



Economy and Environment, Development Management

Planning Committee

Report of Head of Planning and Building Control on 01-Oct-2015

Plans List Item Number: 1.

Reason for bringing to committee: Significant Community Interest

Location: UNIVERSITY OF WOLVERHAMPTON, WALSALL CAMPUS, GORWAY ROAD, WALSALL, WS1 3BD

Proposal: CONSTRUCTION OF NEW ACCESS OFF THE BROADWAY TOGETHER WITH NEW CAR PARK AND ASSOCIATED LANDSCAPING, PLUS CLOSURE OF ACCESS FROM MAGDALENE ROAD.

Application Number: 15/0165/FL

Applicant: University of Wolverhampton

Agent: Delta Planning

Application Type: Full Application

Case Officer: Karon Hulse

Ward: St Matthews

Expired Date: 04-May-2015

Time Extension Expiry:

Recommendation Summary: Delegate to the Head of Planning and Building Control to grant permission subject to conditions and subject to the section 106 agreement to secure upgrade to existing sports facilities being signed and no new material considerations being raised



Current Status

The 6th August 2015 Planning Committee deferred this planning application for officers to seek further information regarding alternative access options for the University Campus. The following information has been provided by the University setting out information in addition to that previously prepared and presented to local Ward Councillors and local residents at a meeting on 3 March 2015.

The additional details set out a number of alternative access options which have been considered in the preparation of this planning application and which have evolved following the original master plan led redevelopment of the University Campus in 2002. At that time a Transport Assessment was carried out which included a number of alternative options for accessing the campus, concluding that the link through Broadway Park Estate was the most appropriate option and was subsequently approved in 2003 as part of the university redevelopment master plan by the Planning and Highways Committee.

Since the current access via Magdalene Road was implemented (2004), part of planning approval 03/0918/RM/W5, residents have reported on going issues with traffic and parking on the Broadway Park estate.

In 2009 the University applied for planning permission for the new Performance Hub building, which was constructed in 2011-12. It was suggested at that time by the then Planning Committee that the future and continued use of Magdalene Road access should be revisited and any future planning applications on the Campus would need to consider alternative access options, this did not form part of the resolution.

In 2013 the University applied for planning permission for a temporary overspill car park on part of the playing fields adjacent to the Magdalene Road access. Planning permission was granted for a 20 month period (due to expire in September 2015). In granting the temporary approval (17/1/14), the Planning Committee (16/1/14) again indicated that the continued access through Magdalene Road needed to be reconsidered and alternatives including an access from Broadway to the University should be explored.

Since 2002 and the emergence of the University Campus master plan, they have continued to assess access options to the campus. In addition to the details of the proposed access submitted under this application, a number of other options have been assessed and are outlined below (these are illustrated on plan numbers SK13, 14 and 15):

Option 1 - Increased use of Delves Road Access

The Delves Road access presently provides limited access to the campus for the sports hall and student village. The access is via a University owned private access road which links to Delves Road north of the Rugby Club. It is considered entirely unsuitable for increased traffic; being less than 5m wide and being a shared access drive with Whitehall Primary School. The University does not control any land either side of the road, and is therefore unable to implement widening or junction improvements. Furthermore, the junction of Delves Road and Broadway has no capacity for improvement and would be unable to function with increased traffic from the University.

Option 2 – Increased use of Gorway Road

Gorway Road was the original main access for the University Campus and still provides an important secondary access today. It is, however, a minor residential road and has long

been considered unsuitable as a main campus access. Indeed it has been Council policy since 2001 to downgrade this access. Because of a significant change in levels across the campus, it is also not possible to access the main car parks from Gorway Road

Option 3 – New access road from Broadway via new junction at Delves Green Road

This option was considered in detail in conjunction with the possible relocation of the Rugby Club during 2011. Under this scenario, a new traffic controlled junction would be constructed opposite Delves Green Road, which would have a northern arm into Rugby Club land, serving to provide access to the University and, at the time, a possible development of the Rugby Club land for housing. The Rugby Club project did not however proceed, and this option has now been discounted, as it requires land outside of the control of the University.

In addition to the above the following options are variations on the current planning application. These were assessed either as part of the preparation of the application or raised following discussions with residents on Broadway.

Option 4 – Priority junction onto the Broadway, as per the current application, but without traffic lights

This option was tested as part of the pre-application consultation for the current application. It was rejected both by Council highway officers and by residents at the pre-application consultation event as it was considered to create additional congestion on Broadway.

Option 5 – Relocation of new Broadway junction closer to Magdalene Road junction

The main constraint to this option is that the land to the north west side of the junction is in private (residential) ownership, and not under the control of the University. Whilst a slight adjustment from the proposed alignment to the east might be possible, it would be worse in traffic flow terms on Broadway, as there would be insufficient distance between the two junctions. Coordination of two accesses in both safety and traffic perspective would be of significant concern. It would also not resolve amenity concerns of Broadway residents regarding traffic exiting the campus, rather it would just impact upon a different group of houses. The option was therefore ruled out.

Option 6 - One-way system with access from Magdalene Road junction and egress via a Junction on the Broadway as per current application

This option enables the new link road to be constructed with a new junction, at the same location as Option 4, but provides no material benefit to the highway network over and above the current application proposals. Furthermore it does not resolve amenity concerns of Broadway residents regarding the impacts of exiting traffic, and does not resolve the issue of on street parking on Magdalene Road. It also removes the traffic flow benefits of the proposals in terms of providing a dedicated left turn access for the University traffic and the ease of access provided by a signal controlled junction.

Option 7 – One-way system with access from Broadway as in current application but with egress via Magdalene Road junction

This option enables the new link road to be constructed with a new junction, at the same location as Option 4, but provides no material benefit to the highway network over and above the current application proposals. Furthermore it removes the benefits of the application proposals in terms of reducing evening peak hour queue lengths on Magdalene Road and the removal of on-street parking on Magdalene Road. It also removes the ease of access of Broadway residents provided by a signal controlled junction.

As part of this planning application the following additional information is also provided:

- due to levels between the university and those houses opposite car headlights will be angled down towards the ground rather than at the front elevations of the houses.
- The junction design has been altered so that cars waiting to exit the site are located further back from the Broadway (some 33 m) and at this distance there would be no headlight glare into properties opposite.
- Headlight measurement has been undertaken and this shows that no headlight glare will impact on the façades of properties on Broadway. Plans SK20 and SK21 provided with this note demonstrate this and show as follows:
 - Cars exiting the campus that are waiting at the 'stop line' – headlight beam (green line on plans) will not go beyond the northern edge of the Broadway carriageway. This is because the stop line is 33m back from the carriageway and the 3% gradient of the exit road will cause headlights to dip.
 - Cars passing the new pedestrian island - headlight beam (blue line on plans) will not go beyond the middle (crown) of Broadway. This is a result of the combined effect of the 3% gradient of the exit road and the 2.5% camber on Broadway.
 - Cars exiting the site and entering the public highway - headlight beam (yellow line on plans) will encroach onto front gardens of properties on the southern side of Broadway but not glare onto the façade of the properties themselves or into windows. This is the worst 'impact' point that occurs.
 - Cars exiting the site and passing across the centre of Broadway - headlight beam (red line on plans) will encroach no further than the garden walls of properties on the southern side of Broadway. This is the result of the headlights being dipped as a result of the 2.5% camber on Broadway.
- Vehicle Auto Tracks have been provided to demonstrate the occupiers of numbers 39 and 41 opposite the new access can safely access their drives;
- An updated Stage 1 Road Safety Audit has been undertaken to reflect all the changes to the scheme. This has confirmed the junction can operate safely.
- The car park has been slightly reduced in size in order to provide enhanced screening from Broadway. This will result in an increased depth of bund allowing for a significant landscape strip to be implemented to screen the car park.

In addition to the above, it is reiterated that the new car park will be a 'restricted use' car park namely for users of the university establishment only and will be closed at night, at weekends and outside of term time, except for major events.

The report has been updated (*italics*) in so far as late representations received, otherwise it is unchanged and the recommendation remains grant subject to conditions.

With regards to the Unilateral undertaking in respect of compensation for the loss of the sports pitch, this has now been agreed and is awaiting the engrossments being issued.

Application and Site Details

This application seeks consent for the creation of a new access/egress onto Broadway and a new 225 space car park to replace the temporary approval of the overspill car park at the University of Wolverhampton's Walsall Campus.

The temporary permission for the overspill car park expires 17th September, 2015 (20 months from the date of planning permission on 20th January, 2014).

The car park was originally created in October 2009 as a temporary facility at a time when the University was carrying out the new building project known as the Performing Arts Hub, which involved the temporary loss of most of the main campus car park, resulting in significant local concern regarding on street parking around the campus.

The overspill car park is located close to the southern boundary of the campus by The Broadway and extends to approximately 0.55 hectares occupying part of a full size football pitch. The overspill car park provides 235 spaces created by overlaying the grass with a green heavy duty grass protection mesh.

Along the main driving areas some compacted stone has been laid which provides traction for vehicles. A timber stable demarcation fence has been erected along the sides of the parking area and two steel swing gates erected at the entrance and exit near the Magdalene Road entrance to the University.

The performing arts development has been completed and the main internal 160 space car park adjacent to it is fully open. The overall parking provision at Walsall Campus excluding the temporary overspill car park is 681 spaces at various locations around the site. These include 160 spaces in the main car park accessed from Magdalene Road, 160 at Gorway Road Conference Centre, 103 at the School of Health (WP Building) and 82 at Delves Road by the Rugby Club plus others.

The provision of a new permanent car park of 225 space capacity will increase the overall permanent parking provision at the Walsall campus to 906 and create a new access/egress to replace that which currently utilises Magdalene Road and the Broadway Park Housing estate.

A new traffic light controlled junction will be created on the Broadway approximately 50m west of the Magdalene Road junction. The new access will be two way and controlled via barrier access similar to the existing access. It will run north from Broadway to join the existing internal campus road. The existing access from Magdalene Road will be gated off and retained for emergency service vehicle use only. No pedestrian or vehicular traffic will be able to access or egress the campus via the entrance onto Magdalene Road.

The new car park will be constructed with a mixed permeable hard standing surface, properly consolidated and marked out.

The application also includes new landscaping treatment around the access road and car park, including replacement tree planting and raised embankments to mitigate for the proposed loss of existing trees along the Broadway frontage.

Lighting for the car park and road lighting scheme will be LED, with low night-time light pollution. The lighting will be photo-cell controlled for 'On' and time-clock controlled for 'Off'

The University of Wolverhampton has over the past 10 years undertaken major improvements and developments at its Walsall campus. These include a new judo hall which was utilised as a training facility during the London Olympics, new halls of residence, new teaching block, new running and all weather pitch and a state of the art Performing Arts Hub. The new developments have so far reinvented the campus as a 21st century venue for adult education.

The application is accompanied by the following documents:

Campus Car Park Management Plan - The University operates a Car Park Management Regime a review of this is to be undertaken every two years. The review process will assess the extent to which car parking is being utilised on the campus and how it may be affecting nearby residential roads. Car usage will be reviewed in line with the campus travel plan targets.

Planning Statement

The planning statement concludes that there is significant policy support at national and local levels for the university and in particular for its huge contribution to the local economy and social well-being of the area. Whilst there are some policy conflicts arising from the proposal in relation to the loss of playing fields and loss of openness of the Broadway frontage, there are other material considerations sufficient to justify a departure from policy.

Transport Assessment

A number of access options have been analysed and the preferred option has been identified and judged as the most appropriate with the determining factor being deliverability rather than cost.

Options which have been explored and considered are:

Option 1 (forming a new access from Broadway opposite Delves Green Road by converting the existing T-Junction into crossroads with associated signalisation) is not considered deliverable due to 3rd party land take issues.

Option 2 involves creation of a dedicated access to the site from Broadway, approximately 50 metres to the west of the Magdalene Road/ Broadway junction. The provision would include a "Ghost Island" Right-Turn Priority Junction.

Option 3 (Preferred option and subject of this application), involves the creation of a signalised dedicated access to the site from Broadway, approximately 50m west of the Magdalene Road/ Broadway Junction. The provision of a right-turn lane from Broadway and internal dedication left and right turn lanes from the University onto Broadway. The preferred option will achieve:

- A more convenient and appropriate (dedicated) access from the frontage of the University. As part of the proposed system, the existing access on Magdalene Road would be closed, except for emergency service vehicle purposes only.
- An alleviation pressure on Magdalene Road currently caused by increased traffic levels on a residential road accessing the University campus, use of the road for overspill parking and the valid concerns raised by the local community associated with these problems.

- The provision of a direct access into formalised parking on-site to eliminate the reliance on the local road network as a place to keep vehicles during the day

A Stage 1 Road Safety Audit has been conducted.

Arboricultural Assessment

It concludes that the tree cover on site is restricted to the site's boundaries, with the larger more mature specimens situated to the south west. To facilitate the proposals, it will be necessary to remove fourteen individual trees from the eastern boundary of the site due to the alignment of the new junction and public footpath. These trees are all specimens of crack willow that are considered to be of a low arboricultural and landscape value. The retained trees will continue to contribute to the sites amenity and ecological resources.

Travel Plan

The travel plan has been updated year to take account of the changing environment. It sets out the purpose, intentions and commitments of the university in reducing the use of the motor vehicle and introduces the use of sustainable modes of travel amongst staff and students.

This is broken down as follows:

- Has clear objectives and targets for increasing the use of sustainable modes of travel to the Walsall campus amongst staff and students.
- Sets out the measures that will be implemented to encourage and facilitate the use of more sustainable modes of travel.
- Addresses key concerns regarding congestion and parking on the surrounding streets.
- Will be shared with staff, students and the wider Walsall Campus community.
- Will be reviewed on a regular basis to see if we are meeting our targets

Landscape Design Statement

It is envisaged that over time the shrub and tree planting proposed for the new car park and access road will develop to screen and soften the car park area and assimilate it into the campus landscape. The tree and shrub planting proposed on the frontage to Broadway will screen the car park and maintain the green aspect to the main road.

Relevant Planning History

There has been a wide number of planning applications on the site. The most relevant being:

03/0918/RM/W5 - Reserved Matters: Design Details for Proposed Access Road (From Broadway Park). Granted 4th July, 2003

05/0710/RM/W5 - Reserved Matters – Football Pitches. Grant Subject to Conditions

09/1101/FL- Erection of new Performing Arts Hub. Granted 3rd February, 2010

13/1326/FL - Temporary use of land for overspill car park. Granted 20th November, 2013 for 20 months.

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 as:

- 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
- With regard to Playing Fields, NPPF states that unless they are proven to be surplus, playing fields should not be built on unless the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality, or where the development is for alternative sports and recreational provision, the needs for which clearly outweighs the loss.

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 developments that generate significant amounts of movement should be supported by a Transport Statement or Assessment and account should be taken of the opportunities for sustainable transport modes

34 Developments that generate significant movement are located where the need to travel will be minimised.

35. Developments should be located and designed where practical to: have access to high quality public transport.

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

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 Developments should function well and add to the overall quality of the area.

Establish a strong sense of place using streetscapes and buildings to create attractive and comfortable places to live, work and visit. Optimise the potential of the site to accommodate development. Respond to local character and history, and reflect the identity of local surroundings and materials. Create safe and accessible environments that are visually attractive as a result of good architecture.

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 healthy communities

70 Decisions should ensure that established services are able to develop and modernise in a way that is sustainable, and retained for the benefit of the community.

74 requires that it must be demonstrated that the open space is surplus to requirements before it can be built on. Walsall's playing pitch strategy (PPS, 2011) identifies a surplus of senior football pitches across the borough, consequently the loss of one senior pitch as a result of the development is considered acceptable. Furthermore, the PPG 17 open space study identifies a substantial surplus of formal outdoor sports land within the neighbourhood partnership area.

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.

In the BCCS the University of Wolverhampton is directly referenced under Policy CSP1, stating the need for the expansion of the University under cultural and community service improvements.

BCCS Policy HOU5 'Education and Health Care Facilities' also states that the existing network of education and health care facilities will be protected and enhanced. The text accompanying HOU5 states that:

"The Higher and further education institutions and research facilities play a major role in the Black Country economy and have a key role to help deliver economic and social transformation. Retaining graduates within and attracting them to the Black Country is also key to securing a knowledge-based economy. The Higher and Further education sector is a major driver of economic, social and cultural regeneration and ongoing investment in the existing network of this sector is supported".

Policy ENV6 of the BCCS relates to sports fields and states that development that would reduce the overall value of the open space, sport and recreation network in the Black Country will be resisted. It further notes a requirement to make more efficient use of urban land by creating more multifunctional open spaces, and significantly expanding community use of open space, sport and recreation facilities provided at places of education.

Other relevant key policies are:

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

CPS4: The hierarchy of centres will provide a focus and concentration for essential local services and activities. The design of spaces and buildings will be influenced by their context and seek to enhance the unique attributes the area offers.

DEL1: All new development 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.

CEN1: The Strategic Centre of Walsall will provide the main focus for....cultural activities.

CEN7: Proposals for out-of-centre development will have to demonstrate that development cannot be provided in-centre or at edge-of-centre locations. Any proposal will only be considered if the requirements of CEN6 are satisfied.

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

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

TRAN4: Cycle parking should be provided at all new development.

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

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

ENV5(d) requires that on all sites requiring a FRA, surface water flows should be at Greenfield rates. Although the FRA indicates the car park will be constructed with permeable materials, there is 0.1Ha of impermeable surface being created for the access road, consequently the proposal is not strictly in accordance with this policy requirement.

ENV6 relates to open space and states that '*development that would reduce the value of the open space, sport and recreation network will be resisted*'. However, development that will increase the overall value of the network will be encouraged. The planning statement,

in relation to football pitches, states that the university proposes to contribute £120k towards upgrading existing pitches on campus or at an alternative higher education institution in Walsall. I question why this spend has to be restricted to just institutional land, given that the section 106 could be worded to ensure the money is spent on improving / creating pitches on perhaps more accessible council owned open space. Nevertheless, the PPS identifies quality issues and a shortage of junior pitches across the borough, therefore such a contribution has the potential to address existing deficiencies and increase the quality of Walsall's sports pitch provision.

