



Planning Committee

Report of Head of Planning and Building Control, Regeneration Directorate on 11th December 2014

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2	11	14/1500/FL	LAND WITHIN THE LEA OPPOSITE SHAKESPEARE CRESCENT, WALSALL.	Proposed infiltration basin to facilitate storm water run off to Goscote Lane regeneration area sites A and D. (Affects the setting of the public footpath Wal23).	Grant Permission Subject to Conditions
3	25	14/1465/FL	Railway Cutting between Reedswood Way and Mill Street, Walsall	Variation of Condition 13 of permission 09/1342/FL to allow a continuous operation instead of three phased approach to works to fill the disused railway cutting between Reedswood Way and Mill Street, including the removal of Cannon Street footbridge.	Grant Permission Subject to Conditions

4	39	14/1504/FL	Plots 118 & 135-139 on the Harrowby Road redevelopment and adjacent land bordering the playing fields off Great Bridge Road, Bilston	Footpath/Cyclepath construction to link Belmont Street to Bradley Lane Metro Station, with associated levels and landscaping works affecting plots 118 & 135-139 on the Harrowby Road redevelopment.	Grant Permission Subject to Conditions
5	53	14/0625/FL	THE RANGE, LONGACRE, WILLENHALL, WV13 2JX	Part retrospective change of use of part of service yard to form an external 720m2 garden centre ancillary to the existing DIY, home-furnishing, pets supplies and bulky goods operator.	Grant Permission Subject to Conditions
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8	79	14/1313/FL	ALDRIDGE COURT FARM, LITTLE ASTON ROAD, WALSALL,	Proposed new dwelling in place of previously approved barn conversion (amendment to permission 13/0482/FL).	Refuse

9	91	14/0584/FL	1 THORNHILL PARK, STREETLY, SUTTON COLDFIELD, B74 2LQ	Erection of detached summerhouse, and retention of existing boundary wall fronting Thornhill Park.	Grant Permission Subject to Conditions
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Regeneration Directorate – Planning and Building Control

Planning Committee

Report of Head of Planning and Building Control, Regeneration Directorate on 11/12/2014

Plans list item no: 1.

Reason for bringing to committee: Major application

Application Number: 14/1601/FL
Application Type: Full application

Case Officer: Paul Hinton
Telephone Number: 01922 652607
Email: planningservices@walsall.gov.uk
Agent: Armstrong Burton Architects

Applicant: Walsall Housing Group

Proposal: Public realm improvements with parking, access gates, hard and soft landscaping including extensions to some gardens.

Location: Areas of Bridgewater Close and Wyre Close, Walsall, WS9 9P

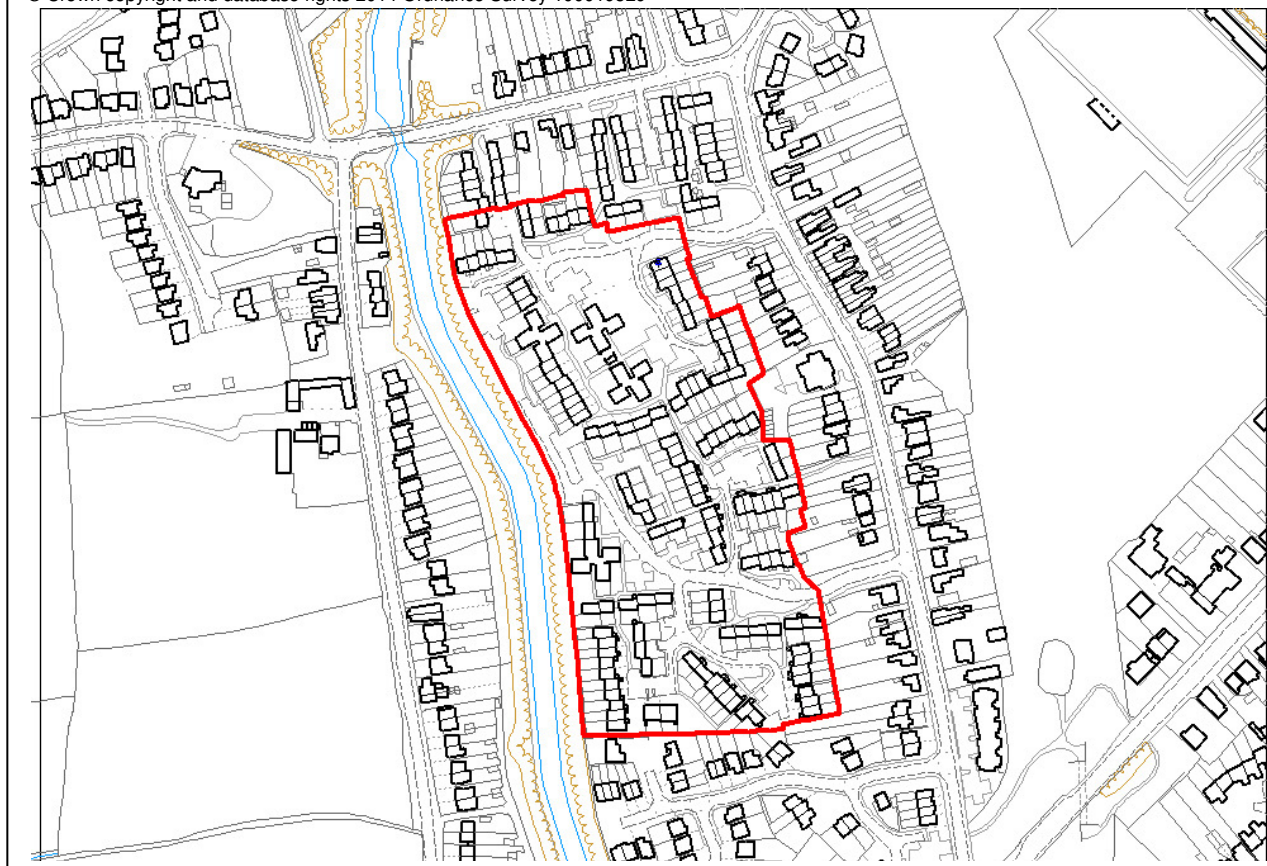
Ward: Aldridge North and Walsall Wood

Expired Date: 28/01/2015

Extension of Time Target Date:

Recommendation Summary: Grant Permission Subject to Conditions

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Application and Site Details

This application seeks planning permission for a number of public realm improvements across this residential estate. The estate is a mix of private owned and social rented housing (notice has been served on private land owners). The applicant WHG proposes a number of changes across the site to improve access and amenity for occupiers.

For the planning application purpose the site is split into three zones and proposes the following:

Zone 1: 1 to 117 Bridgwater Close (odds)

- Creation of a new nine space (with two disabled spaces) parking bay in front of no.s 5-19 on existing grassed area and creating a footpath to the side of the road.
- Removal of footpath and blocking up of walk through between and beneath 11 and 15.
- Creation of two parking spaces in the grass verge behind no.s 11 and 15.
- Revised parking layout in front of no.s 21 to 45. Currently triangle grassed verge in the centre providing 19 parking spaces, this would be removed to provide perimeter parking for 18 spaces (including one disabled bay) and a grasscrete area overflow parking area in the corner with perimeter footpath.
- Regrading of existing car park and removing brick structures in front of no.s 51-53.
- Removal of side and rear alleyways to 23-33, 39-45 and 55-67 to form extended gardens.
- Widening of car park access and additional parking space to existing car park fronting no.s 81-113.
- Three new parking spaces within existing grass verge in front of 115-117.

Zone 2: 2 to 70 Bridgwater Close (evens)

- Removal of side and rear alleyways to no.s 2-8, 10-16, 26-36, 50-52 and 64-66 to form extended gardens.
- Revised parking layout in front of no.s 10-50, removing planters and provision of off-street parking on the front gardens of some houses, providing 15 parking spaces including one disabled.

Zone 3: 1 to 137 Wyre Close (odds)

- Consolidation and extension of existing parking area on existing grassed area front of no.s 2-10, providing 12 spaces, including two disabled spaces.
- Relocation of existing car park access from in front of 83-87 to middle of existing grassed area, removal of grassed verge to increase parking provision by two spaces to 18 (including three disabled).
- Widening of access road and revision of existing nine parking spaces to provide 12 spaces (including two disabled bays), setting parking further away from side of the flats at no.s 89-137

The proposals also include provision of trip rail fencing to protect the edges of grassed verges, 1.1m high fencing to the garden boundaries of some flats and removal of cobble verges and replacement with landscaping. Where rear alleyways are closed bin storage areas would be provided at the front of houses. Extended gardens would be divided by the continuation of the existing 1.5m high boundary fences.

This high density residential estate is located in Walsall Wood, with the elevated Daw End Canal to the eastern boundary. The estate is accessed from Coppice Road, 140m from Walsall Wood Local Centre.

Tree Survey

Considers trees suitable for retention, trees requiring works and trees suitable for removal.

Relevant Planning History

None.

Relevant Planning Policy Summary

National Planning Policy Framework (NPPF)

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

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

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

Key provisions of the NPPF relevant in this case:

4. Promoting sustainable transport

32 Decisions should take account of safe and suitable access to the site can be achieved for all people. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

35 Developments should be located and designed where practical to; create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians.

7. Requiring good design

56. Good design is a key aspect of sustainable development.

58. Decisions should aim to ensure the 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;
- respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation;
- create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion;
- are visually attractive as a result of good architecture and appropriate landscaping.

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

8. Promoting health communities

69. Decisions should aim to achieve...safe and accessible environments where crime and fear of crime do not undermine quality of life or community

11. Conserving and enhancing the natural environment

109 The planning system should prevent new and existing development from contributing or being put at unacceptable risk from, or being adversely affected by unacceptable levels of.... noise pollution.

123 Planning decisions should aim to:

- Avoid noise from giving rise to significant adverse impacts

125. Decisions should limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.

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

The Development Plan

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

Local

The Black Country Core Strategy (BCCS) (2011)

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

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

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

The key planning policies include:

CSP4: Develops the need for high quality place making and design

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

ENV2: States that development proposals will be expected to preserve and, where appropriate, enhance local character and distinctiveness. Proposal should aim to sustain and reinforce locally distinctive elements.

ENV3: Development proposals across the Black Country will deliver a successful urban renaissance through high quality design that stimulates economic, social and environmental benefits.

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

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

3.7 The Council will seek to protect people from unacceptable noise, pollution and other environmental problems.

ENV10: Development will not be permitted if the health, safety or amenity of its occupants or users would be unacceptably affected by pollution caused by installations or activities that are a source of any form of pollution.

ENV18: Minimise the loss of trees and require replacement planting.

ENV32: Poorly designed development or proposals which fail to properly take account of the context or surroundings will not be permitted.

ENV33: Landscape Design – good landscape design is an integral part of urban design.

T7: Parking provision should be well designed and sensitively integrated.

T11: Access for Pedestrians, Cyclists and Wheelchair users

T13: Parking wherever possible should be visible from buildings

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 (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.

The following are the relevant policies;

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

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

DW5 Ease of movement- create places that are easily connected, safe to move through;

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

Conserving Walsall's Natural Environment SPD

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.

NE8, NE9 & NE10 deal with the need to fully assess, protect and secure compensatory planting for trees.

It is considered in this case that the relevant provisions of the Supplementary Planning Documents are consistent with the NPPF.

Consultations

Transportation – to be reported.

Pollution Control – no objection

Natural Environment: Ecology – no objection

Natural Environment: Trees – to be reported.

Police Crime Reduction – no objection has been working with the applicants.

Environmental Health – no objection.

Canal and Rivers Trust – no objection.

Inland Waterways – no objection.

Fire Services – to be reported.

Public Participation Responses

Adjoining occupiers and occupiers of properties within the application boundary notified by letter, site notices displayed and press notice published.

Six letters have been received making the following comments:

- Seeks clarification on whether existing raised parking space for disabled occupier will remain at 53 Bridgwater Close.
- Currently unsatisfactory parking in the area
- Seeks allocated parking for 2, 4, 6 and 8 Wyre Close to prevent others parking in front of people's houses.
- If cars park opposite new parking bays cars will struggle to get out.
- Suggests a lay-by for delivery vehicles.
- Car park on Wyre Close should have in and out access.
- Have converted garden to drive at 45 Bridgwater Close, this would be blocked up by the proposals losing spaces rather than creating them.
- People parking on the car park who don't live in the immediate area.
- Removal of two existing parking spaces in front of 65 Bridgwater Close, required by a disabled occupier. Parking spaces are at a premium.

Determining Issues

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

Observations

Impact on highway safety

The estate was built with limited off-street parking provision compared to the amount of houses and flats. This has led to indiscriminate parking or on-street parking in locations making it restrictive for other users of the highway. The proposal seeks to provide additional parking spaces across three zones and a redesign of existing spaces to make them more functional. For some properties this provides the opportunity for them to have a front drive for others due to the orientation of the set parking bays and landscape they are unable to have their own drive. Overall the proposals would improve the parking situation in both terms of numbers of spaces and the functionality of the spaces.

Residents have asked for the parking bays to be allocated to individual properties, due to the lower number of parking bays compared to the greater number of properties across the estate allocations for individual properties would not be practical. Concern has been raised that people parking on the car park who do not live in the immediate area. While this is unfortunate the nature of shared parking areas and the amount of spaces means that people are not guaranteed a parking space. The additional parking provision seeks to bring some improvements.

The proposals also include an additional footpath where currently none exist either side of this part of Bridgwater Close and looks to upgrade existing footpaths to the benefit of pedestrian safety.

At 53 Bridgwater Close the parking space rises compared to the rest of the parking area to provide a level threshold for a disabled occupier. Concern has been raised whether this remains. The applicants have confirmed it will be possible to keep the access levels. There is a brick structure that will be removed but the surface can be graded to ensure this accessible space is retained.

Concern has been raised that if cars park opposite the new parking bays cars will struggle to get out. The presence of parking bays should encourage people to use the parking provision rather than on-street, where this is not possible drivers would be aware of the potential to block in other vehicles and should park in a location where access is not impeded. It has been suggested that provision is made for a lay-by for delivery vehicles and such lay-by would be difficult to enforce and could end up being used for domestic parking. The provision of additional and more accessible spaces should improve access for delivery vehicles. It has also been suggested that that the car park on Wyre Close should have in and out access. The drawing demonstrates the new access and car park layout would ensure vehicles could leave the car park in a forward gear; therefore a separate access is not necessary.

The occupier of 45 Bridgwater Close has surfaced the front garden to provide a drive. The proposals show a landscaped area opposite the footpath in front of this drive which would prevent its use. The drive has a length of 3.8m, which means it is 1m shorter than the length of a standard space, accordingly a standard vehicle using this space would overhang the footpath. The application seeks to improve the safe use of parking areas in the estate, while it is unfortunate for the occupier to lose a space, due to this being substandard, the current arrangements would be in the benefit of highway safety. These comments have been shared with the applicant who is seeing whether a space not overhanging the highway could be accommodated. Their reply will be reported at the meeting.

There are two existing parking spaces in front of 65 Bridgwater Close are which are not shown for retention on the existing drawings which local residents are concerned with. The applicants have confirmed these spaces are to be retained and a revised drawing showing this is to be submitted. The drawing will be presented at the meeting.

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

Impact upon character of the area

Four of the areas would see a grassed verge removed to create the parking areas, while these verges have an amenity value they are considered in the context of the area which includes parking courts and access ways. Landscaped areas would continue to be provided around the estate and around the edges of the parking areas. Weight is given that these grassed areas are not designated open space and do not have features such as benches. The benefit of additional and more functional parking areas is weighed against the loss of grassed areas in the context of the retained areas. On balance it is considered this would not have a significant impact upon the character of the area.

The proposals would result in the loss of 12 trees, including three early mature Whitebeam, early mature apple tree, early mature silver maple, one young and three early mature Lime Trees, three early mature cherry trees. While the loss of these healthy trees is regrettable these are not protected trees that have significant amenity value. Across the whole estate 84 trees would be retained. Due to the layout there are limited alternative options for functional parking layouts without the loss of some trees. On balance the amenity value of a more functional parking area in the circumstances of this estate outweighs the loss of these 12 trees.

The blocking up of the walk through between and beneath 11 and 15 Bridgwater Close would use facing brick work that matches the adjoining houses. The walk through is in the corner of the two rows of properties and has limited presence on the street. The proposal subject to the use of a condition for matching brickwork would have limited visual impact.

The increased garden areas through the removal of the alleyways would have no adverse visual impact. Boundaries that match the existing would be used. Some of these areas have become overgrown and subject to fly-tipping, securing these areas would be to the benefit of visual amenity.

Impact upon residential amenity

The blocking up of the walk through and removal of side and rear alleyways are proposed in the interests of community safety. These shared accesses are in areas with reduced natural surveillance. The proposals have been submitted following consultation with residents and concerns about anti-social behaviour. Preventing unauthorised access would be to the benefit of community safety. Provision for bin storage is made for at the front of properties. The allocation of which property would benefit from the extended garden has yet to be finalised, however the principle is acceptable and the ultimate delineation of these areas would be for the applicants to resolve with tenants/adjoining landowners. The Police have been involved in the emerging proposals and recognise limitations to crime prevention due to the layout of the estate. They raise no objection to the application.

In some areas the parking would be 4m from the front of houses, for the existing car parks being revised this would have no material difference to the existing relationship. In regard to the new parking bays this would introduce vehicle movements closer to the front of houses. Due to the high density of the estate houses are quite close to the existing access roads. Vehicle movements, with the noise and lights associated is typical to what is experienced in most residential areas. It is not considered that this relationship would result in a significant loss of amenity to warrant refusal of the application.

Positive and proactive working with the applicant

Officers have liaised with the applicant's agent during the application process to secure addition information to enable full support to be given to the scheme.

Recommendation: Grant Permission Subject to Conditions

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

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

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

- Existing plan (PL1) received 22/10/14
- Proposed plan (PL2 Rev A) received 11/11/14

- Existing and proposed walk through details (14042s-104) received 11/11/14
- Arboricultural Survey (RT-MME-117205-02) received 11/11/14
- Construction details (PL3) received 22/10/14

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 the new/revised car parking areas first coming into use, they shall be fully consolidated, hard surfaced and drained, the parking bays shall be clearly demarcated on the ground.

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

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

4. The blocked-up walk through shall comprise facing materials that match in scale, colour and texture of those which are used in the immediate neighbouring properties as they exist at the time of this application, and shall be retained as such after completion of the development.

Reason: To ensure the satisfactory appearance of the development.



Regeneration Directorate – Planning and Building Control

Planning Committee

Report of Head of Planning and Building Control, Regeneration Directorate on 11/12/2014

Plans list item no: 2.

Reason for bringing to committee: Major application

Application Number: 14/1500/FL
Application Type: Full application

Applicant: Keepmoat

Proposal: Proposed infiltration basin to facilitate storm water run off to Goscote Lane regeneration area sites A and D. (Affects the setting of the public footpath Wal23).

Location: LAND WITHIN THE LEA OPPOSITE SHAKESPEARE CRESCENT, WALSALL.

