affordable units.

Such an approach whilst unorthodox is considered to be acceptable in this case and the applicant is one and the same for both proposals. Even if the smaller Market site is transferred to a third party, they will also be bound by the condition to work with WHG and ensure their build out programme complements the work on the Silver Court site.

The development is to be phased with the bungalows created early on which will allow for the demolition of the six bungalows near Lindon Drive. This will then be followed by the creation of the general needs block and then the open market housing and the over 55's block. In summary this will mean a build out of the site from the south to the north and then on to the Market site.

Layout and design

The site has been laid out with a series of three storey, four bedroom town houses facing the canal. Given the design cues from the neighbouring site it is considered detailed designs can be secured to ensure the properties will create a strong design feature which overlooks the canal and ensures the development has an outward looking aspect respecting the character of the area.

The concerns of the consultees over design are noted however it is felt that these are more matters for the reserved matters stage. With regard to the Associations comments on scale, it is considered the 3/ 4 storey block on the corner will help punctuate the start of the site when viewed from the north and mark a step change from the car park for Tescos.

In terms of open space provision the Silver Court scheme provides over 2,600 sqm of open space in the core area with over 1,300 sqm of further open space provided in smaller parcels of land for example alongside the canal walk. Collectively, this is a significant level of open space and the provision of onsite equipment is noted. It is understood this will be shared between the two developments.

In accordance with policy LC1 of the UDP and Supplementary Planning Document: Urban Open Space the proposal triggers the need for urban open space provision. As the developer is offering nil contributions towards open space, the developer has undertaken to provide a financial assessment to demonstrate the viability of the scheme and justify this request. The outcome of this assessment will be assessed by Asset Management. Given the remediation costs associated with the scale of development, in particular the cleanup of the former gar works site to the south, it is anticipated that the developer will be able to demonstrate that the viability of the scheme does not allow for further contributions towards urban open space. Should this be proven, it is recommended that any contributions are not collected. An update on this matter will be provided to committee.

Means of access and parking

The proposed development site is located off Silver Street within Brownhills adjacent to the High Street. There is a high level of pedestrian infrastructure and cycle infrastructure surrounding the site. The site is well located to encourage travel by bus with good accessibility to local facilities and the frequent local bus services that operate throughout the day.

The development will be served via Silver Street a section of which will be Stopped-Up to facilitate the development. The site will be served via a new priority controlled T-junction onto Silver Street.

Hence this TA examines the following three options:

- Option 1 - Retaining the existing one way traffic flow on Silver Street;
- Option 2 - Part reduction of the one way traffic flow and introducing a section of two way flow on Silver Street;
- Option 3 - Full Closure of Silver Street.

Option 1 will involve no modifications to Silver Street and hence all vehicles approaching the Market Square site would be required to travel south along Silver Street. All vehicles would also depart the site travelling westbound on Silver Street passed the adjacent Tesco store.

Option 2 involves reducing the length of the existing one-way section of Silver Street. In this option it is proposed that Silver Street between High Street and a point to the west of the Market Square access would be made two-way. To the west of the site access the existing one-way restriction would remain.

This arrangement identifies that the one-way restriction would be reinforced through reducing the width of Silver Street to 3.5 metres and to provide a kerbed central island to replace the current hatching. There would be a distance of 60 metres between the one-way restriction and the access into the Market Square site. Hence, this option retains a reasonable length of one-way carriageway, which with the additional measures would prohibit drivers from ignoring the restriction.

Due to the existing restrictions on Silver Street, service vehicles for Tesco and other stores are required to exit the site to the south along Silver Street and continue to the Miners Roundabout. Option 2 would allow the service vehicles to continue to operate along this route as per the current operations, however it would also provide them with the option to turn out onto High Street. A vehicle tracking assessment has been undertaken and this demonstrates that a maximum legal articulated vehicle (16.5 metre long) can turn into and out of Silver Street from High Street.

To enable a service vehicle to turn left into Silver Street whilst a car is waiting to exit onto High Street the eastern kerb line has been modified slightly. With this modification the service vehicles would be able to turn into and out of Silver Street without any conflicts.

Option 3 proposes the closure of Silver Street to the west of the Market Square site. This could be secured through a Stopping-up-Order or a Traffic Regulation Order. As a result the through traffic that currently routes along Silver Street to access the Tesco store would be required to reroute along High Street to the Miners roundabout. The Tesco and Farmfoods service vehicles will also be required to exit onto High Street. Hence, this option would enhance the residential nature of the proposed development

The Council's Transport Officers have considered all three of these options and the impacts they could have on the surrounding highway network. It is considered that all three options are viable and could be accommodated within the existing infrastructure.

To ensure the development is carried out in accordance with the design parameters as set out in the Transport Statement, conditions have been recommended to agree the design details prior to development.

The detailed review of the accidents indicated that there was not a specific highway safety issue that would need to be addressed as part of these proposals.

No alterations to Silver Street are proposed as part of this full planning application however, three options have been considered for altering Silver Street should the Market Square section of the site be developed. These options have been considered to identify the preferred option for providing improved vehicle access to the Market Square site for residents, as well as improving the amenity of the area by removing HGV and through traffic movements.

In terms of assessing the impact of the development on the capacity of the surrounding highway network to accommodate the development proposed, assessments have indicated that the High Street/Silver Street T-junction operates within capacity for both future year assessments. The Miners roundabout operates within capacity during the AM peak hour period with and without the development generated traffic. The Silver Street arm of the junction operates above the 0.85 threshold limit for the future base year scenario.

Based on a worst case scenario with all vehicles travelling to the roundabout, the additional traffic equates to an additional vehicle at the junction every 40 seconds. The applicants argue this level of traffic would not have a material impact on the operation or safety of the junction. This figure would reduce further to an additional vehicle every 75 – 80 seconds if access option 2 or 3 was to be taken forward.

The Highways Officer has not raised objection to the level of parking provision on the site. 132 spaces are provided for the new houses with 28 spaces for Humphries House, 14 for Severn House and a further 40 for the elderly apartments. A total of 214 spaces across the site.

Due to its location, the site is considered to be suitable for both cycling and public transport usage. A condition has been recommended by the Transport officer to secure the provision of cycling facilities and this is supported.

Impact on canal, landscape and natural environment

The application will have a significant impact on the character of the canal in this part of Brownhills by building up the open market site and bringing development closer to the waters edge.

The Councils Ecologist has sought to secure the future of the trees to the front of the site. It is considered that there should be scope for some retention of trees however this will be dependent on the detail of the reserved matters scheme. The applicants master plan for the site does show space being retained alongside Silver Street to retain the trees plus the potential for some new planting within the site.

They have also indicated the need for an appropriate assessment to be undertaken in accordance with the HRA regulations. It is the Local Planning Authorities view that the proposed development will not have an adverse impact either on the Cannock Chase SAC or the Essington & Wyrley Canal SAC and accordingly no further assessment is required into the potential impact the development could have had on these two sites.

Ground conditions

Due to the presence of a former gas works site on the adjacent site, the applicants have submitted extensive ground investigation information with the application which has been considered by the Councils Contamination Officer and the Environment Agency.

Based on the information submitted, it is considered that the applicants have established an appropriate strategy to deal with the possibility of any contamination on site. In respect of this, it is considered that the development of the site can adequately be managed through the use of a condition to address potential impact from land contamination. In the first instance, the applicant should undertake a site investigation, ground contamination survey and assessment of ground gas, having regard to current best practice shall be undertaken for parts of the site not yet characterised through the existing survey work.

The development will thereafter be undertaken in accordance with the approved details and at the end of the works on site, a validation report confirming the details of the measures implemented together with substantiating information and justification of any changes from the agreed remedial arrangements needs to be submitted to the Local Planning Authority.

In light of this, it is considered the proposal are acceptable subject to the imposition of a condition.

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 157 new homes.

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

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

Positive and Proactive working with the applicant

Officers have discussed the significance of the proposals with the applicant's agent and discussed the process for determining this application. In response to this advice relevant supporting information has been submitted to enable full support to be given to the scheme.

Recommendation on the Habitats Regulations Assessment

It is recommended that the Habitats Regulation Assessment Report and associated provision dated May 2014 be endorsed by the Planning Committee, as the competent authority and confirm that, the Council considers that the proposed development would not have a significant effect on a European site.

Recommendation on the planning application

Grant outline permission subject to conditions and subject to the outcome of the viability assessment a S106 Agreement to secure environmental improvements to open space and the comments of the Council Ecologist and Anti-Social Behaviour Officer.

Recommendation: Grant with conditions, subject to no new information raising new material issues

1. Application for the approval of reserved matters must be made not later than the expiration of three years beginning with the date of this permission.

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

2. The development to which the permission relates must be begun not later than the expiration of 2 years from the final approval of the reserved matters application, or the last reserved matters approval.

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

3. This development shall not be commenced until details of the following Reserved Matters have been submitted to and approved by the Local Planning Authority:-

- a) Appearance
- b) Landscaping
- c) Layout
- d) Scale

Reason: Pursuant to Article 3 (i) of the Town & Country Planning (General Development Procedure) Order 1995

4a. Prior to the commencement of development, details of a phasing scheme relating to this development and the delivery of housing for planning application 14/0767/FL shall be submitted to and approved in writing by the Local Planning Authority . The scheme shall include details of the construction and occupation of each phase of development on each site.

4b. The development hereby approved shall be undertaken in accordance with the agreed details

Reason: To ensure the delivery of affordable housing

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

- vii) Prior to built development commencing a site investigation, ground contamination survey and assessment of ground gas, having regard to current best practice shall be undertaken for parts of the site not yet characterised. (see Note for Applicant CL1)
- viii) Prior to built development commencing a copy of the findings of the site investigation, ground contamination survey and ground gas assessment, together with an assessment of the hazards arising from any land contamination and/or ground gas shall be forwarded to the Local Planning Authority. (see Note for Applicant CL2)
- ix) 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)
- x) 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.
- xi) 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.
- xii) A validation report confirming the details of the measures implemented together with substantiating information and justification of any changes from the agreed remedial arrangements shall be submitted to and accepted in writing by the Local Planning Authority prior to the development being brought into use. (see Note for Applicant CL3)

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

6a. Prior to the commencement of development details of the proposed lighting including details of foundations, luminance in candelas, hours of operation shall be submitted to and approved in writing by the Local Planning Authority.

6b. The development shall be implemented in accordance with the agreed details and maintained thereafter

Reason: To protect the integrity of the canal, minimise the problems of glare, show consideration for bats and avoid unnecessary light pollution in accordance with policies ENV1, ENV3 and ENV4 of the Black Country Core Strategy.

7a. No development shall take place until details of the proposed method statement for the works to the canal 'embankment' and details of the measures to raise the ground levels have first been submitted to and agreed in writing by the Local Planning Authority in consultation with the Canal & River Trust. All works shall comply with the "Code of Practice for Works Affecting Canal & River Trust" a copy of which is available at the website www.canalrivertrust.org.uk

7b. The development shall be implemented in accordance with the agreed method statement and details.

Reason: To protect the structural stability of the canal embankment in accordance with policy ENV4 of the Black Country Core Strategy and paragraph 120 of the National Planning Policy Framework.

8a. Prior to the commencement of the development revised details of landscaping including the following matters shall be submitted and approved in writing by the local planning authority.

- Preparation of land for planting including need for decompaction.
- Specification and depths of topsoil/ subsoil/ growing medium and any mulches.
- Specifications for all planting to include: full latin plant names to include genus and cultivar.
- Locations and full specifications of all hard landscaping/ lighting and drainage. (Drainage must be carried out to sustainable urban drainage systems principles.)
- Any phasing.
- Tree planting and staking details which should be ideally shown as standard detail(s)
- Boundary treatments: height, size, type and specifications to any fencing, gates walls or barriers along perimeter or which are designed to protect interior areas on the site.
- Levels of existing and proposed features to be shown with the same design

Before any part of the development is brought into use a 5 year management plan shall be submitted to the Local Planning Authority and approved in writing. The management plan shall be carried out to an accepted methodology and provide full details of:

- How the ornamental landscape schemes will be maintained through the establishment period and managed thereafter.
- Provision for the replacement of any plant which dies, becomes diseased or damaged.
- Details of routine maintenance such as pruning/ litter picking/ cutting/ watering in dry period/ weeding.

The landscape scheme shall be managed in accordance with the approved management plan unless otherwise approved in writing by the Local Planning Authority.

8b. The approved landscaping shall be implemented within 12 months of the completion of the development.

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

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

9a. Prior to the commencement of the development drainage plans for the disposal of surface water and foul sewage shall be submitted to and approved in writing by the local planning authority.

9b. The scheme shall be fully implemented in accordance with the agreed details before the development is first brought into use and retained as such.

Reason: To ensure the development is provided with satisfactory means of drainage, to protect the integrity of the of the canal as a waterway structure along with the water quality and to reduce the risk of flooding and pollution.

10a. Prior to the first occupation of any dwelling on the development, all access ways and parking areas serving that dwelling shall fully consolidated, hard surfaced and drained and the car parking bays clearly demarcated, in accordance with the approved details and brought into use.

10b. These areas shall thereafter be retained and used for no other purpose.

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

11a. Prior to the commencement of development a Construction and Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The plan shall include details of the following:

- Location of site compound
- Parking for site operatives vehicles including private cars
- Location of material storage facilities
- Arrangements for deliveries to the site
- Wheel washing
- Measures for the control of dust
- Arrangements for neighbour liaison

11b. The development shall thereafter be undertaken in accordance with the agreed details in the CEMP.

Reason: To protect neighbouring residential amenity

12. No more than 15 dwellings shall be occupied on the application site, unless the applicant has made appropriate on-site provision towards affordable housing in accordance with policies HOU3 of the Black Country Core Strategy and GP3 of the Walsall Unitary Development Plan and the Affordable Housing Supplementary Planning Document. The affordable housing shall be retained thereafter.

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

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

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

Bank Holiday Monday and August Bank Holiday Monday)

Reason: To protect the amenities of surrounding occupiers.

14. Prior to commencement of any development the applicant shall pursue the extinguishment of all adopted highway, within the red line boundary, under Section 247 of the Town and Country Planning Act 1990 and all associated costs to be met by the applicant.

Reason: To allow the approved development to be undertaken and to meet the necessary statutory highway stopping up requirements.

15a Prior to the commencement of the development, full engineering details of the following highway infrastructure and adoptable highway works shall be submitted to the Local Planning Authority for technical approval;

- vii. All new estate roads, footways and footpaths, including layout,
- viii. alignments, widths and levels, together with all necessary drainage arrangements and run off calculations, which shall comply with any plans approved under the planning consent. The adoptable street lighting shall be with the agreement in writing with Walsall Council's Street lighting partner Amey.
- ix. The relocation where required of any existing traffic calming measures to appropriate new positions in agreement with the Council's Road Safety Team.
- x. All new vehicle access points onto existing public highways and the reinstatement back to full kerb height of any redundant vehicle access points.
- xi. The provision of a new controlled pedestrian crossing across High Street, in a position to be agreed with the Council's Road Safety Team.
- xii. The provision of tactile pedestrian crossing points in appropriate locations across all new and modified junctions and including the following junctions;- Silver Street/ High Street, Lindon Drive/High Street, across Lindon Drive opposite no.46.

15b. Prior to the commencement of any dwelling on the development to highway infrastructure and adoptable highway works required under Condition 15(i) above shall be fully implemented in accordance with the approved details and to the satisfaction of the Highway Authority.

Reason: In the interests of highway safety and to ensure the satisfactory operation of the development in accordance with UDP Policy GP2, T1, T6, T8 T10, T11 and T12, Black Country Core Strategy TRAN4 and Manual for Streets.

16a Prior to the commencement on site of any part of Phase 1b of the development shown on BM3 drawing no. D08 dated March 2013;-

- ii) An appropriate Traffic Regulation Order (s) revoking the existing One-way operation of Silver Street and imposing a Prohibition of Driving over a closed section of Silver Street and imposing a 20mph speed limit on Silver Street up to the closure point shall be advertised, confirmed and implemented at the developer's expense.

16b. Full engineering details of the following highway infrastructure works shall be submitted to the Local Planning Authority for technical approval;

- ix) The modification of the Silver Street/High Street junction to accommodate two-way HGV movements in and out of Silver Street,
- x) The modification of the Kirkside Grove/ Silver Street junction to discourage HGV right turn movements out of Kirkside Grove,
- xi) The means of closure of Silver Street to vehicular traffic either side of the Pier Street junction.
- xii) The layout of the new junction at the bend on Silver Street.

- xiii) Traffic calming measures on Silver Street, south of Kirkside Grove, to reduce speeds to 20mph.
- xiv) All highway signing and lining details.
- xv) Full engineering details of the adoptable estate road shall be submitted to the Local Planning Authority for technical approval, including the layouts, alignments, widths and levels, together with all necessary drainage arrangements and run off calculations, which shall comply with any plans approved under the planning consent. Adoptable street lighting shall be with the agreement in writing with Walsall Council's Street lighting partner Amey.
- xvi) Appropriate vehicle restraint measures at the bend on Silver Street and measures to prevent parking on the verge between Silver Street and the canal.

16c. Prior to the first occupation of any dwelling on the development on Phase 1B all highway infrastructure works as detailed in Condition 16 (a) and (b) above shall be fully implemented in accordance with the approved details and to the satisfaction of the Highway Authority.

Reason: In the interests of highway safety and to ensure the satisfactory operation of the development in accordance with UDP Policy GP2 and Manual for Streets.

17. A revised site layout plan shall be submitted to and approved in writing by the Local Planning Authority demonstrating:-

- vii) All road junctions, shared access drive entrances and car parking court entrances having 2.4m x 43m visibility splays within which no planting or structures exceeding 600mm in height above carriageway level shall be permitted at any time,
- viii) All individual direct frontage access points having 2.4m x 3.4m pedestrian visibility splays within which no planting or structures exceeding 600mm in height above carriageway level shall be permitted at any time,
- ix) All adoptable footways being 2.0 metres in width.
- x) An Autotrack analysis demonstrating that a 10.7m long refuse wagon can safely and satisfactorily make a full turning manoeuvre all adoptable turning areas,
- xi) The cycle shelter facility for Phase 1a of the development (General Needs Flats) shall be relocated nearer to the main building entrance from a relatively remote location to a more suitable , accessible position with better natural surveillance.
- xii) A refuse bin collection point to serve plots 136 to 141 shall be provided as near as possible to the main carriageway for use on collections days.

Reason: To ensure the satisfactory operation and servicing of the development in accordance with UDP Policy GP2, Black Country Core Strategy TRAN4, Manual for Streets and highway safety.

18a Prior to the first occupation of any dwelling on the development, all car parking areas, vehicle hard standing areas and access ways serving that dwelling shall be full consolidated , hard surfaced and drained and brought into use.

18b. These areas shall thereafter be retained and used for no other purpose.

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

19a) Prior to the commencement of the development, a construction methodology statement shall be submitted to and approved by the Local Planning Authority detailing where parking and turning facilities for site operatives and construction deliveries will be provided during the period of construction.

19b) This provision shall be retained during construction in accordance with the approved details.

Reason: In the interests of minimising the potential for disruption to the free flow of traffic on the public highway and in the interests of highway safety during the period of construction.

20. Prior the first occupation of any dwelling on the development, the measures and commitments contained with the submitted BWB Residential Travel Plan shall be fully implemented and the said measures and commitments shall thereafter be monitored, reviewed and the targets adjusted accordingly in accordance with the plan.

Reason: To encourage to use of sustainable travel and to reduce the reliance on motor cars in accordance with UDP Policy T10 and Black Country Core Strategy TRAN2.

21a. Prior to the commencement of Phase 1a shown on BM3 drawing no. D08 dated March 2013, full details of the cycle shelter facility shall be submitted to and approved by the Local Planning Authority.

21b. Prior to the first occupation of any flat on Phase 1a, the cycle shelter shall be fully implemented in accordance with the approved details and shall thereafter be retained and used for no other purpose.