It is considered in this case that the relevant provisions of the BCCS are consistent with the NPPF

Walsall's Unitary Development Plan (UDP)

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

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

The relevant policies are:

GP1: The Sustainable Location of Development

GP2: Environmental Protection...principles of sustainable development...following considerations taken into account : visual appearance, pollution, problems of land stability etc., overlooking, loss of privacy, and the effect on daylight and sunlight received by nearby property and accessibility by a choice of means of transport.

3.6, 3.7 Development and redevelopment schemes will improve and protect people from unacceptable noise, pollution and other environmental problems.

3.16...Design and Development. Development in relation to its setting, with reference to the character and quality of the existing local environment, and will require a high quality of built and landscape design.

ENV32: (a) Poorly designed development or proposals which fail to properly take account of the context or surroundings will not be permitted. Criteria are provided that the Council will use when assessing the quality of design of any development proposal

ENV33: Landscape Design

8.7...Education, Health and Community Facilities... enhancement of existing, and provision of new, facilities for education will be encouraged...emphasis placed on locations accessible to all by choice of means of transport.

LC1 (b) in terms of the relocation of the pitch acting as compensatory provision and any further compensatory provision deemed necessary.

LC6 specifically relates to sports pitches and requires:

- *A carefully quantified and documented assessment of current and future needs has demonstrated that there is an excess of sports provision and the site is not of good quality or importance to the development of sport; or*
- *At least equal compensatory provision will be made in respect of quality, quantity, suitability of location, and subject to equivalent or better management arrangements prior to the commencement of development*

LC10 is very important to any developments on the site and therefore it has been outlined it in full:

Wolverhampton University, Walsall Campus, Broadway, Walsall.

- (a) The Council will encourage the continued use and development of the Walsall Campus of the University (as indicated on the Proposals Map) as an important centre of Higher Education in the Borough.
- (b) Any proposals for additional development must be considered as part of an overall Master Plan for the campus prepared in full consultation with the local community and agreed by the Council. In particular, proposals will only be acceptable if:-

I. The uses proposed are of an educational, community, or leisure nature directly related to the use of the remainder of the Campus, and are not uses which should be located in an established centre under policies in Chapter 5 of this Plan.

II. The green and open aspect of the Campus as viewed from surrounding areas including Broadway, Delves Road and Highgate Drive is maintained by retaining existing substantial green corridors along frontages and by the sensitive siting of buildings within an attractive parkland setting. This necessitates retaining the designation of adjacent areas of Protected Urban Open Space off Highgate Drive.

III. All buildings and structures are of a high standard of design.

IV. There are satisfactory arrangements for vehicular, cycle and pedestrian access to the campus that are sensitive to the amenities of the surrounding residential areas. A Transport Assessment and Green Travel Plan will be required.

V. Adequate provision is made for parking within the University Campus for staff, students and visitors to the University so as to minimise parking in surrounding residential roads.

8.43...Walsall Campus is recognised as being an important facility for higher education in the Borough and the Black Country.

8.44...The prominence of the campus also justifies particular attention being given to the quality of design.

T7 and T13: All development should satisfy the car parking standards set out in Policy T13, and be well designed.

T8: To help existing pedestrians and encourage greater use of walking as a healthy and sustainable form of travel the Council will provide good pedestrian links within a development. All pedestrian links must be safe, direct and convenient and well lit.

T9: Cycling The Council will assess the suitability of cycle-related improvements.

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

Supplementary Planning Documents (SPD)

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

The relevant SPD's are:

Designing Walsall SPD

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

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

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

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

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

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

Other Legislation

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

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

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

Equalities Act 2010 - Section 149 of the Equality Act 2010 provides that local authorities must, in exercising their functions, have due regard to the need to:

- (a) Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
- (b) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- (c) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

The protected characteristics are: age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation.

Human Rights Act 1998 - Article 8 of the European Convention on Human Rights provides that everybody has the right to respect for his private and family life and his home, and there should be no interference by a public authority with the exercise of this right, except where that interference is (amongst other considerations) in accordance with the law and is necessary in a democratic society for the protection of rights and freedoms of others.

Consultations

Sport England – no objections subject to a unilateral agreement requiring compensation by way of an upgrade to the university's all weather pitch to a 3G surface or alternatively improvements to be made to some of the natural pitches

Transportation – no objections subject to conditions covering access arrangements

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

Trees – no objections to loss and replacement tree planting (concerns over loss of urban open space)

Ecology – no objections

Police ALO – no objections subject to the car park meeting ParkMark principles to create a safe, secure and user friendly car parking environment.

Environmental health – no comments

Landscape – Objects to the loss of green space

Fire Service – No objections

Severn Trent Water – No objections subject to drainage condition

Public Participation Responses

The following is a précis of the “representations” received to date.

OBJECTIONS

Original consultation – 7 letters of objection, 15 photocopied letters of objection and a 67 signature petition.

Re-consultation – 7 letters of objection, 53 photocopied letters of objection and 450 signature petition covering the following grounds of objection;

Traffic Related

- create more traffic, noise, pollution on Broadway
- more congested
- Already access to the campus from Delves Road.
- large amount of traffic from the campus onto the ring road
- Never large build ups of traffic waiting to use the existing lights
- Inconvenience all road users by adding another hold up
- Access difficult to houses in between the lights
- Access will have a detrimental impact on residential homes opposite
- Concern the safety of residents will be compromised as residents struggle to access the Broadway and assess traffic from 3 directions before leaving their driveways.
- Existing access onto Magdalene Road allows smooth flow of traffic without jeopardising safety
- Formation of an island in the middle of the Broadway facilitating entry and exit to the car park will result in significant narrowing of the road. This is expected to worsen the congestion.
- no justification made for a second signalised junction
- Perfectly adequate existing junction
- Unnecessary additional burden on a principal arterial route

Amenity

- Loss of privacy and security
- No privacy in front living room and front bedrooms.
- occupants of cars will have views inside my house
- sense of security will be lost and result in increased apprehension and anxiety
- being watched all the time
- fear of crime
- responsibilities of the council under the Human Rights Act in particular Protocol 1, Article 1 ...a person has the right to peaceful enjoyment of all their possessions which includes the home and other land
- Article 8 ... substantive right to respect for their private and family life
- Increase light pollution from oncoming headlights from cars waiting at traffic lights.
- Bright lights and glare can cause migraines, bright lights from waiting at traffic lights may increase these symptoms.
- new access result in loss of trees and impact on nature and birdlife
- Fail to safeguard the environment for future use.
- Proposal goes against Walsall Green Space Strategy
- The estate specifically made provision for access to the university via Magdalene Road. Those homeowners acquired their properties with this knowledge.

The photocopied letters objected on following grounds:

- New car park and access could potentially become a hub for antisocial behaviour
- Infringe on privacy of residents living on Broadway
- Effect on values of houses on Broadway
- Another set of lights will contribute to
 - a) increased noise and pollution and
 - b) problems accessing egressing properties on Broadway

Both petitions with 67 and 450 signatures were on the grounds of

- headlights glaring into properties on Broadway when leaving the new car park
- hub for antisocial behaviour
- privacy of residents on Broadway
- adverse effect of property values
- increased noise and pollution
- problems for access to and from properties on Broadway.

SUPPORT

4 letters in support on the following grounds:

- Support the gate closure on Magdalene Close,
- previously experienced traffic and abuse from students
- dumping ground for their waste,
- estate used as a race course for accessing the university,
- parking troubles getting off drives
- Closing Magdalene Road access will stop students parking on the estate

Two additional letters have been received querying the petition, stating that some signatures are questionable as they don't live near and that it was signed not knowing what the actual petition was about.

Valerie Vaz MP (Walsall South) has made representations on behalf of her constituents. The main issues raised are:

Constituents have heard nothing about the application since the initial consultation and only found out indirectly about the meeting of the Planning Committee.

Residents would like the opportunity to speak and should have been given notice. Could the meeting be deferred so that residents can speak?

Residents object to the installation of a second set of traffic lights 50m from existing lights. It is not clear why inbound and outbound traffic need to use the new gate and it has been suggested that traffic could enter one way and leave the other. Has the impact of two sets of lights been assessed?

Residents are concerned about the costs of the highway works and query who will meet this cost.

Determining Issues

- Policy/principle/loss of playing field
- Highway safety/car parking
- Outlook from Broadway/Trees/Landscaping
- Residential amenity
- Comments on objections

- Conclusion

Observations

Policy/Principle/Loss of Playing Field

Prior to the use as a temporary car park the application site was used as a full size football pitch by the university and the community. In 2009 this part of the playing field was used to provide a temporary overflow parking for the campus. At that time due to the temporary nature and there being no engineering operations taking place, the University utilised their permitted development rights, set out within the national legislation which did not require a separate planning permission from this Council for a short period of time. The temporary overspill car park extended beyond what could be considered as permitted development and a planning application was submitted. Whilst the use of the site as a temporary car park has helped to reduce the number of complaints regarding indiscriminate parking around the university, an alternative and more permanent solution to the parking issues at the University is required to be brought forward.

The University has explored three options to this, concluding that the proposals subject of this application is their best option which will have less impact on the surrounding residents and environment. On balance, it is considered that the football pitch can be demonstrated as surplus to requirements, in respect of its use for outdoor sport, and as a senior football pitch. Having done so, it is critical to satisfy both national and local policy requirements. It was previously considered that in planning policy terms, removal of the car park and reinstatement of a sports pitch would benefit more by the provision of junior/mini pitches rather than a full senior pitch. This was supported by Sport England, however, since the previous consideration Sport England have reconsidered their position and now support the loss of the sports pitch provided compensation is secured. Sport England have advised that compensation should be by way of an upgrade to the university's all weather pitch to a 3G surface or alternatively improvements to be made to some of the natural pitches.

The University have agreed to enter into a unilateral agreement requiring works outside this planning application site in order to secure satisfactory compensation for the loss of the sports pitch and the loss of green space, this is currently being drawn up but include the following to secure appropriate compensation:

1 a) Prior to the commencement of planning permission (15/0165/FL) for the construction of new access off The Broadway together with new car park and associated landscaping the university will submit an application for the upgrading of football facilities to an artificial grass pitch constructed using longer pile artificial grass with a rubber crumb infill or dressing within the pile to influence friction and impact characteristics (known as a 3G football pitch) as defined in Sport England's 'Artificial Surface for Outdoor Sport' updated guidance for 2012 on the Walsall Campus or another higher education site within the District of Walsall; and

b) Within six months of the submission of the Sports Pitch Application above submit a Funding Application to the Football Association,.

c) Within 18 months of the Sports Pitch permission being granted or receipt of the FA Funding, whichever is the later, carry out and complete the upgrade to a 3G Pitch

2 a) In the event that either:

- i) the Sports Pitch Permission is not granted; or
- ii) the FA Funding has not been received

within one years of the date of the Sports Pitch application, the University shall, within two years of the date of the Sports Pitch application, undertake and complete works to upgrade the existing sport pitches in accordance with an agreed specification and contribution sum.

b) In the event that the contribution sum is not fully expended in the works to upgrade the existing pitches the unexpended or uncommitted part of the Contribution Sum shall be paid to the Council as a financial contribution against a receipt given by the Council for its use in the upgrading of existing sports facilities in the District of Walsall.

The Council and Sport England would prefer to see the delivery of an upgrade of the existing all weather pitch to 3G standard, however in the event that this not occur then there is a mechanism within the legal agreement to ensure that the University carries out other upgrades to their existing grass sports pitches upto an agreed sum of £120,000.00. Sport England has confirmed that this is acceptable and will ensure and secure satisfactory compensation for the permanent loss of the existing football pitch.

Highway Safety/Car Parking

The NPPF places great importance on providing sustainable development and making fullest possible use of public transport, walking and cycling. The site is in a quiet predominantly residential area.

The development looks to create a new access to the University off Broadway and create a permanent 225 space overspill car park together with the closure of the existing vehicle and pedestrian access to the University from Magdalene Road. The applicant has undertaken a full Transport Assessment that explored a number of options and concluded that the proposed new signal junction and access road is the best option over the existing situation and the for the long term.

The proposed permanent car park and access directly replaces the existing temporary overspill car park and access arrangements and therefore the proposal does not look to introduce additional traffic flows onto Broadway but moves the existing traffic flows from Magdalene Road to the new signal junction and access road further along Broadway. This will benefit the Magdalene Road (Broadway Park) residents as there will be no access to either pedestrians or vehicles through the estate and therefore they are less likely to use the estate to park on as it would involve a lengthy walking along Broadway.

Furthermore, the new signal junction will be linked to existing Magdalene Road signal junction to minimise the impact on traffic flows on Broadway. One issue which has been raised through consultation is the impact the new access will have on residents directly affected by the new junction on Broadway. The applicant has satisfactorily demonstrated, by auto tracking, that house no. 39 and 41 Broadway can access/egress both properties safely and from both directions along Broadway. As such vehicular access to the residential properties on the Broadway, close to the new junction, will not be significantly affected.

The University has a Campus Travel Plan which is frequently reviewed and has had success in reducing car borne trips. The University Inter-Campus Shuttle Bus has been successful in providing a free bus service for staff and students between the Walsall, Wolverhampton and Telford Campuses accounting for 9,000 journeys per week.

The Police ALO has requested that the new development is to ParkMark standards and principles which provides guidance for safer car parks, best practice guidance to designers, owners and operators on the design and incorporation of physical security features that will establish and maintain a safe and non-threatening parking environment

Outlook from Broadway/Trees/Landscaping

The car park will be set back from Broadway and it is proposed to retain a broad and substantial green corridor between the car park and Broadway. In terms of the appearance of the application site area from Broadway, at times when the car park is not in use there will be little visual impact. Whereas when it is in use there will be some views of cars when they are parked, however these will be intermittent due to the existing trees and the proposed planting including additional trees and bunding which will also be landscaped with extensive ground cover will add further to screening of the cap park and new entrance.

The existing mature trees along the frontage with Broadway either side of the proposed new access road entrance will be retained as much as possible. The existing temporary car park has been in place since 2009, it is not anticipated that by simply replacing it with a more permanent car park that views of it will be substantially change. In deed the proposals include landscaping along the Broadway frontage which will decrease views of vehicles parked. The tree officer and landscape officer have reservations regarding the outlook of the campus from Broadway and consider the replacement of the temporary car park which currently consists of grass and pavers, with a more engineered solution will be less eco friendly and detrimental to the openness of this area. However, it is unlikely that the surfacing will be visible from Broadway and therefore impact on the openness above that which already exists and particularly when it will be sited behind a one metre high bund with new tree planting and landscaping.

Whilst any replacement landscaping and trees will take time to become established, the bund along Broadway and the one along the new access drive and the rear of properties on Magdalene Road will in the interim offer more screening of the car park area than currently.

The following additional information is considered necessary:

- continuation of the hedge planting as well as the proposed tree planting along this edge of the car park as a minimum
- use of hornbeam hedge as opposed to escallonia
- proposed species rich grassland
- a management plan showing cutting and removal of arisings.
- Incorporation of the area of trees and grass to the rear of Magdalene Road into the general landscaping of the site.
- Method statement for the construction and erection of the weldmesh panels to rear of Magdalene Road
- Some planting information has been provided, I believe the proposed planting will grow in its position. One slight concern is that Choisya, Cistus and Hebe can

be slightly tender in hard winters and maybe their inclusion should be in limited numbers.

All of the above can be secured by way of a landscape condition.

Residential amenity

One of the core principles of the NPPF requires good standards of amenity for all existing and future occupants. Since the implementation of the temporary car park complaints about indiscriminate parking and general parking problems around the University have diminished considerably, clearly this indicates that the use of the temporary car park has improved the situation for those residents around the campus.

Furthermore, the University through its Travel Plan and Car Parking Management Plan has also attempted to address the worst issues. The University has stated that parking demand remains higher than supply at peak times and the University consider that the removal of the overspill car park would re-introduce significant issues of on-street parking resulting in detrimental impact to residential amenity. This application is seen as a permanent solution to the above concerns and will create a safe, secure and user friendly car parking environment through the implementation of ParkMark principles.

There has been considerable representation to the application from nearby residents mostly objecting to the proposals but with some residents from Broadway Park estate and Gorway Road in support of the scheme. It is accepted that the new junction, whilst improving the existing situation for Broadway Park residents, will change traffic movements in front of those residents on Broadway. Residents opposite the junction are particularly concerned about headlights shining into their properties. However, amendments to the position of the stop line on the new access road will result in vehicles being stationary 33m back from Broadway, a total of 46 metres from the stop line to the front elevation of properties on Broadway. Furthermore, the gradient of the access road is set at a minimum of 3% at the stop line. With an assumption of the vehicle headlight height of 1m (which is maximum for any vehicle) and the inclination of the light beam at an angle of 3°, it is observed that the drop in headlight envelop hits the ground at a distance of 20m which will be well short of Broadway and residential properties opposite. There is limited risk of stationary head light glare, additionally the access road to the campus has a very small amount of traffic in the evenings.

On balance, in this instance, it is considered that the use of the new access is unlikely to have a detrimental impact on resident's amenity on the basis that there is an existing car park and traffic flows will not be directly affected sufficient to sustain a reason for refusal.

Comments on objections

Mostly the objections relate to either the impact of the installation of a new traffic light controlled junction and safety issues or the amenity of those residents opposite the proposed junction from vehicles using the new access road.

All matter relating to the new junction have been addressed above its operation will be in tandem with the existing traffic light controlled junction. There are no objections from the councils highway engineers.