Ward: Blakenall

Case Officer: Alison Ives

Telephone Number: 01922 652604

Email: planningservices@walsall.gov.uk

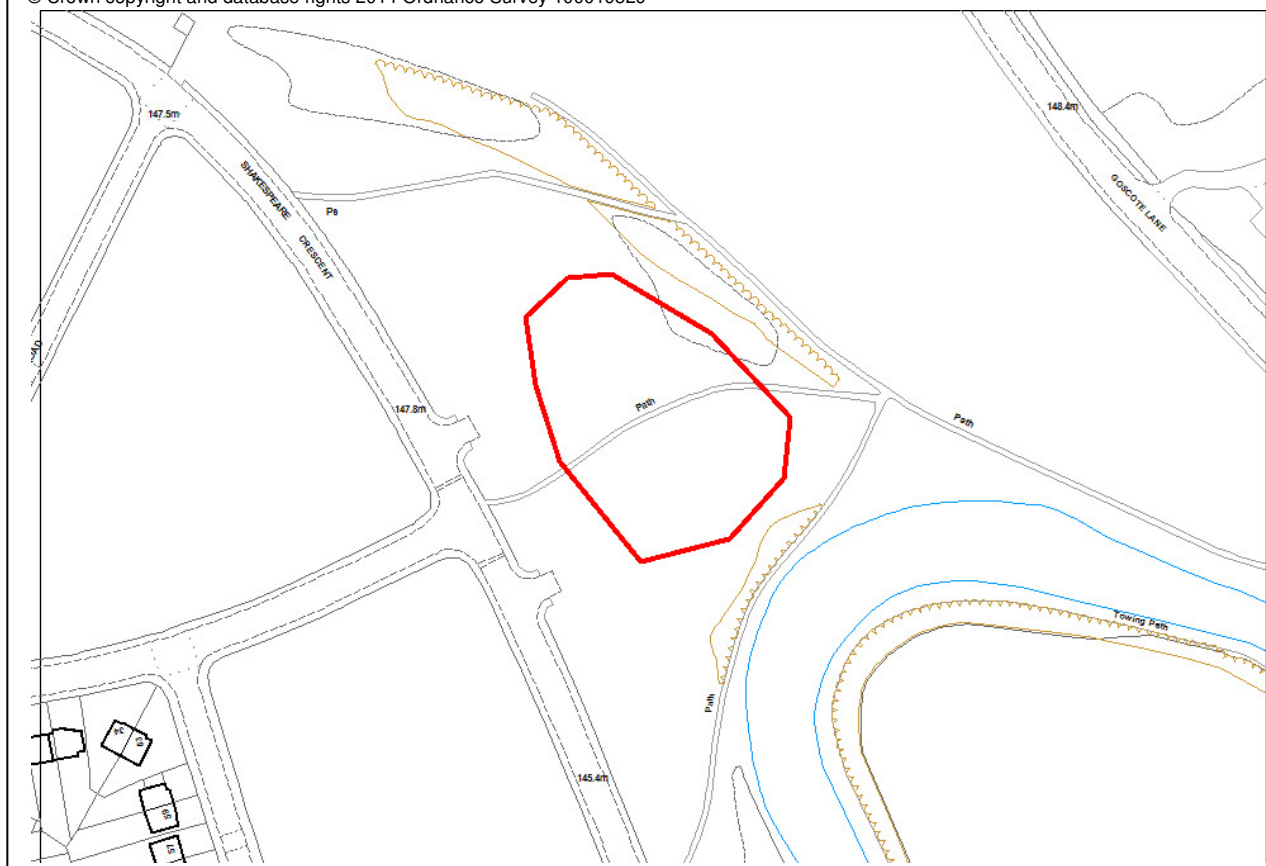
Agent: BM3 Architecture

Expired Date: 10/12/2014

Extension of Time Target Date:

Recommendation Summary: Grant Permission Subject to Conditions

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Application and Site Details

The proposal is for the creation of an infiltration basin to facilitate storm water run-off to Goscote Lane regeneration area sites A & D. The proposed infiltration basin is located on open land within The Lea which is located between Shakespeare Crescent and Goscote Lane and falls within the Green Belt. The land lies to the north of the Wyrley & Essington Canal. There is a public right of way to the north of the proposed basin (Wal 23) and other informal paths across the site.

The infiltration basin is proposed as a solution to accommodate surface water drainage and flood risk measures for the new housing being developed on the adjacent site A & D within the Goscote regeneration area. Condition 3 of the reserved matters application 14/0799/RM for this housing requires details of a surface water drainage scheme and condition 6 requires flood risk management measures.

The proposed infiltration basin design covers an area of approximately 70m X 23m. The base of the basin is 44m X 26m and is up to 2.25m below the current ground level. The outer edges will be graded up to match the surrounding ground levels with a maximum gradient of 1:5. The areas around the edge of the basin are proposed to be planted with native scrub mix, tree planting and wetland meadow areas.

The basin is designed to be predominantly a dry feature only filling with water sporadically during periods of extreme rainfall. The majority of the time the basin will not hold standing water. The planting is designed as low maintenance species rich grass mix that will survive short time flooding. The banks of the basin are to receive groundcover planting, shrubs and trees to provide a variety of habitats for insects, invertebrates, small mammals and birds.

Supporting information explains that the surface water run-off into the combined public sewerage system from the previous housing development equated to 178 litres per second. The proposals reduce this to 120 litres per second for all storm events up to 1 in 100 years. All water in the basin is discharged to ground. This also reduces the risk of flooding.

Further information has been provided which explains that a single infiltration basin maintained by one body (i.e. WHG) is preferable to the Environment Agency rather than individual soakaways at each property which may not be maintained. The alternative option would have been to have large storage tanks within the public highway or other open spaces which would be very difficult to construct and fit. The infiltration basin also achieves SUDs.

The site of the proposed infiltration basin is currently owned by the Council.

Goscote Surface Water Drainage Strategy – Explains that the surface water drainage strategy has evolved from the Flood Risk Assessment submitted with the outline permission and following consultations with the Canal & River Trust and Severn Trent Water and following additional ground investigations. It is proposed to dispose of surface water in two ways; to the public sewerage system and to ground via two infiltration basins. The proposal allows for a reduction in the peak rate of surface water run-off discharged to the public sewerage system which Severn Trent Water are accepting of in principle.

Following further ground investigations surface water disposal via infiltration is a viable option hence the proposal for an infiltration basin. This is a grassed depression designed to store surface water run-off which is then infiltrated into the subsurface soils to facilitate the recharging of groundwater resources. The bottom of the basin is graded as flat as possible to ensure uniform ponding and infiltration across the full surface area and shallow side slopes are used to allow for bank stabilisation, grass cutting and easy access. Stilling basins are provided locally around inlets

to provide sedimentation removal prior to surface water flows entering the basin to prevent sediment clogging. The maximum slope is 1 in 5 and maximum water depth 1.169m.

The strategy identifies a programmed of maintenance and inspection of the infiltration basin. The below ground drainage networks are to be adopted by Severn Trent Water and ownership and maintenance of the infiltration basin will be via an Environmental Trust which WHG are establishing to manage the whole development in Goscote.

The Goscote Additional Area Ecological Appraisal – The survey assesses the ecological value of the site, notes the likely presence of protected or notable species and any potential ecological constraints to the development. Mitigation and enhancement measures are also considered. It states site habitats comprise medium sward semi-improved grassland with areas of scrub and a single tree group. It recommends site clearance takes place outside the bird breeding season and a stand-off zone from the canal to prevent unnecessary disturbance to the SLINC or pollution from accidental spillages. No further surveys are necessary but a precautionary approach to clearance is recommended. Ecological enhancements are recommended including a native seed mix for a marshy area, replacement trees for any needing to be removed, native planting to attract wildlife and precautionary actions to prevent disturbance of wildlife.

Supplementary Soakaway Investigation Sites A & D – Investigates the infiltration characteristics of the shallow soils beneath sites A & D including a study of the geology, excavation of trial pits between 2-3m below current ground level and in-situ soakage testing. The findings were that ground conditions comprise either a shallow layer of topsoil or made ground up to 1.3m in thickness comprising ashy gravelly sand. Made ground was thicker in some areas. The made ground was underlain by clayey gravelly sand. Groundwater was not encountered during intrusive investigation with the exception of a couple of trial pits where it was encountered between 2.4-2.6m below ground level. Infiltration rates were largely consistent across the site and were consistent with hydraulic conductivity rate of silty sand.

The Remediation Method Statement and Updated Human Health Risk Assessment – Identifies that on the open space none of the detected concentrations of contaminants exceed recommended guidelines and as such is suitable for open space areas. The investigation did not identify any risks to controlled waters following construction of the infiltration basin. Excavated materials may be reused elsewhere on the site subject to a suitable materials management plan.

Relevant Planning History

14/0799/RM - Reserved matters application for erection of 412 new dwellings - 235 for private sale and 177 for affordable rent with associated parking, landscaping and road works (outline permission 12/0036/OL) – Granted subject to conditions 11/11/14.

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

12/0036/OL – Outline permission for residential development on sites A, D & J (Goscote Lane Regeneration Corridor) – Approved Habitat Regulations Assessment and Granted subject to conditions and a S106 Agreement on 13/08/14.

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

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

There are several approved applications for prior notification for demolition of the former housing on the sites throughout 2005/2006.

Adjacent site

Site J – Shakespeare Crescent

13/1604/RM – Erection of 29 dwellings for affordable rent – approved Habitats Regulations Assessment and granted full planning permission subject to conditions 27/2/14.

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

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

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

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

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

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

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

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

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

On **planning conditions** the NPPF says:

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

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

The Development Plan

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

The Black Country Core Strategy (BCCS) (2011)

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

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

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

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

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

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

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

The Spatial Objectives include

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

The above are supported by the following policies:

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

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

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

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

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

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

TRAN1: All new developments will address the transport network and provide adequate access for all modes, including walking, cycling and public transport. TRAN2: Proposals likely to have significant transport implications should provide an acceptable level of accessibility and safety by all modes of transport to and from all parts of a development.

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

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.

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.

ENV1: Identifies the Green Belt boundary.

ENV2: Seeks to control development in the Green Belt. Any engineering or other operation, or the making of any material change in the use of land is inappropriate development in the Green Belt if it conflicts with the openness and purposes of the Green Belt.

ENV3: Advises on detailed evaluation of proposals in the Green Belt including quality of new landscape schemes, impact on significant views, viewpoints and topographical features and implications on infrastructure.

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

ENV17: Encourages new planting.

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

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

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

ENV32: New developments should be well integrated with surrounding land uses and local character.

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

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

LC1: Seeks to protect existing open space.

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

T10 (a): Refers to accessibility standards.

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

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.

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

DW5: Ease of Movement – connections to existing routes

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

Conserving Walsall's Natural Environment SPD

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

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

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

Supplementary Planning Document Urban Open Space

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

Consultations

Transportation – No objections. The site is crossed by an un-adopted footpath which is open for public use across The Lea linking Shakespeare Crescent to public footpath Wal 23 which runs to the north east of the site. Whilst not recorded as a definitive footpath, the un-adopted footpath should be retained and diverted around the infiltration basin in order to provide for and retain what will be an important link between the wider housing redevelopment and the definitive public footpath network and open space. A condition is recommended to secure amended plans showing provision of a diversion of the un-adopted footpath around the infiltration basin. The failure to provide the required diversion around the basin may invoke a legal Footpath Stopping Up Order procedure which could have implications on the deliverability of the development.

Pollution Control (Scientific Team) – No objections.

Pollution Control (Contaminated Land) – No specific contaminated land requirements.

Canal & River Trust – Further information is required to assess the potential impact on the stability of the canal and canal embankment including its structural integrity and water levels.

Greenspace Services – Objects. The proposed native tree and shrub planting will be a maintenance liability and amenity grassland seeded with appropriate species-rich mix is preferred. Further details of ground infiltration rates and water volumes and levels are expected to understand potential for water logging which could cause problems and safety concerns. Health and safety precautions should be provided including signage, barriers and buoyancy equipment. Details of the overflow pipe are required which should be designed to prevent vandalism. Water quality may be affected by fly tipping. Provision should be made for the new route of the footpath. If protected species colonise the basin it could affect future maintenance.

The Lea is designated as a Strategic green space in the Council's Green Space Strategy 2012 -17 (site ID 2061). The site is classified as natural and semi-natural green space; hence its primary purpose is wildlife conservation, bio-diversity and environmental education and awareness. Significant improvements to entrances, footpaths and site furniture have recently taken place in partnership with the Friends Around the Lea.

Inland Waterways – Objects. There are concerns about potential discharge of untreated sewage pollution within the basin which is publicly accessible and potential for floodwater discharges to affect the stability of the canal. An alternative drainage strategy should be considered.

Local Access Forum (Walsall Ramblers) – Concerned about the impact on public footpath Wal 23 and any diversion needs to be identified for consideration.

Natural England – No objections. The proposal is unlikely to affect any statutorily protected sites or landscapes. Consideration should be given to protected species, local wildlife sites and risk zones for statutorily protected sites.

Natural Environment – Clarification on how the proposed development fits into the wider landscape is needed, including pedestrian movement. More refinement of the proposed planting species is needed.

Structures & Geotechnics – Concern over who will be responsible for maintaining the infiltration basin and storm water sewers and whether Severn Trent have agreed to this system.

Public Participation Response

Two letters have been received from the “Friends Around The Lea” (TFATL). Their comments are summarised as follows:

- The Lea is a historic piece of public green belt with strategic importance
- The Lea is well used by the public
- A commemoration of the end of World War I is proposed in 2018 and thousands of poppy seeds have been sown on this site
- Objects strongly as TFATL were assured The Lea would be safe from future development
- The infiltration pond should be located within Sites A & D not on The Lea
- The same drainage system as previously served the 400 demolished properties should be utilised instead
- The infiltration basin was not part of the outline permission
- The possibility of untreated sewage being discharged onto the site is unacceptable
- Maintaining the integrity of the canal structure is essential
- What other options have been considered?
- There is no public benefit from the proposal
- The basin will either be a mud hole or dust hole
- What proposals are there for maintenance
- What are the costs to existing residents for clearing sewers to remove flood waters from sites A & D

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

Determining Issues

- Whether the proposal is inappropriate development in the Green Belt
- Principle of incorporation of an infiltration basin
- Design and maintenance
- Relationship to surrounding properties
- Impact on public rights of way
- Potential structural implications on the canal
- Potential contamination issues

Observations

Whether the proposal is inappropriate development in the Green Belt

The site for the proposed infiltration basin is within The Lea which forms part of the Green Belt. National and local planning policies seek to control development in the Green Belt specifying different types of development which may be appropriate. Policy ENV2 of the UDP specifies that any engineering or other operation or the making of any material change in the use of land is inappropriate development in the Green Belt if it conflicts with the openness and purposes of the Green Belt. The proposal is clearly an engineering operation and whilst the infiltration basin

performs a sustainable drainage purpose the landscaping and design still allows public use of the space so there is no material change of use of the land. The proposal also maintains the openness and character of the Green Belt in so far as there are no permanent buildings and appropriate replacement landscaping is proposed.

Objectors are concerned that the proposed development on The Lea which is well used by the public and which they consider is not acceptable on this strategic open space. They are also concerned that poppy seeds planted to commemorate the end of World War I will not be preserved. For the reasons given above the proposal still maintains public access to the open space and there are no permanent buildings proposed. In regard to the poppy seeds planted, there is scope to incorporate replacement planting in the landscaping scheme or on adjacent land.

It is considered that the proposals do not harm the openness or character of the Green Belt in such a way as to warrant refusal of the application.

Principle of incorporation of an infiltration basin

The proposal for the infiltration basin has resulted as part of the process of determining sustainable drainage and flood risk management to accommodate the new housing being developed on sites A & D adjacent to the site. The principle of developing the housing was approved under outline permission 12/0036/OL and approved reserved matters under application 14/0799/RM. The permission established the layout of the site to accommodate 412 dwellings with areas of open space.

The following conditions were included on the permission 14/0799/RM:

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

- i. Surface water attenuation to the 1:100 year event 30% climate change standard.*
- ii. Limitation of surface water discharge from the site to the greenfield rate as outlined in the FRA submitted with the outline permission 12/0036/OL.*
- iii. The inclusion of SuDS where possible as outlined in the Flood Risk Assessment, paragraph 7.23.*

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

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

5a. No development shall take place until such time as a flood risk management scheme has been submitted to, and approved in writing by, the local planning authority. This should include details of:

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

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

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

The proposed infiltration basin design seeks to address both these conditions to enable commencement of the approved housing development on sites A & D. As the layout and design of the housing has already been approved there is no scope to incorporate an infiltration basin of the required parameters which would facilitate suitable maintenance arrangements within the existing sites despite objectors concerns. Although the infiltration basin was not identified on the outline or

reserved matters permissions it is the developer's solution to addressing the conditions on the reserved matters approval 14/0799/RM and providing for sustainable drainage and flood risk management. The option to reuse conventional drainage by connecting to existing sewers is not supported by Severn Trent and would not address policy requirements for sustainable drainage and flood risk for a 1 in 100 year event.

The proposal is for surface water drainage so it is unlikely that untreated sewage would be discharged onto the site as the surface water will percolate through the ground rather than being discharged into the combined sewer incurring no further costs to existing residents. A new 525mm storm sewer is proposed to discharge water from site D to the infiltration basin. The proposal is to accommodate sustainable drainage for the new housing. It is intended that maintenance of the infiltration basin will be by an Environmental Trust to be set up by WHG.

As the site investigation has identified that the ground is suitable for an infiltration basin this is the preferred option by the developer's in order to comply with the conditions on the earlier permission. This is considered acceptable despite Greenspace Services concerns about infiltration rates and the objector's requests to consider discharging into existing underground systems.

Although objectors consider that the proposals offer no benefit to residents there will be some benefit from the enhanced landscaping and new habitats created from new planting.

The principle of the infiltration basin to accommodate sustainable drainage and flood risk management for the new housing developments is acceptable and necessary to address conditions on the reserved matters permission.

Design & Maintenance

The design of the infiltration basin is a hollow in the ground with gentle slopes rising around it to meet current ground levels. Planting is proposed including native seed mix for a marshy area and various species of tree and shrub planting to offer ecological enhancements. Inevitably there will be periods throughout the year when the infiltration basin is wet in a flood event and the supporting information identifies that it could hold water up to a total depth of 1.169m. For the remainder of the time it will be a dry sometimes marshy depression in the ground. Greenspace Services are concerned about water retention and potential health and safety issues that may arise. The objector also considers the design is unacceptable but it is typical of other areas of open space that become muddy in wet weather where users of the open space would be aware of in terms of personal safety. In terms of health and safety there is a lesser risk posed by the infiltration basin than by the adjacent canal.

The structures team are concerned about who will be responsible for maintaining the infiltration basin and storm water sewers. Greenspace Services also highlight several issues in regards to the design and maintenance of the infiltration basin. The supporting information identifies that the developers will be setting up an Environmental Trust to maintain the area. A regime for regular checking is also identified and can be secured by condition.

The natural environment officer and Greenspace Services have sought further clarification on the wider context and refinements to the proposed planting species. This can be secured by a recommended condition.

The design of the infiltration basin will not significantly affect the visual or residential amenities of the surrounding area.

Relationship to surrounding properties

There are existing and proposed houses surrounding The Lea that face the infiltration basin. The re-sculpting of the land to accommodate the basin does not significantly harm the openness or use

of The Lea. In the event of a flood the proposal will hold water until it percolates through the ground. This temporary water storage will not significantly harm residential amenities and may offer benefits to wildlife.

Despite concerns about potential flooding of the whole area the scheme is designed to accommodate sufficient surface water run-off for a 1 in 100 year event.

A condition is recommended to restrict construction operating hours and to require a construction environmental management plan to protect the amenities of nearby residents.

Impact on public rights of way

The Local Access Forum is concerned about the impact on public footpath Wal 23. The footpath lies to the north east of the proposed site and is unaffected by the proposals despite their concerns about the need for any diversion. There are other non-definitive paths, one of which runs through the proposed infiltration basin site, that are affected by the proposals but the plans show retention of pathways through the site. A condition is recommended to secure provision of a footpath around the perimeter of the infiltration basin to replace the un-adopted footpath that currently runs through the site. The Transportation officer is satisfied that such provision can be secured. This addresses Greenspace Services concerns in this respect.

Potential structural implications on the canal

The Canal & River Trust, Inland Waterways and objectors are concerned about the potential impact the infiltration basin will have on the structural integrity of the adjacent canal and supporting infrastructure. Details of the typical construction of the infiltration basin have been provided. Although this does not show the immediate relationship to the canal the extent of the infiltration basin is set at least 6m away from the tarmac path that runs close to the canal so structural integrity should be protected. The structural design of the basin is designed to hold surface water and flood water from the proposed new housing without disrupting surrounding areas.

Potential contamination issues

The pollution control officer has no objections to the proposals and there are no anticipated contamination issues that would prevent the use of an infiltration basin as a means of providing surface water drainage.