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

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

- D01 Location Plan
- D07 Site Plan
- D08 Build Phasing Plan

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

Notes for Applicant – Contaminated Land

CL1: Ground investigation surveys should have regard to current “Best Practice” and the advice and guidance contained in the National Planning Policy Framework (2012); British Standard BS10175: 2011 “Investigation of potentially contaminated sites – Code of Practice”; British Standard BS5930: 1999 “Code of practice for site investigations”; Construction Industry Research and Information Association “Assessing risks posed by hazardous ground gasses to buildings (Revised)” (CIRIA C665); or any relevant successors of such guidance. You are strongly advised to consult with the Local Planning Authority on the construction, location and potential retention of any boreholes installed for the purposes of ground gas and or groundwater before installation of same

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

land to impact upon ground water. Advice on this aspect can be obtained from the Environment Agency.

CL3: Validation reports will need to contain details of the “as installed” remediation or mitigation works agreed with the Local Planning Authority.

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

Note for applicant – Fire Service

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

Note for applicant – Environment Agency

The developer should consider incorporation of a sustainable drainage system (SuDS) that maximises the use of above ground storage and conveyance. This would provide multiple benefits for flood risk, water quality and biodiversity.

Note for applicant - Public sewers

Severn Trent Water advises that there is a public sewer located within the application site. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent. You are advised to contact Severn Trent Water to discuss your proposals. Severn Trent Water will seek to assist you in obtaining a solution which protects both the public sewer and the building. Please note, when submitting a Building Regulations application, the building control officer is required to check the sewer maps supplied by Severn Trent Water and advise them of any proposals located over or within 3 metres of a public sewer. In many cases under the provisions of Building Regulations 2000 Part H4, Severn Trent Water can direct the building control officer to refuse building regulations approval. If you require any further information please contact Rhiannon Thomas on 01902 793883.

Note for applicant – Canal & River Trust

The applicant/developer is advised to contact the Works Engineering Team on 0303 040 4040 in order to ensure that any necessary consents are obtained and that the works comply with the Trust’s “Code of Practice for Works affecting Canal & River Trust”.

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

The applicant/developer will be required to enter into agreement with Canal & River Trust for the incorporation of our land within the scheme. This will require consent from the Canal & River Trust, in the form of a commercial agreement and consent will be required from the Secretary of State.

Note for applicant – Highways

The applicant will be expected to enter into an agreement under S278 of the Highways Act 1980 for all works within the public highway.

It is recommended that the main private access road into the site off Lindon Close is constructed to a specification capable of being used by a 26 ton refuse wagon.



Regeneration Directorate – Planning and Building Control

Planning Committee

Report of Head of Planning and Building Control, Regeneration Directorate on 18/09/2014

Plans list item no: 3.

Reason for bringing to committee: Major Application

Application Number: 14/1025/RM

Application Type: Reserved Matters

Applicant: Homes and Maintenance Ltd

Proposal: Reserved Matters: Erection of 16 dwellings

Location: LAND NORTH OF 33 TO 59 EDINBURGH AVENUE, BERKLEY CLOSE, BENTLEY, WALSALL.

Ward: Bentley & Darlaston North

Case Officer: Karon Hulse

Telephone Number: 01922 652614

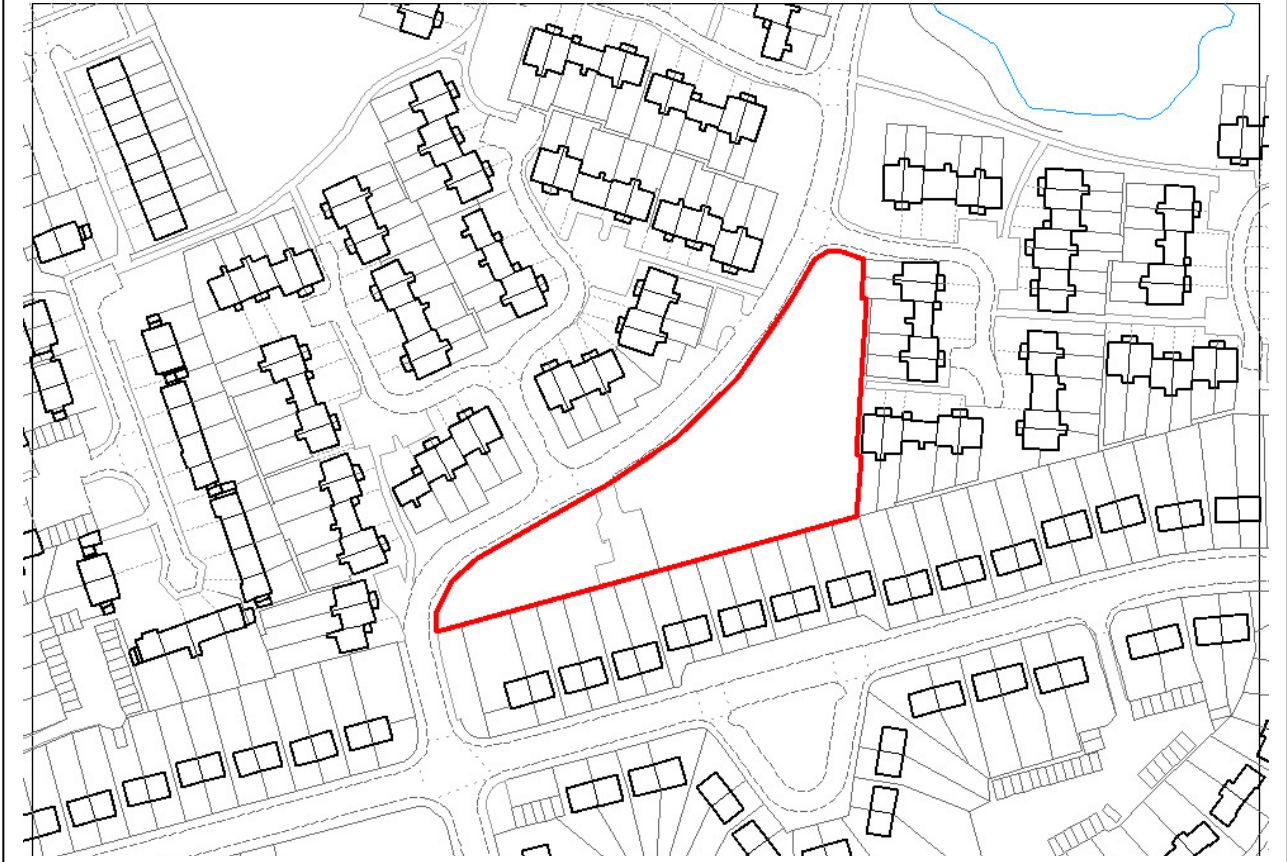
Email: planningservices@walsall.gov.uk

Agent: Bharya & Co

Expired Date: 15/10/2014

Recommendation Summary: Approve Reserved Matters with Conditions

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Application and Site Details

The application seeks approval of reserved matters for the erection of 16 dwellings consisting of 4 x two bedroom two storey dwellings, 6 x three bedroom two storey dwellings and 6 x three bedroom two and half storey dwellings on land at Berkley Close, Bentley, Walsall,. The reserved matters sought are appearance and landscaping as approval for layout, scale and access was granted under the outline application 10/0297/OL granted 13th November, 2011

The proposed rear gardens share boundaries with the rear gardens of dwellings in Edinburgh Avenue to the south and Cottle Close to the east.

The site currently remains as a an incidental open area of land within a residential setting, it is roughly triangular in shape with the rear of the site being bordered by Edinburgh Avenue, Cottle Close and Berkley Close which forms the third side of the triangle and fronts the site. Part of the site was previously occupied by the former doctors surgery, this has since been demolished and the site cleared. The site is to the northeast of Bentley local centre.

At either end of the application site there are existing tree preservation order trees.

Recently consent was given for a non material amendment to the outline consent which approved repositioning of some parking spaces and increased from 150% to 200% provision, resiting of plots 5, 6, 11, 12, 15 and 16 and minor amendments to house type details.

Appearance - Each of the 16 dwellings are simple in design being of two storey semi detached houses of brick and tile construction

Each house would have traditional design features from this former council house estate and include parking for each house

Landscaping –The scheme includes details of new planting (hedging shrubs and replacement trees) to the frontage of each property, and at either end of the site.

Other details included in this reserved matters application are:

Condition 5 - boundary treatment: 1.8 mt close boarded fencing to all rear garden boundaries with 1.8mt privacy panels between each adjoining property

Condition 6 - location and size of a garden sheds to be provided for each plot in the rear garden area:

Condition 11 - open space: landscaping and enhancement of open space at either end of the site.

Condition 12 - hard and soft landscaping: full details of landscaping of communal areas and open space areas.

Relevant Planning Policy Summary

National Planning Policy Framework (NPPF) www.gov.uk

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

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

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

- - Reuse land that has been previously developed

Key provisions of the NPPF relevant in this case:

- NPPF 1 - Building a strong, competitive economy
- NPPF 4 - Promoting sustainable transport
- NPPF 6 - Delivering a wide choice of high quality homes
- NPPF 7 - Requiring good design

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

The Development Plan

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

Local

The Black Country Core Strategy (BCCS) (2011)

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

The relevant policy is:

- CSP1: The Growth Network
- CSP2: Development Outside the Growth Network
- CSP4: Place Making
- CSP5: Transport Strategy
- DEL1: Infrastructure Provision
- HOU2: Housing Density, Type and Accessibility
- HOU3: Delivering Affordable Housing
- TRAN4: Creating Coherent Networks for Cycling and for Walking
- ENV3: Design Quality
- ENV6 – Open Space, Sport and recreation

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

Walsall's Unitary Development Plan (UDP) - http://cms.walsall.gov.uk/annotated_2011_udp_-_february_2011.pdf

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

The relevant policies are:

- GP2: Environmental Protection
- GP3: Planning Obligations
- ENV10: Pollution
- ENV14: Development of Derelict and Previously-Developed Sites
- ENV18: Existing Woodlands, Trees and Hedgerows

- ENV23: Nature Conservation and New Development
- ENV32: Design and Development Proposals
- ENV33: Landscape Design
- H3: Windfall Sites on Previously Developed Land and Conversion of Existing Buildings
- T7: Car Parking
- T13: Parking Provision for Cars, Cycles and Taxis
- LC1: Urban Open space

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

Supplementary Planning Document

Conserving Walsall's Natural Environment

- Development with the potential to affect trees, woodlands and hedgerows
 - NE7
 - NE8
 - NE9
 - NE10

Designing Walsall

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

Policies are available to view online: http://cms.walsall.gov.uk/planning_policy

Relevant Planning History

14/0696/MA – Non Material amendment for repositioning of parking spaces and increased from 150% to 200% provision, resiting of plots 5, 6, 11, 12, 15 and 16 and minor amendments to house type details. Approved

10/0297/OL - Outline application (Considering access, scale, and layout) for Residential Development at Land at Berkley Close and Cottle Close, Rear of 31-59 Edinburgh Avenue, Bentley, Walsall. Granted 13th November, 2011.

Consultations

Transportation – no objections subject to condition regarding engineering details

Fire Service – no objections

Police ALO – No objections subject to Secure by Design specifications

Regeneration (landscaping) – no objections

Regeneration (ecology) – no objections

Severn Trent Water – no objections subject to drainage condition

Pollution Control (Scientific Team/Contaminated Land) – no objections subject to conditions regarding contaminated land and construction times

Public Participation Responses

Four representations objecting on the following grounds:

- Block out light to my garden

- unstable ground for building on
- used for recreation
- overlooking
- Variety of wildlife.
- should use brownfield sites
- bedroom window in the gable end of my house
- lack of privacy
- Concerned that they will not be the required number of metres away from a habitable room.
- no privacy garden
- completely overlooked, not to mention the loss of light and overshadowing loss of green and recreational space
- Many people exercise their dogs on this land and local children play there also. We have many species of wildlife that will suffer if this green space is built on, including birds, foxes, hedgehogs and bats that we see in the area regularly.
- Grey hashed area to Dyson Close .. no explanation of what this is
- Proposed materials? Will they be orange brick houses to match the others in the area or wood fronted?

Determining Issues

- Appearance
- Landscaping
- Additional Information
- Issues Raised by Objectors

Observations

Appearance

As per the outline approval the 16 houses will front onto Berkley Close with rear gardens sharing boundaries with houses in both Cottle Close and Edinburgh Avenue.

It will provide a traditional row of houses with a footprint to reflect the outline consent and there will be four simple designs which will not only add to the streetscene along Berkley Close but will reflect the character of this estate and area generally.

The design and appearance of the properties is considered appropriate for the location.

Landscaping

The submission includes details of both hard and soft landscaping as well as boundary treatment.

Specific treatment of the two areas at either end of the site, have been identified in order to enhance this part of Berkley Close and the area. An in depth open space assessment around the area concluded that there ample open space both formal and informal within 500 metres of the site. Landscaping of the two areas at either end will enhance the environment in this location.

The soft and hard landscaping details proposed are considered appropriate for this location

Additional Information

Other details such as boundary treatment, location and size of a garden sheds to be provided for each plot in the rear garden area, hard and soft landscaping to include private, communal and open space areas have been submitted and the details are considered to be acceptable.

Issues Raised by Objectors

All objectors to this application were previously consulted on both the outline application and the non material amendment but at those times no objections or representations were received.

Cottle Close - The distance from the proposed rear habitable room windows to the two storey side gable of no. 12 is 12 metres, 13 metres to the rear garden amenity area. The siting and layout of the dwellings was previously approved by application 10/0297/OL granted 13th November, 2011. It was considered at that time the layout reflected the character of the area and would protect the amenities of existing residents. Furthermore, the house type has been specifically designed to protect the amenities of those residents and any existing landscaping and trees will be retained in order to offer further protection along that boundary where views of the side facing windows are currently obscured. There are no reasons to change the previous conclusion.

Edinburgh Avenue - Matters of loss of light and overlooking have previously been considered and concluded that the layout of the house will protect any amenity issues in particular those properties along Edinburgh Avenue are at least 25 metres away.

The site is within easy reach of a number of areas of open space, the nearest being 50 metres to the fishing pond off Robin Walk and a formal play area (100 metres) at the rear of Dyson Close.

The grey hashed area referred to as going into Dyson Close indicates the sewer easement required by Seven Trent Water Authority.

The proposed materials have not been included as part of this reserved matters and will be required to be agreed in writing by the Local Planning Authority as a pre-commencement condition. They will reflect the character of properties around the area.

Recommendation: Approve Reserved Matters with Conditions

1. The development must be begun not later than 3 years from the date of approval of the final Reserved Matters permission to which the permission relates.

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

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

- Existing Location & Site Plan (BCO/710-001) received 16/7/14
- Proposed Site Plan (BCO/710-002-D) received 5/9/14
- Site section (52024 D10 rev B) received 11/5/11
- Proposed Landscape Layout (BCO/710-003-C) received 23/5/14
- Illustrative drawings D20-D23) received 11/5/11
- Transport Statement prepared by Opus international received 11/5/11
- Open space assessment report prepared by ALS landscape architecture ltd. Received 11/5/11
- Ecological scoping and protected species survey report prepared by Apex ecology received 11/5/11
- Desk study report prepared by JPA received 11/5/11
- Ground investigation report prepared by CJ Associates received 11/5/11
- Design & Access Statement prepared by BM3 Architecture received 11/5/11
- Proposed Boundary Treatments (BCO/710-004-C) received 23/5/14
- Landscape Proposals (14-89-01 rev A) received 5/9/14
- Landscape Management Scheme received 7/8/14
- Proposed House Type - C (BCO/710-007-A) received 5/9/14
- Proposed House Type - C1 (BCO/710-009) received 5/9/14
- Proposed House Type - A (BCO/710-005) received 16/7/14
- Proposed House Type - B (BCO/710-006) received 16/7/14
- Proposed House Type - D (BCO/710-0010) received 16/7/14

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

3a. Prior to commencement of any works on the site a schedule of the facing materials to be used shall be submitted to and approved in writing by the Local Planning Authority.

3b. The approved details shall be fully implemented in accordance with the agreed details.

Reason: To ensure the satisfactory appearance of the development.

4a. No development shall begin until drainage plans for the disposal of surface water and foul sewerage have been submitted to and approved in writing by the Local Planning Authority.

4b. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

Reason: To ensure the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution.

5a. Prior to the commencement of the development, the following details shall be submitted for approval in writing by the Local Planning Authority and in conjunction with the Highway Authority.

- Full engineering details to provide improvements to the existing junction of Edinburgh Avenue/Berkley Close/Everest Road to introduce pedestrian tactile crossing facilities.
- Full engineering details of the highway infrastructure works to facilitate the closure of the any existing redundant accesses and for the creation of the new vehicular crossovers onto Berkley Close.

5b. Prior to the first occupation of any dwellings all of the detailed highway infrastructure works shall be fully implemented and brought into use to the satisfaction of the Highway Authority in accordance with an agreed construction method statement and timetable.

Reason: In the interests of highway safety and to improve on pedestrian links to the local centre in accordance with UDP Policies GP2, T7, T8 and T13.

6a. Prior to the commencement of development details shall be submitted to the Local Planning Authority setting out where the location of parking for site operatives and visitors has been provided within the proposed compound site.

6b. The approved details shall be fully implemented prior to the commencement of the development and thereafter retained, maintained and kept available during construction of the development.

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

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

Reason: the interest of Highway Safety, and ensure the free flow of traffic using the adjoining Highway.

8. Prior to the first occupation of any dwelling to which this permission relates an area for car parking shall be laid out within the curtilage of that property, in accordance with the approved plans which shall be properly consolidated, surfaced and drained, in accordance with details to be submitted to and approved in writing by the Local Planning Authority and these areas shall not thereafter be used for any other purpose than the parking of vehicles.

Reason: In the interests of highway safety and to ensure the free flow of traffic using the adjoining highway.

9. Development shall not begin until parking for site operatives and visitors has been provided within the application site in accordance with details to be submitted to and approved by the Local Planning Authority, and such provision shall be retained and kept available during construction of the development.

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

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

I. Prior to built development commencing additional ground gas monitoring 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 ground gas monitoring together with an assessment of the hazards arising from any 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 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 ii) of this condition is encountered development shall cease until the "Remediation Statement" required by part iii) of this condition has been amended to address any additional remedial or mitigation works required and agreed in writing by the Local Planning Authority.

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.

11. No demolition, construction or engineering works, (including land reclamation, stabilisation, preparation, remediation or investigation), shall take place on any Sunday, Bank Holiday or Public Holiday*, and such works shall only take place between the hours of 07.00 to 18.00 weekdays and 08.00 to 14.00 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.

Reason: To ensure safeguard the amenities of neighbouring residential occupiers.

12. The approved landscaping details shall be implemented before the development is brought into use and retained for 5 years and managed in accordance with the approved management details.

Reason: To ensure the satisfactory appearance of the development

13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) (or any order revoking, re-enacting or modifying that Order), no additional extensions, outbuildings, structures or means of enclosure (e.g. walls, gates, or fences) other than those approved as part of the this outline permission or the reserved matters submission shall be erected without prior written approval of the Local Planning Authority.

Reason: Having regard to the size of the approved back gardens, relationship to neighbouring properties, relationship to the drainage easements and possible ground contamination on the site.

Notes For Applicant

This permission relates to details submitted in respect of the appearance of the buildings, landscaping (both hard and soft landscaping), boundary treatments, position and type of shed to be provided and treatment of open space areas within the site.

Contaminated Land

CL1 - Ground investigation surveys should have regard to current "Best Practice" and the advice and guidance contained in the National Planning Policy Framework (2012); British Standard BS10175: 2011+A1:2013 "Investigation of potentially contaminated sites – Code of Practice"; British Standard BS5930: 1999 "Code of practice for site investigations"; Construction Industry Research and Information Association "Assessing risks posed by hazardous ground gasses to buildings (Revised)" (CIRIA C665); or any relevant successors of such guidance. You are strongly advised to consult with the Local Planning Authority on the construction, location and potential retention of any boreholes installed for the purposes of ground gas and or groundwater before installation of same

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

CL3 - Validation reports will need to contain details of the "as installed" remediation or mitigation works agreed with the Local Planning Authority. For example photographs of earth works, capping systems, ground gas membranes, and structure details should be provided. Copies of laboratory analysis reports for imported "clean cover" materials, manufacturer's specification sheets for any materials or systems employed together with certification of their successful installation should also be submitted. Where appropriate, records and results of any post remediation ground gas testing, 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.*

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

Mud on Highway The attention of the applicant is drawn to the need to keep the highway free from any mud or other material emanating from the application site of any works pertaining thereto.