Traffic Related

- create more traffic, noise, pollution on Broadway - *traffic flows onto Broadway will not be increased*

- more congested - *the new traffic light junction will be connected to the existing junction and be controlled in tandem, there should be no additional traffic congestion*
- Already access to the campus from Delves Road – *the existing access has given rise to issues of indiscriminate parking on Broadway Park estate. This option provides a new single point of access to the campus from its main frontage.*
- large amount of traffic from the campus onto the ring road –*see above comment*
- Never large build ups of traffic waiting to use the existing lights – *should be no change*
- Inconvenience all road users by adding another hold up – *should be no change as both junctions will work together*
- Access difficult to houses in between the lights – *it has been satisfactorily demonstrated that all houses near to the new junction will be able to access/egress safely.*
- Access will have a detrimental impact on residential homes opposite – *see above*
- Concern the safety of residents will be compromised as residents struggle to access the Broadway and assess traffic from 3 directions before leaving their driveways – *a Stage 1 Road Safety Audit has been carried out and no items have been raised.*
- Existing access onto Magdalene Road allows smooth flow of traffic without jeopardising safety – *this will continue to operate for the Broadway Park Estate but also in tandem with the new junction*
- Formation of an island in the middle of the Broadway facilitating entry and exit to the car park will result in significant narrowing of the road. This is expected to worsen the congestion – *addressed above.*
- no justification made for a second signalised junction – *see above comment*
- Perfectly adequate existing junction – *as above comment*
- Unnecessary additional burden on a principal arterial route – *no additional traffic increase onto the highway network*

Amenity

- *All issues of amenity and privacy have been addressed however to reiterate traffic egressing the campus site when stationary at the lights will be some 45 metres away from those houses opposite, at that distance it is unlikely there will be any significant impact in terms of overlooking, privacy or lights shining into the houses.*
- sense of security will be lost and result in increased apprehension and anxiety being watched all the time - *The provision of a new entrance should not give rise to any issues of security it does not impact or affect the curtilages of those properties*
- fear of crime – *the Police Architectural Liaison Officer has no objections and seeks the car park to be designed to Park Mark standards which will reduce any potential crime*
- responsibilities of the Council under the Human Rights Act in particular Protocol 1, Article 1 ...a person has the right to peaceful enjoyment of all their possessions which includes the home and other land
- Article 8 ... substantive right to respect for their private and family life - *The Council is aware of the rights set out within the Human Rights Act and the First Protocol. The rights in Article 8 and Article 1 of the First Protocol are not absolute. The case of Huang v SS 2007 UKHL made clear that the overarching approach to be adopted is the need to balance the interests of society with those of individuals and groups. As such, the courts will require real evidence of interference with human rights where it is alleged. In the determination of*

planning applications the Local Planning Authority will take human rights into account in the assessment of the merits of the planning application.

- Increase light pollution from oncoming headlights from cars waiting at traffic lights – *this has been addressed in the main body of this report*
- Bright lights and glare can cause migraines; bright lights from waiting at traffic lights may increase these symptoms. – *the distance away from the houses has been increased to reduce glare from headlights of vehicles leaving the campus*
- new access result in loss of trees and impact on nature and birdlife – *this has been addressed in the main body of the report*
- Fail to safeguard the environment for future use - *the application proposes substantial landscaping which should secure the appearance of the University from Broadway and enhance the existing green space*
- Proposal goes against Walsall Green Space Strategy – *the loss of the sports pitch is addressed above in the main report*
- The estate specifically made provision for access to the University via Magdalene Road. Those homeowners acquired their properties with this knowledge – *notwithstanding this comment the application is also about a new access/egress for the campus which will promote it more along the Broadway corridor.*

In response to the two additional letters received querying the petition, the Local Planning Authority can not question the validity of the petition but the comments are duly noted

With regards to the issues raised by Valerie Vaz MP (Walsall South) the following comments are made: It is not currently possible to advise people making representations of the progress of applications and the notification letters make it clear that residents need to keep in touch with the case officer if they wish to be updated. Committee dates and procedures are published on the Council's website.

On each application, two people may speak in favour and two may speak against any item on the committee agenda. All allocations had been filled.

The application includes an assessment of traffic impacts and a safety audit. The Councils Highways and Planning Officers have considered the scheme as submitted and subject to the conditions as set out in the report, the proposed access arrangements have been considered acceptable in terms of both residential amenity and highway safety. The applicant will pay for the highway works.

Conclusions

Whilst there are some policy conflicts arising from the proposal in relation to the loss of a playing pitch, in this instance there are other material considerations sufficient to justify a departure from the policy and securing compensation for the loss of the pitch allows for a more permanent solution to address parking issues in and around the campus. The new access will also emphasise its position along this major arterial route within and around Walsall. The proposed and required additional landscaping will be sufficient to safeguard the visual amenity of residents and preserve the views of the campus from Broadway.

In order to secure the appropriate compensation for the loss of the sports pitch it will be necessary for the applicant to enter into a section 106 agreement, this is currently being considered and as such the application is recommended to be delegated to the head of Planning and Building Control to grant permission subject to conditions and subject to the section 106 agreement to secure upgrade to existing sports facilities being signed.

Positive and proactive working with the applicant

Officers have liaised with the applicant's agent during the application process to seek the fullest possible information is available at the earliest opportunity to fully consider the proposal.

Recommendation: Delegate to the Head of Planning and Building Control to grant permission subject to conditions and subject to the section 106 agreement to secure upgrade to existing sports facilities being signed and no new material considerations being raised

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.

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

PLANS

- Amended Landscape Concept Plan (1520/15-02C) received 10/4/15
- Landscape Cross-Sections (1520/14-03C) received 10/4/15
- Existing Survey Plan (Q30117-0000-SK-006 REV1) received 30/1/15
- General Arrangement Plan Car Park and Access (Q30117-0000-SK-001 REV5) received 10/4/15
- Location Plan (Q30117-0000-SK-010) received 30/1/15
- House 39 and 41 Driveway Swept Path Analysis (Q30117-0000-SK-011) received 10/4/15
- Tree Removal and Protection Plan (1520-15-01 Rev A) received 30/1/15
- Vehicle Swept Path Analysis Plan (Q30117-0000-SK-009 REV1) received 30/1/15
- Street Lighting and Car Park lighting (Q30117-1300-SK-001) – received 30/1/15
- Topographical and Drainage Survey Sheet 1 of 3 (R-S10150/201) received 30/1/15
- Topographical and Drainage Survey Sheet 2 of 3 (R-S10150/202) received 30/1/15
- Topographical and Drainage Survey Sheet 3 of 3 (R-S10150/203) received 30/1/15

DOCUMENTS

- Flood Risk Assessment - Appendix A received 30/1/15
- Flood Risk Assessment received 30/1/15
- Planning Statement received 30/1/15
- Transport Assessment - Appendix F
- Transport Assessment received 30/1/15
- Travel Plan received 30/1/15
- Arboricultural Report received 30/1/15
- Car Park Management Plan received 30/1/15
- Landscape Design Statement received 30/1/15
- Access Options Assessment – April 2015 received 10/4/15
- Road Safety Audit received 10/4/15

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

a. The development hereby permitted 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. The scheme shall take account of the proposed location of new tree and shrub planting to ensure a satisfactory juxtaposition.

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

Reason: Necessary to ensure that surface water from the site is disposed of in a safe and appropriate manner in order to protect the integrity of the waterway structure and water quality and to safeguard the proposed replacement trees and preserve and enhance the visual amenities of the locality in accordance with policies ENV18 of the Walsall UDP 2005 and NE9 of the Walsall SPD (Conserving Walsall's Natural Heritage) and ENV5 Flood Risk, Sustainable Drainage Systems and Urban Heat Island of the adopted Black Country Joint Core Strategy and paragraph 120 of the National Planning Policy Framework relating to land instability

a. Prior to the commencement of the development,

i) Full engineering details of the new signalised junction works within the existing highway and adoptable highway works shall be submitted to the Local Planning Authority for technical approval in writing, in consultation with the Highway Authority and UTC Urban Traffic Control.

ii) A review of the existing traffic signage on the approaches to the new University access shall be undertaken and full details of any modifications required shall be submitted to the Local Planning Authority for technical approval in writing, in consultation with the Highway Authority.

Note to the Applicant: The proposed signal junction arrangements to be submitted for final technical approval will require modification to include closely associated signal heads to enable the future provision of a right turn indicative green arrow, double secondary heads and a left filter arrow on the access road.

b. Prior to the new junction first coming into operation, the highway infrastructure works and signage detailed under Condition 1 (a) (i) and (ii) above shall be fully implemented in accordance with the approved details and to the satisfaction of the Local Highway Authority.

Reason: To ensure the satisfactory completion and operation of the new junction, in accordance with UDP Policy GP2 and in the interests of highway safety.

a. Prior to the overspill car park and access road thereto first coming into use, these areas shall be fully consolidated, hard surfaced and drained, to ensure surface water from these areas does not discharge onto the public highway or into any highway drain and the parking bays clearly demarcated on the ground.

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

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

a. Prior to the approved car park and new access/egress is first brought into use all approved boundary treatments shall be fully implemented in accordance with the approved plans.

b. The boundaries shall thereafter be retained.

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

a. Prior to the approved car park and new access/egress first being brought into use details of the proposed barrier system shall be submitted to and approved in writing by the Local Planning Authority

b. The approved details shall be fully implemented prior to the use of the new access and car park first being brought into use by students or members of staff.

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

a. Prior to the new car park or new access/egress onto Broadway is first brought into use by students or members of staff full details of all proposed tree planting, and the proposed times of planting shall have been submitted to and approved in writing by the Local Planning Authority

b. All tree planting shall be implemented within 12 months of the completion of the development.

c. Within a period of 5 years from the completion of the development, no tree, existing or proposed, shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars the local planning authority. Any topping or lopping shall be carried out in accordance with British Standard 3998:2010 (Tree Work) and in accordance with any supplied arboricultural method statement. If any tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species and planted within the first available planting season.

Reason: In order to safeguard and enhance the visual amenities of the locality in accordance with Policy ENV18 of the Walsall UDP 2005 and policies NE5 and NE9 of Walsall Council SPD, Conserving Walsall's Natural Environment

a. Prior to the commencement of development details shall be submitted to the Local Planning Authority in conjunction with the Highway Authority, setting out where the location of parking for site operatives and visitors to the development site has been provided within the application site.

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

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

- a. Prior to any works commencing on the site, protective fencing and ground protection such as geomembrane or scaffold boards shall be installed around all retained trees in accordance with the details shown on Drawing 1520-15-01 Rev A (Tree Retention, Removal and Protection).
- b. Following installation of the tree protection measures and prior to the commencement of works on site notification shall be given in writing to the Councils arboricultural officer (Cameron Gibson, 01922 654741) to allow a full inspection of the protection measures.
- c. The protection measures shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition nor shall any fires be started, no tipping, refuelling, disposal of solvents or cement mixing carried out and ground levels within those areas shall not be altered, nor shall any excavation or vehicular access be made.

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

- a. The development hereby permitted shall not begin 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.
- b. 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.

- a. Prior to commencement of the new access/egress and car park, details shall be submitted to and approved in writing by the Local Planning Authority of how the car park will meet Secure by Design and in particular ParkMark principles.
- b. The scheme as approved shall be implemented before the use begins.

Reason: To safeguard the amenities of occupiers nearby.

Following completion of the new access off Broadway and the overspill car park first coming into use, the operation and management of the University Campus as a whole shall thereafter be implemented in accordance with the approved 'Car Park Management Plan' RQ30117T002-A submitted by Pell Frischmann as part of this application.

Reason: To ensure the satisfactory operation and management of car parking on the campus as a whole in order to minimise the potential of on-street parking on the surrounding highways, in the interests of highway safety and free flow of traffic on the public highway.

Following the new junction on Broadway and the permanent car park first coming into use, all vehicular and pedestrian access to the university campus from Magdalene Road shall permanently cease, with the exception of emergency service vehicles.

Reason: To remove pedestrian and vehicular traffic associated with the university campus from Magdalene Road, in the interests of the free flow of traffic on the public highway and highway safety.

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

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

Reason: To safeguard the amenities of nearby residents

Notes for Applicant

- West Midlands Police: The Police Architectural Liaison Officer has been consulted on the application and the principles of PARKMARK are to be followed in order to create a safe, secure and user friendly car parking environment. Further details can be found at <http://www.britishparking.co.uk/Guidelines-and-resources>.
- No works on the public highway shall be commenced until all engineering details have been approved by the Highway Authority and an agreement under Section 38/278 of the Highways Act, 1980 entered into. All costs are to be met by the applicant and it should be noted that any non standard materials, landscaping, highway drainage or structures etc will require a commuted sum for future maintenance. Note for applicant regarding Mud on Highway The attention of the applicant is drawn to the need to keep the highway free from any mud or other material emanating from the application site of any works pertaining thereto
- Drainage arrangements shall be provided to ensure that surface water from the driveway and/or vehicular turning areas do not discharge onto the public highway. No drainage from the proposed development shall be allowed to discharge into any highway drain or over any part of the public highway or vice versa.

5/5/16
5/5/16

Construction of new access road off Broadway



With news of the construction of new access off The Broadway together with new carpark for the University of Wolverhampton, Walsall Campus. We the undersigned have read the covering letter and object to this as this will have many negative effects on the residents that live on The Broadway, and request that an alternative route be found.

NAME (please print)	ADDRESS & POST CODE (please print)	SIGNATURE
	150 Broadway	
	150 Broadway	
	150 Broadway	
	158 Broadway	
	158 Broadway	
	160 Broadway	
	160 BROADWAY	
	160 BROADWAY	
	162 Broadway	
	164 Broadway	
	164 Broadway	
	164 Broadway	
	164 Broadway	
	166 Broadway	
	"	
	"	
	170 Broadway	
	"	
	"	
	"	

20



Economy and Environment, Development Management

Planning Committee

Report of Head of Planning and Building Control on 01-Oct-2015

Plans List Item Number: 2.

Reason for bringing to committee: Significant Community Interest

Location: FORMER WERNICKS HIRE SITE, APEX ROAD, WALSALL, WS8 7EP

Proposal: CHANGE OF USE TO METAL RECYCLING FACILITY, INCLUDING RECLADDING OF EXISTING BUILDING, INSTALLATION OF WEIGHBRIDGE, ERECTION OF BOUNDARY WALLS AND PLANTING OF THE CANAL TOWPATH.

Application Number: 15/0926/COUN

Case Officer: Barbara Toy

Applicant: Tandom Metallurgical (Midlands) Ltd

Ward: Brownhills

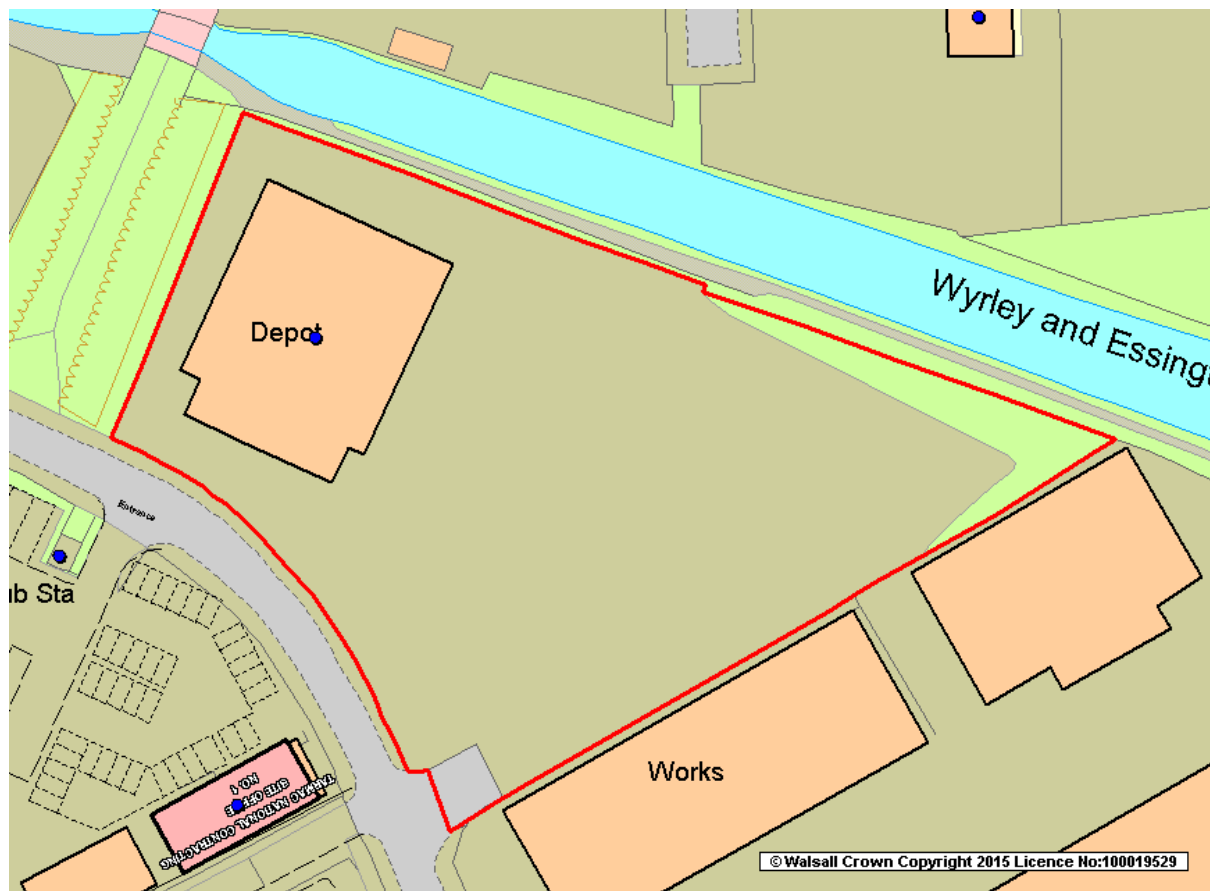
Agent: Blendcheck Ltd FAO Steve Simmonds

Expired Date: 05-Oct-2015

Application Type: County Matters Application

Time Extension Expiry:

Recommendation Summary: Grant Permission Subject to Conditions



Application and Site Details

The site is situated on the north eastern side of Apex Road, a no through road off Pelsall Road (A4124 part of the Strategic Highway Network (SHN)) and comprises a 0.8 hectare vacant site with open yard and 1100sqm warehouse and office building in the north western corner of the site, which is currently in a poor state of repair. The site was previously used for storage and distribution for temporary mobile buildings and has been vacant for approx 3 ½ to 4 years. The main building is double storey in height with two storey brick offices on the frontage with parking on the forecourt in front, with its own vehicle access. The main site access is situated in the south western corner of the site. The site is currently secured by a mixture of palisade and chain link fencing. The application boundary includes a 3m strip along the north eastern boundary of the site, along the Wyrley and Essington Canal. The site is situated within a designated Core Employment area known as Coppice Side Industrial Estate.