Positive and Proactive working with the applicant

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

Recommendation: Grant Permission Subject to Conditions

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

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

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

- Drainage features outside current ownership boundary (14030/P103A) received 06/10/14
- Infiltration Basin Layout plan (14030/123A) received 25/11/14
- Infiltration Basin Cut & Fill Plan (10430/126A) received 25/11/14
- Infiltration Basin Cross Sections Sheet 1 of 2 (14030/124A) received 25/11/14
- Infiltration Basin Cross Sections Sheet 2 of 2 (14030/125A) received 25/11/14
- Infiltration Basin Typical Construction Details (14030-313) received 25/11/14

- SUDs Basin Landscape Proposals (c-1132-10) received 06/10/14
- Goscote Additional Area Ecological Appraisal prepared by ECUS Environmental Consultants (Report 5291) received 05/11/14
- Supplementary Soakway Investigation at Sites A & D Goscote prepared by RSK (reference 312697-01-00) received 14/11/14
- Remediation Method Statement and Updated Human Health Risk Assessment prepared by RSK (reference 312900-01-00) received 14/11/14

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).

3. Within two months of the date of this permission a revised layout plan shall be submitted to and approved in writing by the Local Planning Authority showing a 2m wide footpath around the north-western periphery of the infiltration basin to replace the section of footpath that currently exists through the centre of the site.

Reason: To retain the existing pedestrian link across The Lea to Shakespeare Crescent, in accordance with UDP Policy GP2 and T8 and Black Country Core Strategy Policy TRAN4.

4a. Within two months of the date of this permission full details and engineering sections for the construction of the infiltration basin to demonstrate that the structural integrity of the canal and supporting structure is maintained shall be submitted to and approved in writing by the local planning authority. Full details of the specific design of the outfall shall also be provided.

4b. The development shall be completed in accordance with the approved details.

Reason: To maintain the structural integrity of the Wyrley & Essington Canal and satisfactory completion of the development.

5. Within two months of the date of this permission a Management and Maintenance Plan for the Infiltration Basin shall be submitted to and agreed in writing with the local planning authority and the infiltration basin shall thereafter be implemented, maintained and managed in accordance with the approved details.

Reason: To ensure the satisfactory maintenance and management of the infiltration basin to ensure appropriate drainage and flood risk measures are maintained.

6a. Notwithstanding the submitted landscape proposals shown on drawing c-1132-10 within two months of the commencement of development amended planting proposals shall be submitted to the local planning authority identifying a native shrub mix and alternative shrub and tree species and grass mixes suitable for the location of the site. The details shall thereafter be agreed in writing by the Local Planning Authority.

6b. The landscaping shall be implemented in accordance with the approved details.

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.

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

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

Reason: To protect the amenities of surrounding properties.

8: A Construction Environmental Management Plan (CEMP) shall be submitted to the Local Planning Authority for approval in writing. The CEMP shall define working practices throughout the development of this site and shall be implemented and complied with where relevant before any development commences and during development. The following matters shall be addressed in the CEMP:

- (i) Location and type of wheel washing equipment
- (ii) Details of any proposed storage compounds
- (iii) Details of any proposed safety fencing
- (iv) Means of dust suppression

Reason: In the interests of highway safety, to ensure the satisfactory development and functioning of the site and to safeguard the amenities of nearby residential occupants.



Regeneration Directorate – Planning and Building Control

Planning Committee

Report of Head of Planning and Building Control, Regeneration Directorate on 11/12/2014

Plans list item no: 3.

Reason for bringing to committee: Major application

Application Number: 14/1465/FL
Application Type: Full application

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

Applicant: Centro

Proposal: Variation of Condition 13 of permission 09/1342/FL to allow a continuous operation instead of three phased approach to works to fill the disused railway cutting between Reedswood Way and Mill Street, including the removal of Cannon Street footbridge.

Location: Railway Cutting between Reedswood Way and Mill Street, Walsall

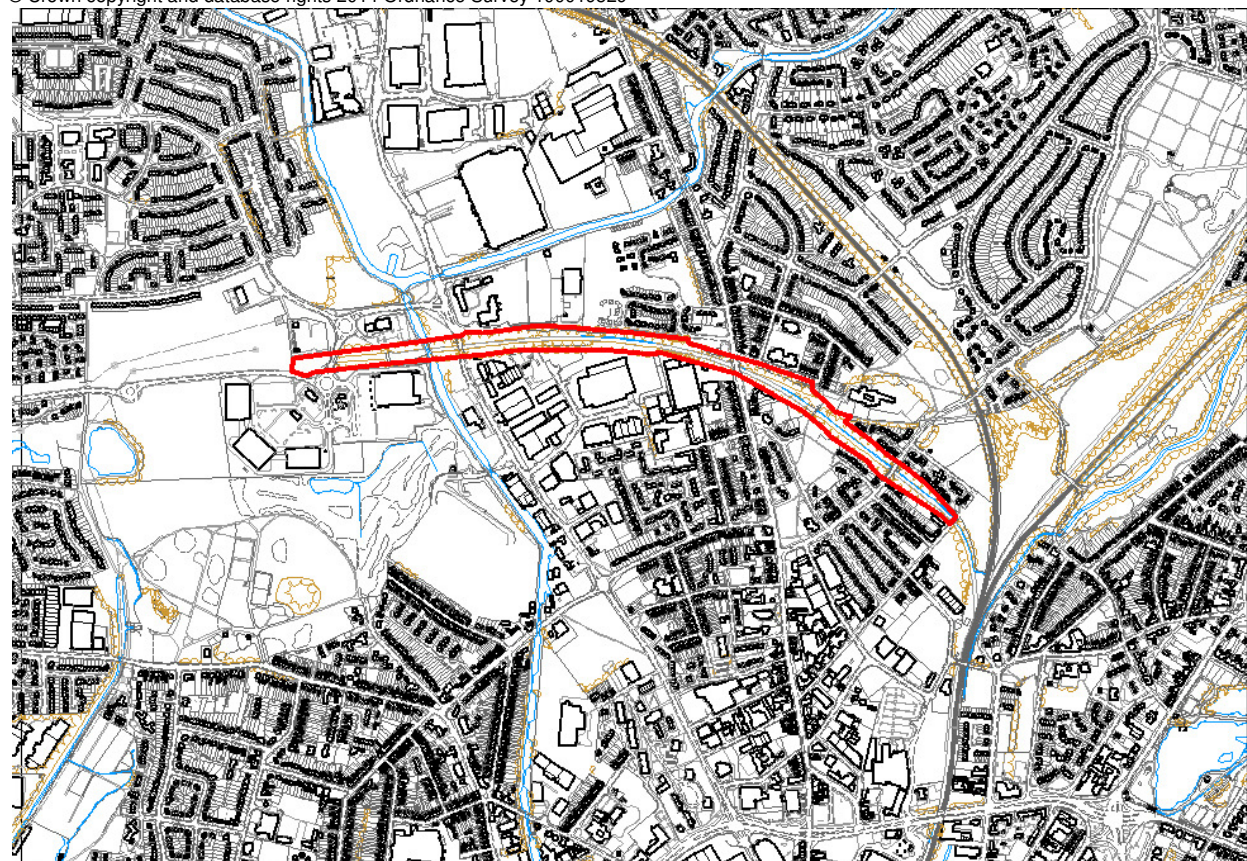
Ward: Birchills Leamore

Expired Date: 29/12/2014

Extension of Time Target Date:

Recommendation Summary: Grant Permission Subject to Conditions

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Application and Site Details

The proposal seeks a variation of condition 13 of permission 09/1342/FL to allow a continuous operation instead of three phased approach to works to fill the disused railway cutting between Reedswood Way and Mill Street. The proposals include removal of Cannon Street footbridge.

North Walsall Cutting was constructed in the 19th century and carried trains up until the 1980s. Running from Reedswood Way to Ryecroft Junction, the cutting is over a kilometre long and at some points reaches a depth of 12 metres. The cutting has been acquired by Centro with the objective of developing the "5Ws" Metro route, linking Wolverhampton to Wednesbury via Wednesfield, Willenhall and Walsall. The 5Ws scheme requires the North Walsall Cutting to be infilled to achieve an at-grade crossing of Bloxwich Road, where a tram stop would be located.

North Walsall Cutting is a designated Site of Local Importance for Nature Conservation (SLINC) and wildlife corridor.

Condition 13 was amended by application 12/0090/FL in 2012 and currently reads as follows:

"13. Prior to any development commencing a Construction Environmental Management Plan (CEMP) shall be prepared and submitted to the Local Planning Authority for approval in writing. The CEMP shall define working practices throughout the development of this site and shall be implemented and complied with where relevant before any development commences and during development:

a) A working programme for each phase / section to be cleared, reclaimed, infilled, landscaped, restored and reinstated in relation to each other. Each section, consisting of Mill Street Bridge to Proffitt Street Bridge, Proffitt Street Bridge to Bloxwich Road Bridge, and Bloxwich Road Bridge to Upper Green Lane Bridge, shall be completed prior to commencement of any other section and shall take account of the recommendations contained in the URS Scott Wilson North Walsall Cutting Landscape and Habitat Management Plan.

b) Matters to be considered for inclusion in the CEMP:

- Location and type of wheel washing equipment*
- Location of site offices*
- Proposed storage compounds*
- Proposed lorry manoeuvring areas*
- Signage to indicate site and directions*
- Times of deliveries to the site*

c) The plan should also include any other relevant practices which may affect the amenity of the nearby residents and businesses whilst the completion of the infill, landscaping areas and restoration of habitats etc is carried out. This includes land reclamation, stabilisation, preparation, remediation, refurbishment or investigation and the siting of plant, machinery or equipment.

d) Any alterations or changes to project commencement times or duration of construction periods shall be submitted to and approved in writing by the Local Planning Authority prior to those amendments being implemented.

e) Details of the construction of the vehicular access which shall be carried out in accordance with a specification to be submitted to and approved in writing by the Local Planning Authority, at a gradient not steeper than 1 in 12.

f) Details of restoration works to the compound etc following completion of the infill works

Reason: In the interest of Highway safety, to ensure the satisfactory development and functioning of the site and to safeguard the amenities of nearby residential occupants."

As detailed in part (a) of the above condition there are three approved phases for the works. The proposed single phase approach would be to erect reptile barriers fencing and existing habitat enhancement and reptile trapping and translocation to the entire works area. The remainder of the work would comprise the following activities in three phases as previously approved:

- Site clearance and vegetation strip
- Installation of required land drainage
- Cutting infill works
- Landscape and restoration works

The applicant states that there is only one suitable access/egress to the works (off Reedswood Way) and that this restricts operations within the site and renders the three phase approach impractical. This is because extensive site clearance and preparatory works would have to be undertaken between Upper Green Lane and Proffitt Street Bridge in order to enable infilling of the first section near Mill Street utilising the single access from Reedswood Way. Long access ramps would be required for safe access to the completed infill section that would need to be removed prior to commencement of the next phase incurring additional costs, the overall project could be delayed by 3-4 months and from a health and safety point of view the movement of large plant and potential conflict between plant and operatives during each phase and construction and removal of temporary access.

The applicant claims the benefits of the single phase approach are that all works including site/vegetation clearance, drainage, fencing, infilling and landscaping are completed in one operation offering cost savings and negating abortive works, it will result in a reduction in the timescale of at least 3 months, there will be less temporary works to reduce the timescale.

Relevant Planning History

09/1342/FL – Filling of cutting and associated works, including the removal of Cannon Street footbridge with access for filling from Reedswood Way – GSC 20/01/10.

12/0092/FL - Variation of condition 13 of 09/1342/FL relating to works to the railway cutting to allow for a flexible phasing plan to works – GSC 30/03/14.

There have been several applications for discharge of conditions on the original permission including 11/1586/DOC, 12/0153/DOC, 12/0619/DOC and 14/1461/DOC. None of these have been fully discharged.

Relevant Planning Policy Summary

National Planning Policy Framework (NPPF)

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

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

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

- Promoting sustainable transport

Key provisions of the NPPF relevant in this case:

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

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

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

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

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

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

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

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

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

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

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

On **planning conditions** the NPPF says:

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

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

The Development Plan

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

not be considered out-of-date simply because they were adopted prior to the publication of the framework.

The Black Country Core Strategy (BCCS) (2011)

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

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

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

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

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

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

The Spatial Objectives include

3. Model sustainable communities on redundant employment land in the Regeneration Corridors that make the best use of existing opportunities and are well integrated with surrounding areas.

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

9. Sufficient waste recycling and waste management facilities in locations which are the most accessible and have the least environmental impact.

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

The above are supported by the following policies:

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

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

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

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

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

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

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

ENV1: Seeks to safeguard nature conservation.

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

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

Walsall's Unitary Development Plan (UDP)

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

Policies that have been saved and not replaced by the BCCS remain part of the development plan.

However, in such cases the NPPF says "due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)".

The relevant policies are:

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

ENV9: Seeks environmental improvements.

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

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

ENV17: Seeks to secure new planting particularly along transport corridors.

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

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

ENV24: Expects developments to maintain the integrity of wildlife corridors and enhance their value for wildlife.

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

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

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

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

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

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

Supplementary Planning Documents (SPD)

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

Designing Walsall SPD

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

DW2- Safe and Welcoming places- all development must contribute towards creating places that feel safe, secure and welcoming for everyone;
DW3 – Character -design to respect and enhance local identity;
DW9 – High Quality public realm - new development must seek to ensure it creates places with attractive environmental quality;
DW 10 – new development should make a positive contribution to creating a sustainable environment.

Conserving Walsall's Natural Environment SPD

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

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

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

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

Consultations

Transportation – No objections subject to the inclusion of previous conditions imposed on permission 09/1342/FL to secure access and operational requirements to protect highway safety.

Natural Environment (Ecology) – No ecological objections provided the measures to be secured by conditions 9 and 10 on the original permission are satisfactorily complied with.

Pollution Control (Scientific Team) – No objections subject to retention of all other conditions on permission 09/1342/FL.

Pollution Control (Contaminated Land) – No objections.

Canal & River Trust – No objections.

Coal Authority – No objections.

Conservation – No objections.

Environmental Health – No objections.

Fire Service – No objections. Adequate hydrant provision is required along the route of the site or other alternative accessible water supplies. Dead ends should not be more than 180 metres in length.

Local Access Forum (Walsall Ramblers) – No objections as rights of way will not be impacted significantly. Health & safety issues should be monitored.

Natural England – No objections.

Police – No objections.

South Staffordshire Council – No objections.

Structures & Geotechnics – No objections.

Public Participation Response

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

- Where is Cannon Street Footbridge?
- There is a site access off Northumberland Way which is already used for access to construction traffic for new housing
- It is unacceptable to generate more construction traffic through a residential area

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

Determining Issues

- The potential impact of a single phase approach on highway safety and maintenance of operational control
- Ecology
- The potential impact on residential amenities

Observations

The potential impact of a single phase approach on highway safety and maintenance of operational control

The proposal is to utilise a single access off Reedswood Way to carry out the infilling works. This is an established purpose built access furthest from residential properties and is capable of accommodating large plant without significant impact on the adjacent highways. The alternative secondary access was to have been from a site at Bloxwich Road which immediately adjoins a new residential development being constructed at the former Council depot in Norfolk Place. Although this part of the housing site is not yet developed there would be a conflict with new housing and other construction traffic. It is considered that the proposals to utilise a single access point off Reedswood Way do not have a significant impact on highway safety.

The principle of the infilling has not altered and the Fire Service considerations regarding access to a water supply and length of cul-de-sac are not directly affected by the proposed changes to the phasing from that previously granted.

The proposed single phase approach has been identified by the applicant as enabling easier operations to commence infilling at the Mill Street section, it reduces costs for abortive works to construct access ramps to gain access to the infilling section, reduces project delays to enable completion within a reduced timescale and offers safety benefits by removing the need for temporary access points and conflict between large plant operating within the different phases.

This application to vary condition 13 and allow a single phase approach to the development will still be controlled by provisions in the remainder of the condition which secure provisions to maintain operational control. It is recommended that all other conditions on the original permission are repeated in any new permission except in so far as any that may have been complied with.

The objectors query where Cannon Street footbridge is. This is a pedestrian footbridge between Cannon Street North and North Walsall School which is to be temporarily removed whilst the area is infilled and then reinstated once works are completed. This element of the proposal has not changed and was part of the original permission and so all conditions to secure its reinstatement will remain.

Ecology

The ecologist has no objections provided that the measures to be secured under the original permission 09/1342/FL are satisfactorily complied with. This relates to provision of a detailed ecological landscape scheme, a methodology for the implementation of the scheme and detailed measures to be taken for the reinstatement of specific habitats for the species displaced by the development and details of how the restoration scheme will be established, maintained and monitored over a period of at least 10 years from the completion of the final phase. A reptile survey is also required and if any reptiles are found full details of mitigation measures to conserve the species found. The conditions to secure these measures are repeated on this new permission.

The potential impact on residential amenities

Since the original permission was granted a new housing development has been approved and is under construction on the site of the former Council Depot at Norfolk Place. Whilst this increases the potential nuisance risk for new residents over a prolonged single phase period the infilling works will be completed in accordance with the agreed strategies secured under the original permission. Despite the incorporation of the new homes adjacent to the site residential amenities will be protected by measures already identified on the original permission.

The new highway off Bloxwich Road is known as Northumberland Way and currently serves the new houses and construction traffic as works continue on this site. Objectors are concerned that the use of this access for the infilling of the railway cutting as well will generate unacceptable levels of traffic through a residential area. The amended proposal for a single phase operation identifies the use of the access off Reedswood Way as the favoured access for the infilling works so removing this potential conflict.

Positive and Proactive working with the applicant

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

Recommendation: Grant Permission Subject to Conditions

1. 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 & Country Planning Act 1990.

Highways

2. 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 shown on the deposited plan.

Reason: To ensure the satisfactory functioning of the development and in the interests of highway safety.

3. All loading and unloading of goods and materials shall take place within the curtilage of the site.

Reason: To ensure the satisfactory functioning of the development and in the interests of highway safety.

4. Notwithstanding the details submitted under application reference 14/1461/DOC no filling in between Bloxwich Road and Profitt Street shall be commenced until full details of the footpath diversion across the section of the railway cutting between Cannon Street North and Hereford

Street have been submitted to and approved in writing by the Local Planning Authority. The details shall include removal of the existing footbridge and temporary arrangements for the location of diverted footpath and how it will be surfaced and any boundary treatments. The details shall also include reinstatement, of the footpath link between the two areas, surfacing and boundary treatments. The approved footpath diversion shall be implemented prior to any part of the footbridge being removed or closed, the reinstatement of the new pedestrian link shall be fully implemented prior to the temporary diversion is closed and removed.

Reason: To ensure adequate facilities are provided at all time for pedestrians to pass and re-pass safely across the railway cutting whilst works are taking place.

5. Prior to any use of the car park off Bloxwich Road details shall be submitted to and approved in writing by the Local Planning Authority which identify how the existing car park will be segregated to allow separate access to the cutting without interference with the continued use of the car park. The approved details shall be implemented in accordance with the approved plans and shall thereafter be retained for the duration of the development, the car park shall thereafter be returned to its former use unless subject to further planning permission.

Reason: To prevent any conflict between users of the car park and operatives working on the infilling project.

Amenity

6. Notwithstanding the details submitted under application reference 14/1461/DOC no external lighting shall be installed on the site until details have been submitted to and approved in writing by the Local Planning Authority and the lights shall be installed and thereafter retained in accordance with the approved details.

Reason: To safeguard the amenities of the occupiers of adjoining and nearby residential premises and in the interests of highway safety.

7. Notwithstanding the details submitted under application reference 11/1586/DOC no development, in any phase, shall be carried out until full details of the proposed boundary treatment of the site have been approved in writing by the Local Planning Authority. The submitted scheme shall include any internal site divisions during the infilling of the site. The approved scheme, in any phase, shall be implemented before the development in that phase is brought into use and following completion of the infilling operations and shall be thereafter retained.

Reason: To safeguard the amenities of the occupiers of adjoining premises and to ensure the satisfactory appearance of the development.