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

West Midlands Police - The Police Architectural Liaison Officer has been consulted on the application and has made the following comments:

1. The developer should be aware of Secure By Design specifications which will significantly increase the security of the building (doors and windows). Information can be found at http://www.securedbydesign.com/pdfs/SBD_New_Homes_2010.pdf

2. All door sets both external and internal should comply to PAS 24 standards. Due to the ever increasing number of 'lock snapping' burglaries both locally and nationally, it is recommend that where euro profile cylinders are to be used only door sets rated to PAS 24 containing Euro profile cylinders to Secure by Design **and** Sold Secure Diamond standard that meet TS007- 3 star rating should be used e.g. ASB Anti Snap Euro Cylinder.

It is recommended that where thumb turn locks are to be installed consideration should be given to the use of the 'BY Pass' method of entry by offenders. There are thumb locks on the market that **cannot** be 'by passed', that have been tested in PAS 24 doorsets.

3. All ground floor and accessible windows should comply to BS7950 or WCL4 standards. This should improve the standard of security to the more vulnerable ground floor windows.

4. All ground floor, accessible windows and doors should contain at least one pane of 6.8mm laminated glass.

5. All ground floor front windows should have an area of defensible space across their width. This should be made up of densely planted shrubs, selected to be suitable for the environment they are to be planted in. This will provide a buffer area between the windows and other public or private space, making it more difficult for offenders to access such windows.

Where plants / shrubs are to be used in front of windows or around parking spaces the plants should be such that they grow to no more than 1m in height when mature. Plants and shrubs should also suit the environment they are to be located in terms of soil and light.

6. Perimeter and Boundary fencing should be at least 2.1m in height, the fencing should also be erected so that the smooth face is always facing outwards so that the frame cannot be used as a climbing aide. 2.1m fencing can include 300mm trellis topping in order to offer protection of the vulnerable rear of the properties.

Where panel and concrete post style fencing is to be used there needs to be a fixing between panel / slats around the posts which should create a secure mechanical bond. This should provide a chain linking effect where each panel and post acts in concert with the next in order to resist attack by pushing, pulling and lifting. Fixings should be made of galvanized steel or stainless steel with a design life to match the timber components.

7. Where there are joint entries between properties these entries should be gated as near to the front building line as possible, these gates should be 2.1m in height and be key lockable from both sides. This will remove recesses between properties where offenders can access the rear garden gates without fear of being seen. Virtually all properties on this development have a shared entry between the buildings.

8. Due to the national increase in metal thefts where possible lead substitute products should be used.

9. All the buildings on this development should be suitably fitted with an intruder alarm.



Regeneration Directorate – Planning and Building Control

Planning Committee

Report of Head of Planning and Building Control, Regeneration Directorate on 18/09/2014

Plans list item no: 4.

Reason for bringing to committee: Significant community interest

Application Number: 14/0847/FL
Application Type: Full application

Case Officer: Stuart Crossen
Telephone Number: 01922 652608
Email: planningservices@walsall.gov.uk
Agent: KJS Residential Design Services Ltd

Applicant: Mr P. Buggins

Proposal: Proposed demolition of no. 7 Jesson Road and erection of 5no. new houses including garages, gardens and infrastructure.

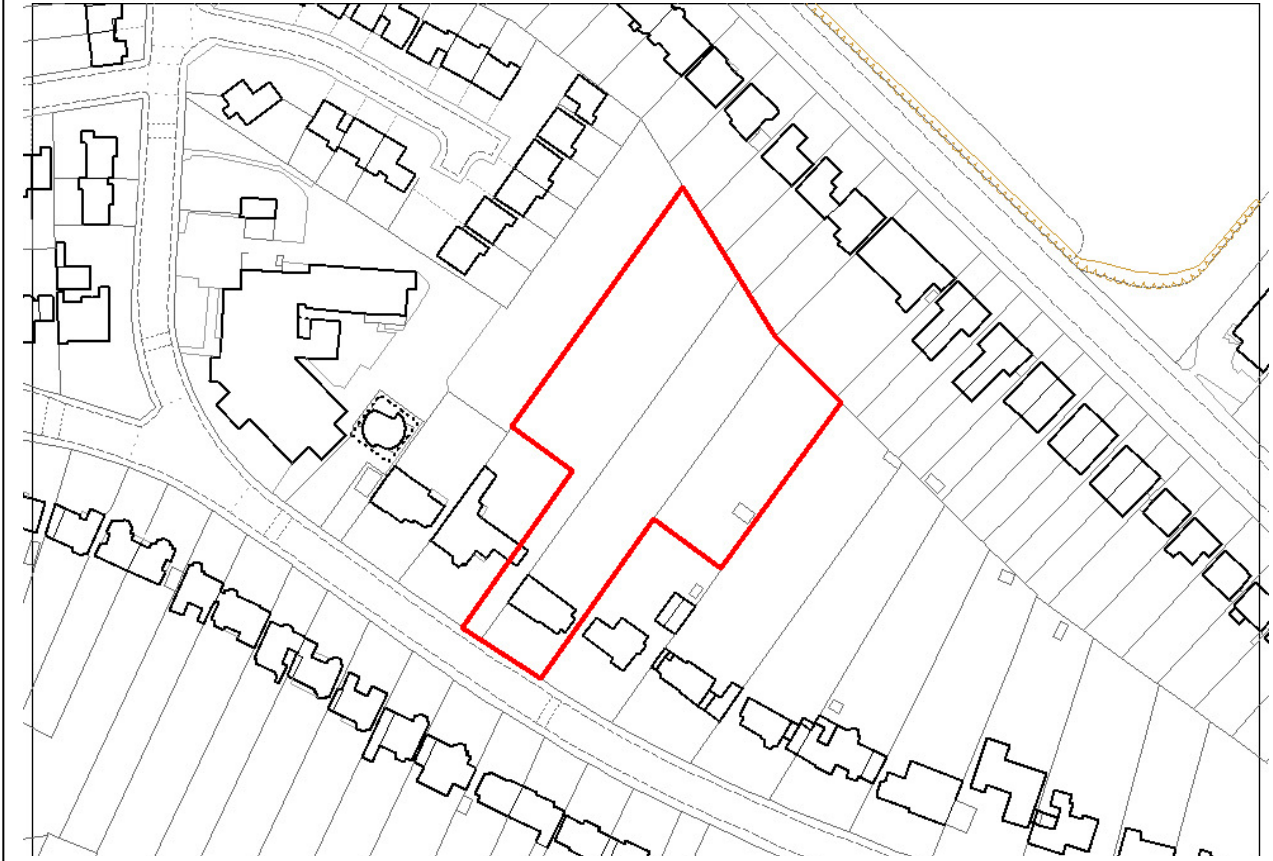
Location: 7 AND LAND REAR OF 5, 9, 11 JESSON ROAD, WALSALL

Ward: St. Matthews

Expired Date: 04/08/2014

Recommendation Summary: Grant subject to conditions, and no new material considerations from consultees which cannot be mitigated for by condition

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Application and Site Details

This application is a resubmission which seeks planning permission for the demolition of 7 Jesson Road, with the replacement of a new house and a private access road between number 5 and the replacement house to access four further new houses to be built in the rear gardens of 5, 7, 9 and 11 Jesson Road.

This application differs from the previous submission, reducing the site area by omitting the rear gardens area of number 11 and by reducing the proposed number of houses from 7 to 5.

The overall application site measures 66m across and would span 120m from Jesson Road. The 5 houses would be orientated to face the private access drive that runs through the middle of the site. There would be three different house types:

House type A (the replacement of number 7): Four bedrooms with two en-suite bathrooms. Front projecting gable, 14.5m wide, 14.9m in depth and 9m in height with a detached double garage.

House type E (3 plots): Five bedrooms with two en-suite bathrooms. Double front projecting gables with integral double garage, 14.6m wide, 11.5m in depth and 9.2m in height.

House type F (1 plot): Five bedrooms with two en-suite bathrooms. Double front projecting gables with integral double garage, 14m wide, 19.2m in depth (including front projecting double garage) and 9.2m in height.

The five double detached garages are 6m wide, 5.4m depth, with a pitched roof 5.8m in height.

The proposed materials have not been confirmed at this time, with either facing brick or render, tile roof, with stone details around openings. The private road would be 4.8m wide, using a shared surface (with no defined pavement) and would include street lighting. The development would be gated with controlled access for residents and visitors. The application site is now 0.5ha (previously 0.6ha) which gives a development density of 10 dwellings per hectare (dph) (a reduction from the previous 13.3dph)

Jesson Road is a mature, traffic calmed, residential road connected to Birmingham Road at both ends, with the ground level of the road dropping from west to east. The nearest junction is with Belvidere Road which is a three arm mini-roundabout adjacent to which is St Mary's the Mount Catholic Primary School. The houses in the area are large two storey detached dwellings set within mature landscaped settings. There is a boulevard of street trees within Jesson Road. Properties in Jesson Road are of varying ages and architectural styles but are dominated by a front projecting gable with a double bay window with a white render finish. The large rear gardens of this side of Jesson Road are between 100m and 12m in length, an average of 53m. The density of the detached houses along the northern part of Jesson Road are 6.3dph. The southern part of Jesson Road is 7.6dph, with Birmingham Road 19dph and Mandeville Gardens 28.5dph. The application site is 660m walking distance from the Town Centre Boundary.

The site is covered by Tree Preservation Orders 19 of 2010 and 11 of 2012. The former is an Area Order that protects all trees that were present when the Order was made, the latter is a more specific Order and identifies individual and group trees that are deemed to be worthy of protection.

The site is well furnished with trees which is characteristic of the area. They are a mix of coniferous and broadleaved, young and mature, which one would expect in properties with large rear gardens.

They contribute significantly to the amenity value of the area and perform a significant screening function between adjoining properties both in Jesson Road and in Birmingham Road.

The following documents have been submitted with the application:

Planning Statement

- 1k from Walsall Centre, which has shopping, commercial, cultural and civic amenities, Walsall railway station and bus station.
- Number 637 runs between Walsall Town Centre and Hough Road. The number 51 runs between Birmingham, Great Barr and Walsall and can be caught along Birmingham Road every 9 minutes, 400m from the application site.
- Each dwelling has a double garage and two car parking spaces.
- National Planning Practice Guidance has been published since last refusal.
- Recognises that the gardens are not development land but reasons that the site is sustainable.
- The proposal is for aspirational housing which has been a material consideration of previous housing decisions by the Council, identified as class A and B housing in the Black Country Core Strategy.
- The proposal would retain substantial trees which would not impact on the proposed housing layout.
- The layout now includes a landscape buffer and clear demarcation between public and private spaces.
- The access road now provides the required width for bin lorry access.
- 0.55 hectare site

Design and access statement

- The application site has been reduced in area now only consisting of the largest gardens in Jesson Road.
- The principle of reducing these gardens has already been established with the transfer of part of the rear garden of 3 Jesson Road to St. Mary's Mount RC. Primary School.
- Proposed houses have been designed to reflect the character of the up-market quality detached two storey family houses.
- In order to compensate for some losses of hedgerow and trees the proposed landscaping scheme is to incorporate locally native replacements.
- Site is well served by public transport with Walsall Railway Station 0.8 miles away. There are four major supermarkets within 1 mile, and eleven schools within 0.5 miles.

Highway access statement:

- New priority junction proposed.
- 4.8m wide access
- Jesson Road is limited to 20mph
- Visibility splay at 2.4m set back of 36m to the left and 39m to the right when existing.
- Autotrack has been provided
- A bin and recycling collection point is proposed adjacent the site entrance (this is a mistake by the agent which has been clarified as such via email)

Landscaping specification:

- Guidance of BS3936: Trees in relation to Construction will be followed.
- All trees are to be planted a minimum 3m from drainage and services.
- Includes topsoil improvements and other establishment measures.

Ecological Appraisal

- Concludes that the site is considered to be of low biodiversity value, but with features of ecological interest including hedgerows and trees that are of value to local wildlife, including nesting birds.

- Botanical interest within the site is limited as plant species present were not notable or rare.
- The hedgerow to the front of 5 Jesson Road should be retained.
- The survey did not identify any badgers or great crested newts.
- To avoid disturbance to breeding birds, any removal of woody vegetation will be undertaken outside of the bird-breeding season (March to September).
- Crevice roosting opportunities for bat and bird boxes is recommended.

Bat Survey Report

- No evidence of roosting bats in the buildings to be demolished or trees.
- Foraging activity was noted across the site.
- Construction of the access road and the houses could have a minimal effect on the foraging behaviour of local bat population, but with the implementation of new garden such impact should be negligible.
- Bat boxes should be installed on mature trees around the periphery of the site.

An amended bat survey has been received - updated July 2014

Tree Survey

- 19 Trees to be retained, including all class A trees
- 13 Trees to be removed

Tree Shading Diagrams

- 2 Tree shading diagrams

Relevant Planning History

Land r/o 5 Jesson Road, Walsall

BC9361 - Erection of detached bungalow and garage and access construction. Refused 24/5/1978

1) Unsatisfactory access for services and delivery of goods 2) Incompatible with the pattern of the existing development in the area and would prejudice any potential comprehensive development which might arise in the future.

BC10510 – Erection of detached bungalow, garage and access. Granted subject to conditions 19/9/1978.

BC17646 – Renewal of outline pp BC10510 for detached bungalow. Refused 16/3/1981. The development proposes, and the comprehensive development envisaged, would be detrimental to the amenity and character of the area.

Land rear of 5-7 Jesson Rd, Walsall WS1 3AY

12/1251/FL - Proposed demolition of 7 Jesson Road and erection of 8 new houses, including garages and infrastructure. Refused on 27/06/13 for the following reasons:

1. The proposed development of residential gardens is not an effective use of land. The development would provide an unacceptable backland development by reason of the erosion of established private gardens with no street frontage. The development would be out of character with the pattern and density of development in the surrounding area. The proposal fails to respond to local character, reinforce local distinctiveness or reinforce the existing urban structure.
2. The proposals would result in the loss of several notable trees on site and would have a significant detrimental effect on other trees, both inside and outside the site that may result in premature decline, death or removal. The loss of these trees, the subject of a Tree Preservation Order, would be detrimental to the overall amenity, aesthetic and landscape character of the area.

3. The proposal would not provide a satisfactory level of amenity for adjoining and potential occupiers of the development by virtue of:

- The proposed access drive by reason of occupation of the site for residential purposes would blur the public and private realm by way of exposing private rear amenity areas of 5 Jesson Road and plots 7 and 8 to the public realm, exposing these boundaries to noise and disturbance and reducing security.
- The front of plot 5 overlooking the rear private amenity space of 11 Jesson Road.
- The bedroom window of plot 8 directly overlooking the private amenity space of 9 Jesson Road.
- A poor residential outlook for plots 3 and 5 by virtue of the positioning of the detached double garage directly in front of the lounge window and a poor outlook for plot 1 due to the close relationship with the blank side elevation of plot 7.
- Poor quality amenity space for plots 2, 4 and 5 as a consequence of significant shading from retained trees.
- Significant travel distance for occupiers to drag refuse bins to the bin hardstanding point likely to result in a collection of bins permanently being left on the hardstanding to the detriment of visual amenity.

10/1156/OL - Outline application (Considering layout, access and scale) for three detached dwellings with access between 5 & 7 Jesson Road. Refused 19/10/2010 on the grounds of

- 1) piecemeal, uncoordinated backland development at odds with the generally spacious pattern of development,
- 2) overlooking from Plots 1 and 3 to neighbouring residential development and noise and disturbance to existing and future residents of 5 and 7 Jesson Road,
- 3) loss of several notable trees and hedgerows,
- 4) failed to demonstrate proposal would not have an adverse impact on the natural environment,
- 5) conflict between vehicles and other road users.

Land rear of 11-13 Jesson Road, Walsall

BC11724 – Renewal of outline planning permission P37389 and BC4360. Erection of 2 bungalows. Refused 12/4/1979. Unsatisfactory tandem development that would add to the difficulties of providing normal services, inhibit possible future larger scale development and be significantly harmful to the amenities of the occupants of the immediately adjacent houses.

Little Gorway/rear of 32 Gorway Road

BC56422P - Part demolition of 32 Gorway Road with erection of 3no. four bed detached dwellings in a tandem formation. Dismissed at appeal in June 2001 for the following reasons:

- Piecemeal uncoordinated backland development at odds with the generally spacious pattern of development that would be harmful to the character of the locality.
- Prominence of dwellings would inhibit the reasonable enjoyment of private gardens of neighbouring properties.

09/0214/FL - Erection of 3 two storey dwellings following demolition of existing dwelling. Refused 27/4/2009 on the following grounds:

- Erosion of established private gardens, piecemeal, uncoordinated backland development at odds with the generally spacious pattern of development in the area.
- Out of character with and have an adverse impact on the street scene
- Impact upon adjoining properties
- failed to take account of local design characteristics

Relevant Planning Policy Summary (Note the full text version of the UDP is available from Planning Services Reception and on Planning Services Website)

National Planning Policy Framework (NPPF)

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

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

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

Key provisions of the NPPF relevant in this case:

4: Promoting Sustainable Transport

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

35. Developments should be located to create safe and secure layouts.

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

6: Delivering a Wide Choice of High Quality Homes

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

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

7: Requiring Good Design

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

58. Decisions should aim to ensure that developments:

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

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

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

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

11. Conserving and enhancing the natural environment

109. The planning system should contribute to and enhance the natural and local environment by, protecting and enhancing valued landscapes.

111. Planning decisions should encourage the effective use of land by re-using land that has been previously developed (brownfield land), provided it is not of high environmental value.

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

123. Planning decisions should aim to:

- Avoid noise from giving rise to significant adverse impacts

On **planning conditions** the NPPF says:

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

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

The Development Plan

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

Regional Strategy (RS)

The Regional Strategy was cancelled by the Secretary of State on 20th May 2013.

Local

The Black Country Core Strategy (BCCS) (2011)

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

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

The BCCS states that the councils will create cohesive, healthy and prosperous communities.

The key planning policies include:

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

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

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

HOU2: Density and form of new housing should be informed by the need for a range of types and sizes of accommodation, level of accessibility and need to achieve a high quality design and minimise amenity impacts. All developments will aim to achieve a minimum net density of 35 dph except where higher densities would prejudice historic character and local distinctiveness as defined in Policy ENV2.

ENV1: Nature Conservation. Development will safeguard nature conservation by ensuring species which are legally protected, in decline, are rare in the Black Country will not be harmed by development.

ENV2: Historic Character and Local Distinctiveness

States that development proposals will be expected to preserve and, where appropriate, enhance local character and distinctiveness. Proposal should aim to sustain and reinforce locally distinctive elements: e) Areas of extensive lower density suburban development of the mid 20th century,

ENV3: Design Quality

Development proposals across the Black Country will deliver a successful urban renaissance through high quality design that stimulates economic, social and environmental benefits.

Implementation of the principles of "By Design" to ensure the provision of a high quality networks of streets, buildings and spaces.

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

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

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

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

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

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

The relevant policies are:

GP2: Environmental Protection

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

I. Visual appearance.

VI. Overlooking, loss of privacy, and the effect on daylight and sunlight received by nearby property.

VII. The adequacy of the access, and parking.

XII. The effect on woodland or individual trees on or near the site.

3.6 Development and redevelopment schemes should as far as possible, help to improve the environment of the Borough.

ENV18: Existing Woodlands, Trees and Hedgerows. The Council will ensure the protection, positive management and enhancement of existing woodlands, trees and hedgerows.