Immediately to the north east and north west of the site is the Wyrley and Essington Canal (a bend in the canal) with Brownhills Common and The Slough Site of Importance for Nature Conservation (SINC) which includes a former railway embankment with a greenway along the top and well vegetated embankments heading north from the canal (Slough Bridge). Beyond the canal to the north is a skip hire and recycling yard and a crane hire company and further engineering and industrial premises within the Coppice Side Industrial Estate.

To the west of the site at the head of Apex Road is a large car park area for staff of One Stop, who occupy the site to the south east of the site fronting Pelsall Road. The One Stop site comprises a warehousing and distribution centre as well as their head office, two large storage buildings are set to the rear of their site that back onto the boundary of the application site (7m and 12m high respectively) with a further large building fronting Pelsall Road and three/four storey office accommodation fronting Apex Road. To the south of the site is the Council Depot site and Tarmac contractors yard, all situated within the Core Employment area. The junction of Apex Road and Pelsall Road is controlled by traffic lights. Further to the south on the opposite side of Pelsall Road is the Clayhanger SSSI.

The closest residential properties are a row of semi detached houses situated approx 290m to the south east of the site within a service road on Pelsall Road. With one isolated property (122 Pelsall Road) situated approx 100m to the east along the canal towpath.

This application proposes the change of use of the site to a metal recycling site (MRS). It is proposed to reclad and reuse the existing warehouse building and offices, install a weighbridge within the yard area, install new boundary treatment and planting to the canal towpath. This is a revised submission following a previous refusal in March 2015.

The boundary treatment would vary between 4m and 5m high concrete wall and 2m high chain link fencing. The concrete walls would form the rear of storage bays within the site. The chain link fencing would sit behind the wall along the canal boundary with existing hedging, which will be re enforced with additional planting and new planting to the remainder of the frontage.

36 concrete storage bays 6m x 4m would be provided, 20 along the southern boundary with One Stop 5m in height and 13 along the north eastern boundary with the canal between 4 and 4.5m in height. The outer side of the new boundary walls would be painted,

a colour to be agreed. The existing concrete hardstanding within the yard would be retained.

This use would involve the relocation of an existing metal recycling business from a site in Birmingham to allow the company to expand. The activities would include:

- Collection of waste metal from industry, construction and demolition
- Waste would be brought in by large 8 wheeler or articulated vehicles tipped into specified areas in the yard, sorted and graded (manual and the use of cranes and mobile grabbers)
- Sorted materials would be placed in designated bays around the north and south eastern boundaries of the yard
- High value materials would be stored in the building
- All processing activities would be undertaken at a sister company elsewhere.

The scheme has been revised to reduce the tonnage of material to pass through the site on an annual basis from 75,000 on the refused scheme to 50,000 tonnes per annum now. Whilst the Environment Agency Permit already in place allows for up to 75,000 tonnes per annum the applicants are not expecting to get to that quantity and have therefore reduced the tonnage applied for. The use would require 2 x 360 degree grab cranes and forklift trucks, together with a mobile cropper and baler would be situated within the yard area. A weighbridge would be installed in the yard area and a small self bunded fuel tank would be sited to the rear of the building.

It is anticipated that the use would employ 20 staff, 10 additional to their existing staffing levels. 14 parking spaces would be provided on the forecourt of the offices together with storage for 4 cycles.

The business proposes to operate 0600 – 1800 hours Monday to Friday and 0600 – 1300 hours Saturday with no Sunday or bank holiday working.

A bespoke permit (EPR/BB3607FT) for the site has already been issued by the Environment Agency (Sept 2014) which provides restrictions to the operations at the site.

An Environmental Impact Assessment (EIA) Screen Opinion has been completed for these proposals which conclude that an Environmental Impact Assessment is not needed.

The following have been submitted in support of the proposals:

Planning Statement

This has been updated from the last application and provides details of the existing site and the revised development.

Coal Mining Risk Assessment

This has been analysed by The Coal Authority

Transport Statement & Addendum to Transport Statement

The final Transport Statement submitted is that submitted with the previous application and includes a capacity assessment of the Apex Road/Pelsall Road signal junction. The Addendum Statement looks at the revised proposals to reduce the level of through put from 75,000 to 50,000 tonnes per annum which reduces the number of HGV movements to the site.

The report assesses the traffic movements associated with the previous use of the site based on TRICS analysis would have created 59 daily 2 way vehicle movements.

The report predicts that at 75,000 tonnes through put the site would generate approx 76 vehicle movements per day and at the now proposed 50,000 tonnes through put the site would generate 60 vehicle movements a day, only half of which would be HGV vehicles. This would generate only 1 additional vehicle movement a day over the previous use of the site, a reduction of 16 movements a day over the previous refused scheme.

Noise Impact Assessment

This document has been submitted to assess the noise levels that may be generated by the proposed development and the impact that may arise on the neighbouring residential and office premises. This has been considered by the Councils Pollution Officer.

Planting on the Canal Bank

This identifies planting for the canal towpath in line with comments made by Canal & River Trust and the Natural Environment team.

Relevant Planning History

BC42395P, new access, granted subject to conditions 08-11-94

BC44729P, 2.5m high fencing and gates and additional car parking, granted subject to conditions 11-10-95.

BC57551P, 3m high fencing and gates and new access and additional parking, variation of conditions on BC44729P, granted subject to conditions 11-02-99.

14/0595/CM, Change of use to metal recycling facility, including recladding of existing building, installation of weighbridge, erection of new boundary fencing and planting to the canal towpath refused 09-03-15.

Reason for refusal:

1. The proposed development would have a detrimental effect on the residents on Pelsall Road from noise and activity on the site and from the increase in traffic. As such the development would be contrary to the National Planning Policy Framework (2012) in particular paragraphs 109 and 123, contrary to the aims and objectives of the Black Country Core Strategy (2011), in particular policy WM4, and saved policies GP2 and ENV10 of Walsall's Unitary Development Plan (2005).

Relevant Planning Policy Summary

National Planning Policy

European Union Waste Framework Directive (2008/98/EC) and Waste Regulations 2011 (As Amended)

The most important objectives of national and local policy come directly from the European Union Waste Framework Directive (2008/98/EC). The Directive has been transposed into secondary legislation in England through the Waste Regulations 2011 (as amended).

The requirements of the Directive and regulations are reflected in the current National Planning Policy for Waste (see below) and National Planning Practice Guidance on Waste (October 2014), the Waste Management Plan for England 2013, and Defra Guidance on Applying the Waste Hierarchy (June 2011), the Legal Definition of Waste (August 2012),

and guidance on Energy from Waste (February 2013), which are also “material considerations” when considering an application for waste management development. The key requirements when considering applications for a waste management facility of this type are:

- Application of the “waste hierarchy” in accordance with Article 4 of the Waste Framework Directive (Regulation 12); and
- Application of the principle of “protection of human health and the environment” in accordance with Article 13 of the Waste Framework Directive (Regulation 18 (a)).

The “waste hierarchy” is summarised in Appendix A of the National Planning Policy for Waste (October 2014) and I have explained below under Observations what this means for new waste management proposals. The guidance set out in the National Planning Policy and Planning Practice Guidance on waste set out how waste planning authorities are expected to apply the above principles.

As the proposed facility is not a waste disposal installation or an installation for the recovery of mixed municipal waste, the other key principles in the legislation, “proximity and self-sufficiency,” do not apply.

National Planning Policy Framework (NPPF)

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

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

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

Key provisions of the NPPF relevant in this case:

1. Delivering sustainable development

18 The Government is committed to securing economic growth in order to create jobs and prosperity.

19 Planning should encourage and not act as an impediment to sustainable growth.

21 Investment in business should not be over-burdened by the combined requirements of planning policy expectations.

4. Promoting sustainable transport

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

35 Developments should be located and designed where practical to: accommodated efficient delivery of goods, give priority to pedestrian and cycle movements, create safe and secure layouts.

7. Requiring good design

56. Good design is a key aspect of sustainable development, is indivisible from good planning.

58 Developments should function well and add to the overall quality of the area. Establish a strong sense of place using streetscapes and buildings to create attractive and comfortable places to live, work and visit. Optimise the potential of the site to accommodate development. Respond to local character and history, and reflect the identity of local surroundings and materials. Create safe and accessible environments that are visually attractive as a result of good architecture.

61 Securing high quality design goes beyond aesthetic considerations. Decisions should address the connections between people and places and the integration of the new development into the built environment,

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

11. Conserving and enhancing the natural environment

109 The planning system should prevent new and existing development from contributing to...unacceptable levels of soil, air, water or noise pollution or land instability.

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.

120 To prevent unacceptable risks from pollution decisions should ensure that new development is appropriate to its location. The effects (including cumulative effects) of pollution on health or general amenity and the potential sensitivity of the area or proposed development to adverse effects from pollution, should be taken into account.

122. Local planning authorities should focus on whether the development itself is an acceptable use of the land and the impact of the use, rather than the control of processes or emissions themselves where these are subject to approval under pollution control regimes. Local planning authorities should assume that these regimes will operate effectively.

123 Planning decisions should aim to:

- avoid noise from giving rise to significant adverse impacts
- mitigate and reduce to a minimum adverse impact on quality of life arising from noise from new development, including through the use of conditions.
- recognise that development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established.
- identify and protect areas of tranquillity which have remained relatively undisturbed by noise and are prized for their recreational and amenity value.

On **planning conditions** the NPPF says:

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

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

National Planning Policy (NPP) for Waste (October 2014)

The NPP for Waste should be considered alongside the NPPF. The key principles outlined in the NPP for Waste and the supplementary Planning Practice Guidance on Waste are that planning should:

- Help deliver sustainable development by driving waste up the waste hierarchy;
- Consider the need for additional waste management capacity of more than local significance.
- Consider the likely impact on the local environment and on amenity against the criteria set out in Appendix B of the NPP, which are as follows:
 - a) Protection of water quality and resources and flood risk management;
 - b) Land instability
 - c) Landscape and visual impacts
 - d) Nature conservation
 - e) Conserving the historic environment
 - f) Traffic and access
 - g) Air emissions including dust
 - h) Odours
 - i) Vermin and birds
 - j) Noise, light and vibration
 - k) Litter
 - l) Potential land use conflict
- Consider the cumulative effects of waste management facilities on the well-being of the local community, including impacts on environmental quality, social cohesion and inclusion;
- Ensure waste management facilities in themselves are well-designed, so that they contribute positively to the character and quality of the area;
- Focus on implementing the planning strategy in the Local Plan, giving priority to the use of previously-developed land, including employment land;
- Work on the assumption that the relevant pollution control regime will be properly applied and enforced, although regard should be had to any comments received from the relevant bodies on the potential impacts of the proposal on the environment and health; and
- Where necessary, consider imposing planning conditions to control the effects of the development on the environment, health and amenity, and put into place adequate arrangements for enforcement and monitoring.

Planning Practice Guidance

Land stability:

The planning system has an important role in considering land stability by: helping ensure that various types of development should not be placed in unstable locations without various precautions.

Waste:

The guidance outlines the key principles of the Waste Framework Directive (2008/98/EC) and Waste Regulations 2011 (as amended), including the “waste hierarchy” and the principle of protection of human health and the environment, and explains the role of the planning system in implementing them, and the role of other regulatory authorities in controlling environmental and health effects. The main role of planning is ensuring that facilities are developed in appropriate locations.

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

The application has been assessed and is a Schedule 2 Development, but due to the site area, substantially less than 20ha it is not an EIA development.

The Development Plan

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

The Black Country Core Strategy (BCCS)

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

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

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.

ENV1: Nature Conservation

Development within the Black Country will safeguard nature conservation, inside and outside its boundaries by ensuring that:

- development is not permitted where it would harm internationally (Special Areas of Conservation), nationally (Sites of Special Scientific Interest and National Nature Reserves) or regionally (Local Nature Reserve and Sites of Importance for Nature Conservation) designated nature conservation sites;

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

This includes open space, areas of importance for biodiversity and areas and buildings of high design quality.

CSP4 - develops the need for high quality place making and design

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

EMP1 - seeks to provide for economic growth and to ensure a sufficient stock of employment land to meet demand and support the growth and diversification of the economy.

EMP3 seeks to provide for a portfolio of local quality employment land.

TRAN1 sets the priorities for the development of the transport network and promoting sustainable transport modes.

TRAN2 requires development proposals to manage transport impacts of new development

TRAN4: Cycle parking facilities should be provided at all new developments and should be located in a convenient location with good natural surveillance

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

DEL2 - sets out considerations in managing the balance between employment land and housing

ENV1: Adequate information must be submitted with planning applications for proposals which may affect any designated site or any important habitat, species or geological feature to ensure that the likely impacts of the proposal can be fully assessed. Without this there will be a presumption against granting permission.

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

ENV4: Seeks to ensure that canalside development gives a positive impression to the towpath and the integrity of the canal is maintained and enhanced.

ENV5: Seeks to ensure that new developments mitigate against flood risk and promote sustainable drainage.

WM1: The Black Country will aim to achieve zero waste growth by 2026 through: moving waste up the waste hierarchy and supporting proposals which involve optimum uses for waste materials.

WM2: Strategic waste management site is defined as: Forming a vital part of the Black Country's municipal waste management infrastructure; fulfil more than a local role; specialise in a particular waste stream; recovery/treatment processing facilities with annual throughput capacity of more than 50,000 tonnes per annum.

WM3: Identifies sites as strategic waste management proposals and notes other opportunities may come through other planning applications. The Black Country has an unmet demand for Municipal Solid Wastes and Commercial and Industrial Waste

WM4: Waste arising in the Black Country should be managed within Black Country where feasible. The clustering of related or complementary waste treatment, transfer and disposal operations in a specific location will also be supported, where this would not have adverse cumulative impacts on neighbouring uses. All proposals should minimise adverse visual impacts, potential detrimental effects on the environment and human health, and localised impacts on neighbouring uses from noise, emissions, odours, vermin and litter. To minimise such impacts, wherever possible, waste management operations should be contained within a building or other physical enclosure.

All proposals should minimise adverse visual impacts, potential detrimental effects on the environment and human health, and localised impacts on neighbouring uses from noises, emissions, odours, vermin and litter. Where possible, waste management operations should be contained within a building or other physical enclosure. Material Recycling/Recovery facilities are likely to be suitable on all employment land.

Sets out locational criteria for new facilities, including:

- Whether the proposal supports national and local waste strategies, objectives and targets for waste;
- Whether the proposal is well-located in relation to the sources of waste it will be managing;
- Whether the location is suitable for the type of facility and operations proposed and capable of adapting to changing;
- Whether the proposal would provide opportunities for co-location of related uses and/ or generate other benefits (for example, would it manage a range of waste types or streams, produce high quality aggregates or other useful raw materials, or supply heat and power or other forms of energy to adjacent uses);
- Whether the proposal would involve re-use of previously-developed land;
- Whether the proposal contributes towards the positive environmental transformation of the Black Country;
- Whether the proposal is compatible with neighbouring uses (taking into account the nature of the wastes being managed, the technologies used, the hours of operation and cumulative effects), and if so, whether it identifies and adequately addresses potential harmful effects on amenity;
- Whether the proposal supports economic and growth objectives for the Black Country (for example, would it create or retain local jobs, provide a service to local businesses, produce material resources for local industries, or aggregates to supply construction projects within the Growth Network);
- Whether the proposal would address impacts on the highway/ transport network (for example, has the potential to move waste by rail or inland waterway been fully considered, and does it identify and adequately address impacts on the local/ strategic highway and drainage network

In developing these criteria, regard has been had to the locational guidance and criteria in the former PPS10. Although this has since been replaced by paragraphs 4 and 5 and Appendix B of the NPP for Waste, there has been little change to the general locational guidance and preference for previously-developed land including employment land, or to the locational criteria in the Appendix. It is therefore considered in this case that the relevant provisions of the BCCS can be given full weight.

Saved policies of Walsall Unitary Development Plan

GP2: Environmental Protection

Expects all development to make a positive contribution to the quality of the environment and will not permit development which would have an unacceptable adverse impact upon the environment: i) Visual appearance, ii) The creation of, or susceptibility to, pollution of any kind, iii) Potential problems of land stability, contamination, vii) Accessibility by a choice of means of transport including adequacy of access, xix) The hours of operation.

3.6 Development schemes should, as far as possible, help to improve the environment of the borough.

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

ENV10: Pollution

a) Development of an industry or facility which may cause pollution will only be permitted if it would not:

1. Release pollutants into water, soil or air
2. Cause unacceptable adverse effect in terms of smoke, fumes, gases, dust steam, heat, light, vibration, smell, noise or other polluting emissions

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

b) 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: Development of Derelict and Previously Developed Sites

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

Where there is contamination, stability or ground gas issues, the application must assess the level of the risk and set out a strategy for dealing with them as part of the proposed development.

ENV23: Nature Conservation and New Development

Layout of all new development must take account of potential for enhancement of the natural environment through habitat creation. The Council will require habitat creation to encourage the conservation of wildlife in proximity to a SSSI, LNR, SINC or SLINC and in proximity to wildlife corridors.

ENV24: Wildlife Corridors

New development which would sever or unacceptable harm the integrity of a wildlife corridor or of linear features such as rivers, streams, canals etc will not normally be permitted.

ENV26: Industrial Archaeology

(C) The Council will seek to protect and improve the canal heritage and new development adjacent to the canals should take full account of the opportunities created by the setting in terms of design, layout, landscape detail and boundary treatment.

ENV32: Design & Development Proposals

Poorly designed development which fails to properly take account of the context or surroundings will not be permitted.

ENV33: Landscape Design

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

ENV35: Appearance of Commercial Buildings

The design of commercial buildings should be appropriate to their setting

JP5: Core Employment Areas

These areas will be safeguarded for core employment uses

JP8 Bad Neighbour Industrial Uses.