Conservation

8. Notwithstanding the details submitted under application reference 14/1461/DOC prior to any works commencing for the removal of bridges across the cutting the Local Planning Authority Conservation Officer shall be given the opportunity of inspecting the bridges for the purpose of making a record and identifying any artefacts which may be worthy of preservation or documentation.

Reason: To identify and protect any structures which may relate to the historic conservation of the boroughs history.

Landscape/Ecology

9a. Notwithstanding the details submitted and partially discharged under application reference 12/0153/DOC and details submitted under application 14/1461/DOC no development or site clearance works shall commence until a detailed ecological landscape scheme has been submitted

to and approved in writing by the Local Planning Authority. The ecological landscape scheme shall include full details of phasing of implementation, ground preparation and substrates, specification of plant material proposed, landscape techniques to be used together with a detailed plan showing the locations of all features proposed. The plan shall set out a coherent methodology for the implementation of the scheme and also detail the measures to be taken for the reinstatement of specific habitats for the species displaced by the development in accordance with the mitigation measures envisaged in the Environmental Statement paragraphs 10.106 to 10.116. The ecological landscape scheme shall be implemented in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

9b. Notwithstanding the details submitted and partially discharged under application reference 12/0153/DOC and details submitted under application 14/1461/DOC no development or site clearance works shall commence until a management plan providing full details of how the proposed restoration scheme will be established, maintained and monitored over a period of at least 10 years from the completion of the final phase has been submitted to and approved in writing by the Local Planning Authority. The management plan shall be carried out to a methodology agreed in writing by the Local Planning Authority. The management plan shall be implemented in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the satisfactory appearance of the development, promote bio recovery, and the success of the SLINC and wildlife corridor

10. Notwithstanding the details submitted and partially discharged under application reference 12/0153/DOC and details submitted under application reference 14/1461/DOC no development or site clearance works shall commence until a reptile survey carried out by an appropriately qualified and experienced person to a nationally accepted methodology. Full details of the survey and its results shall be submitted to the Local Planning Authority for written approval. If any reptiles are found the survey shall provide full details of mitigation measures to conserve the species found. The mitigation measures shall thereafter be implemented in accordance with the approved survey report.

Reason: To ensure the protection of reptile populations.

11. Notwithstanding the details submitted under application reference 12/0619/DOC and 14/1461/DOC no development or site clearance works shall commence until a tree survey carried out by an appropriately qualified and experienced person to BS 5837 2005 standards has been submitted to and approved in writing by the Local Planning Authority. The survey shall assess all trees which can be retained above the fill line for each phase of the development. The survey shall also identify the location of protective fencing to prevent encroachment into areas of trees and shrubs and other vegetation for every phase of the development. The fencing shall be erected prior to the commencement of site clearance works and remain until either the phase is completed or there is no further risk to retained vegetation. No equipment, vehicles, materials shall be stored or operated fires lit or temporary structure erected within the line of the protective fencing.

Reason: To safeguard the trees on the site.

Operational

12. Notwithstanding the details submitted under application reference 14/1461/DOC and notwithstanding the infill phasing details, prior to any commencement of works, a detailed programme which identifies works to be carried out within each section / phase of the development and their relationship to each other shall be submitted to and approved in writing by the Local Planning Authority.

There shall be no more than three phases operated on at any one time (i.e. 1. clearing ready for tipping, 2. tipping and 3. restoration work). There shall be no crushing, screening or processing of materials on site or removal off site following deposit.

Reason: To ensure the satisfactory development of the site and to ensure no long term detrimental impacts on neighbouring occupiers

13. Notwithstanding the details submitted under application reference 14/1461/DOC prior to any development commencing a Construction Environmental Management Plan (CEMP) shall be submitted to the Local Planning Authority for approval in writing. The CEMP shall define working practices throughout the development of this site and shall be implemented and complied with where relevant before any development commences and during development:

a) In respect of the following works: (i) site clearance and vegetation strip, (ii) installation of required land drainage, (iii) cutting infill works and (iv) landscape and restoration works a working programme for each phase / section to be cleared, reclaimed, infilled, landscaped, restored and reinstated in relation to each other. Each section, consisting of Mill Street Bridge to Proffitt Street Bridge, Proffitt Street Bridge to Bloxwich Road Bridge, and Bloxwich Road Bridge to Upper Green Lane Bridge, shall be completed prior to commencement of any other section and shall take account of the recommendations contained in the URS Scott Wilson North Walsall Cutting Landscape and Habitat Management Plan submitted with the original permission 09/1342/FL.

b) Matters to be considered for inclusion in the CEMP:

- Location and type of wheel washing equipment
- Location of site offices
- Proposed storage compounds
- Proposed lorry manoeuvring areas
- Signage to indicate site and directions
- Times of deliveries to the site

c) The plan should also include any other relevant practices which may affect the amenity of the nearby residents and businesses whilst the completion of the infill, landscaping areas and restoration of habitats etc is carried out. This includes land reclamation, stabilisation, preparation, remediation, refurbishment or investigation and the siting of plant, machinery or equipment.

d) Any alterations or changes to project commencement times or duration of construction periods shall be submitted to and approved in writing by the Local Planning Authority prior to those amendments being implemented.

e) Details of the construction of the vehicular access which shall be carried out in accordance with a specification to be submitted to and approved in writing by the Local Planning Authority, at a gradient not steeper than 1 in 12.

f) Details of restoration works to the compound etc following completion of the infill works

Reason: In the interest of Highway safety, to ensure the satisfactory development and functioning of the site and to safeguard the amenities of nearby residential occupants."

14. No demolition, construction or engineering works, (including land reclamation, stabilisation, preparation, remediation or investigation), shall commence until the Construction Environmental Management Plan referred to in the Environmental Statement from Scott Wilson dated September 2009 has been submitted to and approved in writing by the local planning authority. Such works shall thereafter be carried out in accordance with this plan.

Reason: To safeguard the amenities of nearby occupants.

Environment

15. Notwithstanding the details submitted and partially discharged under application reference 11/1586/DOC and 14/1461/DOC prior to any works commencing details of a system to be put in place to ensure that only non-polluting, inert materials are used at the site for infilling shall be submitted to and approved in writing by the Local Planning Authority. The details shall include facilities to be incorporated in the fill for monitoring of leachate and landfill gas within the cutting. The details shall be implemented in accordance with the agreed details and thereafter retained throughout the duration of the filling the cutting.

Reason: To ensure the satisfactory development of the site and to control land contamination

16. Notwithstanding the details submitted and partially discharged under application reference 11/1586/DOC and 14/1461/DOC prior to commencement of any works a programme of permanent groundwater and surface water quality, leachate and landfill gas monitoring shall be submitted to and approved in writing by the Local Planning Authority. The agreed details shall be implemented for the period of the filling and following the completion for a period to be agreed in writing by the Local Planning Authority.

Reason: To ensure the satisfactory development of the site.

17. Notwithstanding the details submitted under application reference 11/1586/DOC prior to works commencing, confirmation of measures to be implemented to control leachate arising from the former landfill site south of the western part of the site shall be submitted to and agreed in writing by the Local Planning Authority and the Environment Agency. Prior to any works first commencing, a copy of the discharge consent for the leachate to the foul sewer shall be submitted to the Local Planning Authority for their information.

Reason: To ensure the satisfactory development of the site.

18. Prior to works commencing, confirmation of measures to be implemented to control leachate arising from the former landfill site south of the western part of the site shall be submitted to and agreed in writing by the Local Planning Authority and the Environment Agency. Prior to any works first commencing, a copy of the discharge consent for the leachate to the foul sewer shall be submitted to the Local Planning Authority for their information.

Reason : To ensure the satisfactory development of the site.

19. Notwithstanding the details submitted under application reference 14/1461/DOC no development shall be commenced until details have been submitted to the Local Planning Authority in writing of how risks associated with contamination of the site will be addressed. The details shall be approved in writing prior to any commencement on the site.

1) A preliminary risk assessment which has identified:

- all previous uses
- potential contaminants associated with those uses
- a conceptual model of the site indicating sources, pathways and receptors
- potentially unacceptable risks arising from contamination at the site.

2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3) The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

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

Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.

Reason: The proposed risk assessment does not demonstrate the risk to controlled waters can be safely managed, and development of the site may cause pollution to the Ford Brook and / or the underlying aquifer.

20. Notwithstanding the details submitted under application reference 14/1461/DOC development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with Flood Risk and Proposed Surface Water Drainage Assessment Report, Midland Metro, Phase 2, ref 43923/W/07/1028/FMJ/Doc/006/02, October 2009 before the development is completed.

The scheme shall also include:

1) A detailed surface water sustainable drainage strategy for both the western and eastern drainage paths of the proposed development and as detailed in Flood Risk and Proposed Surface Water Drainage Assessment Report, Midland Metro, Phase 2, ref 43923/W/07/1028/FMJ/Doc/006/02, October 2009.

2) Surface water discharge limited to greenfield rates of runoff equivalent. This is either to be at a fixed rate of 5 l/s/ha or at a variable rate equal to the natural greenfield rate of runoff for a given return period.

3) Details of how the scheme shall be maintained and managed after completion.

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

Note for Applicant – Canal & River Trust

The Canal & River Trust were consulted on the original planning application 09/1352/FL and you are advised to contact them prior to any development commencing in order to ensure that any necessary consents are obtained and that the works comply with the “Code of Practice for Works affecting British Waterways”. The contact details are as follows: Mr Des Harris, Senior Third Party Works Engineer on 01827 252038.

Note for applicant – Severn Trent Water

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 diverted without consent. You are advised to contact Severn Trent Water to discuss your proposals. Severn Trent will seek to assist you 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 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 can direct the building control officer to refuse building regulations approval.



Walsall Council

Regeneration Directorate – Planning and Building Control

Planning Committee

Report of Head of Planning and Building Control, Regeneration Directorate on 11/12/2014

Plans list item no: 4.

Reason for bringing to committee: Significant community interest

Application Number: 14/1504/FL

Application Type: Full application

Applicant: Kier Partnership Homes Ltd

Proposal: Footpath/Cyclepath construction to link Belmont Street to Bradley Lane Metro Station, with associated levels and landscaping works affecting plots 118 & 135-139 on the Harrowby Road redevelopment.

Location: Plots 118 & 135-139 on the Harrowby Road redevelopment and adjacent land bordering the playing fields off Great Bridge Road, Bilston

Ward: Darlaston South

Case Officer: Alison Ives

Telephone Number: 01922 652604

Email: planningservices@walsall.gov.uk

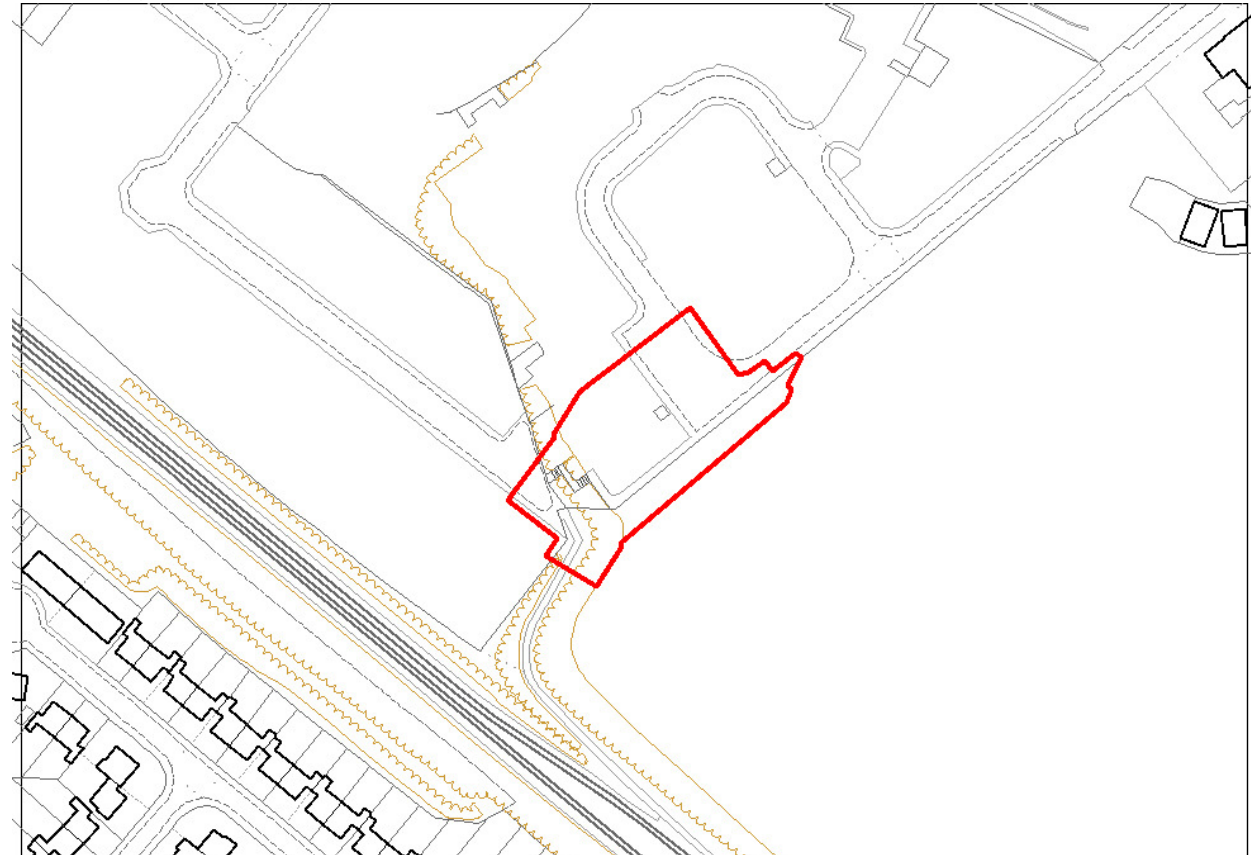
Agent: BM3 Architecture Ltd

Expired Date: 15/12/2014

Extension of Time Target Date:

Recommendation Summary: Grant Permission Subject to Conditions

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Application and Site Details

The proposal relates to plots 118 and 135-139 on the Harrowby Road development and adjoining land along the boundary of Great Bridge Road playing fields. The housing development for 231 dwellings is under construction with some properties already completed and occupied. The proposal is to construct a footpath/cycle path from the new housing development to the Bradley Lane Metro Station. This involves amending site levels for the plots indicated and revised landscaping works.

The site is located adjacent to Wolverhampton and Sandwell Council boundaries off Great Bridge Road. Leekes Furniture store and Travellers Rest PH are nearby on Great Bridge Road and Great Bridge Road playing fields border the new housing development. There are residential properties opposite on Great Bridge Road. The Midland Metro Bradley Lane Station lies to the south. There are a group of shrubs (mainly laurel) along the boundary with the playing fields.

The proposed footpath/cycle path is 3.5m wide and leads from the head of Belmont Street and new highway Sorrel Drive passing in front of plots 118 and 135-139 to the edge of the development where it adjoins the metro. A 1 in 24 ramp is proposed to reach the levels of the metro. Landscaping is proposed between the private drive serving the new plots and the proposed footpath/cycle path which will comprise soft planting and new trees/shrubs. Bollards are to be installed at the head of the adjacent highways (Sorrel Drive and Elder Road) to prevent vehicle encroachment. Shared use and directional signage is also proposed.

Arboricultural Survey Report – Identifies trees surveyed including those along the boundary of the adjacent park including laurel, cherry and rowan including their condition and protection measures where required.

Extended Phase 1 Habitat Survey – Identifies key ecological features as trees which may support roosting bats and open grassland which is optimal habitat for reptiles. It recommends further works to protect wildlife.

Badger Survey – States the site may provide foraging for badgers but minimal opportunities for sett building and no evidence of badger activity.

Grouting of Mineworks Report - Identifies that shallow coal seams have been treated in accordance with current best practice.

The Urban Open Space Statement – Highlights that the proposals affect only 0.06 hectares on land within the playing fields site and that more than half of this (0.035 hectares) would remain within the open space following development of the footpath. The proposals do not have any impact on the overall area of green space or playing fields area and this area is currently overgrown. The benefits of the scheme to introduce a footpath/cycle path benefitting people being able to access the metro station and providing additional surveillance of the open space and playing fields is considered to outweigh the loss of open space.

Relevant Planning History

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

13/0663/FL - Erection of 231 new 2, 3 and 4 bed dwellings for private sale and affordable rent, with associated landscaping and parking – Granted subject to conditions 05/08/13.

Relevant Planning Policy Summary

National Planning Policy Framework (NPPF)

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

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

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

Key provisions of the NPPF relevant in this case:

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

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

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

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

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

- Function well and add to the overall quality of the area
- Establish a strong sense of place
- Are visually attractive as a result of good architecture and appropriate landscaping

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

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

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

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

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

On **planning conditions** the NPPF says:

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

imposed on developments should pay careful attention to viability and take account of market conditions.

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

The Development Plan

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

The Black Country Core Strategy (BCCS) (2011)

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

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

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

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

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

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

The Spatial Objectives include

1. Focussed investment and development in comparison shopping, office employment, leisure, tourism and culture within Walsall, to retain and increase their share of economic activity and meet the increasing aspirations of their catchment areas.

2. A restructured sub-regional economy which provides sufficient strategic high quality employment land in the best locations within Regeneration Corridors to attract new high technology and logistics businesses and also recognises the value of local employment land.
5. A network of vibrant and attractive town, district and local centres
6. A high quality environment
7. A first-class transport network providing rapid, convenient and sustainable links between the Strategic Centres, existing and new communities, and employment sites

The above are supported by the following policies:

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

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

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

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

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

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

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

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.

ENV6: Development that would reduce the overall value of the open space, sport and recreation network in the Black Country will be resisted.

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.

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

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

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

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

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

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

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

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

T1: Seeks to improve access and help people get around

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

T10 (a): Refers to accessibility standards.

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

T13: Parking Provision

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

Supplementary Planning Documents (SPD)

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

Designing Walsall SPD

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

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

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

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

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

Conserving Walsall's Natural Environment SPD

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

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

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

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

Supplementary Planning Document Urban Open Space

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

Consultations

Transportation – No objections subject to a condition to secure adoption details of the path.

Pollution Control – No objections. Works are currently being remediated under planning permission 13/0663/FL; there may be hotspots of contaminated soil that may present Health and Safety implications for persons undertaking ground works remaining in this area and this information should be relayed to the construction workers. A note for applicant is recommended.

Landscape – No objections.

Local Access Forum (Walsall Ramblers) – No objections as the proposals allow easier access for pedestrians and cyclists to public transport.

Natural Environment – No objections. It is recommended that measures identified in section 6 of the Extended Phase 1 Habitat Survey are secured by condition.

Police – There are concerns regarding the location of the proposed cycle path in close proximity to the neighbouring properties and the increased vulnerability to the properties as a result due to increased risks to crime. Cycle routes are commonly used by offenders as they provide a legitimate reason for being in the area. There are limited natural surveillance opportunities and provide offenders with a means of escape. In order to limit these risks CCTV should be installed if funding is available. The route should have a clear boundary as it runs parallel to the development in the form of a dense hedgerow and 900mm fencing. This will provide a degree of privacy for the properties in question and limit the opportunity of individuals using the front gardens and open space on the development for their own recreational purposes, which will result in anti-social behaviour and create signal crimes which will impact upon the fear of crime for residents at this location.

Victims of Crime Officer – There are concerns that the design of the access points should effectively prevent cars and motor bikes from accessing the pathway. More details regarding the design of the barriers at the access points and boundary treatments are required.

The Coal Authority – No objections. The stabilisation works identified are sufficient to meet the requirements for demonstrating safe and stable development. Further details of foundation design may be required as part of a subsequent building regulations application.