Development will not be permitted if it would damage or destroy trees or woodlands protected by Tree Preservation Order,

ENV23: Nature Conservation and New Development

- (a) The layout of all new development must take account of:-
- I. The potential for enhancement of the natural environment through habitat creation or the exposure of geological formations.
 - II. The nature conservation opportunities provided by buildings by designing in features which provide roosting/ nesting places for bats.
- (b) The Council will require the layout of all new development to take full account of existing features of value for wildlife or geology. Where loss or damage of existing features is unavoidable, the Council will require mitigation measures to which adequately compensate for the features lost.
- ENV32: Design and Development Proposals.**
- (a) Poorly designed development or proposals which fail to properly take account of the context or surroundings will not be permitted. This policy will be applied to all development but will be particularly significant in the following locations:
- VI. Areas with a special character arising from the homogeneity of existing development in the neighbourhood.
- (b) When assessing the quality of design the Council will use the following criteria:
- I. The appearance of the proposed development
 - II. The height, proportion, scale and mass of proposed buildings/structures.
 - IV. The integration and co-ordination of buildings and external space.
 - VI. The visual relationship of the proposed development with adjacent areas, the street and the character of the surrounding neighbourhood.
 - VII. The effect on the local character of the area.
- ENV33: Landscape Design**
- Good landscape design is an integral part of urban design
- T7: Car Parking**
- All development should satisfy the car parking standards set out in Policy T13, and be well designed.
- T10: Accessibility Standards – General**
- (b) Standards will apply to all development proposals with the exception of:
- i small residential developments within existing residential areas including infill plots
- 7.51: Easy walking/cycling distance** will depend on local circumstances but the maximum will normally be regarded as 1000m.
- T13: Parking Provision**
- 4 bedroom houses and above, 3 spaces per unit

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

Planning Policy Statement 3: Now revoked but explained:

Previously-developed land (often referred to as brownfield land): 'Previously-developed land is that which is or was occupied by a permanent structure, including the curtilage of the developed land and any associated fixed surface infrastructure.'

The definition includes defence buildings, but excludes:

- Land that is or has been occupied by agricultural or forestry buildings.
- Land that has been developed for minerals extraction or waste disposal by landfill purposes where provision for restoration has been made through development control procedures.
- Land in built-up areas such as private residential gardens, parks, recreation grounds and allotments, which, although it may feature paths, pavilions and other buildings, has not been previously developed.
- Land that was previously-developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape in the process of time (to the extent that it can reasonably be considered as part of the natural surroundings).

There is no presumption that land that is previously-developed is necessarily suitable for housing development nor that the whole of the curtilage should be developed.

Supplementary Planning Documents (SPD)

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

Designing Walsall (Feb 2008)

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

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

The following are the relevant policies;

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

DW4 – Continuity – New development proposals must give consideration to common building lines and how the development will give definition to streets and spaces to reinforce the existing urban structure and give significance to important streets and spaces.

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

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

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

Local Character Guidance – Highgate: New development should respect the pattern of plots widths and building line. High quality streetscene should be preserved and maintained as part of any new development. New development should reflect existing architectural detailing and add interest and variety to streetscene.

Annexe E: Privacy and aspect distances between dwellings must ensure that all occupants have a satisfactory level of amenity, whilst reflecting the existing and emerging character of the area. The requirement to design longer rear gardens to reflect an area's character is applicable and the guidelines should not mean to be the maximum achievable distances.

Numerical Guidelines for Residential Development identifies privacy and aspect distances between dwellings including 24m separation between habitable windows for two storeys and above, 13m separation between habitable room windows and blank walls exceeding 3 metres in height, 45° code, garden dimensions of 12m in length and 68m² for housing.

Conserving Walsall's Natural Environment SPD (April 2008) - advises on the information requirements and survey standards for protected species to accompany planning applications.

NE7 - Planning applications which are not supported by an adequate arboricultural impact assessment are likely to be refused.

NE8 - All planning applications proposing the retention of trees, woodlands or hedgerows within a development site should demonstrate that the trees to be retained will survive without causing significant nuisance beyond the development phase. Adequate space should be retained for the trees to develop in the future without causing severe shading or requiring damaging containment pruning.

Circular 06/2005

Defines species of animals and plants protected by law.

CABE: By Design

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

Tree Preservation Orders, a Guide to the Law and Good Practice

Para 5.11 says that the proximity of trees to buildings is an important consideration. It states that incoming occupiers of properties will want to be in harmony with their surroundings without casting excessive shade or otherwise interfering with their prospects of reasonably enjoying their property. It also says that unreasonable inconvenience to occupiers leads inevitably for consents to fell.

Consultations

Natural Environment Team

Tree Conservation – full comments to follow

Ecology – No objections subject to conditions

Landscape Team – No objections subject to conditions

Environmental Health – No objections

Fire Officer – No objection

Pollution Control

Scientific Team – No objections

Contaminated Land Team – No objections

Severn Trent – No objections subject to conditions

Transportation – No objection subject to condition for visibility splay

Representations

25 objections have been received on the following grounds:

Overdevelopment

Close to school and Highgate Brewery, existing congestion would be made worse

Highway safety

20mph limit not adhered to, lack of traffic signs

Would be out of character

Would set a precedent

Loss of trees on Jesson Road

Increase population density

Similar schemes previously refused

Backland development

Impact on amenity

Contrary to National, Regional and Local policies

Gardens being too big to be manageable, is not evidence based (not a determining issue of this application)

Would not improve amenity

Harmful to wildlife and natural environment which cannot be compensated for and the bat & ecology survey's are out of date

Light impact on the environment as a result of the development

There are newts on site

Existing supply of larger homes available

Gardens not brownfield

Noise

High value houses are to maximise profit (Not a material consideration)

Poor layout, density and appearance harming the street scene

Should be refused because it is similar to other nearby refused schemes (each application is determined on its own merits)

Does not address Walsall's housing land or key housing needs

The application documents are not clear and are disputed. (The submitted details are considered acceptable to determine the application and are not the sole basis for the planning assessment)

Plot 4 overlooks the rear amenity space of number 9 and 11.

Communal area could be an area for anti-social behaviour causing disturbance.

Impact on amenity and environment by construction work.

The turning circle is at the bottom of number 100 Birmingham Road and would have an impact on amenity.

Narrow access road likely to result in conflict between vehicles and other road users.

Site not identified for housing as part of 8-9 year housing supply.

Occupiers would likely require more trees to be removed

Development is motivated by profit (not a material planning consideration).

Impact on foxes

Bins on the highway due lack of access to site.

Loss of views (not a reason to refuse planning permission)

Does not reflect existing pattern of development or density.

Over-dominant in relation to houses in Mandeville Gardens and number 5 Jesson Road.

Would overlook school playing field.

Trees would impact on proposed refuse and fire access.

Access Statement does not include traffic movement data

Determining Issues

- Principle of residential development
- Impact on the character and appearance of the surrounding area
- Impact on residential amenity
- Access and parking
- Landscaping and trees
- Protected species

Observations

Principle of development

The NPPF says that decisions should encourage the effective use of land by re-using land that has been previously developed. The application is on garden land, which is not defined as brownfield land. The NPPF also says that housing applications should be considered in the context of the presumption in favour of sustainable development.

There are three elements to sustainable development, economic, social and environmental. For economic: the need to ensure that sufficient land of the right type is available in the right places and at the right time; for social: providing the supply of housing required to meet the needs of present and future generations and environmental: contributing to protecting and enhancing our

natural, built and historic environment. In Walsall, the 5 year requirement of housing supply is currently being met through the allocation of housing land and granting of planning permission (which is significantly brownfield land), however this does not preclude further housing development. The application site is in an established area of high quality larger homes and has good links to public transport and the proposed amended layout and reduction in density is considered to take account of the existing character of the area.

On balance the proposal is in accordance with the economic and social role as defined in the NPPF. The development would be a sustainable form of development which is supported by the NPPF, further consideration to the environmental role - protecting and enhancing our natural, built and historic environment can be found later in this report.

Impact on the character and appearance of the surrounding area

The NPPF says that decisions should respond to local character, it is proper to seek to promote or reinforce local distinctiveness, address the integration of new development into the, built environment. Permission should be refused for development of poor design that fails to take the opportunities available for improving the character. Policies CPS4, HOU2, ENV2, ENV3 of the BCCS; GP2, 3,6 and ENV32 of the UDP and Supplementary Planning Document Designing Walsall, require development to be informed/influenced by their context and reinforce locally distinctive elements. Plot sizes and built density will relate to their local context. Exploitation of large building plots in residential areas for inappropriate infill will not be permitted. Local Character Guidance – Highgate: says that new development should respect the pattern of plots widths and building line. High quality streetscene should be preserved and maintained as part of any new development. New development should reflect existing architectural detailing and add interest and variety to streetscene.

The main characteristics of the area are the spacious layout of houses, with wide fronted house plots sharing a common building line and all fronting the road, with street frontage access; they have extensive garden areas with well established and diverse landscape features. This is one of the very few areas in the Borough with houses sited within large plots. There have been limited infill developments in the locality.

The proposed development with respect to the local character is of a lower density than previous proposed, although still a higher density than its surroundings. The development would be at a density of 10dph which is higher than this part of Jesson Road at 6.3dph, but is a reduction from the previous proposal and considered not to be significantly higher than existing. While policy HOU2 refers to achieving a minimum density of 35dph that is except where higher densities would prejudice historic character and local distinctiveness. This density on balance is considered would be compatible with the existing urban structure, is not considered to be over development and which overcomes part of the previous first refusal reason.

The revised layout includes a new house, plot 5 to replace number 7 facing the street and plot 1 would face the proposed access to the other plots, this layout is compatible with the existing street frontage with the remaining plots not visible from Jesson Road. The reduction in the number of dwellings to the previous refused scheme allows for wider plots which average 14.46m which better reflect the existing plot widths of houses in Jesson Road of 16.6m. The proposed average garden lengths of 16.8m would be less than the existing average garden of 53m in length of houses in Jesson Road but would back onto neighbouring gardens which would help preserve the spacious character and which would not have a significant impact on the character or appearance of the area as this aspect would not be visible from the street and would not have a significant impact to warrant refusal.

For the above reasons the proposal is considered to overcome the previous refusal reason.

It is considered that the architecture of the plots have considered the design of the existing houses in Jesson Road. Subject to the use of appropriate materials, the replacement house satisfactorily integrates into the streetscene. The applicant submits that the materials would be considered later. Given that the architecture is acceptable, materials could be conditioned to ensure they blend in with those used in the locality.

Concerns have been raised that the proposal would set a precedent for other backland development in the area, however each case would be judged on its merits. The comments in the submitted planning statement that the existing large gardens are too large to be manageable itself is not considered justification for this development.

Concern has been raised about the potential of the proposal to overlook a school playing field. It is considered that the trees to be retained would offer suitable screening and the proposal would not result in no more potential for overlooking than is already the case from existing housing in the area.

Impact on residential amenity

Due to the positioning and location of the proposed houses, the proposal would accord with the Council's separation distances in regard to the relationship with properties in Birmingham Road and Mandeville Gardens and therefore would not result in a significant loss of privacy, overlooking or outlook.

The revised layout would mean that in relation to one another the plots accord with the Council's separation standards and they would have clearly defined private amenity space. Plot 1 would now face the access into the development, providing visual surveillance which would minimise the potential for anti-social behaviour or disturbance.

The proposed gates have been omitted; the detached garages are located so not to have an adverse impact on any habitable room windows and the access meets the standards required for bin lorries to collect from the proposed houses. For these reasons the proposal is considered to overcome the third reason for refusal.

Neighbours object to the application on the grounds of noise as a result of the construction and noise and light pollution throughout the use of the development. Noise, during construction would not be a reason to refuse a planning application. Conditions controlling the hours of construction, dust, debris and external lighting can be applied to any approval.

It is recognised that there would be an increase in activity within the existing gardens by virtue of people and vehicle related movements, above the existing level of usage. However this is a residential area and use of the proposed gardens would be similar to any urban environment where a level of noise and light spill from vehicle headlights is not unknown. It is not considered that the use of the development site would give rise to levels of air pollution that would make the development incompatible with its surroundings. There are no objections from Pollution Control or Environmental Health and with the use of boundary fences it would be unreasonable to refuse the application on these grounds.

The proposed gardens areas are considered acceptable to provide an adequate level of amenity for potential occupiers and do not present any undue potential for overlooking due the layout and garden lengths.

In regard to drainage, a condition can be attached requiring full drainage details.

Access and parking

The application proposes four spaces for each house, which is in accordance with policy. The width of proposed private road would be 4.8m allowing for cars passing in either direction. The Highway Officer has taken regard to the submitted access statement and has no objection to the proposal subject to a revised access visibility splay which can be conditioned and which is achievable.

Jesson Road is restricted to 20mph and is traffic calmed. There is a carriageway width of 8m with footways of 2m on either side with no formal parking restrictions. There is good off-street parking provision. The new private road would be generally positioned over the current boundary between 5 and 7 Jesson Road and would consolidate the two existing vehicle crossings. Service vehicles can access and turn within the site and exit the site in a forward gear. Refuse vehicles are now proposed to enter the development.

It is considered that the movement of service vehicles within the site would have no undue impact on the amenities of existing houses any more than would be experienced by such vehicles from existing access roads.

The increase in vehicles using the private driveway was not considered to result in a significant impact upon the existing users of Jesson Road in the assessment of the previous application and this resubmission is a reduction in proposed houses.

To ensure sufficient parking provision is retained the future conversion of garages to residential accommodation which would result in the displacement of vehicles, can be mitigated for by condition.

The applicant proposes illuminating the access drive, while no details are provided at this time, a planning condition could be used to ensure the appropriate location and level of illumination to ensure the access is sufficiently illuminated without causing glare.

The plot would be within 1000m of the Town Centre boundary which is considered (paragraph 7.51 of the UDP) the maximum reasonable walking distance to local services to ensure that the proposal would not place significant emphasis on the use of the car.

The Highways Officer is aware of the context of the site and raises no concerns about highway safety as a result of the proposal in relation to the nearby school and brewery.

Landscaping and Trees

The Landscape Officer considers that further landscape details are required but that they can be conditioned and are not a reason to refuse the application.

The current development proposal has been amended to take account of comments made by the Council in previous submissions and subsequent discussions. The Tree Officer considers the proposal an improvement to the previous submission with reasonable sized dwellings on reasonably sized plots, and the tree report has demonstrated that trees of sufficient condition and quality would be retained. The Tree Officer is aware of the proposed service vehicle access and location of trees and raises no concern in this regard.

Shading diagrams have only recently been received and the Tree Officer considers that they adequately demonstrate that in principle the proposal can be supported. Conditions to ensure trees to be retained are not damaged during construction, or by drainage systems can be attached to the decision.

The amendments are considered sufficient to overcome the previous refusal reason.

Protected species

This is a development where a bat report carried out in support of the planning application by fpcr dated July 2014 has been submitted. The survey involved bat activity work and found no evidence of bats.

The Ecology Officer has no adverse comments on the survey or its findings and it is recommended that planning conditions to protect local bat and bird populations are incorporated into any planning permission granted.

The ecological report states that the habitat is unlikely to sustain protected newt species and reports no evidence of foxes, other than anecdotal. The Ecological Report raises no objection from the Ecology Officer.

Positive and Proactive working with the applicant

Officers have met with the applicant's agent and worked closely in response to concerns raised, amended plans have been submitted to enable full support to be given to the scheme.

Recommendation – Grant subject to conditions, and no new material considerations from consultees which cannot be mitigated for by condition.

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

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

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

- Site location plan (JES/001A) deposited 9 June 2014;
- Site sections (JES/007) deposited 9 June 2014;
- Street scene (JES/016A) deposited 9 June 2014;
- Site layout plan (JES/107A) deposited 9 June 2014;
- Garage plans and elevations (JES/015A) deposited 9 June 2014;
- House type A rear and side elevations (JES/005) deposited 9 June 2014;
- House type A front and side elevations (JES/004A) deposited 9 June 2014;
- House type A ground and first floor plans (JES/003B) deposited 9 June 2014;
- House type E rear and side elevations (JES/102) deposited 9 June 2014;
- House type E front and side elevations (JES/101A) deposited 9 June 2014;
- House type E ground and first floor plans (JES/103A) deposited 9 June 2014;
- House type F rear and side elevations (JES/105) deposited 9 June 2014;
- House type F front and side elevations (JES/104) deposited 9 June 2014;
- House type F ground and first floor plans (JES/106A) deposited 9 June 2014;
- Design and Access Statement Issue 1 June 2014 deposited 9 June 2014;
- Landscaping Specification Issue 1 May 2014 deposited 9 June 2014;
- Planning Statement deposited 9 June 2014;
- Ecological Appraisal December 2011 deposited 9 June 2014;
- Updated Bat Survey Report July 2014 deposited 31 July 2014;
- Tree Shading Diagram 1 deposited 18 August 2014
- Tree Shading Diagram 2 deposited 18 August 2014

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

3a. Prior to the commencement of the approved development a revised plan is to be submitted to and approved in writing by the local planning authority showing a pedestrian visibility splay of 2.4 by 3.4 metres to serve the access.

3b. The agreed visibility splays shall be constructed prior to the occupation of the first dwelling and shall be thereafter be retained and kept clear of any obstructions over 600mm in height at all times.

Reason: In the interests of highway safety

4a. Prior to the commencement of this permission drainage details for the disposal of surface water and foul sewage have been submitted to and approved in writing by the Local Planning Authority.

4b. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

Reason: To ensure the development is provided with satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem, to minimise the risk of pollution and to ensure that drainage measures do not compromise protected trees and to comply with policies ENV10 & ENV18 of Walsall's Unitary Development Plan.

5a. Prior to the commencement of this permission, details of any external lighting to be installed within the site perimeter and within the site shall be submitted to and approved in writing by the Local Planning Authority.

5b. The development shall be completed with the approved details and these shall be retained and maintained at all times.

Reason: To prevent light pollution and to protect the amenity of surrounding residential occupiers and to comply with policy GP2 of Walsall's Unitary Development Plan.

6a: Notwithstanding the submitted detail prior to the commencement of the development a schedule of facing materials and roof tiles shall be submitted to and approved in writing by the local planning authority

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

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

7a: Notwithstanding the submitted details and prior to the commencement of the development full details of landscaping to the site including proposed tree and shrub numbers, exact genus and cultivar of species, shall be submitted to and approved in writing by the Local Planning Authority.

7b: The approved details shall be fully implemented.

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

8: Prior to commencement of development full details of boundary treatments including height, type and finish to the site have been submitted to and approved in writing by the Local Planning Authority.

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

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

9a: Prior to commencement of development full measures for controlling dust, flying debris, and drag-out from the site shall be submitted in writing and approved with the Local Planning Authority.

9b: All agreed measures shall be fully implemented and maintained throughout the duration of demolition operations and construction activities.

Reason: To provide satisfactory levels of amenity and to comply with policy ENV10 of Walsall's Unitary Development Plan.

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

Reason: To protect local bird populations.

11. No development or storage of building materials shall take place until protective fencing to BS5837:2005 has been erected around the trees on the open space adjoining the site. The fencing shall be retained until the development is complete and any remaining materials have been removed. No pruning of these trees shall take place without the prior written approval of the Local Planning Authority.

Reason: To safeguard the trees along the boundary with the application house which are subject to a Tree Preservation Order and to comply with policy ENV18 of Walsall's Unitary Development Plan.

12(a) Bat survey work has found no evidence of bat presence in the buildings within the site (as identified in the bat report by fpcr dated July 2014) and the following precaution shall be taken when implementing the planning permission:

1. Contractors undertaking demolition works shall be made aware that bats may be present and undertake demolition works in the expectation that bats may be found.
2. Contractors undertaking tree felling work shall be made aware that bats may be present and undertake removal of ivy by hand followed by soft felling/ sectional felling with timber left in situ overnight. If features or cavities are found during works, all operations shall cease until inspection by a suitably qualified and experienced ecologist has taken place.

If no bats or evidence of bats are found during these operations, the approved works can continue.

12(b) If bats or evidence of bats are found during these operations:

1. bats should not be handled or touched and the vicinity of the roost shall be immediately reinstated.
2. no further destructive works shall be carried out to the building until the need for Natural England licence has been established.