(b) The Council will normally impose conditions on planning permissions covering the following matters:-

- I. Height of open storage.
- II. Location, within the site, of activities with a potentially adverse impact.
- III. Hours of operation.
- IV. Boundary treatment to include fencing of an approved standard, native trees and shrubs, and earth mounding as required.
- V. Proper demarcation of areas for parking, loading and manoeuvring which shall be kept clear of stored material.

T4: The Highway Network

Sets the aim of managing the flow of traffic on the Borough's road network

T7: Car Parking

All development should satisfy the car parking standards set out in Policy T13. This will involve providing an adequate level of parking to meet operational needs while not exceeding any maximum parking standards that are specified.

T10: Accessibility Standards

The Council will use planning conditions to ensure that accessibility standards continue to be met throughout the life of the development.

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

10.7: The Council will give particular attention to safeguarding the environment and protecting amenities of local residents, taking into account the proximity of the site to existing or proposed housing or other sensitive uses.

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

Supplementary Planning Documents

Designing Walsall SPD

Aims to promote a high quality environment and high standards of urban and landscape design throughout the Borough and identifies the basis on which the design of buildings and spaces will be considered during the development control process. The relevant SPD's are:

Designing Walsall SPD

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

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

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

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

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

Natural Environment SPD

Policies NE1, NE2, NE3, NE4, NE5, N8, N9 & N10 deal with the need to fully assess, protect and secure compensatory planting for trees.

Protection is proposed for protected animals, plants etc.

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

Consultations

Transportation – No objections subject to conditions relating to:

- A parking layout plan to ensure 6m reversing aisle and disabled spaces within the parking area.
- Details of boundary treatment to back of pavement adjacent to the car parking area
- Maximum of 50,000 tonnes of materials per year
- Parking and vehicles manoeuvring areas kept clear
- Details of cycle storage facilities

The Addendum Transport Assessment takes account of the reduction in the throughput of materials from 75,000 to 50,000 tonnes per annum. It predicts that the development will generate approx 60 two way vehicle movements overall per day which is a similar level of trips to the existing consent on the site which TRICS analysis estimates at 59 two way trips per day. It is therefore predicted that the

development will result in only 1 additional vehicle movement per day, with an additional 3 trips in the AM peak period and 2 additional movements in the PM peak hour, the remaining trips being outside peak periods. It is therefore considered that the potential impact of the development on the Apex Road/Pelsall Road signal junction would be neutral under the current proposals.

On balance the Highway Authority considers that the cumulative impacts of the proposed development in transport terms would not be severe and is acceptable and in accordance with NPPF para 32.

Canal & River Trust - No objections subject to conditions. The proposals overcome the previous objections regarding the height and visual impact of the boundary to the canal. A condition is however recommended to ensure that storage within the site does not extend above the height of the boundary. The proposed landscaping to the canal towpath should be implemented in accordance with the submitted details and maintenance will need to be for the lifetime of the planting. The applicant will be required to secure the consent of the Trust for the works if planning consent is granted, this however is a separate matter between land owners and would be subject to a detailed agreement between the two parties which would include more specific details of the planting and the long term maintenance of the area.

Environment Agency – An Operational Permit from the Agency has already been issued.

Environmental Health – No objections.

Severn Trent Water – No objections subject to drainage condition and informative to the applicant regarding public sewers.

Natural Environment – No objections subject to conditions. Advice on a suitable ecological scheme for the canal frontage was provided under the previous application which is included in this amended scheme. Conditions are recommended to ensure that the planting on the canal towpath includes native planting, the planting is implemented prior to any commencement of works on the site and maintained in the future as well as the treatment of the gap between the boundary and the storage bins.

The Coal Authority – No objections subject to condition. Satisfied with the Method Statement submitted for site investigation and remedial works, a condition is recommended on any approval to require works to be carried out prior to commencement of any development.

Pollution Control - No objections subject to conditions regarding ground investigation and contamination survey and the requirement for a noise management Plan.

The property is located in an area previously utilised as a lime works, which may result in hotspots of contaminated soil that may present Health and Safety implications to persons undertaking ground works.

A Noise Management Plan is required to ensure development on the site will not result in an unacceptable loss of amenity at noise sensitive receptors surrounding the site including residential and office occupiers.

Fire Officer – No objections

Inland Waterways – No objections. It is noted that the height of the canalside boundary wall has been reduced to 4 and 4.5m, that it is to be painted dark green or a 'sky blending' shade, and will be screened by planting gaps in the canalside hedge line with native species as set out in the detailed planting scheme. These changes overcome the objections to the previous proposals. However a condition is requested to restrict the height of any storage along the canal boundary to the height of the boundary wall to protect the views from the canal.

Flood Risk Officer – As this is a change of use application with little operational development there is unlikely to be any changes in the surface water arrangements for the site and therefore no interruption to the surface water drainage system of the surrounding land as a result of the development. Provision should be made to ensure that all existing drainage systems continue to operate effectively.

Public Participation Responses

Five objections have been received, three from residents (one on behalf of a further 2 residents and one includes a history of the highway improvements proposed in the vicinity as well as information on EU Environmental Law), one from One Stop themselves and one on behalf of One Stop. Two petitions have also been submitted.

Objections:

Traffic & Highway Safety

- Increase in traffic on a major route
- Pelsall Road and Lichfield Road already over used and too busy and cannot carry another extra 30/40 lorries a day
- Junction improvements to Pelsall Road/ Clayhanger Lane part of the planning consent for the major housing development off Clayhanger Lane have never been implemented.
- This is a major development which will produce a material increase in traffic on the highway. Funding for the Clayhanger Bypass highway improvement still not in place, the final decision on this planning application should be made by the Secretary of State Planning Inspectorate.
- The traffic modelling within the Transport Assessment is flawed, the potential impacts on Apex Road/Pelsall Road junction and junctions further afield are not considered. Some of these junctions have been considered for improvements which have not been carried out. It is considered that the application should consider these unimproved junctions as key feeders to the site.

Environment and impact on Amenity

- The methodology used for the submitted noise impact assessment is considered flawed, more noise measurements and calculations are required.
- Pelsall Road and Lichfield Road are residential roads with houses directly onto them.
- How much do Lichfield Road and Wolverhampton Road exceed EU limits on air pollution?
- The proposed scrap yard is likely to make existing air quality worse.
- Result in increased air pollution
- Accepted fact that exhaust fumes are a cause of premature deaths

Economic

- Concern that the Council continues to favour and support the applicant and have not made contact with One Stop to discuss the revised proposals and methodology.
- The Council is supposed to help and support local business and their interests
- One Stop frustrated that they have to spend time and money to check and challenge the Council's work every step of the way in order to protect their interests.
- The Council failed to adequately consult and did not fully engage with One Stop in respect of their objections on the previous application.

EIA

- Walsall MBC must comply with EIA Article 3 Directive 2003/35/EC
- The Council's previous committee report failed to fully explain the conclusions on the EIA screening. EIA Screening highlights noise and adverse effects on existing land uses around the site as relevant factors, this impact was not fully explained by the Council.

Contrary to Policy

- It is considered that the Council's statement that the previous application complied with planning policy is factually incorrect and misleading. Policy WM4 requires consideration of whether the proposals are compatible with neighbouring uses and whether it supports economic & growth objectives for the Black Country. The inadequate assessment of planning policy fails to consider the presence of One Stop head office adjacent to the site.

Petition of 151 signatures:

Objection and request for a ministerial public enquiry for a decision:

- Previous application refused by Committee, 75 objections
- Original public objection should still be valid
- It is a statutory development condition that the new carriageway at the junction of Pelsall Road/Clayhanger Lane and Brwnhills/Pelsall Village bypass are put in place before adding a material increase in traffic to local roads. Planning cannot contravene the developments highway infrastructure major housing development permission TCP Act 1990 sec (54) (A).

Petition of 40 signatures:

Objections:

Create extra volume of traffic on Pelsall Road which is already over congested

There is no right turning lane into Apex Road, which will cause more congestion of vehicle backing up way past the service road making it more difficult for residents to join the line of traffic on Pelsall Road

Along with the congestion the extra pollution and noise from the metal containers being loaded and unloaded on the site which will be heard from 0600 – 1800 weekdays and Saturday mornings

Lead to believe that the area was for light industry and we don't class this as light industry.

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

Determining issues

Whether the proposals overcome the previous reason for refusal in terms of the detrimental impact on residents of Pelsall Road from noise and activity on the site and from the increase in traffic.

Other Considerations

- The Principle of the Development
- Waste Management/Hierarchy Policy
- Design and Layout
- Impact on Amenity
- Impact on the character and appearance of the area
- Highway Safety
- EIA Screening

Observations

Impact of the residents on Pelsall Road from noise and activity on the site and from the increase in traffic.

These revised proposals reduce the maximum level of throughput of waste through the site from 75,000 tonnes per annum to 50,000 tonnes per annum which will in turn reduce the numbers of vehicles coming and going to the site. The numbers of staff proposed would remain as previously (20) so staff cars would not be reduced, but the number of HGV's visiting the site would be reduced by a third. The Transport Assessment Addendum estimates a reduction from 46 HGV movements a day to 30 HGV movements a day, a reduction of 16 HGV movements a day over the previous scheme.

Whilst Pollution Control Officers confirmed on the previous application that a noise survey was not considered necessary as the site is situated within an industrial area, surrounded by other industrial users with two other waste activities located nearby in Collier Close, the applicant has chosen to submit a Noise Impact Assessment to assist in overcoming the previous reason for refusal.

Pollution Control made an assessment of the initial submission and requested additional information and readings. This information has been submitted and further assessed by Pollution Control.

The large One Stop building on the frontage of Pelsall Road sits between the residential properties in Pelsall Road and the site and would act as a buffer.

One Stop have raised objections to the likely noise from the site adversely impacting on their head office building situated on the end of their main building that fronts Pelsall Road, with the offices facing Apex Road. The offices are situated approx 52m to the south of the site, with their own warehouse buildings and main vehicle access for their own delivery vehicles situated in between. Immediately opposite the offices is the Council's depot. It is considered that the noise levels from the proposed use would not have a significant impact on the occupiers of the offices above that of the previous and still authorised use of the site for the storage and hire of portable buildings or the existing traffic movements of One Stop vehicles, immediately adjacent to the offices. Evidence held by the Council (aerial photos) clearly show as recent as March 2011 that a large number of portable buildings were stored on the site double storey, a use that would have created significant traffic movements from large vehicles and manoeuvring of units around the site.

Following discussion with the Council about the potential for harm, and the concerns of neighbouring businesses and residents, the applicants have elected to reduce the capacity of the throughput of materials into the site by a third from 75,000 to 50,000 tonnes per annum which in turn will reduce the number of vehicle movements to and from the site over the previous scheme. They have also chosen to undertake a noise survey to show the impact the development may have.

The Pollution Control Officer has advised that a noise survey would not normally be required in respect of the character of development being advanced through the current proposal. Nevertheless, consideration has been given to the submitted information.

Since the site was vacated, the Pollution Control Officer notes that it is reasonable to state that surrounding developments will have experienced improvements in amenity, however there is no barrier to change in the character of the area and indeed location of the development site is, in principle, viewed as appropriate for the proposed activities.

In commenting on the work submitted by the applicants, the Pollution Control Officer notes the survey has been undertaken in accordance with British Standard BS 4142 and ISO 1996 standards. The background sound levels have been determined at the closest residential façade and the anticipated sound levels have been determined from the applicants existing operation in Birmingham with due reference to BS EN 3733 which is considered by the Pollution Officer to be a pragmatic approach.

The background noise measurement station was placed in Clifton Avenue. Whilst further away from Pelsall Road, this is a quieter street so the background noise levels are lower. Against this reduced baseline, any increase in noise levels would have a greater impact compared to the front of the houses in Pelsall Road which are already affected by traffic noise from the main road.

In respect of the site noise impacts on residential properties the Pollution Officer has confirmed that conclusions are both reasonable and are accepted taking into account the industrial operations that exist on the estate including forklift operations, loading and tipping of materials and movement of lorries.

For traffic noise associated by the development, the expected increase in traffic flow over the extant lawful use of the site is assessed at 0.1% with a HGV component of not more than 15%.

There will be no distinguishable increase in impact to the residential properties when compared against the existing impacts arising from the traffic on Pelsall Road in the opinion of the Pollution Officer.

For the One Stop premises, the Pollution Officer notes this is a commercial building and therefore is of a different characteristic to the residential properties. As it forms part of the Apex Road employment area, it is also not unreasonable in the Officers view to expect a degree of noise burden. This is a matter recognised both in policy and modern noise appraisal techniques, effectively equating to a context consideration.

Because the noise receptor measurements for the impact on commercial development have been also been based on Clifton Avenue, it is considered this is acceptable. The use of 5.0m high concrete sorting bays provides a localised barrier to noise which is more

effective the closer the activity is to the barrier. The Pollution Officer considers that there would remain a good margin of allowance without causing a predicted significant impact though this would still need to be evaluated within context and not merely on noise levels or exceedances above a background value.

Although an assessment has been made for maximum noise levels, this work is considered to be flawed and beyond the scope of BS 4142. Taking this into account, the Pollution Control Officer is minded to discount the BS 4142 assessment for One Stop Ltd.

Overall the impact assessment is lacking certain qualifying information and details and does not sufficiently cater for impacts on neighbouring offices.

In respect of the impact on residential properties, the development is seen as acceptable in terms of site operations and traffic noise.

Whilst the impacts on One Stop may be greater than reported in the noise report, it is considered that sufficient knowledge exists of the impact the development may have on One Stop. Accordingly, it is considered the extent of any harm can be adequately managed through the use of a Noise Management Plan to manage the operations on site. This can be secured by condition and should be implemented prior to the commencement of development.

The Principle of the Development

The application site is in a UDP Core Employment Area, (Coppice Side Industrial Estate) where certain land uses are supported. These are research and development/light industry (B1b/c) general industry (class B2) and warehousing and distribution (B8) uses permitted in accordance with “saved” UDP Policy JP5. The proposed land use does not fall within any of these classes and is defined as “sui generis,” (in a class of its own). However, the BCCS, which post-dates the UDP, identifies this area as “Local Quality” employment land (Economy Key Diagram, Policy EMP3). BCCS Policies EMP3 and WM4 are more flexible and allow a broader range of waste recovery facilities in this type of location.

The new Employment Land Review (ELR) published Sept 2015 confirms the site as ‘Local Quality’ and suitable for this kind of use. It should also be noted that the Sites and Allocations Preferred Option is currently out to consultation, following the ELR this also identifies the site as Local Quality retained employment land. Because this document is at consultation stage, it can only be afforded limited weight.

Policy WM4 of the BCCS defines Metal Recycling Facilities (MRFs) as operations likely to be suitable on all employment land. The UDP (para 4.4) defines core employment areas as locations of strategic importance and good accessibility which contain major concentrations of employment uses.

The proposal is therefore considered to be consistent with current Local Plan land use policy and the site is a suitable location for the proposed use.

This is a previously developed site in a sustainable location that has the potential to generate employment opportunities, the proposals would allow for the re-use of a site that has been vacant for approx 51/2 years and the improvement of a building that is now in a poor state of repair.

Waste Management/Hierarchy Policy

The waste hierarchy has five levels. Prevention is the top priority in waste management. Next best is re use, then recycle, recovery & at the bottom is disposal - the least attractive. MRS sites are defined as a 'recovery' operation rather than a 'recycling' operation.

BCCS Policy WM4 provides the criteria for the assessment of waste developments. The BCCS does not identify any need for new MRS capacity or any targets for this as the Black Country already has surplus metal recycling capacity.

Under the Waste Regulations the Waste planning authority has a role in ensuring that waste management development is appropriately located so that it would not endanger human health or harm the environment. To assess the location of the development in relation to the source of waste, the suitability of the site for a waste use and its ability to adapt to changing circumstances must also be assessed.

A waste management land use in this location is considered acceptable. There is no conflict with national policy objectives for waste in Paragraph 1 and Appendix A of the National Planning Policy for Waste (October 2014). Although the facility would not contribute towards the requirements for new waste infrastructure identified in the current local plan (BCCS Policy WM1, Table 16), it would broaden the range of waste infrastructure available in this part of Brownhills, as there are currently no other metal recycling sites at Coppice Side, and there is also no conflict with local plan strategy towards waste management in the Black Country (BCCS Spatial Objective 9 and Policy WM1). Evidence from national surveys shows that most metal waste generated in England is currently recycled, and the proposed facility would contribute towards the movement of this waste stream up the "waste hierarchy" in accordance with national and local policy, by providing a facility for sorting and bulking up scrap metal for recycling elsewhere.

The proposed development would also comply with current local plan policy on the location of new waste management facilities (BCCS Policy WM4). The Coppice Side Industrial Estate is identified as Retained Local Quality Employment land in the latest published Walsall Employment Land Review (2015) and Appendix 2 of the BCCS - Regeneration Corridor 15, and employment land within this category is identified in BCCS Policies EMP3 and WM4 as being suitable for development of metal recycling facilities. Having assessed the proposal against the criteria in BCCS Policy WM4, it is considered that the proposals would provide a benefit in terms of re-use of previously-developed land and job retention. Although the sources of the waste are not specified, metal waste could potentially originate from any industrial area in the West Midlands. While the site is not well-located in relation to the motorway network, it is in an area where other waste management activities are already present (e.g. Brownhills Skip Hire, Envirosol hazardous treatment facility and the Council's Environmental Depot). This location is well-placed to serve the wider Brownhills area of Walsall, as well as north Birmingham and adjoining parts of southern Staffordshire, and to exploit a potential gap in the market, given that metal recycling facilities tend to be clustered in the older traditional industrial areas. Taking into account the impact of the previous use of the site, and the likely catchment area of the customers, a metal recycling site is unlikely to have materially greater impacts on the local highway network. The site is not near any residential areas or other sensitive land uses, apart from the canal, that could be affected by noise or dust from the facility. There is also sufficient flexibility within the scheme design to enable the site to accommodate a higher quality enclosed recycling facility at a later date, should market conditions be favourable.

Policy WM4 further requires that proposals should minimise adverse visual impacts, potential detrimental effects on the environment and human health as well as localised impacts on neighbouring uses from noise, emissions, odours, vermin and litter.