Public Participation Response

Two identical letters each containing a petition of five signatures has been received and is summarised as follows:

- There is already a footpath and right of way from Belmont Gardens to the metro station in Bradley Lane
- Object to the inclusion of a cycle path
- Removal of shrubs and trees to accommodate the cycle path
- A cycle path will lead to anti social behaviour
- A cycle path will lead to a rat run
- Residents concerns should be taken into account

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

Determining Issues

- Principle of a footpath/cycle link
- Loss of part of the open space
- Layout and design
- Relationship to surrounding properties and playing fields

Observations

Principle of a footpath/cycle link

The provision of an enhanced footpath/cycle path link to the metro station from the new development will encourage residents to use sustainable means of travel as an alternative to the car in accordance with BCCS policies TRAN1 and TRAN5 and UDP policies T1, T8 & T11. There is already a footpath from the station to the site which objectors highlight but the proposal is to extend this to Belmont Street to increase use. It will also give users' access to the wider Black Country via the metro. On this basis the provision is welcomed.

Objectors do not support provision of a cycle path and they and the Police consider the cycle path will potentially lead to anti-social behaviour and will provide an escape route for criminals. As there is already a footpath along part of this route which ran close to previous housing the principle of a through route is established. The change to introduce the cycle path is merely a means of allowing alternative access for cyclists which should not have a significant impact other than enhancing sustainability of the site to the metro. With regard to potential for crime the houses which front the footpath/cycle way have their own clearly defined front gardens and are separated from the path by the proposed landscaped verge. The improved surveillance from the new houses and measures to segregate the housing from it are considered appropriate in order to deter crime. There will also be limited surveillance from the adjacent open space and playing fields. In the circumstances provision of CCTV as recommended by the Police is not included.

Loss of part of the open space

The proposal result in the loss of part of the edge of the adjacent playing fields site which is open space. This amounts to just 0.06 hectares of the open space land. The proposal only impinges on the edge of the open space and does not result in loss of any playing pitch. The land is also overgrown with laurel and other shrubs and trees so is unusable as part of the open space. The proposal is to utilise just over half of the playing field land (0.035 hectares) to construct the footpath/cycle path and the remainder will remain within the open space. On this basis the loss of this marginal amount of land from the open space is considered to be outweighed by the benefits the footpath/cycle path introduction will offer in terms of links to the metro and additional surveillance of the open space.

Layout and design

The proposed footpath and cycle path is of adequate width to accommodate both users and incorporates features such as bollards and paving to prevent misuse by vehicles. The path will be observed by nearby housing which is considered to benefit the surveillance of the area to deter potential crime.

The proposed changes to the finished floor levels of the proposed housing on plots 118 and 135-139 vary by 2.5m following a gentle 1:25 gradient alongside the proposed footpath/cycle link. This does not adversely affect the street scene or amenities of adjacent plots.

Objectors are concerned about loss of trees and shrubs to accommodate the cycle path. The ecologist is satisfied that the existing vegetation can be removed subject to implementing measures to safeguard local wildlife as detailed in the habitat survey. This will be secured by condition. The area comprises mainly overgrown laurel shrubs and not significant mature trees. The landscape officer is satisfied with the proposed landscaping which will also be secured by a condition. The loss of the trees and shrubs does not significantly harm the visual appearance of the area and replacement planting will help create a more managed area of landscaping to benefit surveillance of the area.

The Victims of Crime Officer requests more details of the design of car and motor cycle prevention barriers and boundary treatments to ensure no encroachment onto the path. A condition is recommended to secure this.

Relationship to surrounding properties and playing fields

The proposed footpath cycle path is between 10-11m away from the front of the houses on the adjacent housing development. This is not dissimilar to the relationship between houses facing a street where vehicles, pedestrians and cyclists would be free to travel along. In the circumstances the proposals will not have a significant impact on residential amenities.

Residents surrounding the site are concerned that their objections will not be taken into account. This report gives a balanced view on the proposals based on current planning policies and material planning considerations including consultation replies and neighbour objections. On balance the proposals are acceptable as they are considered not to harm residential amenities for the reasons specified.

The proposals do not prevent use of the adjacent open space as the land taken up is not significant and the area of the proposed footpath/cycle path is currently an area covered in shrubs and trees and does not form part of the playing pitches.

The proposals have an acceptable relationship to surrounding housing and playing fields.

Positive and Proactive working with the applicant

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

Recommendation: Grant Permission Subject to Conditions

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

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

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

- Site Plan – Link to Metro Station (D601) received 06/10/14
- Layout Plan received 06/10/14
- External Levels (12471-D01) received 06/10/14
- Softworks Design Plots 118 to 139 (1373 Rev B) received 06/10/14
- Section Through Ramp – Link to Metro Station (D602) received 06/10/14
- Badger Survey prepared by Middlemarch Environmental Ltd (RT-MME-114086) received 27/10/14
- Extended Phase I Habitat Survey prepared by Middlemarch Environmental Ltd (RT-MME-114930) received 27/10/14
- Urban Open Space Statement prepared by BM3 Architecture received 27/10/14
- Arboricultural Survey Report & Method Statement prepared by John Booth received 27/10/14
- Grouting of Mineworks Report prepared by M&J Drilling Services received 27/10/14

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).

3a. Prior to the commencement of the development full details of the design of vehicle and motor cycle barriers at the entry and exit points of the pathway to prevent unauthorised access are shall be submitted to and approved in writing by the local planning authority.

3b. The development shall be implemented in accordance with the agreed details and maintained thereafter.

Reason: To ensure the satisfactory development of the site in the interests of highway and personal safety.

4a. Prior to the commencement of any construction work on the proposed footpath/cycle path, full engineering details of the proposed development, which shall be formally adopted as highway maintainable at public expense, shall be submitted to the Local Planning Authority for technical approval in writing. Any street lighting shall be with the agreement of Amey, the Council's Street Lighting partner.

4b. Prior to the proposed footpath/cycle path first coming into public use, it shall be fully constructed and implemented in accordance with the approved details and to the satisfaction of the Highway Authority.

Reason: To ensure the satisfactory completion and operation of the development and in accordance with UDP Policy T8, T9, T11 and T12 and Black Country Core Strategy TRAN1, TRAN2 and TRAN4.

5a. The development shall be implemented fully in accordance with the approved landscaping scheme identified on the approved plan 1373 Rev B.

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

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

6. The development shall be implemented in accordance with the recommendations of Section 6 of the Extended Phase 1 Habitat Survey by Middlemarch Environmental Ltd (RT-MME-114930) dated July 2013 relating to habitat loss and enhancement, protected/notable species, and invasive plant species.

Reason: To conserve and enhance the local ecological resource.

7. 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.

Note for Applicant – Highways

The applicant will be expected to enter into agreement under S38/S278 of the Highways Act 1980 for all adoptable highway works and works within the existing public highway.

Note for Applicant - Contamination

The area of the works is currently being remediated under planning permission 13/0663/FL; there may be hotspots of contaminated soil that may present Health and Safety implications for persons undertaking ground works remaining in this area. This information should be brought to the attention of the builder or contractor undertaking the development in order that they may implement any Health and Safety at Work precautions they feel appropriate when undertaking construction work at the site of the proposed development.

REGENERATION

24 NOV 2014

RECEIVED

6, GREAT BRIDGE ROAD

BILSTEN

WV14 8LA

21. 11. 14

COPY TO MR. LESWORTHY.

DEAR MR LUES

AFTER RECEIVING THE DETAILS OF PROPOSED
PLANS FOR BELMONT GARDENS APP. NO 14/1504/FL
WHICH DID NOT ARRIVE UNTIL 19.11.14 FOR A CYCLE
PATH AND FOOTPATH FOR ACCESS FROM BELMONT
GARDENS TO METRO TRAM STOP IN BRADLEY LANE,
THERE IS ALREADY A FOOTPATH IN PLACE AND HAS
ALWAYS BEEN A RIGHT OF WAY FROM BELMONT
GARDENS TO WHAT WAS THEN TUBILEE ROAD.

TO GET BACK TO PROPOSED CYCLE PATH I CANNOT
OBJECT STRONGLY ENOUGH. TO THINK YOU COULD
EVEN THINK OF REMOVING SHRUBS AND TREES
FROM MORE OF GREAT BRIDGE ROAD PLAYING FIELDS
FOR A CYCLE PATH THAT WILL ONLY LEAD TO MORE
ANTI-SOCIAL BEHAVIOUR THAN WE ALREADY
HAVE IN THE AREA.

I MYSELF WAS BORN AND BRED IN THIS AREA
I.E. JUBILEE ROAD, SO I THINK I KNOW WHAT
THE AREA NEEDS AND IT IS NOT A CYCLE PATH
THAT WOULD LEAD TO A RAT RUN.

PLANNERS DO NOT KNOW THE AREA AND SHOULD TAKE
INTO ACCOUNT THE THOUGHTS AND FEELINGS OF
PEOPLE WHO DO.

BUT AFTER SAYING ALL THAT I TAKE IT FOR GRANTED
THAT ONCE AN IDEA IS IN PLACE THAT IS THE END
OF THE MATTER. AS HAS HAPPENED IN THE PAST.

YOURS SINCERELY

SIGNATURES OF OTHER PEOPLE OBJECTING TO
CYCLE PATH

[REDACTED] NO 12, GREAT BRIDGE ROAD

[REDACTED] No 18 Great Bridge Road.

[REDACTED] No 10 Great Bridge Road

[REDACTED] 8 GREAT BRIDGE ROAD



Regeneration Directorate – Planning and Building Control

Planning Committee

Report of Head of Planning and Building Control, Regeneration Directorate on 11/12/2014

Plans list item no: 5.

Reason for bringing to committee: Significant Community Interest

Application Number: 14/0625/FL
Application Type: Full application

Case Officer: Stuart Crossen
Telephone Number: 01922 652608
Email: planningservices@walsall.gov.uk
Agent: MWA

Applicant: CDS (Superstores International) Ltd

Proposal: Part retrospective change of use of part of service yard to form an external 720m2 garden centre ancillary to the existing DIY, home-furnishing, pets supplies and bulky goods operator.

Location: THE RANGE, LONGACRE, WILLENHALL, WV13 2JX

Ward: Willenhall South

Expired Date: 27/06/2014

Extension of Time Target Date:

Recommendation Summary: Grant Permission Subject to Conditions

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Application and Site Details

The application site is '*The Range*' the application is for the part retrospective change of use of part of service yard to form an external garden centre ancillary to the existing DIY, home-furnishing, pets supplies and bulky goods operator.

It seeks permission for the erection of an external garden centre surrounded by a 3 metre palisade fence together with an open sided canopy which would provide space for goods requiring cover from the elements. The garden centre is in use with herras fencing defining the boundary and so the application is part retrospective.

The garden centre would form an ancillary part of the main retail store falling within Class A1.

The development is for an external area of 720m² for the display and sale of garden related goods. An open sided canopy would cover approximately 327m² of the external garden centre area and be attached to the wide elevation of the main store.

The garden centre would have a pitched roof constructed of a steel frame and composite panels and would be access from within the store.

The previous occupier "Hootys" utilised the front car park area as a garden centre which occupied 786m² of space.

There will be no change in the number of parking spaces and delivery access will remain the same.

Relevant Planning History

The application site

14/0603/FL Retrospective application for the retention of 24 no. lighting columns and trolley bays.
No decision

14/0529/AD Display of signs including 1 internally illuminated Flexbox, various tension frames with banners, 1 double sided post side, 1 single sided fence sign and 1 externally illuminated tension frame with banner. Granted Subject to Conditions 31/07/14

13/1692/FL Erection of canopy, new entrance and front facade, alterations to car park to provide disabled parking provision and alterations to escape points and openings to existing building.
Granted Subject to Conditions 14/03/14

13/0889/FL Variation of condition 3b of planning permission BC47202P to: 'no customer vehicle movements or sales shall take place except between the hours of 0800 to 2100 on Mondays, Tuesdays, Wednesdays, Thursdays or Fridays, 0800 to 1900 on Saturday and 1030 to 1630 on Sundays and public holidays' and the removal of condition 1a of permission BC47202P. Granted 30/10/2013.

08/0894/FL Variation of condition 3b to allow longer opening hours on Fridays (0900 to 2100).
Granted 9/10/2009.

06/0389/FL/W3 Permanent retention of extended opening hours to 2100 on Mondays, Tuesdays, Wednesdays, during November and December only. (Variation of condition 3b of BC47202P).
Granted subject to conditions 28/6/2006

03/0990/FL/W3 Variation of condition 3(b) of planning permission BC47202P. Extension of opening hours. Granted 23/09/2003 (3year temporary permission)

BC55594P Retrospective: Retention of existing polytunnel and change of use of part of existing car park for the purposes of a garden centre. Granted subject to conditions 03/08/2004

BC51164P Condition restricting the use to the applicants only was removed. 11/05/1998.

BC47202P Change of use to non-food store (Class A1). Granted subject to conditions 09/10/1997. Conditions of this permission restricted the type of goods to be sold, hours of delivery vehicle movements and hours of customer vehicle movements and sales.

The wider site

BC27946P Factory extension Granted subject to conditions 13/11/1989

BC14167P Change of use to wholesale cash and carry warehousing and light industrial. Granted subject to conditions 26/06/1985

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

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

Policy Framework

National Planning Policy Framework (NPPF)

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

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

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

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

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

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

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

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

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

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

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

On planning conditions the NPPF (203-206) says:

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

On **decision-taking** the NPPF (186-190) sets out the view that local planning authorities should approach decision taking in a positive way to foster the delivery of sustainable development and look for solutions rather than problems and work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area. Pre-application engagement is encouraged.

The Development Plan

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

The Black Country Core Strategy (BCCS) (2011)

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

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

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

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

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

The above are supported by the following policies.

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

CSP4 – Sets out the need for high quality place making and design

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

CEN1, CEN2, CEN3 – Strategic Centres are important for the regeneration of the Black Country, providing the focus for large scale and 'higher order comparison shopping, office employment, leisure and culture and complementary uses.

CEN6 and CEN7 seeks to prevent out of centre retailing, except where there is an established local need.

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

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

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

ENV1 and ENV3 - Set out the criteria for nature conservation and design quality.

ENV5 – Seeks to ensure appropriate drainage and account for climate change

ENV7 – Seeks to deliver renewable energy and sustainable construction for new major developments.

WM5 - Resource and waste management requirements should be reflected in the design and layout of new development schemes.

Saved policies of the Unitary Development Plan

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

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

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

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

ENV32 – seeks to ensure high quality design from developments.

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

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

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

S6 and S7 - seeks to prevent out of centre retailing, except where there is an established local need.

Policy S13: Nurseries, Garden Centres & Builders Merchants

(a) Nurseries, garden centres and builders merchants, because of the bulky nature of the products involved, may need to trade from out-of-centre locations. Such uses should, however, be located as far as possible in places accessible by a choice of means of transport.

(b) The Council will impose conditions to ensure that the goods to be sold are limited to an appropriate range of gardening and/or building products and do not include other goods that can more appropriately be retailed in centres.

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

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

T4 – seeks to manage development and the highway

T5 – highway improvements will be encouraged as part of development

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

T7 – seeks to ensure high quality car parking design

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

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

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

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

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

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

Supplementary Planning Documents

Designing Walsall SPD

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

Consultations

Transportation – No objections

Pollution Control

Contaminated Land Team – No objections

Scientific Team – No objections

Police Architectural Liaison Officer – No objections

Public Participation Responses

3 grounds of objections have been received from two neighbours about the following issues:

- Overlooking gardens
- Noise and disturbance
- Light pollution from car park lighting

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

Determining Issues

- Principle of the use
- Proposed External alterations
- Relationship to residential properties on Rose Hill

Observations

Principle of the use

The principle of the use of the site as a DIY and garden foods retailer has been established through the previous planning permission.

In relation to the proposed garden centre extension, policy S13 states that Garden centres because of the bulky nature of the products involved, may need to trade from out-of-centre locations. Such uses should, be located as far as possible in places accessible by a choice of means of transport. The application site is well served by public transport being near to the strategic highway network. For these reason the proposed ancillary use to the existing DIY and garden food retailer is considered to not be a departure from the local plan in this instance.

Proposed External alterations

The canopy and palisade fencing do not alter the principal elements of the store or the character of the area being visible from within the application site to the rear of the main building, and in an industrial area. For these reasons the design of the proposal is considered acceptable.

Relationship to residential properties on Rose Hill

The concerns of residents are noted, it is considered that the previously conditioned 2.4m high acoustic fence would alleviate the concerns raised and reduce the noise and environmental impact from the proposed operations for the residents. The implementation of the fencing is subject to separate enforcement action.

With this fencing in place, it is considered that the relationship between the Unit and Rose Hill properties can be successfully managed.

Concerns regarding the existing unauthorised car park lighting which is subject to a separate planning application. To ensure that no future lighting for the garden centre creates further light pollution impacts on neighbouring amenity, a condition can be imposed.

Positive and Proactive working with the applicant

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

Grant Subject to Conditions

Additional condition that the garden centre shall only operate in conjunction with the main store

Recommendation: Grant Permission Subject to Conditions

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

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

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

Plans and Drawings:

Amended Site Location Plan received 02/05/14
Proposed Site Plan (5839-01)
Site Layout Received 19/02/14
Ground Floor Plan (CDS_88) received 19/02/14
General Arrangement Received 19/02/14
Roof Plan Received 19/02/14
Post Arrangement Received 19/02/14
Design and Access Statement Received 19/02/14

Reason: In order to define the permission.

3a) Notwithstanding the submitted plans no additional external lighting shall be installed externally to the garden centre.

Reason: There is potential for light pollution to adjoining properties in Rose Hill and to safeguard amenities in accordance with UDP policy GP2.

4. The development will be carried out in accordance with the materials shown on the approved plans.

Reason: To define the permission and to ensure satisfactory development of the application site.

5. The development hereby approved shall only operate in conjunction with the main store.

Reason – To control the provision of retail outlets in accordance with UDP S6 and S7

6. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1997, or succeeding legislation, only gardening goods shall be displayed and for sale within the garden centre.

Reason – To control the provision of retail outlets in accordance with UDP S6 and S7

7a) No delivery vehicle movements shall take place except between the hours of 0700 to 1900 on Mondays to Fridays, and 0730 to 1300 on Saturdays. No such movements shall take place at any time on Sundays, Bank or Public Holidays

7b) No customer vehicle movements or sales shall take place except between the hours of 0800 to 2100 on Mondays, Tuesdays, Wednesdays, Thursdays or Fridays, 0800 to 1900 on Saturdays, and 1030 to 1630 on Sundays and Public Holidays.

Reason: There is potential for noise disturbance to adjoining noise sensitive properties in Rose Hill and to safeguard amenities in accordance with UDP policy GP2.

Note for Applicant:

The area of this proposed development was formerly utilised for the mining of coal and lignite, unknown filled ground and a factory/works that may have resulted in localised ground contamination that may present Health and Safety implications for persons undertaking ground works. No specific detail of ground conditions in the area is available other than that obtained from previous land use data and historic mapping. This information should be brought to the attention of the builder or contractor undertaking the development in order that they may implement any Health and Safety at Work precautions they feel appropriate when undertaking construction work at the site of the proposed development.



Regeneration Directorate – Planning and Building Control

Planning Committee

Report of Head of Planning and Building Control, Regeneration Directorate on 11/12/2014

Plans list item no: 6.

Reason for bringing to committee: Sale of council owned land

Application Number: 14/1576/FL
Application Type: Full application

Applicant: Warwick Holdings Ltd

Proposal: Change of use of existing public car park to parking and display of cars ancillary to adjacent Mercedes-Benz dealership.