3. within one week of finding bats or evidence of bats, a written report by the supervising ecologist shall be submitted for the approval in writing of the Local Planning Authority, recording what was found, and proposing appropriate mitigation measures, including a timetable for their implementation
4. work on the building shall only continue in accordance with the approved mitigation measures and on the approved timetable and/or in accordance with the terms of any Natural England licence issued

Reason: to conserve local bat populations.

13. At least three bat roosting boxes shall be erected on mature trees towards the periphery of the site before any part of the development is brought into use and retained thereafter with access openings maintained free of obstructions at all times. The bat box type and exact siting shall be agreed in writing with the Local Planning Authority before any site clearance commences.

Reason: to conserve local bat populations.

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

- There shall be no direct illumination of the bat boxes installed.
- Any lighting installed shall be low wattage down lights to provide security and safety lighting which will be set no higher than head height.
- Low intensity lighting shall be used where possible.
- Any security lighting shall use PIRs to ensure they turn off automatically once movement has ceased.

All external lighting shall be carried out in accordance with the above requirements unless otherwise agreed in writing by the Local Planning Authority.

Reason: to conserve local bat populations.

15. 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.

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

Reason: To provide satisfactory levels of amenity and to comply with policy ENV10 of Walsall's Unitary Development Plan.

16. No ground fires shall be permitted on the application site.

Reason: To provide satisfactory levels of amenity and to comply with policy ENV10 of Walsall's Unitary Development Plan.

17. The approved driveways and detached garages as illustrated on plan number JES/107/A received on the 9th June 2014 shall only be retained for the parking of vehicles.

Reason: To ensure the satisfactory provision of off street parking and in accordance with T7 and T13 of Walsall's Unitary Development Plan.



Regeneration Directorate – Planning and Building Control

Planning Committee

Report of Head of Planning and Building Control, Regeneration Directorate on 18/09/2014

Plans list item no: 5.

Reason for bringing to committee: Site owned by Councillor

Application Number: 14/1109/FL
Application Type: Full application

Case Officer: Devinder Matharu
Telephone Number: 01922 652602
Email: planningservices@walsall.gov.uk
Agent:

Applicant: Mr Nick Massey

Proposal: Proposed 3 bedroom cottage.

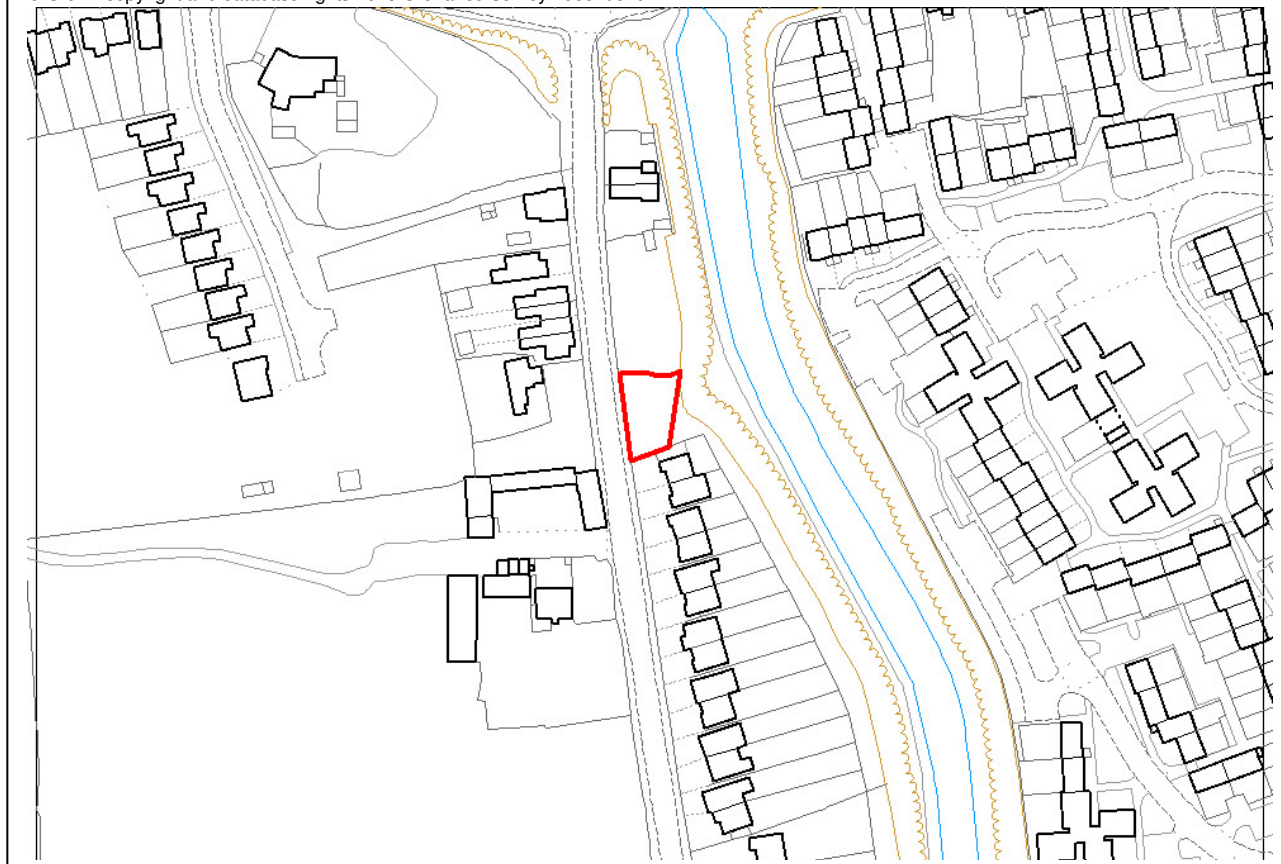
Location: LAND ADJACENT TO 146, HALL LANE, WALSALL WOOD, WALSALL, WS9 9AR

Ward: Aldridge North and Walsall Wood

Expired Date: 25/09/2014

Recommendation Summary: Grant Permission Subject to Conditions

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Application and Site Details

The application site is located on the eastern side of Hall Lane adjacent number 146 and 168. The site is narrow in depth with a long frontage. Beyond the application site is the canal embankment, an overgrown area and beyond this, the Daw End Branch Canal. Hall Lane slopes northwards towards the junction with Camden Street and Green Lane.

To the north of the application site are a row of three terrace houses adjacent to 178, Hall Lane, Walsall Wood that were constructed under planning reference 12/0533/FL. These houses are set back from the footpath with the frontage parking and small amenity areas to the rear of the houses.

Number 146 Hall Lane is one half of a pair of semi detached houses and has a single storey garage at the side closest to the application site. There is a first floor landing window that faces the application site. A stepped boundary wall forms the boundary between 146 Hall Lane and the application site.

This part of Hall Lane is predominantly residential with no specific design of dwelling, with a farm house and associated farm buildings on the opposite side of Hall Lane with typical two storey style Victorian properties at the top of Hall Lane. Below the application site (no. 146) are 1960's pairs of semi detached properties.

The residential properties along Hall Lane are staggered with Victorian properties being positioned at the back of the public footpath and other modern housing being set back with front gardens and driveways.

The site is adjacent to the former British Waterways maintenance yard which has been redeveloped for three houses. The southern boundary of the site is shared with the adjacent dwelling of no. 146 which is a two storey semi detached house.

On the eastern side is a high embankment alongside the canal. There are Victorian age dwellings to the northern boundary and the west boundary (the site frontage) abuts Hall lane where further Victorian properties face the site. The topography of the site is predominantly level matching the ground level of the surrounding properties.

The site is approximately 750 metres from the main centre of the village of Walsall Wood.

The wider area is predominantly residential consisting of two architectural styles in the immediate vicinity of the site, Victorian terraced properties and much later 1930's –1970's housing. Further south towards Walsall Wood is a small industrial estate and the main Lichfield Road.

The application seeks the erection of a traditional detached two storey, three bedroom house on land adjacent 146 Hall Lane. The house would be set back 3m back from footpath along Hall Lane and will have a 25 metre wide frontage. The proposed house will be positioned adjacent 146 Hall Lane with the proposed garden and parking area being located towards the north of the site adjacent 168 Hall Lane. The main part of the house would measure 6.4m in width and 4.7m in width with a two storey rear element that projects out 2m from the rear elevation of the house. The proposal would include a porch with a pitched roof. A single storey side extension of 0.7m would provide additional accommodate for the kitchen. The height of the house would be 6.2m, similar to that of 146 Hall Lane.

The amenity area of 86 square metres including the patio area would be provided and this would be enclosed by a 2m acoustic fence.

Two off road parking spaces would be provided with a vehicle access point adjacent 168 and a pedestrian access to the south of the site.

The design proposes a linear frontage along Hall Lane.

Due to the presence of two public sewers which run under the canal towards Hall Lane, the siting of the house is towards the south of the site adjacent to no. 146.

A planting plan has been submitted with the application

The application is accompanied by a *Design and Access Statement* which states that the area will benefit from the removal of this vacant site and that the design takes into account and is sympathetic to the local character of the area.

Planning permission for a detached house was approved under planning reference 13/0914/FL.

Relevant Planning History

12/0533/FL – Row of three terraces. Granted subject to conditions 2/7/12

13/0914/FL – New build three bedroom cottage. Granted subject to conditions 30 August 2013.

Relevant Planning Policy Summary

National Planning Policy Framework (NPPF)

The NPPF was published on 27th March 2012. It cancels and replaces all PPGs and PPSs (except for PPS10 'Planning for Sustainable Waste Management'), several Mineral Policy Statements and Planning Guidance, a number of Circulars and several Letters to Chief Planning Officers.

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

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

- planning should be genuinely plan-led... should provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency
- not simply be about scrutiny, but instead be a creative exercise in finding ways to enhance and improve the places in which people live their lives
- proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs;
- always seek high quality design and a good standard of amenity for all existing and future occupants of land and buildings;
- take account of the different roles and character of different areas, promoting the vitality of our main urban areas;
- support the transition to a low carbon future in a changing climate... encourage the reuse of existing resources, including conversion of existing buildings
- contribute to conserving and enhancing the natural environment
- encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value
- actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable

Key provisions of the NPPF relevant in this case:

4. Promoting sustainable transport

29. The transport system needs to be balanced in favour of sustainable transport modes, although it is recognised that opportunities to maximise sustainable transport opportunities will vary from urban to rural areas.

6. Delivering a wide choice of high quality homes

47. To boost significantly the supply of housing, local planning authorities should:

- use their evidence base to assess needs for market and affordable housing in the housing market area,
- identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements (plus a 5% buffer, which might have to be increased to 20% *“where there has been a record of persistent under-delivery”*).

48. Local planning authorities may make an allowance for windfall sites in the five-year supply if they have compelling evidence that such sites have consistently become available in the local area

50. To deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities,

7. Requiring good design

58. High quality development will be expected to include/meet the following criteria:

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

64. Permission should, be refused for development of poor design

11. Conserving and Enhancing the Natural Environment

109. The Planning System should contribute to and enhance the natural and local environment by:

- Protecting and enhancing valued landscapes

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

The Development Plan

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

Regional Strategy (RS)

The Regional Strategy was cancelled by the Secretary of State on 20th May, 2013.

The Black Country Core Strategy (BCCS)

This was adopted in February 2011 under the current Local Development Framework system, and the NPPF says that for 12 months from the publication of the national framework *“decision-takers may continue to give full weight to relevant policies ... even if there is a limited degree of conflict with this Framework”*.

The key planning policies include 2a and 2b Vision: to include the creation of a network of sustainable communities' right across the Black Country. This will be achieved, in part, by creating environments which offer opportunities for active lifestyles and healthy choices, including provision for outdoor recreation within the urban fabric of the Black Country.

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

2b: Encourages sustainable management of material resources through minimising waste, ensuring all members of the community have the best access to housing, previously developed land is prioritised over greenfield sites and encourages a comprehensive approach to development.

CSP2: A mix of good quality residential areas where people choose to live

CSP4: A high quality of design of the built and natural environment is required. Design of spaces and buildings will be influenced by their context.

ENV1: Safeguards nature conservation by ensuring development is not permitted where it would harm designated sites including Site of Importance for Nature Conservation. Adequate information must be provided with planning applications to ensure the likely impacts are fully assessed.

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

ENV3: Encourage high quality design that stimulates economic, social and environmental benefits.

ENV4: Requires that all development proposals likely to affect the canal network must safeguard the operation of a navigable and functional waterway.

HOU2: Density and type of new housing will be informed by:

- The need for a range of types and sizes of accommodation to meet sub regional and local needs
- The level of accessibility
- The need to achieve high quality design and minimise amenity impacts

TRAN2: Planning permission will not be granted for development proposals that are likely to have significant transport implications unless applications are accompanied by proposals to provide an acceptable level of accessibility and safety by all modes of transport to and from all parts of a development including, in particular, access by walking, cycling, public transport and car sharing.

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

Walsall's Unitary Development Plan (UDP)

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

Key references to saved UDP policies are:

3.6, 3.7, & GP2: Seek to make a positive contribution to the quality of the environment, whilst protecting people and ensuring adequate and safe access is provided.

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

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

ENV18: Seeks to ensure protection, positive management and enhancement of existing woodlands, trees and hedgerows.

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

ENV32: Seeks the design of developments to create high quality environments, well integrated with surrounding land uses and local character. Poorly designed development which fails to properly take account of the context or surroundings will not be permitted.

ENV33: Promotes good landscape design, including in prominent locations and / or where there are features the council requires to be retained or enhanced.

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

T7 and T13: Car Parking should meet council standards and be well-designed.

It is considered in this case that the relevant provisions of Walsall's saved UDP are consistent with the NPPF with two sets of exceptions. The first relates to the NPPF's acceptance of extension or alteration to or replacement of existing buildings. The second, which is more important in this case, is that the NPPF will allow the limited infilling or the partial or complete redevelopment of previously developed sites (where they are defined as brownfield land) and provided there will not be a greater impact on the openness of the Green Belt and the purpose of including land within it.

Supplementary Planning Documents (SPD)

On the basis that relevant Unitary Development Plan policies are consistent with NPPF, the related Supplementary Planning Documents will also be consistent provided they are applied in a manner consistent with National Planning Policy Framework policy. The relevant Supplementary Planning Document's are:

Designing Walsall SPD

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

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

DW1: New development must show that its design maximises energy efficiency in terms of layout, orientation and sustainable use of resources;

DW2: All development must contribute towards creating places that feel safe, secure and welcoming for everyone;

DW3: Design should respect and enhance local identity;

DW6: New development should contribute to creating a place that has a clear identity;

DW9: New development must seek to ensure it creates places with attractive environmental quality;

DW10: New development should make a positive contribution to creating a sustainable environment.

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

Natural Environment SPD

Identifies those features of the natural environment which the Council requires to be properly considered in proposed for development such as protected species and any natural land forms on the site i.e. existing trees and hedgerows.

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

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

It is considered in this case that the relevant provisions of Natural Environment Supplementary Planning Document are consistent with the NPPF.

Consultations

Transportation – No objection subject to planning conditions to parking and access.

Pollution Control Scientific Team – No objection subject to an hours of operation condition to protect the amenity of adjoining residential occupiers.

Pollution Control Contaminated Land Team – No objection

Fire Officer – No objection

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

Inland Waterways – No objection but advise that the canal embankment has been raised in the past to counteract mining subsidence and no risks should be taken by excavations at the toe of the embankment. The foundation trenches for the building should take account of engineering advice from the Canals and Rivers Trust.

Landscape – No objection subject to landscape and boundary treatment details being submitted.

Ecology – No objection

Canals and Rivers Trust - Objection

Public Participation Responses

Three letters from one resident have been received objecting to the proposal on the following grounds:

- Building line projects forward of other houses and this will impact upon vehicle visibility when reversing out of the adjacent driveway
- Not enough space between the proposed house and 146 Hall Lane.
- Rules relaxed for Councillors and for members of the public stricter rules apply
- A boundary over a metre high next to the highway has been allowed.

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

Determining Issues

- Principle of development
- Design and layout
- Sewers
- Impact upon Daw End Branch Canal
- Impact upon surrounding residential occupiers
- Ecology and Landscape
- Access and parking
- Local Finance Considerations

Observations

Principle of development

The principle of residential development has been established through the granting of planning permission for a house on the site under planning reference 13/0914/FL.

The application proposes to infill this vacant plot of land which will complete the street frontage.

The site is situated within a well established residential area within easy walking distance (maximum of 1000m defined in paragraph 7.51 of the UDP) of High Street Walsall Wood Local Centre. Along High Street there are regular bus services to and from Walsall and Brownhills. The site is considered to be in a sustainable location consistent with guidance in the NPPF, BCCS and UDP.

The proposals would result in the development of a parcel of open land which can be accepted if well designed and would not have any adverse impacts.

The principle of an additional house is considered appropriate in this location reflecting its immediate character subject to detailed design matters being resolved.

Objectors have stated that rules are relaxed for Councillors and for members of the public stricter rules apply. Each application is determined in accordance with National and Local Plan Policy as well as the Black Country Core Strategy.

Design and layout

Along Hall Lane there is no one specific house design. The design of the proposed house has altered to replicate a Victorian cottage. It is considered that the design is acceptable, as the proposed house would blend in with other Victorian houses along Hall Lane.

The layout of the proposed house on the site has been altered from the previously approved scheme under planning reference 13/0914/FL to avoid a sewer on the site. This has resulted in the house being reduced in width reduced from 8m to 6m, the house has been set back into the site from the front by a further 0.3m and stepped out at the rear by 0.2m and the two storey rear wing has increased in width from 2.4m to 4m. It is considered the revised layout is considered acceptable.

The proposed amenity area meets the Designing Walsall standards, however with it being at the side of the proposed dwelling it does represent a different approach to the provision of private garden area. The adjacent new dwelling does not have any side facing windows and the proposed side garden is considered acceptable in this instance. A condition restricting any extensions and garden structures is necessary to ensure the appearance of the site does not become cluttered or that there is any impact on the embankment or sewers.

The canal towpath will be at least 13 metres from the rear elevations of the new dwelling this is considered an acceptable distance in order to maintain a satisfactory level of amenity for future occupiers from persons using the tow path.

The redevelopment of the site will provide a house with elements of the local character and vernacular of the area taking into account the sites constraints such as shape, size and close proximity to the canal embankment. The proposed house will complete the regeneration of this particular area.

The design provides the best opportunity for the reuse of this site and by doing so will provide further housing opportunity and choice in terms of house types, size and location. The closeness to the canal corridor and access to the towpath provides additional amenity value to the proposed development.

The high embankment to the canal also forms a substantial natural backdrop to the house.

Sewers

The development of this plot provides an opportunity to clear away an unsightly site and develop it for housing in an area which is predominantly residential. The site lies adjacent the Daw End branch of the canal and its embankment. The site is narrow with a shallow depth and is further constrained by the presence of sewers which run under the canal towards Hall Lane. The house has been sited so as to avoid the line of the two public sewers. Severn Trent Water who are responsible for the sewers have stated that they are prepared to allow building over or building close provided the applicant enters into an agreement with Severn Trent. It is also a requirement for the applicant to fulfil the conditions of Severn Trent which may entail providing evidence that the sewers can safely accommodate any proposed building near to or over it. This does not necessarily prevent planning permission being granted however it may be that if this matter cannot be resolved the site could not be developed with this level of development. This is a matter that the applicant is aware of.

Impact upon Daw End Branch Canal

The proposed dwelling is set off the base of the embankment by 0.2 at the closest point and 0.5m at the furthest point. The canal embankment steadily rises to a height of 4 metres above the ground level of the application site; the canal tow path and canal sit on top of this embankment.

Canal and Rivers Trust have objected to the proposal on the grounds that no details of the foundations and excavations to undertake the construction of the dwelling have been provided to ensure the structural integrity of the embankment is safeguarded. They also state that the conditions put on the previous application 13/0914/ FL for the construct of the dwelling did not go far enough to address their previous concerns and that they do not consider it advisable to approve a dwelling if the scheme cannot be constructed in the location shown on the plans.