While there is potential for harmful impacts on the canal corridor, which is an important feature in the local landscape and has also been designated as a SLINC, and for heavy metal pollutants leaching into the ground or entering the canal due to surface water run-off, it is anticipated that any harmful effects can be overcome through appropriate enhancement of habitats/ boundary treatment along the canal frontage and through the regulatory controls which will be imposed under the waste permit.

The site is situated within a local quality (Core Employment) area surrounded by other B1b, B1c, B2 and B8 uses as well as other waste management facilities. The neighbouring uses are all therefore commercial activities each with their own varying activity levels, associated noise, emissions and odour. It is not considered that the proposed MRF would introduce any additional impacts on the existing surrounding commercial operators over and above the existing activity in the area. The submitted noise impact assessment confirms that the proposed activities would not adversely impact on the surrounding occupiers.

Whilst it could be argued that the proposals as a 'bad neighbour use' would conflict with UDP policy JP8 as the site is situated within a core employment area, it must be recognised that each site must be assessed on its own basis and that any conflict should be resolved through the most up to date policies. Policy WM4 and EMP3 of the BCOS are the most recent local policies that were designed to build in greater flexibility for such uses and as discussed above it is considered that the proposals comply with both.

Design and Layout

The site is large enough to allow for storage bins around the boundaries whilst retaining an appropriate space for manoeuvring and a weighbridge within the open yard. It would allow for the retention and upgrade of the existing warehouse building through recladding, which would improve the overall appearance of the building.

The existing vehicle access points to the site would be utilised, one for the main access to the yard and one for the car parking area for staff and visitors.

The scheme takes into account the adjacent canal and SINC and the proposed boundary treatment and landscaping would improve the overall appearance of the facility/site from the canal and impact on the natural environment. The proposed boundary walls (required to provide appropriate storage bays) would vary between 4m and 5m high and the redline boundary includes part of the canal towpath to allow for retention and enhancement of the planting along the canal with native planting.

Impact on Amenity

The NPPW states LPAs should concern themselves with implementing the planning strategy and not with the control of processes. The NPPF says that authorities should focus on whether the development itself is an acceptable use of the land and the impact of the use, rather than the control of processes or emissions themselves where these are subject to approval under pollution control regimes. Modern, appropriately located, well-run and well-regulated waste management facilities operated in line with current pollution control techniques and standards should pose little risk to human health. Local planning authorities should assume that these regimes will operate effectively. While planning

permission is required for the use of the site, environmental permits are required to operate it. The Environment Agency is the organisation in charge of day-to-day operations and has already issued a Bespoke Environmental Permit to the operator for the site, which will control the operations and ensure compliance with UDP policy ENV10.

As indicated above the site is situated within the Coppice Side Industrial Estate which is designated as Core Employment and is surrounded by other industrial uses including the Council's Depot, a skip hire business, a chemical treatment facility as well as other B2 and B8 uses. The closest residential properties are a row of semi detached houses situated approx 290m to the south east of the site within a service road on Pelsall Road. Although there is one isolated property (122 Pelsall Road) situated approx 100m to the east along the canal towpath from the site. This property does however sit within the core employment area and immediately adjacent to the large warehouse and office premises operated by One Stop which involves significant activity including the movement of HGV's on a regular basis.

Air Quality

Whilst the whole of Walsall MBC is an air quality management area for nitrogen oxide (NO₂), the main source of which is emissions from road traffic, the latest modelling (Sept 2013) by the Council indicates that this site is not in an area of exceedance. Pelsall Rd (A4124) is not a route where limit values are currently being exceeded, and it is considered that the net increase in trips associated with the proposed use is unlikely to add significantly to road traffic emissions on the wider highway network where limit values are exceeded.

Hours of Work

The operating hours would be restricted to 0600 – 1800 hours Monday to Friday and 0600 – 1300 hours Saturday with no Sunday or bank holiday working, normal operating hours for a business within a core employment area. The applicant has confirmed that loads are unlikely to arrive at the site until between 0700 and 0730, the request for a 0600 start would allow the site to be open and the appropriate checks made to plant and equipment prior to the first loads arriving, to avoid the potential of queuing vehicle in the highway.

Impact on the character and appearance of the area

The site is currently cleared so has a neutral impact. The previous use of the site for the hire of portable temporary buildings included significant storage of units within the open yard including double stacked units, the existing boundary treatment (mixture of palisade and chain-link fencing) allowed for full views of the storage from both Apex Road and the canal. The proposed use would include the sorting and storage of metal within storage bays/bins around the boundaries of the site screened from full views by the proposed 4 / 5m high rear walls to the bays. Whilst the walls would be visible (thou painted to improve their appearance) the storage beyond would be hidden, a condition is recommended to restrict the storage to below the height of the boundary walls. The proposed planting to the canal towpath would assist in screening the wall from full views from the canal and enhance the immediate canal environment. The site is already completely hard-surfaced, so the proposed planting to the boundary would be a significant improvement over the current situation, improving the overall appearance of the site. A condition is recommended to ensure that the proposed planting is implemented prior to the commencement of any work on site and is maintained in the future by the applicant. The implementation of the planting will be subject to a separate agreement with the Canal and River Trust for consent to implement on their land, but without this consent the recommended conditions ensures that the use cannot be implemented.

Some views of the boundary walls would be seen against the backdrop of the existing double storey storage warehouse building on the site which has a maximum height of 18m and the southern elevation would sit adjacent to One Stop buildings 7 and 12m in height. It is considered that the appearance of the site would have no adverse impact on the amenities of the surrounding occupiers, the street scene of the canal environment.

Highway Safety

The comments and concerns from residents with regard to highway safety are noted and have been taken into consideration in the assessment of the proposals. The final Transport Statement from the previous application includes a capacity assessment of the Apex Road/Pelsall Road signal junction and has been updated with an Addendum report which takes into account the reduced throughput of waste materials per annum through the site.

The Addendum Transport Statement predicts:

For the authorised use of the site:

59 two way vehicle movements

For the previous proposals for 75,000 tonnes per annum:

76 two way vehicle movements a day including 46 HGV movements

For the proposed 50,000 tonnes per annum:

60 two way vehicle movements a day including 30 HGV movements

It is therefore predicted that the development will result in only 1 additional vehicle movement per day, with an additional 3 trips in the AM peak period and 2 additional movements in the PM peak hour, the remaining trips being outside peak periods over the extant use of the site. The proposals represent a reduction of 16 vehicle movements a day. It is therefore considered that the potential impact of the development on the Apex Road/Pelsall Road signal junction would be neutral under the current proposals.

The Urban Traffic Control Team, which manages the signalised traffic network, has checked the submitted junction assessment and the predicted level of vehicle trips from the site and considered it acceptable.

Whilst the objections and comments from residents and surrounding occupiers are noted the Transport Statement identifies that the proposed use would have a neutral impact on the highway network over the previous existing lawful use of the site. The previous use for the storage and hiring out of portable buildings involved the movement of large vehicle to and from the site, similar to the proposals. Whilst the site has been vacant for approx 51/2 years, this is still the authorised use of the site and could be re-used without any further planning consent.

Whilst it is recognised that there is already significant traffic using Pelsall Road, it forms part of the Strategic Highway Network within the Borough and so by its very nature is a busy route for long distance and strategic traffic as well as local traffic. The houses, Nos 149-185 Pelsall Road sit within a service road off the main road, schemes like this are designed to improve the flow of traffic within the main road caused by individual direct access onto the main road. Part of the definition of a core employment area is that the area has good accessibility.

The very nature of a signalised junction will create queuing traffic, but the Urban Traffic Control Team have assessed the Transport Statement and consider that the proposals are acceptable and would have little adverse impact on the highway network. Coppice Road is an existing industrial access road suitable for commercial vehicles and the A4124 is strategic highway network in both directions. There are no junction improvements currently proposed.

On balance the Highway Authority considers that the cumulative impacts of the proposed development in transport terms would not be severe and is acceptable and in accordance with NPPF para 32.

Other Matters

Consideration has been given to the impact of the proposed use on the existing drainage system and water course. It is recognised that the site was previously used for storage and distribution for temporary mobile buildings and to this end the proposed use is considered similar in nature due to both schemes centred on open storage. To ensure adequate drainage facilities are provided, a condition to address both soil and surface water drainage is recommended.

It is also considered that the site and the proposed use do not present any new risks to ground instability over and above those already addressed within the Method Statement for Stabilisation of Shallow Mineworkings and Mine Entry Investigation submitted by the applicant and agreed by the Coal Authority, subject to a condition being imposed for the works to be implemented.

With regard to issues of odour, vermin or litter, these are all matters that will be addressed through the operation of the site. As indicated earlier, the NPPW states that it is the role of the Local Planning Authority to consider the planning and land use matters appertaining to the proposal and not the day to day operation of the site as this is dealt with through other legislation controlled wither by the Environment Agency through their permitting regulations or the Councils Environmental Health team.

Environmental Impact Assessment (EIA) Screening Opinion

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

The proposal does not fall within Schedule 1.

The development falls within Schedule 2 part 11(b) (ii) as it is for the disposal of waste with a site area of development that exceeds 0.5 hectares. The site is not located with a 'sensitive area'. However the development is considered unlikely to have significant adverse effects on the environment.

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

Positive and Proactive working with the applicant

Negotiations have taken place with the applicant throughout the course of the application to resolve outstanding issues.

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 following plans and documents: -

- Site Location Plan submitted 25th November 2014
- Site Layout Plan Drawing TAN/BLE/02 Rev A submitted 22nd January 2015-01-26
- Plan and Elevations Drawing TAN/BLE/03 submitted 22nd April 2014
- Cross Section Drawing TAN/BLE/04 Rev A submitted 22nd January 2015
- Canalside Elevation Drawing TAN/BLE/07 submitted 23rd January 2015
- Planning Statement submitted 22nd April 2014.
- Method Statement – Stabilisation of Shallow Mineworkings & Mine Entry dated 6th January 2015 by M & J Drilling Services Ltd
- Coal Mining Risk Assessment submitted 8th September 2014
- Method Statement – Stabilisation of Shallow Mineworkings & Mine Entry Investigation Apex Road Brownhills by M & J Drilling Services Ltd submitted 6th January 2015.
- Transport Statement by Infrastructure Planning and Design Ltd submitted 1st July 2014
- Transport Statement by Infrastructure Planning and Design Ltd submitted 21st July 2014
- Transport Statement by Infrastructure Planning and Design Ltd submitted 10th September 2014

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

3. Prior to the commencement of any development on site, site investigation and remedial works as detailed in Method Statement – Stabilisation of Shallow Mineworkings & Mine Entry dated 6th January 2015 by M & J Drilling Services Ltd shall be fully implemented.

Reason: In order to satisfy the requirements of The Coal Authority to protect the public and the environment in mining areas.

4a. Notwithstanding the details within the 'Planting on Canal Bank' submitted, prior to the first occupation of the site for the use hereby approved the planting to the canal frontage shall be implemented in accordance with revised planting details and future maintenance scheme to be submitted to and approved in writing by the Local Planning Authority.

4b. The planting shall be retained thereafter and managed in accordance with the approved planting scheme. All fencing on the canal frontage shall be erected prior to the planting taking place.

Reason: To ensure the proper landscape treatment of the canal frontage and safeguard the visual amenity of the area.

5a. A revised car parking layout plan shall be submitted to and approved in writing by the Local Planning Authority showing; i) All parking spaces having a clear 6 metre reversing aisle. ii) The disabled parking space having a 1.2 metre wide access zone to the side and rear.

5b. Prior to the development first coming into use, the car park shall be clearly demarcated on ground in accordance with the approved details and shall thereafter be retained and used for no other purpose.

Reason: The current proposed car parking layout shows a number of spaces without adequate clear reversing aisles which is likely to result in unsatisfactory operation of the car park and lead to indiscriminate parking on the public highway, contrary to UDP Policy GP2, T7 and T13 and to highway safety.

6a. Prior to the first occupation of the site for the use hereby approved full details of an appropriate boundary treatment between the car parking area and the adjacent public footway, shall be submitted to and approved in writing by the Local Planning Authority.

6b. Prior to the development first coming into use, the boundary treatment shall be fully implemented in accordance with the approved details and shall thereafter be retained.

Reason: To ensure vehicles parked on the car park do not encroach or drive over the adjoining public footway other than at the approved access point, in the interests of highway safety and in accordance with UDP policy GP2 and T7.

7. Prior to the first use of the site for the use hereby approved the public facade of the new boundary walls shall be painted a colour to be agreed with the Local Planning Authority and thereafter maintained.

Reason: To safeguard the visual amenity of the area.

8. The maximum tonnage of waste materials imported into the site shall not exceed 50,000 tonnes per year.

Reason: To ensure the predicted level of vehicle trips to the site as a result of the development does not exceed the level of predicted in the submitted Transport Statement which is based upon the expected tonnage of waste materials per annum and expected vehicle type usage. In accordance with UDP Policy GP2, T4 and Black Country Core Strategy TRAN1 and TRAN2 and in the interests of the free flow of traffic on local highway network and to highway safety. To be consistent with the Environment Agency Permit.

9. All vehicle parking, turning and manoeuvring areas within the site shall be kept free of any stored materials and shall be kept free of any obstructions at all times.

Reason: To ensure adequate turning and manoeuvring space within the site is available at all times and to ensure satisfactory completion and operation of the development and in accordance with UDP Policy GP2, T7 and T13 and highway safety.

10a. Prior to the first occupation of the site for the use hereby approved full details of the cycle shelter facility shall be submitted to and approved by the Local Planning Authority,

10b. The facility, which shall be covered and illuminated, shall be fully installed in accordance with the approved details prior to the development first coming into use.

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

11. Prior to operations commencing a ground investigation and contamination survey having regard to current best practice shall be undertaken to form a base line assessment of conditions currently in, on or under the site. (See note to applicant CL1).

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

12. Prior to the commencement of any development on site, site investigation and remedial works as detailed in Method Statement – Stabilisation of Shallow Mineworkings & Mine Entry dated 6th January 2015 by M & J Drilling Services Ltd shall be fully implemented.

Reason: In order to satisfy the requirements of The Coal Authority to protect the public and the environment in mining areas.

13a. No development shall commence on site until details of the disposal of both surface and foul water drainage have been submitted to and approved in writing by the Local Planning Authority.

13b. The development shall be completed with the approved details and retained as such.

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

14. Permitted operating hours including collections, deliveries and despatches shall be: 0600 – 1800 hours Monday to Friday and 0600 – 1300 hours Saturday with no Sunday or bank holiday working.

(* 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: In order to define the permission and safeguard the amenities of the occupiers of adjoining premises.

15. All loading and unloading shall take place within the curtilage of the site.

Reason: In the interests of maintaining the free flow of traffic and highway safety.

16. Prior to the commencement of development, a Noise Management Plan shall be submitted to and agreed by the Local Planning Authority in writing. The measures agreed in the Plan shall thereafter be implemented prior to the development being brought into use. External noise levels generated by the development at noise sensitive receptors shall not exceed 75 dB LAeq (1 hour) at 1.0 m from the facade of any building and at a height above ground level of not less than 1.5m, as verified by measurement and/or calculation.

Reason: To ensure appropriate levels of amenity can be achieved in compliance with saved Walsall UDP Policy ENV 10

NOTE TO APPLICANT

The attention of the applicant is drawn to the need to keep the highway free from any surface water, mud or other material emanating from the application site or any works appertaining thereto.

Contaminated Land

CL1

Ground investigation surveys should have regard to current "Best Practice" and the advice and guidance contained in the National Planning Policy Framework 2012; British Standard BS10175: 2011 "Investigation of potentially contaminated sites – Code of Practice"; British Standard BS5930: 1999 "Code of practice for site investigations"; or any relevant successors of such guidance. You are strongly advised to consult with the Local Planning Authority on the construction, location and potential retention of any boreholes installed for the purposes of ground gas and or groundwater before installation of same.

Noise

For the purposes of condition 16, noise sensitive receptors shall be defined as any occupied residential or office premises.

24/7/15
Ref: 11/15/00000

Ms. B. Toy, Planning Case Officer
Economy & Environment Development
Management
The Civic Centre
Darwall St.
Walsall
WS1 1AG

ECONOMY AND
ENVIRONMENT

28 JUN 2015

RECEIVED

Objection/ Request to be in by Tuesday 28th July

Objection and request for a ministerial development public enquiry for a final decision the proposed change of use of the former Wernick site in Apex Road, Walsall, WS8 7EP, to a scrap metal recycling plant by new application No. 15/0926/COUN.

1. Previous application No. 14/0595/CM for the above was refused by the local planning committee on 6th March 2015 following receipt of over 75 objections.
2. The original applicant had six months in which to request a public enquiry, or enter reapplication after one year. The original public objection would also, therefore, be valid for the same period.
3. It is a statutory development condition that the new carriageway at the junction of Pelsall Road with Clayhanger Lane and the Brownhills/Pelsall village bypass are put in place before adding a material increase in traffic on the local roads. The planning inspectorate can not contravene the developments highways infrastructure major housing developments permissions, T.C.P Act 1990 sec (54)(A).

70, Pelsall Road B' Hills WS8 7DJ
49 Bradford Rd B' Hills WS8 7SL
61 PELSALL RD BROWN HILLS WS8 7DL
70 Pelsall Road. B' Hills WS8 7DJ
49 Bradford Road, B' Hills WS8 7SL
65 Pelsall Rd B' Hills.
65 PELSALL ROAD B' HILLS WS8 7DJ
65 PELSALL ROAD B' HILLS WS8 7DJ
66A ——— " ——— ———

PLANNING APPLICATION NO:- 15/0926/COUN
TANDOM METALLURGICAL (MIDLAND) LTD.
EYRE STREET
BIRMINGHAM.

26

A. LIST OF RESIDENTS SIGNATURES OPPOSING
THIS APPLICATION.

NAMES

ADDRESS

32 CLIFTON AVENUE

35 " "

33 " "

31 " "

29 " "

22 " "

22 " "

20 " "

20 " "

24 " "

26 " "

26 " "

28

28 CLIFTON AVENUE.

26 " "

30 " "

34 " "

151 Pelsall Road

151 Pelsall Road

27 Clifton Avenue.

23 " " " "

19 " " " "

179 Pelsall Rd,

173 Pelsall Rd,

175 PELSALL Rd

" " "



Economy and Environment, Development Management

Planning Committee

Report of Head of Planning and Building Control on 01-Oct-2015

Plans List Item Number: 3.