Location: PUBLIC CAR PARK, DUDLEY STREET, WALSALL, WS1 3NL

Ward: St. Matthews

Case Officer: Karon Hulse

Telephone Number: 01922 652614

Email: planningservices@walsall.gov.uk

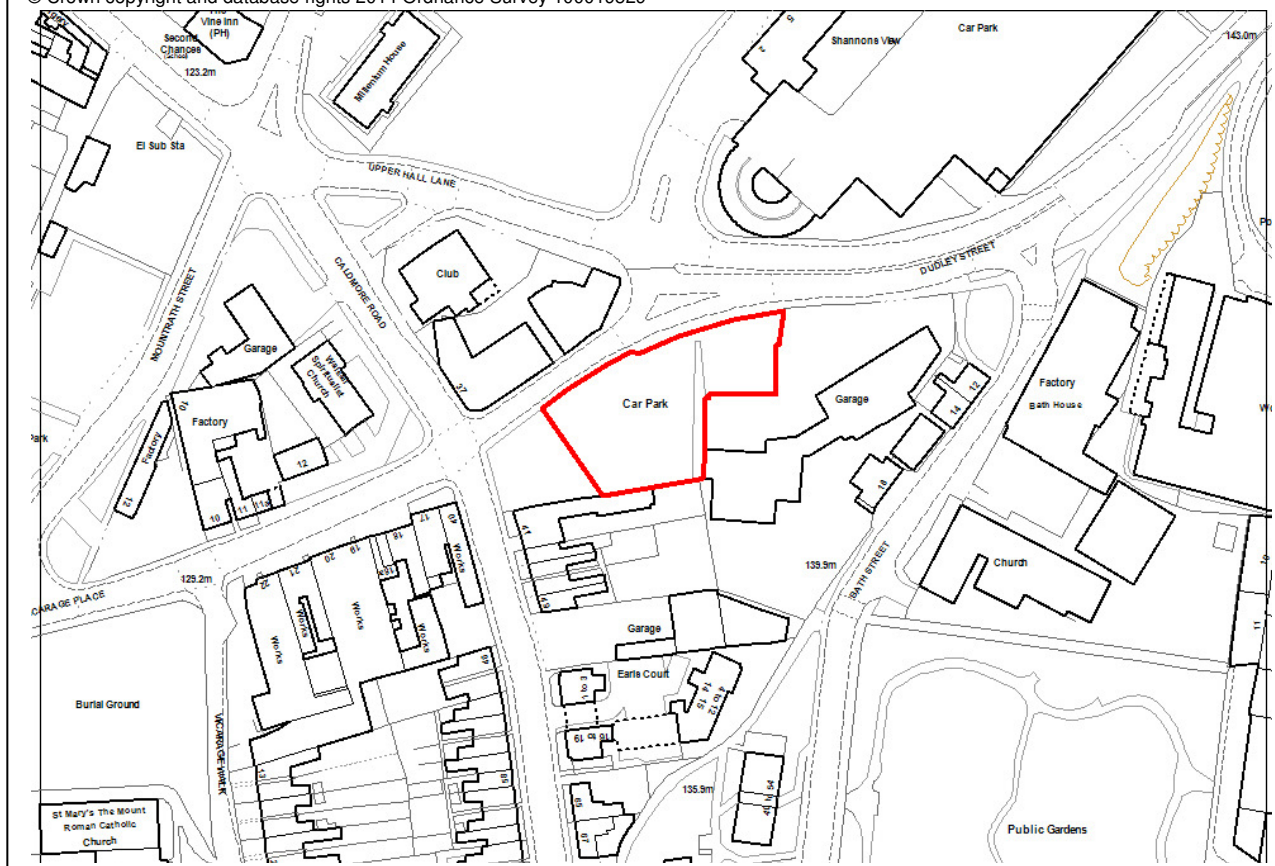
Agent: The Tyler-Parkes Partnership Ltd

Expired Date: 16/12/2014

Extension of Time Target Date:

Recommendation Summary: Grant Permission Subject to Conditions

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Application and Site Details

This application seeks consent for a change of use of the existing council car park on Dudley Street to car sales by the adjacent Mercedes Benz garage where car sales have operated for many years.

The application proposes to use the car park for the display of motor vehicles to the public and businesses, the existing Council owned car park has become surplus to requirements and is very little used by the public. As such the council seeks to dispose of the land.

Dudley Street forms part of the inner ring road around Walsall, it connects Ablewell Street/Bridge Street with Bradford Street/Wednesbury Road areas. The site lies on the south side of Dudley street between the junctions of Bath street and Caldmore Road adjacent to the Mercedes garage. Adjacent to the application site is a vacant parcel of land on the corner of Dudley Street and Caldmore Road, which does not form part of the application site and it is in separate ownership. The site faces the traffic light controlled junction with the car park access to Asda.

An indicative plan illustrates two new ramp accesses will be created linking the application site with the existing display area of the Mercedes garage, new gates and barriers and minor works to the external areas of the existing garage although these do not form a part of the planning application.

The site (including the garage site) is outside the UDP Walsall town centre inset plan.

Relevant Planning History

None relevant to the application site but several relate to the garage which do not impact on the determination of this application.

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:

- Proactively drive and support sustainable economic development to deliver business and infrastructure and thriving local places that the country needs.
- Always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings
- Take account of the different roles and character of different areas, promoting the vitality of our main urban areas
- Encourage the effective use of land by reusing land that has previously been developed

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

1. Building a strong, competitive economy
 14. At the heart of the National Planning Policy Framework is a **presumption in favour of sustainable development**
 20. To help achieve economic growth, local planning authorities should plan proactively to meet the development needs of business and support an economy fit for the 21st century.
2. Ensuring the vitality of town centres
 23. allocate appropriate edge of centre sites for main town centre uses that are well connected to the town centre where suitable and viable town centre sites are not available.

If sufficient edge of centre sites cannot be identified, set policies for meeting the identified needs in other accessible locations that are well connected to the town centre;

4. Promoting sustainable transport

39. If setting local parking standards for residential and non-residential development, local planning authorities should take into account:

- the accessibility of the development;
- the type, mix and use of development;
- the availability of and opportunities for public transport;
- local car ownership levels; and
- an overall need to reduce the use of high-emission vehicles.

7. Requiring good design

56. The Government attaches great importance to the design of the built environment.

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

57. It is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes.

58. Local and neighbourhood plans should develop robust and comprehensive policies that set out the quality of development that will be expected for the area. Such policies should be based on stated objectives for the future of the area and an understanding and evaluation of its defining characteristics.

- Planning policies and decisions should aim to ensure that developments:
- will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit;
- optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses (including incorporation of green and other public space as part of developments) and support local facilities and transport networks;
- respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation;
- create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion;
- and are visually attractive as a result of good architecture and appropriate landscaping.

63. In determining applications, great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in the area.

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

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:

CSP1 – sets out the targets for sustainable regeneration of the Black Country including leisure provision in the town centre.

CSP4 – The environmental transformation of the Black Country is one of the fundamental principles of the renaissance agenda. The design of spaces and buildings will be influenced by their context and seek to enhance the unique attributes the area offers in terms of its local character and heritage whilst responding to current day needs, changes in society and cultural diversity.

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

CEN1 - The Strategic Centres will provide the main focus for higher order sub-regional retail, office, leisure, cultural and service activities, balanced by a network of Town, District and Local Centres, providing for town centre uses including meeting day-to-day shopping needs (particularly convenience shopping). Proposals that undermine this strategy will be resisted. To strengthen the Black Country’s centres, mixed-use developments that are well integrated with existing provision will be encouraged, including the use of upper floors.

CEN2 – sets out the Hierarchy of Centres

CEN3 – Strategic Centres provide the focus for comparison shopping, office employment, leisure and culture in the Black Country.

CEN4 – Seeks to regenerate the strategic centres.

CEN8: Car Parking in Centres

DEL1: Infrastructure Provision

TRAN2: Managing Transport Impacts of New Development

TRAN5: Influencing the Demand for Travel and Travel Choices

ENV3: Design Quality

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 planning policy references include the following saved policies:

ENV32 – seeks to ensure high quality design from developments.

ENV35 - Appearance of Commercial Buildings

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

S4 – Sets the general principles for town centre development

T7 - Car Parking

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

WA3 - Other Town Centre Uses

WA14 - Town Centre Transport Interchange

WA17 - Road Improvements

WA18 - Provision of Car Parking

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 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.

DW1- Sustainability- New development should seek to simultaneously meet environmental, economic and community needs without compromising the needs of future generations

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

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

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

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

Consultations

Transportation – no objections

Severn Trent Water – no objections subject to condition

Public Participation Responses

None

Determining Issues

- Principle of the use
- Loss of public car park

Observations

Principle of the Use

The principle of the site as a car park has long been established.

The proposed use for car sales display is in principle acceptable and bring back into use an under used car park in this part of the town centre. It will allow for a well established, existing business to continue to operate and grow at its existing site.

There is a vacant parcel of land adjacent to the car park on the corner of Dudley Street and Caldmore Road, it has been suggested that this could be used to provide a more comprehensive development. This land is within third party ownership and may at a later stage become available in which case the garage could extend its curtilage to include it.

Access and Parking

The illustrative drawings indicate that the existing entrance from ... will be closed off and two new internal ramps will connect the two sites. This is only illustrative information and as such conditions requiring the information prior to commencement will ensure that the development in terms of its operation will not impact on the local highway network.

Recent car parking surveys indicate that the existing public car park the subject of this planning application, is no longer used to its capacity and with the Asda car park opposite there are two other nearby car parks in Mountrath Street (150 metres away) which can accommodate approximately 80 spaces. The car park is considered surplus to requirements for public parking and on balance the Highway Authority considers that the loss of this public car park is unlikely to have severe transportation implications.

However, there remains public parking in nearby Mountrath Street and on ASDA multi-storey.

Positive and Proactive working with the applicant

Officers have liaised with the applicant's agent during the application process to ensure full information has been provided, the plans submitted are sufficient to enable full support to be given to the scheme

Recommendation: Grant Permission Subject to Conditions

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

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

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

- Existing car park plan (2014-1015-P01) received 16th October 2014

Reason: In order to define the permission.

3a. Prior to the use of the former public car park being used for car sales in conjunction with the adjacent garage, details of the following shall be submitted to and approved in writing by the Local Planning Authority:

- customer car parking spaces to be clearly demarcated on the ground and signed accordingly
- boundary treatment
- access / egress gates and method of control
- construction details of any proposed ramps

3b. The approved details in respect of customer parking, the boundary treatment and access gates shall be fully implemented and thereafter retained and used for no other purpose including the sale, rent or lease of vehicles from these bays.

Reason: To ensure adequate on-site parking is available in the interests of the free flow of traffic on the public highway, to highway safety and in accordance with UDP Policy GP2, T7 and T13.

4a. The use of the hereby approved car park for the sale of vehicles shall not begin until drainage plans for the disposal of surface water and foul sewerage have been submitted to and approved in writing by the Local Planning Authority.

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

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

5. Prior to the Change of Use first coming into operation:-

(i) all ticket machines and associated ancillary equipment and signage relating to the former public Pay and Display use, shall be removed to the satisfaction of the Local Planning Authority in consultation with the Highway Authority.

(ii) The section of existing dropped kerb footway crossing in Dudley Street fronting the red line boundary at the extreme western corner of the site, shall be reinstated back to full kerb height to the satisfaction of the Highway Authority and at the applicant's expense.

Reason: To remove apparatus belonging to the Local Authority from the site and ensure the satisfactory completion and operation of the development.

6. The use of the site hereby approved shall only be for the sale and lease of vehicles. All land within the red line site boundary shall operate ancillary to the main use of the adjacent garage site and shall not at any time operate as independent business or businesses. The site shall not be sub divided.

Reason: To ensure compatible uses in relation to core employment land in accordance with Policy JP7 of the UDP and to define the permission and to ensure the satisfactory operation of the development.

Notes for the applicant:

1. The applicant will be expected to obtain the necessary Road Opening Permit from the Traffic Management Section for the required footway crossing reinstatement works within the existing public highway.



Regeneration Directorate – Planning and Building Control

Planning Committee

Report of Head of Planning and Building Control, Regeneration Directorate on 11/12/2014

Plans list item no: 7.

Reason for bringing to committee: Significant Community Interest

Application Number: 14/1649/FL
Application Type: Full application

Applicant: Mr Fasil Tehseen

Proposal: Change of use to A3 and A5 (Restaurant and cafe/takeaway)

Location: 269 WEDNESBURY ROAD, WALSALL, WS2 9QJ

Ward: Pleck

Case Officer: Karon Hulse

Telephone Number: 01922 652614

Email: planningservices@walsall.gov.uk

Agent: Mistry Design Services

Expired Date: 24/12/2014

Extension of Time Target Date:

Recommendation Summary: Grant Permission Subject to Conditions

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Application and Site Details

This application seeks consent for a change of use of no 269 Wednesbury Road, Walsall from a currently vacant unit to a restaurant/take away (A3/A5). The unit is within a parade of commercial units on the south side of Wednesbury Road. The site is situated on a district distributor route to junction 9 of the M6, within the Pleck Local Centre, with good public transport links.

The application includes a new shop front and indicative details of the provision of an extraction flue.

Adjacent to the application site there is an Insurance Claims business one side and a hot food takeaway the other. On the opposite side of Wednesbury Road to the north there is a mix of shops including opticians, hot food take away, offices, a club and estate agents.

There is residential at the rear in Hilary Street and approximately 40 metres away on the opposite side.

Relevant Planning Policy Summary

National Planning Policy Framework (NPPF)

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

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

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

Key provisions of the NPPF relevant in this case:

1: Building a Strong, Competitive Economy

14. presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking ... approving development proposals that accord with the development plan without delay

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

23. Planning policies should be positive, promote competitive town centre environments and set out policies for the management and growth of centres over the plan period

4: Promoting Sustainable Transport

35. Plans should protect and exploit opportunities for the use of sustainable transport modes

8: Promoting Healthy Communities

69. Important role in facilitating social interaction and creating healthy, inclusive communities.

70. Ensure that established shops, facilities and services are able to develop and modernise in a way that is sustainable and retained for the benefit of the community.

Key provisions of the NPPF relevant in this case:

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

The Development Plan

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

The Black Country Core Strategy (BCCS) (2011)

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

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

The key planning policies include

CSP4: Place Making - States that the hierarchy of centres will provide a focus and concentration for essential local services and activities with easy access by walking, cycling and public transport.

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.

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 planning policy references include saved policies:

GP2: Environmental Protection

All development should make a positive contribution to the quality of the environment and the principles of sustainable development

I. Visual appearance

II. The creation of, or susceptibility to, pollution of any kind

VII. The adequacy of the access, and parking.

XIX. The hours of operation of any activities proposed.

XX. Any other factor of environmental significance.

ENV32: When assessing the quality of design of any development proposal the Council will use among other criteria:

- i The appearance of the proposed development;
- ii The materials proposed for buildings;
- iii The effect on the local character of the area.

Identifies hot food takeaway uses as town centre uses.

S5: The Local Centres - The boundaries of the Local Centres are defined on the Proposals Map. These boundaries are drawn tightly to concentrate investment and within these areas the retention, enhancement and further development of shops, services and other town centre uses will be encouraged.

S6: Meeting Local Needs

In terms of local need - out-of-centre development may be appropriate to meet such specific local needs and small-scale local facilities, or extensions to existing facilities, will be permitted if it can be shown that

I. The proposal is of a scale and kind to meet a local need for improved facilities.

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.

S8: Housing in Town Centres

a) housing within Local Centres will be encouraged, both on new sites and through conversion including upper floors provided it can achieve a satisfactory residential environment...although it will be recognised that the particular benefits of living in a centre could mean the acceptable level of residential amenity may not be the same as that expected in suburban locations, it does not prejudice, a centre's retail, commercial and leisure functions, including the growth of the evening economy.

b) Consider conditions to minimise potential conflict and disturbance between residents and centre uses and sound insulation

5.47 The Council recognises that the provision of housing is established?

S10: Hot Food Takeaways, Restaurants and other A3 Outlets

These uses will be appropriate in the Town, District and Local Centres and in some shopping and commercial frontages elsewhere subject to the following considerations:-

- I. The use proposed must not adversely affect the amenities of the existing or proposed dwellings by reason of noise, smell, disturbance or traffic impact. Where there are existing activities which are open during the late evening, the Council will have regard to the cumulative impact on residential amenity.
- II. Where the Council is minded to grant planning permission, the closing time for hot food takeaways will be considered in relation to the amenities of nearby dwellings. In such locations the Council will usually impose a condition requiring the premises to close at 2300 hours Monday to Friday and 2330 hours on Saturdays. Later opening hours and Sunday opening will be considered on their merits.
- III. Permission will not be granted where the absence of adequate off street parking would be likely to lead to on street parking in a hazardous location.
- IV. Permission will only be granted where ventilation and fume extraction equipment can be positioned to avoid potential problems of noise, vibration and/or odour nuisance for nearby occupiers and the equipment would not be detrimental to visual amenity.

T7: Car Parking

All development should satisfy the car parking standards set out in Policy T13 and provide an adequate level of car parking to meet the operational needs of the development.

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.

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

Consultations

Transportation – no objections subject to site layout plan showing a suitably sized refuse bin storage area within the curtilage of the site boundary.

Representations

Five letters of representation received objecting on the following grounds:

- many other food outlets, another one is not needed.
- retail shops are preferred over another take-away
- food litter, take-away cartons etc already a nuisance ...made worse by yet another take away shop.
- close to pedestrian crossing,
- cause traffic congestion and hazard to pedestrians.
- encourage anti social behaviour, people hanging about on the street and intimidating passers by.
- The road is a very busy and is used regularly by buses and trucks
- hot food take away customers likely to leave their vehicles close to the shop as possible.
- Inappropriately parked vehicles and manoeuvres threat to safety and free flow of traffic
- close to a school ... already havoc at school times due to incorrectly parked vehicles which could endanger the safety of children and parents.
- nuisance for local residents and other road users
- Parking is already a problem in this area
- adverse affect on existing businesses lead to job losses or even business closures.
- there will be an increase in noise pollution.
- there will be an increase in smell pollution.
- noise from the extractor fans

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

Determining Issues

- Principle of the Use
- Amenity of surrounding occupiers/area
- Highway safety/Parking

Observations

Principle of the use

In terms of similar uses, there are several other established cafés / hot food takeaways along Wednesbury Road. The Council has no policies which restrict the number or concentration of units / uses in local centres and competition between the number of units is a matter for market forces. Policy S10 of the UDP indicates that local centres are appropriate locations for such uses subject to key considerations of noise, smell, disturbance or traffic impact, opening/closing times and type and position of ventilation and fume extraction equipment

UDP Policy S8 recognises that the level of residential amenity of properties in local centres may not be the same as that expected in suburban areas

The Council's Development Plan policies aim to concentrate investment and activities within the defined centres. Overall therefore, in terms of policy the proposed change of use is acceptable.

Amenity of surrounding occupiers/area

Whilst the property has residential accommodation above, the site is situated on a busy road within a commercial frontage in this local centre. It is considered that the proposals would have no significant additional adverse impact on the amenities of the adjacent residential occupiers.

This is supported by the previous appeal decision at no. 291 Wednesbury Road, where the inspector concluded that this section of Wednesbury Road was busy being one of the main feeders for junction 9 of the M6 and any disturbance arising from such uses would be largely subsumed within the background noise of passing traffic.

The design of the extraction equipment and associated flue vent would be for subsequent approval. The proposed flue is shown on the rear elevation of the building where there are other hot food ventilation installations. Safeguarding conditions regarding the finish, height, reducing emissions, noise, smell and vibration can be imposed on the approval.

Impact on highway safety

All servicing and refuse would be at the rear where there is parking for two vehicles, therefore no additional impact on the free flow of traffic along Wednesbury Road.

The property has no off-street parking for customers of its own and none is proposed with this application. The site is within Pleck Local Centre where there are public car parks, good public transport links as well as existing parking restrictions along Wednesbury Road outside of the premises to minimise indiscriminate parking. The Council's parking enforcement team can monitor any indiscriminate parking. There are other hot food takeaways in the centre, it is considered that the development is unlikely to result in any additional severe road safety issues and the location of the proposed take away is a sustainable location that can be supported. Transportation has raised no objections.

Whilst there is a school further along Hilary Street, it is not anticipated that the use as a restaurant / hot food takeaway will conflict with the school.

Positive and Proactive working with the applicant

Officers have confirmed to the applicant 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 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 deposited 7/11/12
- Existing Lay-out (304) deposited 7/11/12
- Proposed Lay-out (305) deposited 7/11/12
- Design and access statement deposited 7/11/12

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 implementation of any part of the development details of a method to prevent grease entering the drainage system have been submitted to and approved in writing by the Local Planning Authority.

3b. The premises shall not be open for business until this approval has been given and the approved details have been fully implemented. The approved equipment shall thereafter be retained and maintained in accordance with manufacturer's or installers requirements.