Conditions requiring further information demonstrating the development will not impact on the stability of the embankment shall be sought prior to the commencement of the development of the site. The previous conditions on the application were not challenged by the Canal and Rivers Trust and on this basis; the previous conditions imposed on planning permission 13/0914/FL would be retained. With regards to the comments made above that a scheme should not be approved if it cannot be built, in this case, whether the proposed house can be built or not would be a matter for the developer, it wouldn't preclude planning permission from being granted.

Impact upon amenities of surrounding occupiers

Objectors have stated that the proposed house will sit further forward of other properties along Hall Lane. The pattern of housing development along Hall Lane is one where the properties are staggered with Victorian properties being located at the back of pavement and modern houses being set back within the site to provide a front garden and parking area. The proposal would reflect this character of the area and as such can be supported.

The new house will be sited at a slight angle towards the side of no. 146 Hall Lane, there is a first floor landing window in the side elevation of the existing house which is 3.4 metres to the south of the proposed house. The relationship between the two properties is considered acceptable in this instance and will not have a detrimental impact on the amenities of occupiers of no. 146.

Objectors have stated that there is not enough space between the proposed house and 146 Hall Lane. There is no policy that states there should be a minimum distance between houses, the proposed house would be set off the boundary with 146 by 0.3m at the closest point.

Ecology and Landscaping

The landscaping proposals include Hall Lane frontage improvements to allow access to the site and create soft landscaping elements such as garden wall along its frontage with dedicated areas of landscaping which will integrate into the amenity areas for the new house. Again as with the

adjacent development site the existing bushes and shrubs to the base and embankment of the canal bank are to be enhanced and protected.

The Landscape Officer has queried the need for a 2m high acoustic fence. It is considered that the fence has been previously approved under planning reference 13/0914/FL and would be set back from the highway, so as not to be visually intrusive to warrant refusal of the scheme.

Access and parking

The proposal provides 2 off road parking spaces, which is in line with Policy T13 for new housing developments with 2 or more bedrooms.

Objectors have stated that the proposed house being forward of 146 will affect vehicle visibility. The proposed house will be set back within the site and the proposed low level wall along the frontage would be 0.6m high and this would not unduly impact upon vehicle visibility.

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 a single house.

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

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

Positive and proactive working with the applicant

The redevelopment of the site will provide a house with elements of the local character and vernacular of the area taking into account the sites constraints such as shape, size and close proximity to the canal embankment. The proposed house will complete the regeneration of this particular area.

The proposal is consistent with the NPPF and is considered to accord with the aims the Black Country Core Strategy (2011), in particular policies HOU2, ENV1, ENV2, TRAN2 and ENV2, Walsall Unitary Development Plan (2005), in particular saved policies 3.6, 3.7, GP2, 3.113, 3.114, 3.115, 3.116, ENV32, ENV33, 3.117, ENV14, ENV18, ENV17, 3.117, ENV40, H3, T4, T7, T10, 7.51 and T13 and Supplementary Planning Documents – Designing Walsall (2008), in particular policies DW3, DW9 and DW10 and Natural Environment (2008), in particular policies NE7 and NE8.

Recommendation: Grant Permission Subject to Conditions

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

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

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

- Location Plan received 31st July 2014
- Drawing number HL714-PR received 31st July 2014

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

3a. Prior to the commencement of this permission, full details of existing and proposed levels of the site, accessway and floor levels have been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include full details of any retaining structures required to ensure the stability of the site or adjoining land including the canal, and any drainage or other works necessary to facilitate this development.

3b. The approved details shall be fully implemented prior to first occupation and retained thereafter.

Reason: To ensure the satisfactory development of the site and to protect the nearby canal infrastructure in terms of stability, drainage, pollution, erosion and increase in water levels.

4a. Prior to the commencement of this permission, details of:

- Facing materials
- Roofing materials
- Driveway surface materials
- Details of the bricks to be used to construct the front boundary wall

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

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

Reason: To ensure the facing and roofing materials harmonise with those in the surrounding vicinity.

5a. Prior to the commencement of this permission, drainage details for the disposal of surface water and foul sewage shall be submitted to and approved in writing by the Local Planning Authority.

5b. The scheme shall be fully implemented in accordance with the approved details before the development is first brought into use.

Reason: To ensure the development is provided with satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution.

6a. Prior to the commencement of this permission, details of all boundary treatments including details of the front boundary wall, its height and width shall be submitted to and approved in writing by the Local Planning Authority.

6b. Only the approved boundary treatments shall be erected prior to the occupation of the proposed house and in accordance with the approved details and retained and maintained at all times.

Reason: In the visual amenities of the area and to protect the amenities of the proposed and adjoining residential occupiers.

7a. Notwithstanding the plan submitted on 31st July 2014 and prior to the commencement of this permission, a detailed landscape scheme shall be submitted to and approved in writing by the Local Planning Authority. The details shall provide:

- Height at planting and total numbers of Ilex aquifolium
- Written planting specification of landscaping beds to include depth of topsoil and/or compost, particularly to Ilex aquifolium hedge.
- Management details

7b. The approved scheme shall be implemented before the development is brought into use and retained for 5 years and managed in accordance with the approved management details.

7c. Within 5 years should any shrub or plant which dies, becomes seriously diseased, damaged or is removed shall be replaced with a shrub or plant of the same or greater size and the same species as that originally required to be planted.

Reason: To ensure the satisfactory appearance of the development and protect wildlife and to maintain and enhance local biodiversity.

8a. Prior to the commencement of this permission, details of any external lighting to be installed within the site perimeter and within the site shall be submitted to and approved in writing by the Local Planning Authority.

8b. The development shall be completed with the approved details and retained and maintained at all times.

Reason: To prevent light pollution and to protect the amenity of surrounding residential occupiers.

9a. Prior to the commencement of the permission, full engineering details of the proposed 2 metre wide footway construction across the entire site frontage together with a new vehicle dropped crossing to serve the access point shall be submitted to and approved in writing by the Local Planning Authority.

9b. Prior to the first occupation of the new dwelling, the highway infrastructure works detailed above shall be fully implemented to the satisfaction of the Highway Authority and in accordance with the approved details. Any works shall meet all statutory requirements.

Reason: To ensure the satisfactory completion and operation of the development and in the interests of highway safety.

10a. Prior to the first occupation of the development, the parking/ vehicle hard standing area on the property frontage shall be fully consolidated, hard surfaced and drained.

10b. The parking/vehicle hard standing area shall thereafter be retained and use for no other purpose.

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

11. Notwithstanding any permitted development rights, the proposed front boundary wall shall at no time be raised in height over and above that shown on the approved plan HL714-PR dated July 2014.

Reason: To retain adequate inter-visibility at the proposed and existing access points in the interests of highway safety.

12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, or succeeding Orders, there shall be no vehicular access to the site, other than through the accesses as shown on the deposited plans.

Reason: To ensure the satisfactory functioning of the development and in the interests of highway safety.

13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, or succeeding Orders, no side facing windows or doors, other than shown on the deposited plans, shall be installed in any part of this development.

Reason: To safeguard the amenities of the occupiers of adjoining premises.

14. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 or succeeding Orders, the proposed house hereby approved shall not be extended.

Reason: In order to maintain an adequate amenity area for the dwellings and to ensure the satisfactory appearance of the development.

15. Notwithstanding the provision of the Town and Country Planning (General Permitted Development) Order 1995, or succeeding Orders, no structures, garden sheds, etc shall be constructed without the prior submission and approval of a planning application.

Reason: To enable the Local Planning Authority to retain effective control over future development of this site and to ensure the satisfactory appearance of the site.

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

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

Reason: To safeguard the amenities of the occupiers of adjoining and nearby premises.

Note For applicant:

Section 38/278 Works - No work on the public highway should commence until any engineering detail of improvements to the public highway have been approved by the Highway Authority, and an agreement under S278 of the Highways Act 1980 entered into. Any agreement for street lighting should be agreed in writing with Walsall Metropolitan Borough Council's Street lighting partner Amey.

Mud on Highway - The attention of the applicant is drawn to the need to keep the highway free from any mud or other material emanating from the application site of any works pertaining thereto.

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



Regeneration Directorate – Planning and Building Control

Planning Committee

Report of Head of Planning and Building Control, Regeneration Directorate on 18/09/2014

Plans list item no: 6.

Reason for bringing to committee: Proposal does not meet residential standards

Application Number: 14/0651/FL
Application Type: Full application

Case Officer: Devinder Matharu
Telephone Number: 01922 652602
Email: planningservices@walsall.gov.uk
Agent: Walker Troup Architects Limited

Applicant: Walsall Housing Group

Proposal: Erection of 6 x 2 bedroom bungalows with external works, car parking, private access road and landscaping, (access off Clarendon Road).

Location: FORMER GARAGE SITE OFF HARRISON ROAD AND CLARENDON ROAD INCLUDING LAND TO THE SIDE OF 11 CLARENDON ROAD, WALSALL.

Ward: Rushall-Shelfield

Expired Date: 06/10/2014

Recommendation Summary: Grant Permission Subject to Conditions

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Application and Site Details

The application site is located towards the rear of numbers 9 to 19 Clarendon Road, 2 to 12 Harrison Road, 42 to 48 Broad Lane and 24 to 38 Birch Lane. Access to the site is from a driveway between numbers 11 and 13 Clarendon Road. The application site is currently vacant and undeveloped since 2004 but prior to that there were garages on site. The boundary treatment with the adjoining residential properties is a 1.8m high close board fence. The boundary of number 11 and 13 Clarendon Road with the access drive to the site is a brick wall. The access drive slopes upwards into the site from Clarendon Road.

Numbers 9, 13 and 19 Clarendon Road, 6 Harrison Road, 26, 28, 34, 36 and 38 Broad Lane have rear conservatories / rear single storey extensions. Number 12 Broad Lane has a two storey rear extension.

The properties along Clarendon Road are two storey semi-detached properties with render and brick finishes with chimneys, bay and bow lounge windows, porches and tiled canopies across the front entrance. The properties are staggered and some of the front gardens have been converted into driveways with some properties having only on street parking. The front gardens are mainly open with low level boundary walls.

The properties along Harrison Road are two storey semi-detached properties finished in brick with chimneys and porches. Some of the front gardens have been converted into driveways with low level walls and fencing to the frontage.

The properties along Broad Lane and Birch Lane vary between both two storey semi detached and terrace properties finished in brick with chimneys and porches. Some of the front gardens have been converted into driveways with low level walls, fencing and hedging to the frontage.

The application proposes the erection of 6 no 2 bedroom semi detached bungalows. The bungalows would be positioned with a pair of bungalows facing the access road and the other two pairs sitting opposite each other to create a courtyard type development. The development would incorporate small front gardens and 3 small landscaped areas within the site. A total of 9 parking spaces including 3 visitors spaces would be provided towards the front of the bungalows.

The proposal would incorporate two bungalow layouts; plots 1, 2, 5 and 6 would be longer and would measure 11.2m in length, 6.2m in width and 5.1m high with a gable roof and plots 3 and 4 would be deeper and would measure 9.4m in length, 7.4m in width and 5.5m high. The front elevation would have a gable feature and a canopy over the front door. The main habitable rooms would be located towards the front of the bungalows with the kitchen and wet room being located towards the rear.

A bin collection point would be provided towards the rear of 11 Clarendon Street adjacent unit 1.

Due to the shape of the development site, the rear garden lengths of the proposed bungalows vary from 0.7m to 7m. Each bungalow would have the following total amenity space:

Unit 1 – 125 square metres
Unit 2 - 120 square metres,
Unit 3 - 97 square metres
Unit 4 - 129 square metres
Unit 5 - 90 square metres
Unit 6 – 170 square metres.

The site is located 132m from the edge of Spring Road Local Centre and 572m from Shelfield Local Centre.

The existing density of the immediate vicinity is 28 dwellings per hectare (dph) and the development would have a density of 32dph.

The following documents have been submitted with the application.

Supporting statement which states:

- Walsall Housing Group (WHG) wish to develop the site for affordable residential accommodation.
- Site has been brought forward as a result of lengthy exercise in neighbourhood analysis which was carried out by WHG in conjunction with Major Works Partners, Walsall Area Partnership Team and Architects.
- The purpose of this neighbourhood analysis was to identify and address areas where improvements could be made to benefit the community.
- The derelict garage site proved an area of resident concern.
- Intention to create a high quality residential development which will be delivered to code 3 for sustainable homes.
- There has been no demand from the surrounding WHG residents for this car parking facility to be brought back into use.
- Secure cycle storage will be provided in the form of sheds.
- The layout has been designed to ensure maximised opportunities for natural surveillance.
- The landscaping and boundary treatments have been designed to demarcate defensible space within the site.
- The private driveway will be lit with lighting columns in addition to lighting to the front and rear doors.
- A secure by design application has been submitted to the Police Architectural Liaison Officer.
- There are two instances where the separation distance falls short on the rear elevation of plots 4 and 5 to the habitable room windows of the existing houses.
- The boundary treatment would be a boundary fence 2.1m high.
- Pre-application comments have been taken into account by increasing the amount of garden space to the west of plot 1.
- WHG are keen to provide high quality development for this site to promote regeneration.

An arboricultural Survey has been submitted which identified no trees were of category A or B trees of high to moderate quality and value, 5 trees were considered to be low quality and value and 2 trees were considered of no retention value. On this basis category C trees will be retained. New planting will consist of native planting to attract wildlife species.

A extended phase 1 habitat survey has been submitted which states the survey revealed two nature conservation sites with statutory protection within the 1km search area. Jockey Fields, a Site of Special Scientific Interest is located 480m east but residential houses provide a barrier between the two nature conservation sites and the study area. It is unlikely that the development would impact upon nature conservation.

A site investigation and preliminary risk assessment report have been submitted which states clean cover would be laid in the rear gardens of the proposed houses.

Relevant Planning History

04/1206/PD/E4 - Prior notification of demolition: 1 block of garages with 16 no. garages, 1 block of garages with 17 no. garages and 1 block of garages with 22 no. garages - demolition approved 28/07/2004.

Relevant Planning Policy Summary **National Planning Policy Framework (NPPF)**

The NPPF was published on Tuesday 27th March 2012. It cancels and replaces all PPGs and PPSs (except for PPS10 'Planning for Sustainable Waste Management'), several Mineral Policy Statements and Planning Guidance, a number of Circulars and several Letters to Chief Planning Officers.

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

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

- - Proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs;
- Always require high quality design and a good standard of amenity for all existing and future occupants of land and buildings.
- contribute to conserving and enhancing the natural environment and reducing pollution
- Encourage effective use of land by reusing land that has been previously developed
- conserve heritage assets in a manner appropriate to their significance.

Key provisions of the NPPF relevant in this case:

1. Building a strong, Competitive economy

18. committed to securing economic growth in order to create jobs.

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

4. Promoting sustainable transport.

29. The transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel.

32. opportunities for sustainable transport modes should be taken up depending on nature and location of site and safe and suitable access to the site can be achieved for all people.

6. Delivering a wide choice of high quality homes.

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

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

7. Requiring good design

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

57. Important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes.

58. Local and neighbourhood plans should develop robust and comprehensive policies that set out the quality of development that will be expected for the area. Such policies should be based on stated objectives for the future of the area and an understanding and evaluation of its defining characteristics.

- Planning policies and decisions should aim to ensure that developments are visually attractive as a result of good architecture and appropriate landscaping.

63. In determining applications, great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in the area.

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

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

The Development Plan

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

The Black Country Core Strategy (BCCS) (2011)

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

The key planning policies include

HOU2: Housing Density, Type and Accessibility

States that the density and type of new housing provided on each site will be informed by, amongst other factors, the need to achieve high quality design and minimise amenity impacts, taking into account the characteristics in the area where the proposal is located. All developments will aim to achieve a minimum net density of 35 dph except where higher densities would prejudice historic character and local distinctiveness.

TRAN2 – Managing transport impacts of new development

permission would not be granted for development that is likely to have significant transport implications unless applications are accompanied by proposals to provide an acceptable level of accessibility and safety by all modes of transport to and from all parts of the development including walking, cycling and public transport.

ENV3: Design Quality

Development proposals across the Black Country will deliver a successful urban renaissance through high quality design that stimulates economic, social and environmental benefits

ENV5 - To assist in both reducing the extent and impact of flooding and also reducing potential urban heat island effects, all developments should Incorporate Sustainable Drainage Systems (SUDs).

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

Walsall's Unitary Development Plan (UDP)

Policies that have been saved and not replaced by the BCCS remain part of the development plan. However, in such cases the NPPF says "*due weight should be given to relevant policies in existing*

plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)".

Saved policies of the Unitary Development Plan

Policies GP2, 3.6, 3.7 seeks to make a positive contribution to the quality of the environment, whilst protecting people and not permitting development which would have an unacceptable adverse impact on the environment. Considerations to be taken into account in the assessment of development proposals include:

I. Visual appearance.

VI. Overlooking, loss of privacy, and the effect on daylight and sunlight received by nearby property.

VII. The adequacy of the access, and parking.

3.113, 3.114, 3.115, ENV32 & 3.116: new development should be considered in relation to its setting and should create high quality of built and landscape design, well integrated with surrounding land uses and local character. 'Designing out crime' through design, layout, landscaping and boundary treatments is encouraged.

ENV14 encourages the development of previously developed land.

ENV18 and 3.64: Seeks to protect, manage and enhance existing trees.

ENV17 new planting will be encouraged.

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

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

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

T4 – District distributors are important routes connecting the main residential and employment areas of the Borough. Street parking and direct frontage access will be strictly regulated.

T7: Car Parking

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

T10: Accessibility Standards – General

(b) Standards will apply to all development proposals with the exception of:

i small residential developments within existing residential areas including infill plots

7.51: Easy walking/cycling distance will depend on local circumstances but the maximum will normally be regarded as 1000m.

T13: Parking Provision

3 bedroom houses and above, 2 spaces per unit

It is considered in this case that the relevant provisions of Walsall's saved UDP are consistent with the National Planning Policy Framework.

Supplementary Planning Documents (SPD)

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

Designing Walsall (2013)

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

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

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

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

Annexe D: Numerical Guidelines for Residential Development identifies privacy and aspect distances between dwellings including 24m separation between habitable windows for two storeys and above, 13m separation between habitable room windows and blank walls exceeding 3 metres in height, 45° code, garden dimensions of 12m in length and 68m² for housing and 20m² per dwelling where communal provision is made, setbacks to avoid terracing and provision of boundary walls. Although failure to comply with these guidelines may not by itself be a reason for refusal of an application, it will be a factor to be used in determining whether a proposal would be compatible with the wider character of the area or the existing dwelling or the amenity of neighbours.

Conserving Walsall's Natural Environment (2013)

Expands on the policies contained within the environment chapter of the UDP. The document provides criteria for European Protected Species survey requirements.

The following are the relevant policies;

NE7: all applications with the potential to damage trees should be supported by an arboricultural impact assessment.

NE8: All planning applications proposing the retention of trees within a development site should demonstrate that the trees to be retained will survive without causing significant nuisance beyond the development phase. Adequate space should be retained for the trees to develop in the future without causing severe shading or requiring damaging containment pruning.

Consultations

Transportation - No objection subject to conditions relating to access and parking

Pollution Control Contaminated Land - No objection subject to conditions relating to contaminated land

Pollution Control Scientific Team – No objection subject to an hours of work condition to protect the amenity of neighbouring residential occupiers.

Police – No objection

Ramblers – No objection

Ecology – No objection

Severn Trent Water – No objection subject to drainage condition.

Fire Officer – No objection but makes comments that water supplies for fire fighting should be in accordance with National Guidance document on the Provision for Fire Fighting.

Ecology – No objection

Environmental Health – No objection

Arboricultural Officer – No objection subject to tree protection measures as stated in the submitted arboricultural report by Middlemarch Environmental Ltd dated March 2014 and subject to landscaping being sought by condition.

Birmingham and Black Country Wildlife – No objection subject to a biodiversity enhancement plan being incorporated into the development, planting habitats to provide value, providing nesting for habitat, installation of bat boxes, dense scrub and creation of deadwood.