Reason for bringing to committee: Variation to a major application including a new S106 planning obligation.

Location: LAND SOUTH OF, WOLVERHAMPTON STREET, WALSALL

Proposal: HYBRID APPLICATION - FULL PLANNING APPLICATION FOR MULTI-SCREEN CINEMA (USE CLASS D2) AT FIRST AND SECOND FLOOR WITH RETAIL, RESTAURANTS AND CAFES, DRINKING ESTABLISHMENTS (USE CLASSES A1/A3/A4) AT GROUND FLOOR LEVEL AND TWO SEPARATE UNITS FOR RESTAURANTS AND CAFES AND DRINKING ESTABLISHMENTS (USE CLASS A3/A4), CAR PARKING, EXTERNAL SEATING AREA, LANDSCAPE WORKS, ADDITIONAL TEMPORARY SURFACE CAR PARKING, CANAL FOOTBRIDGE, ASSOCIATED WORKS AND ACCESS ARRANGEMENTS. OUTLINE APPLICATION (ALL MATTERS RESERVED) FOR LEISURE, RETAIL, RESTAURANTS AND CAFES AND DRINKING ESTABLISHMENTS (USE CLASSES A1, A3, A4 AND D2) WITHOUT COMPLIANCE WITH CONDITIONS B21A AND B21B AND WITH AMENDMENTS TO CONDITION A2 OF 14/1403/FL, TO OMIT PROPOSED CANAL BASIN BRIDGE.

Application Number: 15/1204

Case Officer: Katie Parsons

Applicant: Kier Property Developments Limited

Ward: St Matthews

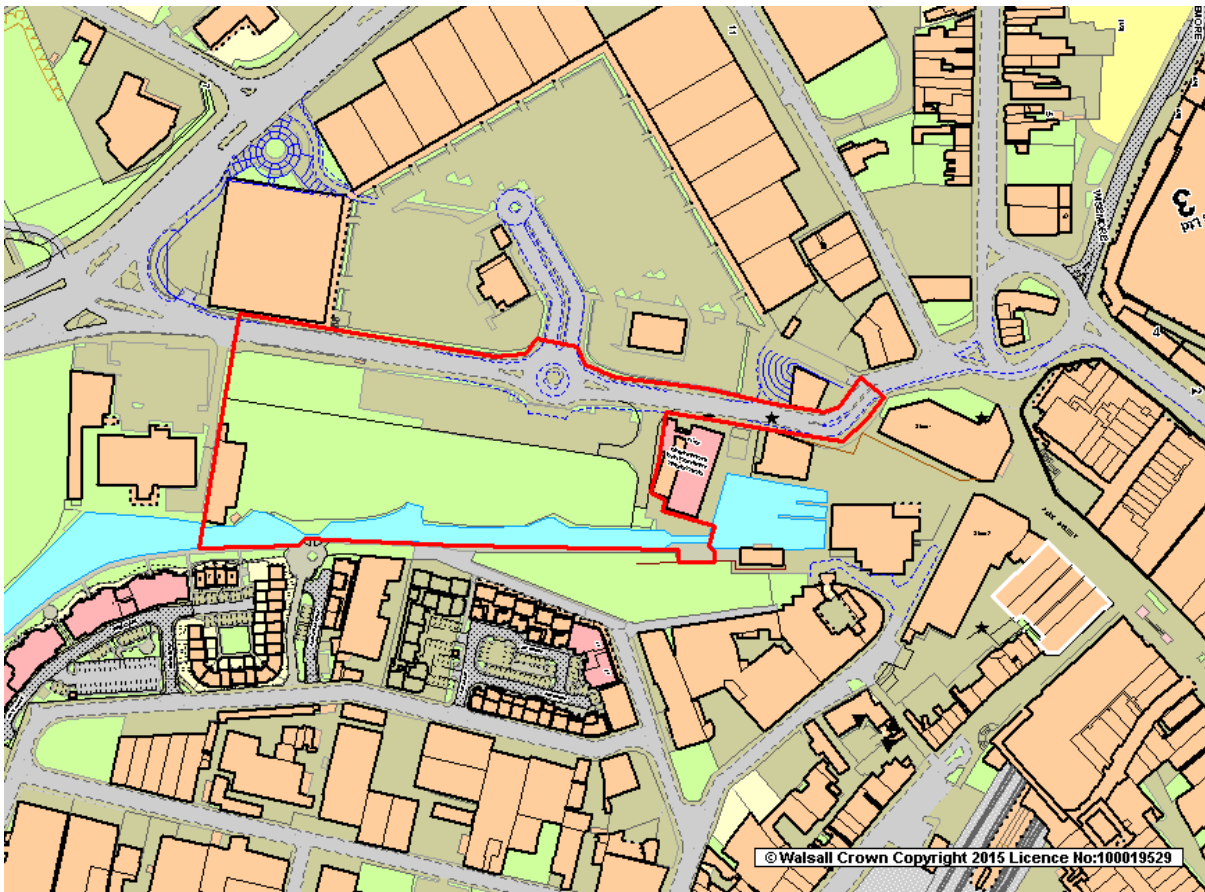
Agent: Mr Jeremy Williams

Expired Date: 22-Nov-2015

Application Type: Full Application (Major)

Time Extension Expiry:

Recommendation Summary: Delegate to the Head of Planning and Building Control to grant subject to conditions, provided that a deed of variation and supplemental agreement under s106 and s106A are first completed, to link the original S106 agreement to this application and secure a contribution to be used towards construction of a footbridge and public realm enhancements across the Walsall Canal, subject to no representations being received which raise new material considerations by 02 October 2015.



Application and Site Details

The application site is a 2.14 hectare site on the northern side of the Walsall Town Centre canal arm, extending up to Wolverhampton Street. It is adjacent to the Premier Inn Hotel and the New Art Gallery, with the Waterfront South residential development on the opposite side of the canal and the Crown Wharf Retail Park on the opposite side of Wolverhampton Street. The canal corridor is part of Walsall Locks Conservation Area.

This is an application under section 73 of the Town and Country Planning Act 1990 (as amended) to make a minor material amendment to a previously approved scheme for a cinema with retail, restaurant, cafe and drinking establishment uses with associated car parking and external works. The application was originally permitted in 2013 as a hybrid application, permitting some elements in full and some in outline, and has been amended twice in 2014, to increase the floor space of some of the units, amend some of the elevations, increase the seating capacity of the cinema and vary the trigger point of some of the conditions from pre-commencement to pre-occupation. Two minor amendment applications have also been approved in 2015 to suit tenant requirements for the units. The development approved by the full permission is at an advanced stage of construction and is anticipated to be occupied before the end of the year.

Part of the full planning permission was the provision of a bridge over the canal, adjacent to the canal basin. However on the opposite side of the canal is the Waterfront South residential development, which also included the provision of a bridge over the canal further along the bank, to link the residential development to the cinema site, together with associated public realm improvements. Following discussions between the two land owners, this application proposes to omit the bridge at the canal basin and the applicant

would instead make a financial contribution which could be used towards the provision of the bridge closer to the cinema and associated public realm enhancements, secured under the residential development planning permission. As such this application seeks to delete the conditions requiring provision of the bridge (B21A and B) and amend the approved plans condition (A2) to substitute plans which do not show the bridge. The application is supported by a draft deed of variation and supplemental agreement which seeks to amend the original s106 agreement and secure the contribution as a planning obligation.

The nature of the proposal is not considered to alter previously adopted negatively screening opinions under Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (as amended).

Relevant Planning History

Application site

15/1116 - Non Material Amendment - South elevation, ground floor (unit4), removal of double doors to the left hand side of elevation. East Elevation, ground floor (unit 3), Proportion of glass to solid wall (polished block work) reduced and position of external door moved. Ground floor (unit 1), Double doors to service passageway have been omitted in lieu of continuing polished block work. North and South elevations, upper floors. Stair tower windows and cladding repositioned. The repositioning of the electricity sub-station and three car parking spaces – approved 13 August 2015

15/0103/NMA - Non-material amendment to planning application 14/1403/FL for changes to the shop front of Unit 4 including glazing and column and framing cladding, repositioning of the main entrance and installation of sliding patio doors on the east elevation, sliding patio doors and new fire exit on the south elevation and 4 no spandrel panels to the east elevation – approved 23 February 2015

14/1403/FL - Variation of condition A2, B3, B4, and B24 of planning application 14/0779/FL to provide minor alterations and elevation changes, to increase number of cinema seating to 1245 and to allow details of car parking strategy, waste / litter management to be submitted prior to first occupation of the building – Granted subject to conditions on 22 December 2014

14/0779/FL - Section 73 Application - Application under section 73 to vary condition A7 of planning permission 13/0440/FL to enlarge the footprint of the proposed cinema units 5 and 6 (formally units 1a and 1b) and change elevation details - Granted subject to conditions on 16 July 14

13/0440/FL - Hybrid Application - Full Planning Application for Multi-Screen Cinema (Use Class D2) at first and second floor with Retail, Restaurants and Cafes, Drinking establishments (Use Classes A1/A3/A4) at ground floor level and two separate units for Restaurants and Cafes and Drinking Establishments (Use Class A3/A4), car parking, external seating area, landscape works, additional temporary surface car parking, canal footbridge, associated works and access arrangements. Outline Application (all matters reserved) for Leisure, Retail, Restaurants and Cafes and Drinking Establishments (Use Classes A1, A3, A4 and D2) – Granted subject to conditions 21 June 2013.

Waterfront South residential development

07/0618/FL/W7 and amended through 09/0832/FL – development of 316 dwellings and commercial buildings – Granted subject to conditions and currently at an advanced stage of construction.

Relevant Planning Policy Summary

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

National Planning Policy Framework 2012 (NPPF) and associated guidance

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

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

- Not simply be about scrutiny, but instead be a creative exercise in finding ways to enhance and improve the places in which people live their lives
- Always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings
- Conserve heritage assets in a manner appropriate to their significance
- 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

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

On planning conditions the NPPF says:

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

The Black Country Core Strategy (BCCS)

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

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

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

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

CSP4: Place Making
CSP5: Transport Strategy
DEL1: Infrastructure Provision
CEN3: Growth in the Strategic Centres
CEN4: Regeneration of Town Centres
TRAN1: Priorities for the Development of the Transport Network
TRAN2: Managing Transport Impacts of New Development
TRAN4: Creating Coherent Networks for Cycling and for Walking
TRAN5: Influencing the Demand for Travel and Travel Choices
ENV2: Historic Character and Local Distinctiveness
ENV3: Design Quality
ENV4: Canals

These Policies are considered to be consistent with the NPPF.

Walsall's Unitary Development Plan (UDP)

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

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

GP2: Environmental Protection
GP3: Planning Obligations
ENV24: Wildlife Corridors
ENV29: Conservation Areas
ENV32: Design and Development Proposals
ENV40: Conservation, Protection and Use of Water Resources
S3: Integration of Development into Centres
S4: The Town and District Centres: General Principles
T8: Walking
T11: Access for Pedestrians, Cyclists and Wheelchair Users
WA12: Town Wharf ("Walsall Waterfront")
WA19: Pedestrians, Cyclists and Disabled People

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

Walsall Town Centre Area Action Plan

This is an emerging document currently undergoing consultation on the preferred options and therefore carried limited weight.

Supplementary Planning Documents

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

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

- Designing Walsall
- Walsall Waterfront

Consultations (consultation period open until 01 October therefore any further responses will be reported in the Supplementary Paper)

Access Officer – No objections.

Area Partnership – Comments to be updated at planning committee.

Canal and River Trust – Comments to be updated at planning committee.

Conservation Officer – No objections.

Highway Authority – Supports the retention of the western-most footbridge across the canal which will provide an important pedestrian/cycle link between the residential areas on the south of the canal to the leisure and retail facilities on the northern side. The previously approved additional footbridge to the east near the canal basin is considered less important as the alternative route around the basin is reasonably convenient. No objections.

Inland Waterways Association Birmingham - Comments to be updated at planning committee.

Police Architectural Liaison Officer – No objections. Car parking should meet Park Mark standards.

SRF Walsall Town Centre - Comments to be updated at planning committee.

Town Centre Manager – No objections.

Walsall Housing Group - Comments to be updated at planning committee.

Public Participation Responses (consultation period open until 01 October therefore any further responses will be reported in the Supplementary Paper)

None received at the time of writing.

Determining Issues

- Whether or not it is acceptable to delete the conditions requiring provision of the bridge

Observations

Whether or not it is acceptable to remove the conditions requiring provision of the bridge

It is considered that none of the national policies, local development plan policies or other material considerations have changed significantly since the previous grant of planning permission. As such the assessment of this application focuses only on the merits of the proposed omission of a canal bridge.

The policy requirement is for at least one bridge to be provided across the canal arm to link the development north and south of the canal and provide pedestrian links (UDP 'saved' Policy WA12, Waterfront SPD and emerging Walsall Town Centre Area Action Plan). The planning permission for the residential development requires a bridge, secured by a S106 agreement, which would link to the cinema site and this requirement would remain unchanged. This is considered to be a better location for a foot bridge rather than closer to the canal basin, which is the position currently required for the cinema/leisure development. Whilst a bridge in this location would likely be used, it is only a short walk around the canal basin, therefore the omission of the bridge is considered to not be detrimental to pedestrian links to the town centre. The location closer to the cinema site would also provide better direct access for the occupiers of the residential development through the cinema/leisure site to the public highway and public transport links on Wolverhampton Street. The Highway Authority has confirmed no objections to the application and supports the approach taken. It is considered that the omission of one bridge would not be significantly detrimental to pedestrian permeability of the developments. Furthermore the omission of a bridge is considered to not have any detrimental design or appearance impacts for the development or the canal.

A planning obligation is proposed to provide a sum to be used towards the cost of providing an alternative canal bridge and other canal side improvement works. A draft deed under S106 and S106a has been submitted, to link this application to the existing S106 agreement and add a new obligation to secure the canal bridge and canal side improvements contribution. The value of the contribution offered is likely to be just over half of the cost of providing a bridge, including maintenance, subject to the final design of the bridge. Subject to an acceptable planning obligation being entered into, it is considered that this would be a suitable alternative to provision of the bridge at the mouth of the canal basin.

The aims of the application can be achieved by deleting the requested condition and substituting plans by amending the approved plans condition. The other conditions imposed on the previous planning permission should be repeated on this decision, updated as required where any previously imposed requirements have already been complied with.

The following plans should be removed from the approved plans condition:

(00)300 N – Proposed Masterplan Phase 2

(00)305 J – Proposed Masterplan showing Detailed and Outline Consent Areas
(00)365 B – Proposed Masterplan Transitional Parking Plan Phase 1
(90)350 a – Indicative Bridge Design

The following plans should be added to the approved plans condition:

(00)300/01 – Proposed Masterplan Phase 2
(00)305/01 – Proposed Masterplan showing Detailed and Outline Consent Areas
(00)365/03 – Proposed Masterplan Transitional Parking Plan Phase 1

Conclusions

On balance, the application is considered to be acceptable subject to the recommended conditions and subject to a planning obligation being completed to secure the contribution towards the canal bridge and canal side improvements.

Positive and Proactive working with the applicant

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

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

Recommendation: Delegate to the Head of Planning and Building Control to grant subject to conditions, provided that a deed of variation and supplemental agreement under s106 and s106A are first completed, to link the original S106 agreement to this application and secure a contribution to be used towards construction of a footbridge and public realm enhancements across the Walsall Canal, subject to no representations being received which raise new material considerations by 02 October 2015:

Schedule of Conditions

A- General Planning Conditions applying to the whole development
B - Phase 1 Planning Conditions (Full Planning Permission)
C - Phase 2 Planning Conditions (Outline Planning Permission)

A - General Planning Conditions applying to the whole development

A0) The term “Phase” means: Individual sites within the overall application site that can be progressed in individual reserved matters submissions and still meet the overall aspirations and objectives of the outline planning permission.

Reason: To define the permission, and create the framework for the conditions, and their application to parcels of land.

A1) For the avoidance of doubt the Phases shall comprise as follows:

Phase 1 – as shown on Plan reference (00)365/03, including the following:

Cinema and associated ground floor units, Unit 5 and Unit 6, access, landscaping, public realm, canal works, highways works, temporary car park subject to the conditions within Schedules A and B of this permission.

Phase 2 – Replacement of the temporary car park with appropriate development as illustrated on drawing (00)300/01 subject to the submission of satisfactory reserved matters as defined by Schedules A and C of this permission. The buildings shown are not approved by this permission.

Reason: In order to define the permission and phasing of the development.

A2) Unless amendment is sought through planning conditions or the Reserved Matters submission, the development hereby permitted shall be undertaken in accordance with the details shown on the following drawings and documents submitted to the Local Planning Authority:

Plans and Drawings:

(00)100 Rev J

(00)300/01

(00)305/01

(00)310 Rev G

(00)311 Rev F

(00)312 Rev D

(00)321 Rev E

(00)365/03

(00)400 Rev E

J635-20 Rev A

(00)500 Rev 01

(00)510 Rev G

(00)520 Rev D

MC9000_H

M15010 – PG11 Rev D

M15010/002

M5010-100 Rev 04

Documents:

Design and Access Statement (ref: 13,026/IMAGES) prepared by Archial/ID Planning
Statement prepared by ID Planning

Flood Risk Assessment and Addendum (ref: 2372/FRA_v1.2) prepared by Westwood

Baseline Ecological Audit (ref: 5501/3987/1/HAUD) prepared by Betts Ecology

Ecological Planting to Supplement Landscape Strategy (ref: 5501 Version2.0) prepared by Betts Ecology

Transport Assessment and Addendum (ref: W50775 / R01 Rev A) prepared by Pell Frischmann

Framework Travel Plan (ref: W50775 / R02 Rev A) prepared by Pell Frischmann

Landscape Report (ref: 15010 Rev D) prepared by Gillespies

Geo-environmental Appraisal (ref: T/13/1216/GA) prepared by Tier Environmental

Statement of Community Involvement prepared by Acceleris Marketing Communications

Walsall Waterfront Technical Note 2

Reason: To define the permission

A3) The details agreed via the formal discharge of conditions 14/1290/DOC of measures to control water runoff from the site during construction (including details of the timing of construction of the proposed measures, and of their removal) shall be implemented in accordance with that approval.