Reason: To prevent grease entering into the drainage system in the interests of the free flow, capacity and the prevention of pollution of the system.

4a. Prior to the implementation of any part of the development 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 implementation of any part of the development, details of the ventilation flue including its finish, powder coating and colour, odour extraction and abatement equipment including vibration mitigation measures of the ventilation extraction and filtration system, incorporating grease filters, carbon filtration or electrostatic precipitation and odour neutralisation shall be submitted to and approved in writing by the Local Planning Authority. The flue serving the commercial hot food cooking points shall terminate at least 1 metre above the building roof level or building ridge level or any part of the building (whichever is the highest).

5b. The approved details shall be fully implemented before the development is brought into use and retained thereafter.

Reason: To safeguard the amenities of the occupiers of the adjoining premises and the wider area to ensure the satisfactory functioning of the development.

6a. Prior to the implementation of any part of the development until details of sound proofing for the premises (to prevent noise transmission between the ground floor business premises and the residential premises above) have been submitted to and approved in writing by the Local Planning Authority. As a minimum it is recommended that the weighted sound reduction index, R_w , between the commercial development and the residential units is not less than 60dB.

6b. The agreed works shall be fully implemented before the premises are brought into use retained and maintained thereafter.

Reason: To safeguard the amenities of the occupiers of adjoining premises.

7a. Prior to the implementation of any part of the development until details of the rear yard area have been submitted to and approved in writing. The details shall include parking for staff and any residential use above the takeaway/restaurant and location of refuse storage bins.

7b. The scheme as approved shall be fully implemented before the use begins and thereafter retained for parking of two vehicles and location of refuse storage bins.

Reason: To ensure the satisfactory provision of off-street parking, appearance and functioning of the development

8a. Prior to the implementation of any part of the development until a scheme showing details of a CCTV system including a facility for digital recording on site shall be submitted to and approved in writing by the Local Planning Authority.

8b. The scheme as approved shall be implemented before the use begins. All equipment installed as part of the scheme shall thereafter be retained and operated and maintained in full working order.

Reason: To safeguard the amenities of occupiers nearby.

9. No materials, goods or refuse shall be stored or deposited in the rear open yard area other than in a refuse container.

Reason: To ensure the satisfactory provision of off-street parking, appearance and functioning of the development

10. The premises shall not be open for business outside the hours of 11.00am to 23.00pm Monday to Friday and 11.00am to 23.30pm on Saturdays and not at all on Sundays or bank holidays.

Reason: To safeguard the amenities of the occupiers of adjoining premises.

11. All loading and unloading of goods relating to the approved take away/restaurant use shall take place within the curtilage of the site.

Reason: To ensure the satisfactory functioning of the development and in the interests of highway safety.

Note For Applicant

This permission does not grant consent for any signs or advertisements, illuminated or non-illuminated. A separate application may be required under the Town and Country Planning (Control of Advertisements) Regulations 1992 or subsequent legislation.



Walsall Council

Regeneration Directorate – Planning and Building Control

Planning Committee

Report of Head of Planning and Building Control, Regeneration Directorate on 11/12/2014

Plans list item no: 8.

Reason for bringing to committee: Called in by Councillor Murray on the grounds of requiring delicate judgement.

Application Number: 14/1313/FL

Application Type: Full application

Applicant: Mr R Tarbuck

Proposal: Proposed new dwelling in place of previously approved barn conversion (amendment to permission 13/0482/FL).

Location: ALDRIDGE COURT FARM, LITTLE ASTON ROAD, WALSALL,

Ward: Aldridge Central & South

Case Officer: Paul Hinton

Telephone Number: 01922 652607

Email: planningservices@walsall.gov.uk

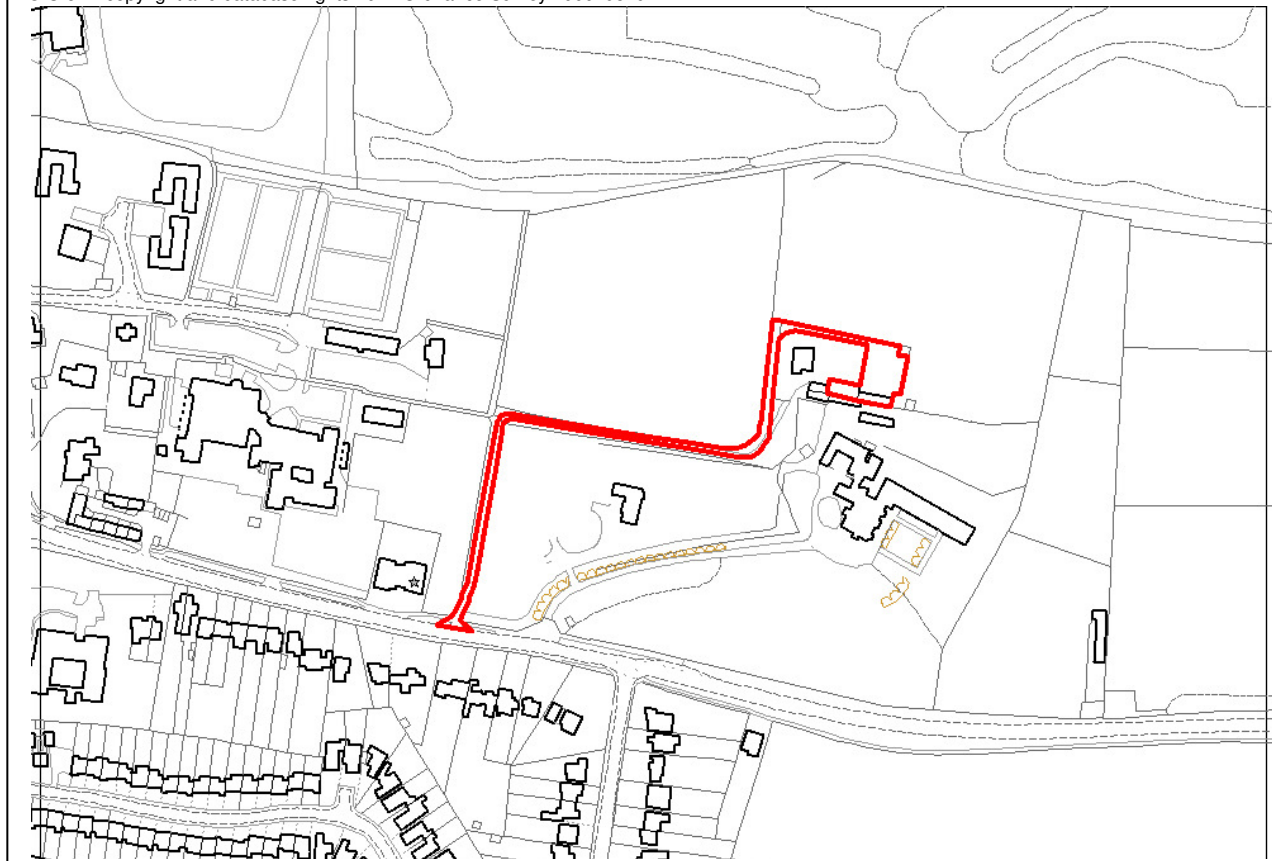
Agent: Spooner Architects

Expired Date: 20/11/2014

Extension of Time Target Date:

Recommendation Summary: Refuse

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Application and Site Details

This application seeks planning permission for a substitution of house type following Committee's decision to approve planning permission for a new dwelling in April 2014.

The application proposes to increase the width of the house from 15.1m to 16.7m and increase the depth of the house from 9.2m to 11.7m. The height is proposed to be increased by 0.1m. As a consequence the footprint of the approved house would be increased from 123.9sqm to 180.8sqm. The proposed changes would not change the layout of the five bedroom house. The appearance of the proposal is also altered with the removal of the first floor front and rear full length windows with traditional height windows. A tile canopy is proposed above the front door. The building would be a brick and tile construction, with a drive to the side and rear garden (14m length, 194sqm)

The proposed house would be on paddock land fronting current stables that are to be converted to provide a double garage and storage building. There is an existing barn (previously approved to be converted to a dwelling) that would be removed. The house would be 31m from the farm house at Aldridge Court Farm. Both houses would be accessed by a single width track from Little Aston Road, part of which is a public right of way (ALD33). The proposed access for the house would span a further 140m (total of 410m) from the access to Aldridge Court Farm, passing along the northern boundary of the farm house.

The site is located 780m walking distance from Aldridge District Centre on the busy A454 (District Distributor). The site is located within the West Midlands Green Belt and Aldridge Conservation Area. To the south is Aldridge Court, a nursing home providing care for the elderly, it occupies a large plot on the north side of Little Aston Road. To the southwest are two recently constructed large detached houses (a third with planning permission), to the west is a sports ground used by the adjacent Cooper & Jordan School, directly to the north is an open field associated with the farm with Druids Heath golf course further to the north.

The site area is 0.08ha which gives an indicative housing density of 13 dwellings per hectare.

Design and Access Statement

The proposals are based on utilising the permitted development rights by increasing the approved footprint by 25%.

Relevant Planning History

Application site

BC62615P/C for change of use of stables and cowshed to private dwellings was approved on 05-02-01.

05/1002/FL/E5, Variation of Condition 1 of PA BC62615P/C to extend time for a further five years, granted 08-07-05.

10/0228/TE - Time extension on permission 05/1002/FL/E5: Change of use of existing stables and cowshed to private dwelling and widening of access to site (Original application BC62615P/C)

13/0482/FL – Demolition of outbuildings and erection of new dwelling in place of previously approved barn conversion (adjacent public footpath ALD33). Granted subject to conditions 22/4/14.

Plot 3, Little Aston Road

13/1397/FL - Substitution of house type and garage on Plot 3 (previous planning permission 11/1188/FL) Refused for the following summarised reasons on 3/12/13:

1. Increased footprint, floorspace, built volume, height and width would be inappropriate development in the Green Belt to which no very special circumstances exist
2. Would appear incongruous and unrelated to the surrounding development causing harm to the character and appearance of the area

14/0712/FL –Substitution of house type and garage on Plot 3 (previous planning permission 11/1188/FL) Revised application following refusal of 13/1397/FL. Granted subject to conditions 27/6/14 on the basis of very special circumstances in regard to energy efficiency, residential amenity benefits and improved relationship with Little Aston Road compared to the approved design.

Relevant Planning Policy Summary

National Planning Policy Framework (NPPF)

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

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

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

Key provisions of the NPPF relevant in this case:

1. Delivering sustainable development

19 Planning should encourage sustainable growth.

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.

55. Avoid new isolated homes in the countryside unless there are special circumstances.

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.
- 9, Protecting Green Belt land
- 79 Green Belt policy is to prevent urban sprawl by keeping land permanently open.
- 87 Inappropriate development is harmful to the Green Belt and should not be approved except in very special circumstances.
- 88 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
- 89 New buildings are inappropriate in the Green Belt. Except:
- Limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.
11. Conserving and enhancing the natural environment
109. The planning system should prevent new and existing development from contributing or being put at unacceptable risk from, or being adversely affected by unacceptable levels of...air...or noise pollution.
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
- 12 Conserving and enhancing the historic environment
- 126 Heritage assets are an irreplaceable resource.
- 131 Take account of: Desirability of new development making a positive contribution to local character and distinctiveness.
- 133 Refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss.

On **planning conditions** the NPPF says:

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

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

The Development Plan

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

Local

The Black Country Core Strategy (BCCS) (2011)

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

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

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

The key planning policies include:

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

2b: Encourages sustainable management of material resources through minimising waste, ensuring all members of the community have the best access to housing, previously development land is prioritised over greenfield sites and encourages a comprehensive approach to development.

CSP1: A network of Regeneration Corridors linking the Strategic Centres will provide: high quality employment land, new homes in sustainable communities built on redundant employment land and other brownfield sites close to existing public transport routes and canal networks and locations with the best access to residential services, at moderate densities that allow for a range of house types.

CSP2: Outside strategic centres and regeneration corridors a mix of good quality residential areas where people choose to live should be provided. Green Belt boundaries will be maintained and protected from inappropriate development.

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

CSP4: 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.

ENV2: Historic Character and Local Distinctiveness

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

ENV3: Design Quality

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

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

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.

3.3 Inappropriate development will not be allowed in the Green Belt unless justified by very special circumstances.

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

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

ENV2 a) In the Green Belt there will be a presumption against the construction of new buildings except for the following purposes:

v. limited infilling or redevelopment of major existing developed sites in accordance with ENV4.

e) Where development is consistent in principle with the purposes of the Green Belt the Council will require that its siting, design, form, scale and appearance is compatible with the character of the surrounding area.

ENV3: Identifies more detailed considerations for proposals in the Green Belt, including vii. The cumulative physical effect of proposals in any one area.

ENV4: b) Redevelopment of major developed sites may be permitted provided they have (i) no greater impact (and where possible less impact) than the existing development on the openness and purposes of the Green Belt, (ii) the height of existing buildings is not exceeded and (iii) the area to be covered by buildings would not occupy a larger area than the aggregate floor area of the existing buildings, unless it would achieve a reduction in height which would benefit visual amenity.

ENV10: Development will not be permitted if the health, safety or amenity of its occupants or users would be unacceptably affected by pollution caused by installations or activities that are a source of any form of pollution.

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

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: Proposals must take account of opportunities for nature conservation.

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

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:

I. Within a Conservation Area

IV. Adjacent to transport corridors.

VI. Areas with a special character arising from the homogeneity of existing development in the neighbourhood.

IX. Within Green Belt

(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.

III. The materials proposed.

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: Good landscape design is an integral part of urban design

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

H3: Windfall Sites and Conversion of Existing Buildings

(a) The Council will encourage the provision of additional housing through the re-use of brownfield windfall sites, provided that:-

I. A satisfactory residential environment can be achieved, taking into account the considerations set out in Policy ENV10.

II. There is no overriding need for the land or buildings to be retained for employment or any other use.

III. The proposal would have good accessibility by a choice of means of transport and be well related to schools, shops and other social and community facilities.

IV. Residential development would not unacceptably constrain the development of any adjacent site for its allocated or identified use.

V. The proposal is acceptable in terms of other policies of the Plan.

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

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. Common building lines along road frontages must be maintained.

Privacy and aspect distances between dwellings must ensure that all occupants have a satisfactory level of amenity. Minimum guidelines are contained in Appendix D, however greater distances may be applicable where it is in the interests of protecting the character of an area.

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

DW3 – all new development must be designed to respect and enhance local identity

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

DW6 – new development should contribute to creating a place that has a clear identity

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

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

Annexe D: Privacy and aspect distances between dwellings must ensure that all occupants have a satisfactory level of amenity, whilst reflecting the existing and emerging character of the area. 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

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

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

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

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

Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990.

Section 72(1) with respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

Consultations

Transportation – no objection. One dwelling is unlikely to have severe highway related impact.

Pollution Control:

Scientific Team – no objection subject to use of recommended conditions in regard to construction hours and working plan.

Conservation Officer – objects. The approved house is already of a generous size and has a significant impact on the conservation area and the green belt and therefore it would not be acceptable to increase the size of the house further as it will be more visible from the north, across the open rural landscape.

Environmental Health – no objection.

Natural Environment (Ecology) – no objection, ecological conditions on previous approval should be used on any further approval.

Natural Environment (Landscape) – objects. Increase in footprint is detrimental

Walsall Group of the Ramblers – objects to building on the Green Belt.

Severn Trent Water – no objection subject to the use of recommended condition in regard to drainage.

Public Participation Responses

Site notice displayed, press notice issued and surrounding occupiers notified by letter.

None received.

Determining Issues

- Impact upon the openness of the Green Belt
- Impact on the character and appearance of the area
- Impact on the amenities of the surrounding occupiers
- Access and parking

Observations

Impact upon the openness of the Green Belt

Planning permission exists for a five bedroom house to be built on this Green Belt land, with a barn within the curtilage of the farm being demolished. This application seeks to increase the size of the approved house. The agent explains the development is based on utilising permitted development rights at the site. Condition 19 of planning permission 13/0482/FL removed permitted development rights for enlargements or alterations, outbuildings or enclosures. Accordingly there are no permitted development rights than can be relied upon for a larger house. The proposal would increase the mass/volume of the house and in particular would increase the approved footprint from 123.9sqm to 180.8sqm a 45% (56.9sqm) increase.

Green Belt policy is to prevent urban sprawl by keeping land permanently open. New buildings are inappropriate development in the Green Belt except the complete redevelopment of previously developed sites which would not have a greater impact on the openness of the Green Belt than the existing development. Inappropriate development is harmful to the Green Belt and should not be approved except in 'very special circumstances', these circumstances do not exist unless the harm to the Green Belt is clearly outweighed by other considerations.

As a matter of fact and degree the increase in the size of the house over and above that previously approved would result in a development that has a greater impact on the openness of the Green Belt than the approved house. As a consequence and by definition the proposal is inappropriate development that has harm upon the openness of the Green Belt.

The most important attribute of Green Belts is their openness, which can be interpreted in the sense of freedom from development. The proposal would be significantly larger than the approved house, its increased footprint, floor space, built volume results in a very bulky building that reduces the openness of the area. The development would be inappropriate development which would cause harm to the openness of the Green Belt. Officers have advised the applicant's agent that permitted development rights were removed and that no very special circumstance exist to comply with national policy. No further justification for this development has been provided.

Impact on the character and appearance of the surrounding area

The NPPF says that developments 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 to preserve or enhance the character of the area. Policies CPS4, HOU2, ENV2, ENV3 of the BCCS; GP2, 3.6, ENV29 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.

The architecture of the proposal has changed by the removal of the full length first floor front and rear windows with a traditional height window in place. The front door has more of a traditional appearance with a canopy above. These elements are considered to have no additional impact.

The application proposes to increase the width of the house from 15.1m to 16.7m and increase the depth of the house from 9.2m to 11.7m. The extent of the forward and rear projections have a greater impact on the views from the public footpath to the north and across the open fields. Developments should preserve or enhance the character of the Conservation Area and should not injure the visual amenities of the Green Belt. The house would be 1m from the boundary with the field on the eastern elevation and 4m from the boundary with the farm house on the western elevation. The plot size to compared plot width would result in a house that appears cramped. In addition this larger house would be viewed in obvious contrast to its surroundings, appearing even more prominent than the approved house. As a result the development would appear incongruous, fails to preserve or enhance the conservation area and would injure the visual amenities of the Green Belt.

Impact on the amenities of the surrounding occupiers

The proposal would continue to have a sufficient separation distance to adjoining occupiers to have no impact.

Access and parking

The proposal includes a double garage and a large drive to ensure that the development has enough parking spaces to meet its needs. Transportation raise no objection to the application.

Local Finance Considerations

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

This application proposes 1 new home.

The New Homes Bonus award to Walsall for 2012-2013, and for each of the 4 years after that, was published in December 2011. Future awards would be for 4 years, then 3 years, then 2 years and finally for 1 year. Based on the provision of 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

Due to the nature of the proposal it has not been possible to offer any proactive suggestions to make the proposal acceptable.

Recommendation: Refuse

1. The larger house type by virtue of the increased footprint, floorspace, built volume, height, width and depth would be materially larger than the existing planning permission for a new house in this location. As a consequence the proposal would be inappropriate development in the Green Belt to which no very special circumstances exist. The development would cause harm to the Green Belt by having a greater impact on its openness than the approved development. The proposal is therefore contrary to the aims and objectives of saved Walsall Unitary Development Plan policies, 3.3, ENV2 and ENV4, policy CPS2 of the Black Country Core Strategy and the National Planning Policy Framework.

2. The proposed house due to its increased height, width, depth and overall mass, would appear incongruous and unrelated to the surrounding development causing harm to the character and appearance of the area. The proposal fails to preserve or enhance the character and appearance of the Conservation Area and harms the visual amenities of the Green Belt. The proposal is therefore contrary to the aims and objectives of saved Walsall Unitary Development Plan policies GP2, 3.6, ENV3, ENV29 and ENV32, policies CPS4, ENV2 and ENV3 of the Black Country Core Strategy, policy DW3 of Supplementary Planning Document: Designing Walsall and the National Planning Policy Framework.