Public Participation Responses

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

- Additional traffic noise
- Own strip of land next to property, which is the only access to the bungalows
- Entry road next to driveway increasing risk of accidents
- Increased risk of vehicles hitting side of property
- Parking on third party land
- Building materials left on third party land
- Trees within third party land should be retained
- Signs for no ball games for children
- Concerned over potential tenants – *this is not a material planning consideration*
- On street parking problems for existing residents.

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

Determining Issues

- Principle of development
- Design and layout
- Level of amenity for potential occupiers
- Impact upon surrounding residential occupiers
- Ecology and Landscape
- Access and parking

Observations

Principle of development

The site is situated within a well established residential area within easy walking distance (maximum of 1000m defined in paragraph 7.51 of the UDP) of Spring Lane, Shelfield Local Centre and Shelfield Local Centre. Along Lichfield Road there are regular bus services to and from Walsall via Brownhills. The site is considered to be in a sustainable location consistent with guidance in the NPPF, BCCS and UDP.

The proposals would result in the redevelopment of previously developed land in accordance with Policy ENV14 of the UDP, which can be accepted if the development is well designed and would not have any adverse impacts. The regeneration of the site would eliminate a derelict site within a residential area as well as securing the site and the surrounding residential properties.

The site is within a residential area surrounded by two storey residential properties. Given the constraints of the site it is considered bungalows on the site would be the most suitable form of development in this location.

Design and layout

The design of the two types of proposed bungalows are simple and considered acceptable. The facing and roofing materials will be brick and tile similar to the surrounding residential properties.

The layout of the proposed development would reflect a courtyard style development with natural surveillance of the front of the site including the access road and parking area. The rear gardens would be secure and would back onto rear gardens of surrounding residential properties. Plots 3 and 4 would be seen from Clarendon Street, giving the development an active frontage and reading as part of the street scene. These plots would also terminate the view from the street scene.

Designing Walsall requires housing proposals to either provide a rear garden length of 12m or a total amenity area of 68 square metres; in this case, whilst the rear garden length varies in length from 0.7m to 7m due to the shape and constraints of the site, the total amenity areas for each bungalow exceeds 68 square metres between 23 to 102 square metres.

The density of the site is 32 dwellings per hectare, reflecting the character of this part of Clarendon Road and Spring Lane. It is considered that the proposed house would not result in overdevelopment or overcrowding of the site.

Level of amenity for potential occupiers

The bungalows will have main habitable room windows facing both the front and rear of the site. A landscaped area in front of the bungalows will provide a buffer between the habitable room windows facing the front of the site and the proposed car parking area. This landscaped buffer would provide screening and privacy for potential occupiers.

Due to the courtyard style of the development, the proposal would have habitable room windows facing each other. It is considered that the proposal would not result in any loss of privacy or overlooking, as any direct views would be interrupted by landscaping and the parking area to the front of the bungalows.

Plots 1, 2 and 4 would have the main part of the amenity space to the side of the bungalows. These plots would also have some amenity space to the rear of the bungalows outside of the main habitable room windows; this is considered acceptable, as it would provide an outlook for residents as opposed to a view of a boundary treatment. Planting along the rear boundaries would also enhance the outlook for potential residents.

Whilst there would be overlooking of the rear gardens of the proposed bungalows, from the surrounding residential properties, on balance the impact would not be so significant to warrant refusal of the scheme as the proposal would allow regeneration of a derelict site. It is considered that residential development would be the most appropriate form of development on this site.

Impact upon amenities of surrounding occupiers

The surrounding residential properties are two stories high and some of the properties have rear single storey extensions and conservatories, in particular numbers 6 Harrison Road, 26, 28, 34, 36 and 38 Birch Lane and 50 Broad Lane and numbers 19, 13 and 9 Clarendon Street. The separation distance between the rear habitable room windows of numbers 6 Harrison Street to plot 1 and numbers 52, 50 and 48 Broad Lane to plots 3 and 4 and numbers 32, 30, 28 and 26 Birch Lane to plots 5 and 6 fail to meet the Council's 24m habitable room separation distance. It is considered that landscaping in the form of small trees like rowan within the rear gardens of each of the bungalows along the boundary with these neighbouring properties would provide interrupted views and prevent any direct overlooking or loss of privacy to the occupiers of the proposed bungalows or surrounding residential occupiers.

The bungalows are single storey and the boundary treatment around the site would be a 2.1m high fence. It is considered that the proposed boundary treatment would prevent any overlooking from the development site to surrounding residential properties. It is considered that the proposal would not unduly impact upon the amenities of the occupiers of the surrounding properties to warrant refusal of the scheme. A planning condition can ensure the boundary treatment is maintained and retained in perpetuity.

The bin store has been repositioned away from the rear boundary of 11 Clarendon Road to protect the amenities of these occupiers.

Objectors have raised concerns that the strip of land adjacent 13 Clarendon Road is owned by a third party and the access is the only access to the bungalows. The strip of land adjacent 13 Clarendon Road is not part of the application site. The proposal seeks to utilise an existing access point. Whilst the type of vehicles using this access would be different to the previous use as a garage site, the level of usage would be less intense. It is considered the use of an existing access with less vehicles albeit a different type of vehicle/s would not unduly impact upon the amenities of the occupiers of both 11 or 13 Clarendon Road to warrant refusal of the scheme. Furthermore, the existing boundary wall alongside number 11 Clarendon Road would provide some mitigation from the use of the driveway.

Objectors have raised concerns over parking on third party land and on street parking problems for existing residents. The development would provide off road parking for both potential occupiers and visitors within the development site, the level of parking would be sufficient for the operational needs of the development and as a result the proposal would not result in on street parking or parking on any third party land.

Objectors have raised concerns over building materials left on third party land. The application site is large enough to store any building materials during the construction of the buildings without relying on third party land.

Objectors have raised concerns over potential tenants who will occupy the bungalows and a sign stating no ball games. These are not material planning considerations and are issues for Walsall Housing Group to address.

Ecology and landscape

Natural Environment have no objection to the proposal subject to a planning condition to secure landscaping within the site to maximise the ecological value of the site. A planning condition would also ensure the site is not cleared within the bird nesting season to protect bird populations in the area.

The Arboricultural Officer has no objection to the proposal subject to the tree protection measures as set out in the submitted arboricultural report being adhered to; this can be secured by planning condition.

Birmingham and Black Country Wildlife have no objections to the proposal subject to a biodiversity enhancement plan being incorporated into the development, planting habitats to provide value, providing nesting for habitat, installation of bat boxes these can be secured by planning condition. Birmingham and Black Country Wildlife also state dense scrub and creation of deadwood should be provided. In this case, the site is small in scale and creating dead wood and dense scrub would not be practical within this site.

A full landscaping scheme for the site will be required in line with Policy ENV33, and under this condition all trees on third party land that overhang the site can be sought with a condition ensuring no works to any retained trees on site being undertaken.

Objectors have raised concerns that trees within third party land should be retained. The submitted plan illustrates some trees within third party land that will be retained.

Access and parking

The proposed development will provide one parking space for each of the bungalows with 3 visitor parking spaces to serve the development as a whole. This level of parking is considered consistent with policy T7 of the UDP, as the parking level would be sufficient to meet the operational needs of the development.

The proposal would utilise an existing access to the site that would be widened to 6m in width to provide a shared surface driveway.

Objectors have raised concerns over additional traffic noise, the entry road to the site being next to the driveway of 13 Clarendon Road increasing risk of accident and increased risk of vehicles hitting side of 13 Clarendon Road. The level of comings and goings to the site would be less intensive than the previous use as a garage site, it is considered that the use of the driveway would not unduly impact upon the amenities of the neighbouring occupiers to warrant refusal of the scheme. The driveway would be a shared driveway where vehicles and pedestrians would share the access and this would make drivers drive slower on this short stretch of cul de sac. Number 13 Clarendon Road has a service strip adjacent, the driveway is wide enough to accommodate 2 way vehicle movements, the short cul de sac would mean that drivers would be driving slower to enter and exit the site.

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 six houses.

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

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

Positive and proactive working with the applicant

Pre-application discussions with the architects have been undertaken prior to the submission of the application.

The proposal is consistent with the NPPF and is considered to accord with the aims and objectives of the Black Country Core Strategy (2011), in particular policies HOU2, ENV3, TRAN2 and ENV5, Walsall Unitary Development Plan (2005), in particular saved policies 3.6, 3.7, GP2, 3.113, 3.114, 3.115, 3.116, ENV32, ENV33, 3.117, ENV14, ENV18, 3.64, ENV17, ENV40, H3, T4, T7, T10, 7.51 and T13 and Supplementary Planning Documents – Designing Walsall (2013), in particular policies DW3, DW9 and DW10 and Natural Environment (2013), in particular policies NE7 and NE8.

Recommendation: Grant Permission Subject to Conditions

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

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

2. The development shall be completed in accordance with the following plans:
 - site location plan submitted on 28th April 2014
 - drawing number 1407-03C – proposed site layout submitted on 8th August 2014.

- drawing number 1407-04B – 2B3P wide bungalow submitted on 28th April 2014
- drawing number 1407-05A – 2B3P bungalow submitted on 28th April 2014
- drawing number 1407-06 – 2B3P wide/narrow bungalow images submitted on 28th April 2014

Reason: To define the permission.

3a. Prior to the commencement of this permission details of all facing, roofing and driveway surface materials shall be submitted to and approved in writing by the Local Planning Authority.

3b. The development shall be fully completed with the approved details and retained as such.

Reason: To ensure the facing and roofing materials harmonise with those in the surrounding vicinity.

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

4b. The scheme shall be fully implemented in accordance with the approved details before the development is first brought into use.

Reason: To ensure the development is provided with satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution.

5a. Prior to the commencement of this development details of all boundary treatments shall be submitted to and approved in writing by the Local Planning Authority.

5b. The boundary treatments shall be erected prior to the occupation of the proposed bungalows and in accordance with the approved details and retained and maintained at all times.

Reason: In the visual amenities of the area and to protect the amenities of the proposed and adjoining residential occupiers.

6a. Prior to the commencement of this development, a detailed landscaping scheme illustrating:

- A bio diversity enhancement plan
- planting within the site
- planting habitats to provide native seed, fruit bearing species, nectar rich species, species to attract night flying insects
- planting densities
- planting numbers
- size of plants to be planted
- details of soil depth
- details of nesting habitats for birds
- details of bat boxes

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

6b. The approved scheme shall be implemented within 12 months of any part of the development being brought into use.

6c. Within 5 years should any individual tree, shrub or plant which dies, becomes seriously diseased, damaged or is removed shall be replaced with a tree, shrub or plant of the same or greater size and the same species as that originally required to be planted.

6d. The bird nesting boxes and bat boxes shall be installed prior to the development being brought into use and the prior to the bungalows being occupied.

6e. The bird and bat boxes shall be retained and maintained at all times.

Reason: In order to safeguard the amenities of the occupiers and secure the satisfactory development of the application site.

7a . Prior to the commencement of this permission, details of any external lighting to be installed within the site perimeter and within the site shall be submitted to and approved in writing by the Local Planning Authority.

7b.The development shall be completed with the approved details and retained and maintained at all times.

Reason: To prevent light pollution and to protect the amenity of surrounding residential occupiers.

8i. Prior to the commencement of this permission, further gas monitoring referred to in the ground investigation by RSK Ltd; reference 312492-02 (00); dated January 2014 shall be completed.

ii. Prior to the commencement of this permission, a copy of the findings of the site investigation, ground contamination survey and ground gas assessment, together with an assessment of the hazards arising from any land contamination and/or ground gas shall be forwarded to the Local Planning Authority. (see Note for Applicant CL2)

iii. Prior to the commencement of this permission, 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: In the interest to protect human health.

9a. Prior to the commencement of the permission, full engineering details of the required modification of the bellmouth access point on Clarendon Road to a vehicle footway crossing type, shall be submitted to and approved by the Local Planning Authority.

9b.Prior to the development first coming into use, the access modification works shall be fully implemented in accordance with the approved details.

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

10a. Prior to the first occupation of any new dwelling on the development, the following works shall be fully implemented in accordance with details:-

- i) All parking spaces serving that dwelling being fully consolidated, hard surfaced and drained.
- ii) The shared private access road being fully consolidated, hard surfaced and drained, including the installation of appropriate drainage across the access road to prevent surface water discharging onto the public highway.

10b. All parking spaces shall thereafter be retained and used for no other purpose.

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

11. Site clearance shall be undertaken outside the bird nesting season. The bird nesting season extends between March and September inclusive but is weather dependant and nesting may take place outside of this period. If site clearance unavoidably takes place within the nesting season the site shall be checked by a qualified and experienced ecologist immediately prior to works commencing. If nesting birds are discovered then the nest and its surrounds must be left undisturbed until the young have fledged and the nest abandoned.

Reason: To ensure the conservation of local bird populations.

12. The approved tree protection measures detailed in the arboricultural report by Middlemarch Environmental Ltd dated March 2014 shall be fully implemented prior to the commencement of any works on site and shall be retained until the completion of the development. The land so enclosed shall be kept clear of all contractors' materials and machinery at all times, as laid out in British Standard 5837: 2012 Trees in Relation to Design, Demolition and Construction – Recommendations'.

Reason: To safeguard the existing trees on and adjacent the site.

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

Reason: To protect the amenities of potential occupiers.

Notes to applicant

The applicant will be expected to enter into an agreement under S278 of the Highways Act 1980 or other appropriate agreement with the Highway Authority for the works within the public highway.



Regeneration Directorate – Planning and Building Control

Planning Committee

Report of Head of Planning and Building Control, Regeneration Directorate on 18/09/2014

Plans list item no: 7.

Reason for bringing to committee: Called In by Councillor S Coughlan

Application Number: 14/1024/FL
Application Type: Full application

Applicant: Mr Chung

Case Officer: Barbara Toy
Telephone Number: 01922 652615
Email: planningservices@walsall.gov.uk
Agent: Integrated Designs & Associates Limited

Proposal: Retrospective application for change of use from doctors surgery to beauty salon.

Location: 119 POOL HAYES LANE, WILLENHALL, WV12 4PX

Ward: Short Heath

Expired Date: 11/09/2014

Recommendation Summary: Grant Permission Subject to Conditions

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Status

Councillor S Coughlan has called the application in to Committee for the following reasons: lack of parking, inadequate access, traffic capacity impact on amenity of neighbours and protecting town centre viability.

Application and Site Details

The detached single storey flat roofed building (approx 49sqm) formerly used as a doctors surgery sits on the corner of Lucknow Road and Pool Hayes Lane . The building is set in line with the building line of the two storey houses to the north in Lucknow Road Vehicle access is off Pool Hayes Lane with space for two tandem parking spaces, with grassed area to the side and frontage of the building.

117 Pool Hayes Lane is a two storey detached house with semi detached houses beyond. On the opposite side of Lucknow Road are two storey houses. To the south on the opposite corner of Pool Hayes Lane is a local shopping precinct with two maisonettes above some of the shop units. Uses within The Precinct include a hair dressing salon, convenience store, vets and a hot food takeaway. A service area for the shops sits to the rear off Pool Hayes Lane and a small parking bay is located on the opposite side of Pool Hayes Lane to the site. The Precinct is not designated as a local centre. The site sits within a predominantly residential area.

This application is retrospective for the change of use of the premises from a doctors surgery to a hair and beauty salon. Whilst the application forms state beauty salon, the agent has confirmed that the use operates as a hair and beauty salon. The use has been operating since October 2013 and operates with two full time staff, open 0900 – 1800 Monday to Saturday. The internal layout provides a reception/waiting area, two treatment rooms (one small and one large room), a store area and a WC. The use operates predominantly by appointment but some walk in customers are accommodated when appointments allow. The use has only resulted in minor internal alterations as the previous layout lent itself to the new use. A new entrance door has been provided to the Lucknow Road elevation (in place of a previous window) and a new pathway from Pool Hayes Lane provided across the grassed area to direct customers to the new doorway.

A Design and Access Statement has been provided that provides details of the use, the layout and alterations and the appearance and access arrangements for the use.

Relevant Planning History

Will 2283, erection of surgery, waiting room and wc, land at the corner of Lucknow Road and Pool Hayes Lane, granted subject to conditions 29-12-1961. Condition to ensure vehicle parking provided within the site.

Land fronting the shops adj Monmer Court/Lucknow Road

14/0008/FL, creation of public car park (18 spaces), formation of access, relocation of bus shelter and landscaping, granted subject to conditions 18-02-14.

Relevant Planning Policy Summary

National Planning Policy

National Planning Policy Framework (NPPF)

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

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

- Always seek to secure high quality design and good standard of amenity for all existing and future occupants of land and buildings
- Take account of the different roles and character of different area, promoting the vitality of our main urban areas
- Proactively drive and support sustainable economic development to deliver business
- Encourage the effective use of land by reusing land that has been previously developed.
- Ensuring the vitality of town centres
- Promoting sustainable transport

1: Building a Strong, Competitive Economy

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

19. The planning system should do everything it can to support sustainable growth

20. Meet development needs of businesses

2: Ensuring the vitality of town centres

23. Planning policies should be positive, promote competitive town centre environments and set policies for the management and growth of centres.

4: Promoting Sustainable Transport

35. Plans should protect and exploit opportunities for the use of sustainable transport modes

7. Requiring good design

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

57. It is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes.

58. Local and neighbourhood plans should develop robust and comprehensive policies that set out the quality of development that will be expected for the area. Such policies should be based on stated objectives for the future of the area and an understanding and evaluation of its defining characteristics.

- Planning policies and decisions should aim to ensure that developments are visually attractive as a result of good architecture and appropriate landscaping.

63. In determining applications, great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in the area.

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

On **planning conditions** the NPPF says:

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

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

The Development Plan

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

The Black Country Core Strategy (BCCS)

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

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

The above are supported by the following policies:

CEN6: Meeting Local Needs for Shopping & Services

Makes provision for meeting local needs for shopping and services, particularly with emphasis on providing and retaining local services within walking distance of people's homes. It requires such shops and services to be of an appropriate scale and nature to meet a specific day to day need of a population within a convenient, safe walking distance for new improved facilities.

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

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

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

Walsall's Unitary Development Plan (UDP)

Policies that have been saved and not replaced by the BCCS remain part of the development plan.

However, in such cases the NPPF says "*due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)*".

The relevant policies are:

3.6, 3.7, & GP2: seek to make a positive contribution to the quality of the environment, whilst protecting people and ensuring adequate and safe access is provided.

3.116 & ENV32: seeks to create high quality environments, well integrated with surrounding land uses and local character. Poorly designed development which fails to properly take account of the context or surroundings will not be permitted.

ENV35: Appearance of Commercial Buildings

The design of frontages to shops and other commercial premises should be appropriate to their setting and sympathetic to the building on which they are situated. Proposals will take the following into account:

- I. The architectural and historic merits of the building
- II. The character of the area in which they are located
- III. The prominence of the building

S6: Meeting Local Needs

States in terms of local need - out-of-centre development may be appropriate to meet such specific local needs - otherwise proposals for additional out-of-centre development for town centre uses will be considered against policy S7. Therefore, new small-scale local facilities, or extensions to existing facilities, will be permitted if it can be shown that all of the following requirements will be met:-

- I. The proposal is of a scale and kind to meet a local need for improved facilities.
- II. The local need cannot be better met by investment in a nearby centre.
- III. There will be no likelihood of an adverse impact on the vitality and viability of any established centre in the Borough or elsewhere within the affected catchment area.
- IV. There will be no impact on existing local provision such as to leave some local needs unmet, contrary to efforts to promote social inclusion.
- V. The proposal will improve accessibility to facilities by means other than the car and, in particular, will be within convenient, safe walking distance of the community it is intended to serve.
- VI. The proposal will help to reduce the need to travel, especially by car.
- VII. There must be no significant loss of amenity for neighbouring homes. To ensure this, the establishment of shops or other uses that attract the public in terraced properties adjoining dwellings will not normally be permitted.
- VIII. Servicing and parking associated with the proposed use must not create any significant road safety or traffic problems.

T7 – Car Parking

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

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

Other shops – 1 car parking space per 20msq of gross floor space and at least 1 bike stand for every 20 parking spaces

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

Supplementary Planning Documents (SPD)

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

Designing Walsall SPD

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

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

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

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

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

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

Consultations

Transportation – No objections. In terms of policy T13 of the UDP the previous use of the site as a doctors surgery (use class D1) would require 4 parking spaces and 1 disabled space based on one consulting room (5 in total), the salon use (use class A1) would require 3 spaces and 1 disabled space (4 in total), the salon use would therefore require one less space than the previous doctors surgery use.

Fire Officer – No adverse comments

Public Participation Response

One objection received.

Objections:

- The application is for a beauty salon but they are also doing hair
- Already a problem with parking, the application states that they have parking for 6 cars, this is untrue the 6 parking spaces in the lay by are for all the shops
- There are already 2 hairdressers and 1 beauty salon within very close proximity of the site.

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

Determining Issues

- The principle of the use
- Impact on the amenities of the surrounding occupiers
- Access, parking and highway safety

Observations

The Principle of the Use

The site is situated within walking distance of a large number of residential properties and in a sustainable location with a regular bus service along Lucknow Road. The site was previously used as a doctors surgery, on the opposite corner to the local shopping Precinct, providing local shops and services but is not defined as a local centre. Whilst the site sits outside of an established local centre, policy S6 of the UDP allows for the provision of local services in the form of shopping parades and clusters to meet the day to day needs of communities. Part (e) of the policy also states that where there are suitable vacant premises in the area, the Council would normally prefer that these are used to accommodate new facilities.

The proposals have made use of a vacant commercial premises in a sustainable location and in close proximity to other shops and services.

Whilst the objector indicates that there are already similar uses in close proximity, business competition is not a material planning consideration.

The alterations to the building (provision of a new entrance door to the Lucknow Road) are considered appropriate and in character with the building, providing improved legibility to the building.

Impact on the Amenities of the Surrounding Occupiers

It is considered that the implications for neighbours amenity of a use as a hair and beauty salon would not be dissimilar to the previous use as a doctors surgery. The customers visit predominantly on an appointment basis and appointments for the new use would generally be longer than that to a doctor, so reducing the numbers of coming and goings throughout the day.

The new use is open 0900 – 1800 hours Mon – Sat, likely to be very similar to a doctors surgery. It is not considered that the new use would have any additional impact on the amenities of the surrounding occupiers over the previous authorised use of the premises.

Access, Parking and Highway Safety

The site has an existing dropped kerb providing access to two tandem parking spaces within the site. Under Policy T13 of the UDP the new use requires 1 less parking space than the authorised use of the site as a doctors surgery. Whilst the two spaces within the site falls short of the requirements of policy T13 by 2 spaces, this is a betterment over the previous use by 1 space.

The nature of the use (predominantly by appointment) is likely to attract less vehicles and parking than the previous surgery use. The application forms state 2 full time staff, whilst a surgery is likely to have a doctor, reception/admin and a nurse and likely to attract more vehicles as sick patients usually travel by car and appointment times generally would be shorter than the salon appointments, creating more vehicles through the day. Customers to the hair and beauty salon are less likely to park indiscriminately due to the length of their appointment. There is a regular bus service along Lucknow Road and there are parking bays on Pool Hayes Lane. Parking restrictions are in place around the junction to control indiscriminate parking and transportation consider that the development is unlikely to have a severe impact on the highway network and would be in accordance with the NPPF.

In addition planning consent was granted in February this year for an 18 space public car park on the frontage of The Precinct, which if implemented would significantly improve the parking situation for the shops and services as well as the occupiers of the flats above the shops.

Positive and Proactive working with the applicant

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

Recommendation: Grant Permission Subject to Conditions

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

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

2. The premises shall not be open to the public outside the hours of 0900 and 1800 hours Monday to Saturday.

Reason: To safeguard the amenity of the surrounding occupiers.

3. Two off street parking spaces shall be retained on the site at all times and shall be used for no other purpose.

Reason: In order to ensure the provision of off street parking provision.

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

Proposed Layout and Elevations Drawing BV/722/0 submitted 15th July 2014

Design and Access Statement submitted 15th July 2014

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 and effective control is maintained over ancillary elements of the development, as such (except in so far as other conditions may so require).



Regeneration Directorate – Planning and Building Control

Planning Committee

Report of Head of Planning and Building Control, Regeneration Directorate on 18/09/2014

Plans list item no: 8.

Reason for bringing to committee: Delicate Judgement

Application Number: 13/0449/FL
Application Type: Full application

Case Officer: Helen Smith
Telephone Number: 01922 652606
Email: planningservices@walsall.gov.uk
Agent: Bailey Design Limited

Applicant: Mr Gerrard Sherwood

Proposal: Alterations to and retention of existing storage building

Location: 19 HIGH STREET, WALSALL WOOD, WS9 9LR

Ward: Aldridge North and Walsall Wood

Expired Date: 22/05/2013

Recommendation Summary: Grant Permission Subject to Conditions

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Application and Site Details

This proposal is for the retention and alterations to an existing building which is to be used for storage purposes. The building is located within a yard at the rear of a commercial property that faces the High Street. The building is used by a painting and decorating business. The application site is located within Walsall Wood Local Centre, with commercial properties fronting the High Street. To the rear of the proposal are the rear gardens of residential properties along Beechtree Road

This building is subject to an enforcement notice requiring its removal or alterations to comply with a planning permission approved in 2002. A subsequent planning application in 2011 was refused permission as the excessive height was considered unacceptable and the applicant had failed to demonstrate that a durable render finish could be satisfactorily applied. This decision was upheld by the Planning Inspectorate in 2011.

The current application includes a Supporting Statement, Safety Method Statement and two Health and Safety Risk Assessments.

The height of the existing building has been reduced from 4.7 metres to 2.9 metres high near to the boundary with house no. 10 Beechtree Road which has a row of Cypress trees screening much of the existing building. The footprint of the building is 31 square metres.

There is limited space to the rear of the application building and the boundary with no. 10 and a brick boundary wall behind the Cypresses is in a poor state of repair and has partially collapsed. This wall would be reduced in height to 0.3 metres high and used as a base for the installation of a 1.8 metres high close boarded timber fence. Timber fence posts would be attached to the remaining wall.

In addition to the proposed reduction in height of the building, the method statement confirms that the works would include the opening of a supported aperture in the rear of the building and the removal of the wall and installation of new boundary fencing. Using the aperture for access the rear wall would be prepared for the installation of cladding fixtures and fittings with panels installed from ground to roof level along the rear wall.

Panels would be installed at height using a tower scaffold erected within the application plot. The rear wall of the building would be reinstated from within the warehouse. Profiled pre-finished powder coated vertical Rock Clad Panels, Colour Fir Green (RAL6009) would be attached to the exterior elevations of the building from the ground level to the roof edge. Sound insulation to a minimum sound reduction index of Rw 54dB would be installed to interior brick work of the building.

Sound installation/fire protection would be provided internally as outlined in Appendix B of the Supporting Statement.

The proposed new roof would be pitched and consist of profile powder coated roof sheeting with a 10 degree pitch sloping to the front elevation to a height of 2.6 metres.

The proposal is adjacent to an existing brick built storage building which is 6.2 metres high.

The rear garden of no. 10 Beechtree Road is approximately 15 metres in length.

Relevant Planning Policy Summary

National Planning Policy Framework (NPPF)

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

achievement of sustainable development, in economic, social and environmental terms, and it emphasises a *"presumption in favour of sustainable development"*.

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

- not simply be about scrutiny, but instead be a creative exercise in finding ways to enhance and improve the places in which people live their lives;
- proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs. Every effort should be made objectively to identify and then meet the housing, business and other development needs of an area, and respond positively to wider opportunities for growth. Plans should take account of market signals, such as land prices and housing affordability, and set out a clear strategy for allocating sufficient land which is suitable for development in their area, taking account of the needs of the residential and business communities;
- always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings;

National Planning Policy

National Planning Policy Framework (NPPF)

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

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

7. Requiring good design

- *Enhance and improve the places in which people live their lives;*
- *Proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs;*
- *Support town centres and a town centre first approach for retail, leisure, commercial, office, tourism, cultural, and community uses;*
- *Always require high quality design and a good standard of amenity for all existing and future occupants of land and buildings;*
- *Take account of the different roles and character of different areas, promoting the vitality of our main urban areas;*

Key provisions of the NPPF relevant in this case:

7. Requiring good design

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

57. It is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes.

58. Local and neighbourhood plans should develop robust and comprehensive policies that set out the quality of development that will be expected for the area. Such policies should be based on stated objectives for the future of the area and an understanding and evaluation of its defining characteristics.

- Planning policies and decisions should aim to ensure that developments:
- will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit;

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

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

The Development Plan

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

Local

The Black Country Core Strategy (BCCS) (2011)

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

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

The key planning policies include CSP4, ENV 2 and ENV 3

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

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

CEN1 and CEN2 highlights the importance of the Black Country Centres for the regeneration of the wider Black Country and the hierarchy of centres

ENV 1, ENV 2 and ENV 3 set out the criteria for nature conservation, the historic environment and design quality.

Walsall's Unitary Development Plan (UDP)

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

Key planning policy references include saved policies 3.6, 3.7, GP2, ENV10, ENV18, ENV32, S5 and T13

It is considered in this case that the relevant provisions of Walsall's saved UDP are consistent with the National Planning Policy Framework.

3.6, 3.7, & GP2: seek to make a positive contribution to the quality of the environment, whilst protecting people and ensuring adequate and safe access is provided.

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

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

3.113, 3.114, 3.115 & ENV32: new development should be considered in relation to its setting and should create high quality of built and landscape design, well integrated with surrounding land uses and local character. Poorly designed development which fails to properly take account of the context or surroundings will not be permitted. Designing out crime' through design, layout, landscaping and boundary treatments is encouraged.

S5: The Local Centres - boundaries are tightly drawn on the proposals map to concentrate investment and within these areas the retention, enhancement and further development of shops and/or services...will be encouraged

Supplementary Planning Document (SPD)

On the basis that relevant Unitary Development Plan policies are consistent with National Planning Policy Framework, the related Supplementary Planning Document(s) will also be consistent provided they are applied in a manner consistent with National Planning Policy Framework policy. The relevant Supplementary Planning Document's are:

Designing Walsall

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

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

DW1- Sustainability- New development should seek to simultaneously meet environmental, economic and community needs without compromising the needs of future generations

DW9 - new development must seek to ensure it creates places with attractive environmental quality

DW10 - Well designed sustainable buildings- New development should make a positive contribution to creating a comfortable, adaptable and sustainable built environment

Appendix D

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

Conserving Walsall's Natural Environment SPD

Identifies those features of the natural environment which the Council requires to be properly considered in proposed for development such as protected species and any natural land forms on the site i.e. existing trees and hedgerows.

Relevant Planning History

On 4th February 2013 the owner was prosecuted for not complying with the enforcement notice. The owner was fined £400 and required to pay the Council's costs. It is in response to that prosecution that the current application has been submitted.

10/1432/FL - Retention of existing storage building - refused permission by planning committee on the 21/02/11 on the following grounds;

1. The excessive height of the building would have an unacceptable adverse impact upon visual amenities of adjacent residential properties. This impact is likely to be exacerbated because the applicant has failed to demonstrate that a durable render finish can be satisfactorily applied.

A subsequent appeal to the Planning Inspectorate was dismissed (reference no. APP/V4630/A/11/2153844). The Inspector considered that a precautionary approach should be adopted in this case because of the intimate relationship between the appeal building and no. 10 Beechtree Road and that clear evidence that the rear elevation of the building can be improved in the way proposed. It was considered inappropriate to allow the appeal subject to a condition which required the work to be done, in the hope that it would be capable of being implemented.

08/0477/FL - Retrospective: Retention of existing storage building with minor alterations to original planning permission - refused 5/6/08 on the following grounds;

1. The proposed building by virtue of its height and unsympathetic materials would appear as an incongruous feature unrelated to its surroundings, having an unacceptable adverse impact upon visual amenities of adjacent residential properties. The lack of space to provide appropriate landscaping further results in the building creating a poor residential outlook which further harms amenity.
2. The proposed noise control measures are not sufficient to ensure the development would not have an unacceptable adverse impact on the amenities of the adjoining residential properties.

02/1855/FL/E2 - Single storey rear extension 4.2 metres high - granted subject to conditions 13/12/02. Following this permission the building was not constructed in accordance with the approved plans and conditions could not be discharged. Consequently an Enforcement Notice was served on the owner on 2/2/07 which required the owner to;

- a) Dismantle the building
- b) Dig up the foundations, and reinstate the ground and
- c) Remove all resultant building components, rubble and other debris from the land to its condition before the breach took place

An appeal decision amended the requirement of the notice by the additional option to alter the building so that it either complied with the terms and conditions of the planning permission reference 02/1855/FL/E2 or was demolished.

Consultations

Transportation - No objections

Environmental Health - No objections

Pollution Control, Contaminated Land Team - No objections

Pollution Control, Scientific Team - No objections subject to a condition constraining the use to storage/office usage

Trees - No objections

Public Participation Responses

Representations have been received from two neighbours on Beechtree Road objecting to the proposal on the following grounds;

- historical problems of noise and dust caused by the previous tenants of the building *(comments noted and the current proposed use is storage)*
- feel strongly that the building should be removed as permission was not obtained and its intended use cannot be trusted *(the enforcement notice was amended following an appeal and a condition would be included to define the proposed new use for future planning control of the storage building)*
- limited space between building to applicant's boundary wall with no access to side and rear
- no information provided of what is intended for the collapsed boundary wall *(see plan no. 9170.10 Rev. B, Boundary Wall Details, deposited 03/07/14)*
- any attempt to carry out any kind of work to the rear of the building from the application property would not only be a folly but would be dangerous for anyone involved in such work *(Health and Safety Risk Assessments provided by applicant)*
- increasing the size and height would impact upon the environment
- the area is an old shopping street and not an industrial area *(the surrounding area has a mixed use)*
- highway safety concerns, manoeuvring of delivery vehicles *(Transportation Officers have no objections to the proposal on Highway grounds)*

Determining Issues

Whether the application has addressed the reasons for refusal of the previous application or raises any new issues in respect of the

- Principle of use
- Amenity of Nearby Residents
- Ability to Undertake Proposed Works
- Noise
- Trees
- Highways

Observations

Principle of use

Neighbours have raised concerns about the use of the building for industrial activities other than storage as proposed. The use of the building for storage was established by the 2002 planning permission (02/1855/FL/E2) and Condition no. 2 of this permission stated that the building “shall be used for storage purposes only. No manufacture of products or cutting and working of materials shall take place within the building”. The same condition would be attached should planning permission be granted to manage the use of the building in the interests of residents’ amenity. This condition was not complied with originally and the storage shed was used to cut stone, however following the issue of the enforcement notice to occupier moved away and the building has since been used for storage.

The enforcement notice was amended by an appeal decision to provide the alternative option to alter the building so that it complies with the terms and conditions of the planning permission reference 02/1855/FL/E2. Given its context behind a commercial premises within a local centre, a building in this location for storage, as found by the 2002 permission, would be acceptable subject to achieving a satisfactory visual and residential amenity.

Amenity of Nearby Residents

The enforcement notice was issued due to the appearance of the 4.7 metre high building. The building was not finished in full facing brickwork as approved in 2002, but was part brickwork and part exposed steel support. The reduced height of the building to 2.9 metres and proposed alterations to the exterior rear wall with uniform modern exterior cladding are considered a positive improvement to the appearance of the building should the existing Cypresses, which currently provides effective screening for no. 10 fail in the future.

The height of the building is considered to be acceptable and as this is lower than the adjacent storage building by 3.3 metres it is considered that any additional impact on the environment would be minimal. Furthermore, it is considered that the separation distance between the proposal and neighbouring houses of 14 metres would result in the building having a limited impact on residents existing light and visual amenity.

The proposal is to the north west of no. 10 it is considered that this orientation and separation distance of 15 metres between the building and rear habitable room windows in no. 10 would have a limited impact on neighbours’ amenity and meets the guidance referred to in Appendix D of Designing Walsall SPD.

There would be some disturbance to neighbours during the proposed works if approved but it is considered this would be for a short period of time.

Ability to Undertake Proposed Works

The applicants have provided a detailed Safety Method Statement to demonstrate how these works would be undertaken and it is considered that adequate evidence that the rear elevation of the building can be improved in the way proposed has been provided. The Safety Method Statement is considered to have addressed the concerns of the Planning Inspectorate and the proposal is recommended for approval subject to the inclusion of a planning condition to ensure the required works are carried out in a timely manner and in accordance with the sequence of works outlined in the Safety Method Statement.

Noise

The Council’s Pollution Control Scientific Team has no objections to the proposal on the proviso the proposal would be conditioned for storage or an office use only.

To safeguard neighbours' amenity during alteration works a condition is recommended restricting the hours of construction and to limit noise on the site during working hours. The proposal includes acoustic insulation materials to reduce sound transmission to an acceptable level for a storage use.

Trees

To limit any potential damage to the neighbours' Cypress trees the existing brick boundary wall would be demolished to a height of 0.3 metres and new fencing posts would be attached to the remaining wall sections to limit ground disturbance near to the adjacent tree roots.

The Council's Tree Officer considers that the reduction of the boundary wall and the addition of a close board fence on top of it will not have a detrimental impact on this row of Cypress as no excavations are taking place and all of the construction works and removal of waste etc. is being undertaken from the applicant's side. Consequently there are no arboricultural objections to the application.

Highways

Transportation Officers consider the impacts of the development are not severe and have no objections to the current proposal.

Recommendation: Grant Permission Subject to Conditions

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

- Plans, Elevations, Site Plan and Location Plan, drawing no. 9170.01 Revision B, deposited 03/07/14
- Amended Boundary Wall Details Plan, drawing no. 9170.10, Revision B, deposited 03/07/14
- Amended Supporting Statement, deposited 03/07/14
- Amended Safety Statement, deposited 15/07/14
- Health and Safety Statement - Boundary Wall and Fence works, deposited 28/04/14
- Health and Safety Statement – Refurbish Company Warehouse, deposited 20/01/14

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).

2: Within 3 calendar months of this decision, the approved works, as detailed in Condition No. 1, shall be fully completed in accordance with all processes outlined in Section no. 8.

Method/Sequence of Work of the Safety Method Statement deposited 15/07/14 and retained as such thereafter.

Reason: To ensure the satisfactory appearance of the development, to protect existing trees, and to comply with policies ENV1, ENV2 and ENV3 of the Black Country Core Strategy and saved policies ENV32 and ENV18 of Walsall's Unitary Development Plan.

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

Christmas Day; Boxing Day; New Year's Day; Good Friday; Easter Monday; May Day; Spring Bank Holiday Monday and August Bank Holiday Monday)

Reason: To safeguard the amenities of the occupiers of adjoining premises and to comply with policy GP2 of Walsall's Unitary Development Plan.

4: Notwithstanding the information provided on the submitted plans as detailed in Condition No. 1, the exterior of the building shall be clad with Rock Clad Panels, colour Fir Green RAL 6009 from the ground to roof level along the full surface of the rear wall facing houses on Beechtree Road and retained as such thereafter

Reason: To safeguard the amenities of the occupiers of adjoining premises and to comply with policy GP2 of Walsall's Unitary Development Plan.

5: Notwithstanding the information provided on the submitted plans as detailed in Condition No. 1, an acoustic slab to achieve minimum sound reduction index RW 54dB as outlined in Appendix B of the Supporting Statement deposited 03/07/14 shall be installed internally on the walls and roof of the approved building and retained as such thereafter

Reason: To safeguard the amenities of the occupiers of adjoining premises and to comply with policy GP2 of Walsall's Unitary Development Plan.

6: The building hereby approved shall be used for storage purposes only. No manufacture of products or assembly or cutting and working of materials and/or components shall take place within the building at any time

Reason: To safeguard the amenities of the occupiers of adjoining premises and to comply with policy GP2 of Walsall's Unitary Development Plan.