Walsall Council

Regeneration Directorate – Planning and Building Control

Planning Committee

Report of Head of Planning and Building Control, Regeneration Directorate on 11/12/2014

Plans list item no: 9.

Reason for bringing to committee: Significant community interest

Application Number: 14/0584/FL

Application Type: Full application

Applicant: Mr Jaswant Bhogal

Proposal: Erection of detached summerhouse, and retention of existing boundary wall fronting Thornhill Park.

Location: 1 THORNHILL PARK, STREETLY, SUTTON COLDFIELD, B74 2LQ

Ward: Streetly

Case Officer: Philip Wears

Telephone Number: 01922 652611

Email: planningservices@walsall.gov.uk

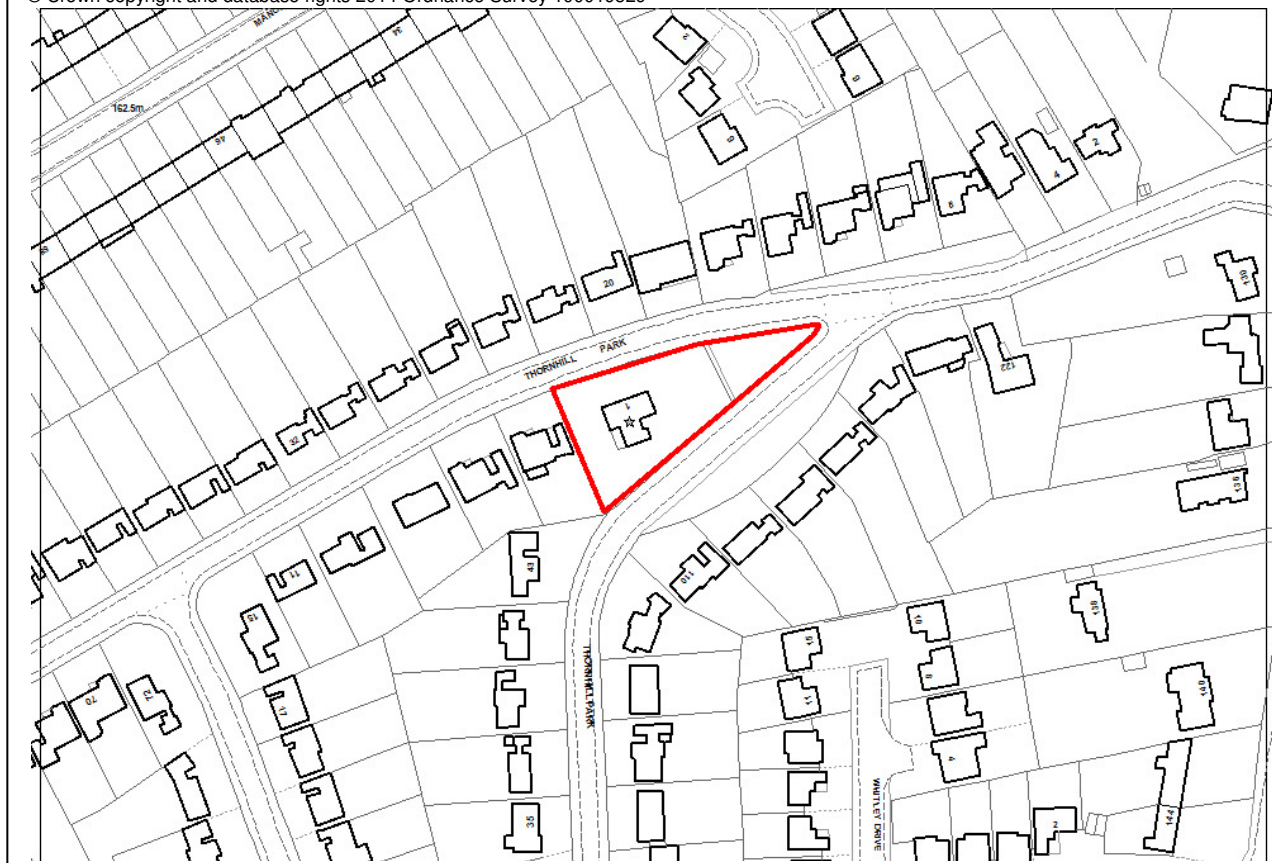
Agent: B P Services

Expired Date: 12/06/2014

Extension of Time Target Date:

Recommendation Summary: Grant Permission Subject to Conditions

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Application and site details

The application seeks the retention of a brick wall erected on the highway boundary and also proposes the erection of a summerhouse. It relates to an extended detached house.

This application is a re-submission following the withdrawing of application 13/1728/FL for a summerhouse and car port. The summerhouse was proposed to be closer to the highway, with a proposed carport between the house and the road, but the wall along the highway boundary was not included.

This application illustrates the summerhouse 2 metres from the highway, shows more landscaping details, includes the boundary wall but does not include the carport.

The house is located on a triangular plot in the fork formed by the two branches of Thornhill Park, with its vehicular access from the southern branch. The house faces east towards the fork and there is a significant slope down in this direction, a drop of approximately 1 metre along the length of the wall. The proposals relate to the southern side of the property. The road as a whole is fronted by other detached houses with mature open plan front gardens contributing to the visual amenity of the location.

Retention of wall on highway boundary

It is proposed to retain an existing brick wall running from the south-west (rear) corner of the garden, along the highway boundary, past the site of the proposed summerhouse, for a distance of 28m towards the east, as far as the vehicular access. The cappings remain to be added but for most of its length the final height will range from 2.1m to 1.9m. A brick-work entrance pier would also be constructed about 6.8m further to the east to define the other side of the vehicular access, but this has not been commenced. This width of access is intended to comply with a pedestrian visibility splay of 2.4m by 3.4m.

The wall comprises brick piers with intervening brick-work panels. It has slight steps at the brick piers, reflecting the sloping ground.. However the panel nearest the access would have concave upper surface dropping down to a pier with an ornamental capping and 1.4m high. The wall has been erected mainly in a yellow-orange coloured brick, with a darker brick diamond shape to each panel. The submitted drawings show half way along the length of the wall a 0.5 metre step down in height but on site this step is about 0.3 metres.

The landscaping on the amended plans comprises planting of 'hedges and creepers' at the back of a 20 metre length of the wall to provide an opportunity to spill over the wall.

Proposed Summerhouse

The brick and tile summer house would be gabled ended and the following sizes; 6 metre wide, 5.17metre deep, 4.25 metre high (to the ridge) and 2.4 metre to the eaves summerhouse is proposed to be 2 metres from the boundary of 3 Thornhill Park boundary and between 2.25 and 4.25 metres from the boundary wall running adjacent to Thornhill Park..

The submitted elevation drawing illustrate landscaping at the back of the wall growing to screen the upper side wall and roof eaves of the summerhouse. Two replacement Cedar trees are also proposed close to the south-west and south-east corners of the summerhouse. In addition, an existing conifer tree is proposed for retention 0.5m behind the wall adjacent to gates leading from the front garden to the south side garden.

Relevant Planning History

13/1728/FL Erection of detached summerhouse and carport. Withdrawn

12/0165/FL -Re-submission of 11/0321/FL . Alterations to roof on approved scheme. Permitted with conditions

12/0119/MA Minor amendment to roof . Void application

12/0089/DOC Discharged conditions relating to construction materials and replacement tree planting, subject to 2 cedar trees being planted within one year.

11/0321/FL Side extension and new roof space with habitable rooms. Single storey front extension. Permitted with conditions, including required tree planting to replace an important cedar tree to be removed for the extensions.

Relevant Planning Policy Summary (Note the full text version of the UDP is available from Planning Services Reception and on Planning Services Website)
http://cms.walsall.gov.uk/annotated_2011_udp_-_february_2011.pdf

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

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

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

- Always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings

Key provisions of the NPPF relevant in this case:

- ***NPPF 7 - Requiring good design***
 - 56. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making better places for people.
 - 57. It is important to plan positively for the achievement of high quality and inclusive design for all development.
 - 58. Planning policies and decisions should aim to ensure that developments meet criteria that include:-
 - Function well and add to the overall quality of the area.
 - - Establish a strong sense of place
 - - Respond to local character and history and reflect the identity of local surroundings and materials
 - 64. Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

On **planning conditions** the NPPF says:

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

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

Local Policy

Black Country Core Strategy

- ENV2: Historic Character and Local Distinctiveness
- ENV3: Design Quality

Unitary Development Plan

- GP2: Environmental Protection
- ENV18 Existing Woodland, Trees and Hedgerows
- ENV32: Design and Development Proposals
- T13, Parking

Supplementary Planning Document

Designing Walsall

- Policy DW3 Character
 - development proposals must evaluate and understand the positive characteristics of the area it is located within to create or contribute to a distinctive sense of place.
- Policy DW9: new development must seek to ensure it creates places with attractive environmental quality
- Appendix D

Conserving Walsall's Natural Environment

- Policies NE7, NE8, NE9

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

Consultations

Transportation: No objection subject to conditions to require:-

- a) The existing curving block-paved driveway to be widened to meet the isolated brick pillar shown on the amended plans (at east side of access).
- b) The existing dropped kerb footway crossing to be widened and extended to align centrally with the proposed widened access driveway.

Tree Officer:

The consent for the extension to the house (11/0321/FL) was conditional that the removal of the original Cedar tree would be compensated by the replanting of two additional trees, one to the south of the house, the other on the north side. The replacement tree on the south side of the house cannot be planted in its proposed location (ref 12/0089/DOC) due to the construction of a small brick retaining wall and the beginnings of the summer house.

Concerns remain and some aspects still require clarification.

The amended replacement tree proposals are acceptable in part only. The Cedar tree now proposed south of the house, east of the proposed summerhouse, is acceptable in principle. However details are lacking of the size and composition of the planting bed and the adjacent hard-surfacing.

The replacement Cedar tree proposed in the rear south-west corner would suffer from insufficient space. The second replacement tree should therefore be planted on the north side of the house as originally approved.

The replacement trees on the north and south sides of the property must be planted prior to the end of March 2015 so that they will establish better and have a reasonable chance of survival.

This rear south-west corner location could accept a tree of smaller growth habit for general landscaping purposes, (eg a purple plum) subject to provision of a suitable planting bed and soil depth.

There are no details of the 'hedges' to be planted on the inside of the boundary wall nor the extent of the soft landscaping bed along the line of this wall.

The general problem remains that there is no indication of the extent of the soft landscaping planting area, there are no details regarding what the trees and shrubs will be planted in, no details of any changes to the ground conditions or the extent of any proposed hard standing. The plans are not drawn to scale and give a false impression of the space available for the proposed soft and hard surfaced landscaping areas, and gated access to the south of the house. This needs to be resolved. A soft landscaped strip less than 2m in width is unacceptable and is not sufficient to support the size of tree and shrub growth required.

A softer boundary treatment on the south side, rather than the visually unappealing brick wall is also appropriate to the character and appearance of Thornhill Park.

Landscape officer :

The planting of 'hedges and creepers' shown on the elevation drawing, standing above the wall and also spilling over in front its upper part, is potentially achievable in time. Its effectiveness at reducing visual impact (of the wall and proposed summerhouse) is a matter of subjective judgement.

The time to be taken for it to grow cannot be estimated as there is insufficient information provided.

A planting bed much wider than 1m originally proposed would be necessary to support the plant growth at the height indicated.

Representations

In response to the original application, objections received from 5 households, 4 living opposite the site, and one in north branch of Thornhill Park :-

- The brick wall has required removal of a mature cedar tree, other trees and greenery.
- The property is the focal point of the road, giving a 'village green' appearance at front, and the changes have had devastating effect.
- High brick wall is completely out of character, and overbearing.
- Covenants require all properties to maintain a dwarf wall. (*Covenants are not material to the consideration of this planning application*)
- Previous arrangement of a fence sitting on a low wall, and lined with trees and shrubs, was far better.
- Wall is ugly and out of character because of stone not being used, brick colour, and diamond pattern.
- Rear concrete panel fence also not in keeping.
- The bungalow has grown enormously and addition of summerhouse would be excessive.
- Summerhouse would look too high relative to the brick wall.

- Necessary screening by vegetation has been taken away and summerhouse and wall would therefore be obtrusive, with insufficient space in between for replacement trees and shrubs to screen.
- Cumulative effect of brick wall, loss of trees and shrubs and summerhouse would be very harmful.
- Replacement tree planting (following removal of mature cedar tree) now in doubt.

In response to amended plans, objections from 4 households, all living opposite the site :-

- Little change since original plans
- Landscaping for wall would be ineffective,
- Wall would remain out of character, imposing and unattractive,
- Plans do not show true height of wall next to existing tree
- If wall remains, the existing mellow stone dwarf walls around the front garden will be altered to a match, destroying a main feature of Thornhill Park.
- Plants to be grown at back of wall will not be seen by other residents
- Plants at back of wall would take many years to grow.
- Plants and creepers added to wall are not a permanent solution, could be removed, could die, or could become untidy and an eyesore.
- Proposed landscaping for summerhouse inadequate-it would remain intrusive.
- Summerhouse unnecessarily high.
- Summerhouse still unrealistically large for the space available
- Proposed Cedar trees would be slow growing
- Proposed Cedar tree next to existing Cedar tree at No 3 Thornhill Park could create a bigger problem of overhanging the public pavement.
-

Determining Issues

- Design of Summerhouse and Wall, and Character of Area
- Amenity of Nearby Residents
- Highway visibility

Observations

Design of the Wall and Summerhouse, and Character of Area

The wall on the highway boundary

The majority of houses on Thornhill Park have 0.3 metre high front dwarf walls constructed from stone or brick on their front highway boundaries. This has established a character for the area in which front garden vegetation, whether grass, trees or shrubs, is open to view and contributes to the street scene. It is recognised that the wall that forms part of this planning application, bounds a rear garden where a need for privacy is to be expected and reasonable. The wall replaces an earlier fence and dwarf wall that had weathered in over time. It is not unreasonable for the existing boundary treatment to be replaced with a wall that is subject of this planning application as it can have benefits of privacy for the occupiers as well as reducing levels of noise and disturbance from the adjacent road.

The comments of neighbouring residents are noted.

Whilst the boundary wall is not of sufficient height to screen the concrete panel fence which has been erected along the rear boundary of the garden, it is recognised that the majority of the concrete panel fence is permitted development and does not require a separate permission from

the Council. The small amount of the concrete fence that would require planning approval is considered not to be expedient to pursue in this instance.

Landscaping could soften and potentially modify the appearance of the wall, if it is allowed to grow up and over the wall to overhang the upper courses of the wall. The overhang of plant material would be overhanging the pavement. It is considered the pavement in this instance is sufficiently wide enough to not cause any highway safety concerns in short to medium term. Substantial overhang can be dealt with via the highway act and cut back if there is a safety concern.

The Tree Officer and Landscape Officer confirm that a small tree in the south-west garden corner, a Cedar tree south of the house, and the existing conifer are all acceptable planting in principle, subject to conditioning details of the size of the planting bed, its composition and depth

Summerhouse

Whilst it is noted that objectors are concerned about the size and appearance of the summerhouse in the street scene, it has to be balanced against the owner being able to construct an 2.5 metre high outbuilding within two metres of the boundary without the need for a separate planning approval from the council. If the outbuilding is 2 metres from the boundary in this location, as long as the eaves are no higher than 2.5 metres, then the outbuilding could be 4 metres in height. The currently proposed outbuilding is 4.25 metres tall and 2 metres from the boundary

It is considered that a 'fall-back' exists in which, if permission is not granted for the outbuilding, the applicant could erect a similar building without a further planning approval from the Council.

Overall it is considered that whilst the outbuilding in this position may not be perfect, it has to be recognised that the owner can construct a building of similar proportions without the need of a further planning approval from the council.

Amenity of nearby residents

The outbuilding will be forward of the front elevation of the adjacent house at 3 Thornhill Park and adjacent to its side boundary. This boundary has a concrete panel fence belonging to 1 Thornhill Park and a row of trees and shrubs belonging to No 3. This intervening boundary treatment, the outbuilding on lower ground, plus the distance separation of 9 metres from 3 Thornhill Park, it is considered that daylight and outlook of 3 Thornhill Park front windows would not be unduly affected.

Highway visibility

Following contact with officers the amended site layout plan confirms an intention to provide a visibility splay comprising a set back of 2.4m and a distance of 3.4 metres to each side, within which nothing shall exceed a height of 0.6 metres. Transportation Officers note that the existing driveway and dropped kerb are not aligned centrally with the proposed widened access and therefore vehicles could emerge close to the retained wall pillar and thereby not have the required inter-visibility with pedestrians. Conditions are recommended to encourage vehicles to emerge more centrally by requiring widening of the driveway up to the retained wall pillar and also widening of the dropped kerb footway crossing.

Positive and Proactive working with the Applicant

Officers have discussed the proposals with the agent, resulting in amended plans which have been subject of re-notification to the neighbouring properties, and which are now recommended for approval.

Recommendation: Grant Permission Subject to Conditions

1. The summerhouse 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. Subject to the other conditions below, the development hereby permitted shall be carried out in accordance with the following approved plans and documents:-

- Location Plan and Block Plan, Drawing no. 001-13-01, Rev A, deposited 22/08/2014.
- Floor Plans and Elevations, Drawing No. 001-13-02, Rev A, deposited 22/08/2014.
- Boundary Wall Elevation, Drawing No. 001-13-03, deposited 17/04/2014
- Boundary Wall Elevation, Drawing No. 001-13-03, Rev A, deposited 22/08/2014 (showing additional landscaping).
- Site Layout Plan, Drawing No 001-13-04, deposited 22/08/2014 .

Reason: To define the permission and in the interests of proper planning.

3. No development of the summerhouse shall commence until details of the proposed soft landscaping illustrated on Drawings 001-13-03, Rev A, and 001-13-04, have been submitted to and approved in writing by the Local Planning Authority. The details shall include:-

(i) the numbers and positions of each named species of plant to be used.

(ii) the size of each plant at the time of planting.

(iii) the dimensions and position of the soil bed for planting

(iv) the work to create a satisfactory soil bed for plant growth, including details of removal of existing concrete and other hard bodies, soil preparation, and finished depth of top soil.

(v) a programme of implementation

(vi) a schedule of maintenance for a period of 5 years commencing at the completion of all approved planting, the schedule to state the maximum and minimum heights at which the plants will be maintained.

Reason: To protect and enhance the visual amenities of the area.

4. All approved soft landscaping and tree planting shall be maintained for a period of 5 years commencing at the completion of the final phase of implementation and in accordance with the approved schedule. Any tree or other plant that is removed, uprooted or destroyed or dies or, in the opinion of the local planning Authority, becomes seriously damaged or defective, shall be replaced in the same position with another of the same species and size as that originally planted..

Reason: To protect and enhance the visual amenities of the area.

5. The walls and roof of the summerhouse shall comprise facing materials that match, in size, colour and texture as those which are used in the existing building as it exists at the time of this application, and shall be retained as such after completion of the extension.

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

6. Notwithstanding the details provided, the boundary wall hereby approved shall be no higher than 2.1 metres, from the height of the adjacent footway, including any capping.

Reason: To define the planning approval

7.a) Within 3 months of the date of this permission, the existing curving block-paved driveway is to be widened to meet the isolated brick pillar shown . (at east side of access) on the amended plans , drawing numbers 001-13-04 and 001-13-03, Rev A .

7.b)The extended block paved driveway shall be retained as driveway and not used for any other purpose.

Reason: To make it possible that vehicles emerging from the access point can do so centrally within the 6.4 metre access opening and hence within the required pedestrian visibility splay envelope, in the interests of highway safety.

8.a) Within 3 months of the date of this permission, the existing dropped kerb footway crossing is to be widened and extended to align centrally with the proposed widened access driveway.

8.b) The extended dropped kerb shall be retained throughout the life of the development.

Reason: To make it possible that vehicles emerging from the access point can do so centrally within the 6.4 metre access opening and hence within the required pedestrian visibility splay envelope, in the interests of highway safety.