Reason: To protect the water environment.

A4) The details agreed via the formal discharge of conditions 14/1290/DOC for wheel washing shall be fully implemented and retained throughout the reclamation and construction period.

Reason: To prevent mud being deposited on the public highway.

A5a) (i) The approved uses in the detailed planning permission are as follows:

Cinema Building:

Ground Floor Units (Use Classes A1, A3, A4)

First and Second Floor (Use Class D2)

Unit 5 and Unit 6 (Use Classes A3/A4)

(ii) The approved uses in the outline planning permission are A1, A3, A4 and D2

(iii) Retail use (Use Class A1) shall be a maximum of one unit and no greater than 500sqm

A5b) Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987(as amended) and the Town and Country Planning (General Permitted Development) Order 2015 (as amended), there shall be no change of the particular use approved under part (i and ii) of this condition to retail (Use Class A1) use.

Reason: To define the permission, to deliver appropriate levels of leisure development, to control the nature of retailing on the site, to secure retailing which is either complementary to the other uses on the site, or of a character which adds interest to the site and the town centre, to reflect the overprovision of convenience retailing in the town centre identified in the Black Country Centres Study 2009 (GVA Grimley) and to ensure the health and viability of the Primary Shopping Area as the primary location for comparison retailing.

A6) No demolition, construction or engineering works, (including land reclamation, stabilisation, preparation, remediation or investigation) or deliveries associated with demolition, construction or engineering works, shall take place on any Sunday, Bank Holiday or Public Holiday, and otherwise such works shall only take place between the hours of 07.00 to 18.00 weekdays and 08.00 to 13.00 Saturdays. No plant, machinery or equipment associated with such works shall be started up or operational on the development site outside of these permitted hours.

Reason: In the interests of the amenity of adjacent occupiers

B - Phase 1 Planning Conditions

B1a) Before any part of the development is brought into use a landscape management plan shall be submitted to the Local Planning Authority and approved in writing. The management plan shall be carried out to an accepted methodology and provide full details of:

- How the ecological planting will be maintained through the establishment period and managed thereafter.
- Monitoring and reviewing the effects of management and incorporating any remedial works required to implement the approved landscape scheme.
- How the ornamental landscape schemes will be maintained through the establishment period and managed thereafter.
- Provision for the replacement of any plant which dies, becomes diseased or damaged within a period of 5 years from the completion of the development.
- Details of routine maintenance such as pruning/ litter picking/ cutting/ watering in dry period/ weeding.
- Full details of all management operations will be set out together with a timetable for each operation.

B1b) The landscape scheme agreed via the formal discharge of conditions 14/1290/DOC shall be implemented before the development is brought into use and managed in accordance with the approved management plan.

Reason: To ensure satisfactory development of the application site and to enhance the appearance of the area and to ensure that the proposed development contributes to the preservation and enhancement of the local character, distinctiveness and ecological value of the waterway corridor.

B2a) Prior to first occupation of any buildings on site, details shall be submitted to the Local Planning Authority for car park management. The development will operate a scheme of parking controls through a pay and display mechanism to:-

- i) Prevent use of the car parks on the site by long-stay commuters and
- ii) Maintain the use of the car park within the application site as short-stay parking for shoppers within the development, shoppers in the town centre and other non-commuter uses within the site and in the town centre. Short-stay is defined as up to 4 hours,

B2b) The scheme will have a pricing structure similar to that of the Council's short-stay car parks, with the following qualifications:-

- i) Charges shall never be less than the charges applicable to the Council's short-stay car parks; and may be up to, but never more than, twice the charges applicable to the Council's short-stay car parks
- ii) The site operator may offer free parking to customers of the development for up to 4 hours.

B2c) The site operator may review the charges with the Council in the event that it is evident that any pricing structure fails to ensure that adequate parking remains available to customers.

B2d) The approved scheme and details shall be fully implemented and fully operational prior to the first use of the car park.

B2e) No car park shall be brought into use prior to the commencement of built development.

Reason: To ensure town centre developments should be functionally integrated and not cause congestion on the surrounding highway network; parking should support the Council's strategy of enhancing the centre and should serve the centre as a whole, to provide for shoppers and visitors, through management and pricing arrangements; parking controls should discourage commuters and an inappropriate regime for parking could have an adverse impact on the vitality and viability of Walsall Town Centre. Further short stay surface level car parking is not required and should only be provided in support of the proposals for development.

B3a) Prior to first occupation of any buildings on the site details of a waste storage, servicing area, collection and litter management plan for the site shall be submitted to and agreed in writing by the Local Planning Authority.

B3b) The approved details of the servicing areas and bin storage areas shall be fully implemented prior to the occupation or bringing into use of any of the commercial units approved in Phase 1.

Reason: To prevent pollution of the waterway and ground water from wind blow, seepage or spillage of waste products and materials, and to ensure the satisfactory appearance of the development in accordance with policies ENV3 Design Quality and ENV4 Canals of the adopted Black Country Core Strategy, ENV29 and ENV32 of the Unitary Development Plan and the Adopted Walsall Waterfront SPD.

B4) The details agreed via the formal discharge of conditions 14/1290/DOC of the proposed boundary treatments, including for the service areas and of any barriers to be provided to prevent vehicles from entering the canal, shall be fully implemented in accordance with the agreed details.

Reason: To protect the integrity of the canal infrastructure and to prevent a detrimental impact on the appearance of the waterway corridor from the erection of poorly designed boundary treatments, in accordance with policies ENV3 Design Quality and ENV4 Canals of the adopted Black Country Core Strategy.

B5) The Phase 1 cladding and facing materials of commercial units shall be implemented in full prior to the occupation or bringing into use of any of the commercial units approved in Phase 1 in accordance with the agreed details under 14/1290/DOC.

Reason: To ensure the satisfactory appearance of the development.

B6) The details agreed via the formal discharge of conditions 14/1290/DOC for a detailed surface water drainage scheme for the site shall subsequently be fully implemented in accordance with the approved details before the development is completed.

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

B7) The details agreed via the formal discharge of conditions 14/1290/DOC for the roof treatment and plant and machinery of units 5 and 6 shall be implemented prior to use.

Reason: Units 5 and 6 are significantly lower in height than the New Art Gallery and Premier Inn hotel and will be looked down on by members of the public and users of these buildings. The proposed roofs will therefore need to be as attractive as possible and appropriate use and appearance is required.

B8) The details agreed via the formal discharge of conditions 14/1290/DOC for the condition of the waterway wall and method statement and schedule of the repairs identified shall be fully implemented in accordance with the agreed details and retained thereafter.

Reason: In the interests of the structural integrity of the waterway wall, waterway heritage, navigational safety and visual amenity in accordance with policies ENV2 Historic Character and Local Distinctiveness, ENV3 Design Quality and ENV4 Canals of the adopted Black Country Core Strategy and the Adopted Walsall Waterfront SPD.

B9a) Before the proposed temporary car park is constructed, details shall be submitted to and approved in writing by the Local Planning Authority, showing its position, arrangement, surfacing and boundary treatment. It will be implemented in accordance with those approved details before the cinema is first brought into use.

B9b) The car park use shall cease no later than 3 years from the first occupation of the cinema or within 6 months of the Reserved Matters approval, whichever is the earlier.

B9c) Should no development come forward within the timescale of part b of this condition, the car park shall be replaced by a scheme of public realm to match landscaping proposals approved under condition B1 of this permission.

Reason: An unlimited permission would prejudice the comprehensive development of the whole site in accordance with the Unitary Development Plan and the application submission.

B10a) Before any part of the development is brought into use a management plan showing how the landscape treatment will be established and managed shall be submitted to the Local Planning Authority and approved in writing. The management plan shall be carried out to an accepted methodology and detail:

- i) How the ecological planting will be established and managed thereafter.
- ii) Management operations to be carried out with proposed dates.
- iii) Monitoring and review to ensure the ecological enhancement of the site/ canal frontage develops in accordance with the approved landscape details.
- iv) Bird and bat boxes position

B10b) The management shall be fully carried out in accordance with the approved management plan.

Reason: To ensure satisfactory development of the application site and to enhance the appearance of the area and to ensure that the proposed development contributes to the preservation and enhancement of the local character, distinctiveness and ecological value of the waterway corridor.

B11a) Prior to completion of built development details (including location and external appearance) of all plant, machinery, equipment and facilities used for the purpose, inter

alia, of heating, extract-ventilation, and/or air conditioning, refrigeration, chilling, provision of compressed air, provision of electricity, waste disposal shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall include:

i) Mitigation to ensure that the proposed systems and methods are designed and operated to ensure that noise emissions, either individually or cumulatively, do not give rise to a complaint likelihood assessment exceeding “marginal significance” at nearby residential premises as determined in accordance with British Standard BS 4142: 1997 ‘Method for Rating industrial noise affecting mixed residential and industrial areas’.

ii) Mitigation to ensure that the proposed systems and methods do not give rise, either individually or cumulatively, to a Noise Rating Exceeding NR 35 1m from the window of any occupied residential premises during the hours 19.00 to 07.00.

iii) Flues serving commercial hot food cooking points

iv) Cleaning and maintenance regimes for odour extraction and abatement systems shall be agreed in writing prior to the systems coming into use.

v) External appearance and appropriate design features to visually disguise plant and machinery.

B11b) All of the agreed details shall be fully implemented prior to the first use of any of the hereby approved buildings.

Reason: To ensure satisfactory appearance of proposed plant and machinery and to ensure that it does not result in the loss of amenity to nearby residents by virtue of odours, smells and noise.

B12a) Prior to the installation of any external seating area or any street furniture within the development, details of the chairs, tables, any boundary treatment or barriers and any other external features within the external seating area shall be submitted to and approved in writing by the Local Planning Authority.

B12b) The development shall subsequently be fully implemented in accordance with the agreed details.

Reason: To ensure the satisfactory appearance of the development and to prevent furniture entering the canal.

B13a) Prior to the installation of any external lighting, details of the proposed lighting for the development including details of foundations, luminance in candelas, light spillage details and hours of operation shall be submitted to and approved in writing by the Local Planning Authority.

B13b) The approved details shall be fully implemented in accordance with the agreed details.

Reason: The lighting at waterside developments should be designed to minimise the problems of glare, show consideration for bats and unnecessary light pollution should be avoided by ensuring that the level of luminance is appropriate for the location, is sustainable and efficient, and protects the integrity of the waterway infrastructure in

accordance with policies ENV1 Nature Conservation, ENV3 Design Quality and ENV4 Canals of the adopted Black Country Core Strategy.

B14a) Within 6 months of the development hereby approved being brought into use, a full Travel Plan relating to the cinema use shall be developed/submitted in partnership with the Highway Authority. This shall identify a package of proposed measures consistent with the aim of reducing reliance on the car, and encouraging the use of sustainable transport. The agreed details of the Travel Plan shall be fully implemented within three months of being agreed and shall be retained throughout the life of the development.

B14b) A Travel Plan Co-ordinator shall be nominated (this may not be their only role). They will manage the Travel Plan and co-ordinate the annual survey and review, which will be submitted to, and approved in writing by the Local Planning Authority in consultation with the Highway Authority on the 12 month anniversary of the travel plan originally being implemented.

Reason: To promote sustainable travel with a view to reduce congestion, the environmental impact of car use, and improve health, in accordance with TRAN 4 of the Black Country Core Strategy.

B15) The details agreed via the formal discharge of conditions 14/1290/DOC for the location of parking for site operatives and visitors shall be fully implemented prior to the commencement of the development and thereafter retained, maintained and kept available during construction of the development.

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

B16) The details agreed via the formal discharge of conditions 14/1290/DOC for security oriented design measures and physical security measures for all buildings and public spaces shall be fully implemented concurrently with the relevant element of the development, and thereafter retained.

Reason: To ensure the safety of the occupiers and users of the development.

B17a) A system to control grease, oil and fat discharges to drainage/sewerage systems shall be agreed in writing with the Local Planning Authority.

B17b) The approved details shall be fully implemented prior to use and retained thereafter.

Reason: To prevent inappropriate discharges into the drainage system

B18) The permitted development shall meet the equivalent of 2005 Building Research Establishment Environmental Assessment Method 'very good' standard, as a minimum or provide details of sustainable construction and management details to reduce energy and consumption.

Reason: In order to comply with guidance within saved policy ENV40 of Walsall's Unitary Development Plan, ENV3, ENV5 and ENV7 of the Black Country Core Strategy and the National Planning Policy Framework in terms of sustainable development and use of natural resources towards lower-carbon technology.

B19a) Within 6 months of the commencement of the development, the following details shall be submitted for approval in writing by the Local Planning Authority and in conjunction with the Highway Authority and Walsall Council's Street Lighting partner Amey:

- Full engineering details of the proposed improvements to the existing roundabout junction and Wolverhampton Street, to include pedestrian crossing facilities.
- Full engineering details of the proposed new access off Wolverhampton Street as specified on the approved plans.
- Full engineering details of the highway infrastructure works to facilitate the closure of the all existing redundant accesses and vehicular crossovers onto Wolverhampton Street.

B19b) Prior to occupation of the development all the detailed highway infrastructure works and cycle parking shall be fully implemented, completed and brought into use to the satisfaction of the Highway Authority in accordance with the agreed construction method statement and timetable.

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

B20a) Prior to the occupation of the development hereby approved the access, turning areas and parking facilities shown on the approved plan shall have been properly consolidated, surfaced, drained, free of loose stone in accordance with details to be submitted to and approved in writing by the local planning authority

B20b) These areas shall be thereafter be retained and kept available for those uses at all times.

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

B21) No speakers or public address facilities shall be installed externally.

Reason: To safeguard the amenities of nearby residents

B22) The maximum number of seating for the approved cinema shall not exceed 1245.

Reason: To ensure the satisfactory functioning of the development and in accordance with the submitted Walsall Waterfront Technical Note 2.

C - Phase 2 Planning Conditions

C1) Application for approval of the Reserved Matters shall be made before the 21st June 2016.

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

C2) The development must be begun not later than:

- i) 5 years from the date of decision of the first reserved matters.

ii) 2 years from the approval of the last Reserved Matters

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

C3) This development shall not be commenced until details of the following Reserved Matters have been submitted to and approved by the Local Planning Authority:-

- a) The layout of the building(s);
- b) The scale of the building(s);
- c) The external appearance
- d) Access to the site and buildings,
- e) The landscaping of the site

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

C4) The Reserved Matters will contain a development amount comprising a minimum footprint for development of 1,173sqm.

Reasons: To define the permission and to ensure that future phases of development meet aspirations for leisure led development, especially as the design and amount of development is not agreed and given the need to promote the Waterfront development for formal leisure, banqueting and conference facilities.

C5a) As part of each Reserved Matters submission details of the following shall be submitted to and approved by the Local Planning Authority:

- a) strategy pedestrian movement towards the Primary Shopping Area and across the canal
- b) public realm enhancement and maintenance strategy
- c) a scheme for external lighting and maintenance with areas around the canal and basin minimising glare and light pollution.
- d) details of proposed refuse and waste recycling facilities
- e) fire and emergency service access
- f) measures for ecological enhancement

C5b) The agreed details shall be fully implemented prior to the first use of the hereby approved development and retained thereafter.

Reason: To ensure the satisfactory appearance and functioning of the development.

C6a) As part of the Reserved Matters details shall be submitted to the Local Planning Authority for car park management as a result of the proposed additional development. The development will operate a scheme of parking controls through a pay and display mechanism to:-

- i) Prevent use of the car parks on the site by long-stay commuters and
- ii) Maintain the use of the car park within the application site as short-stay parking for shoppers within the development, shoppers in the town centre and other non-commuter uses within the site and in the town centre. Short-stay is defined as up to 4 hours,

C6b) The scheme will have a pricing structure similar to that of the Council's short-stay car parks, with the following qualifications:-

- i) Charges shall never be less than the charges applicable to the Council's short-stay car parks; and may be up to, but never more than, twice the charges applicable to the Council's short-stay car parks
- ii) The site operator may offer free parking to customers of the development for up to 4 hours.

C6c) The site operator will submit to and agree in writing with the Local Planning Authority any subsequent changes to the management scheme. The site operator may review the charges with the Council in the event that it is evident that any pricing structure fails to ensure that adequate parking remains available to customers.

C6d) The approved scheme and details shall be fully implemented and fully operational prior to the first use of the car park.

Reason: To ensure town centre developments should be functionally integrated and not cause congestion on the surrounding highway network; parking should support the Council's strategy of enhancing the centre and should serve the centre as a whole, to provide for shoppers and visitors, through management and pricing arrangements; parking controls should discourage commuters and an inappropriate regime for parking could have an adverse impact on the vitality and viability of Walsall Town Centre.

C7a). As part of each Reserved Matters submission a detailed landscaping scheme for the site, (including any necessary phasing of implementation shall be submitted to the Local Planning Authority. The submitted scheme will include where appropriate,

- a) any necessary phasing
- b) arrangements for temporary servicing of buildings that are brought into use in advance of completion of the servicing access arrangements
- c) green and brown roof ecological impact mitigation measures, bat and bird boxes
- d) surfacing able to handle a 17 tonne high reach Fire Service vehicle
- e) litter collection bins
- f) suitable details for all parts of the site not covered by buildings.
- g) canal side improvements

C7b). The landscape scheme shall be submitted on a plan to an appropriate scale and shall include, where applicable, details of:

- Proportions (%) of plant species within each proposed plant mix.
- How the plants will be introduced, for example as: seeds, plugs, whips, standards, through natural colonisation and how the land will be prepared.
- Topsoil/growing media specification
- Specification of trees and shrubs and associated tree pit specification.
- Plant numbers, weights of seed, density of sowing/ planting.
- Locations of all planting.
- Details of hard landscaping/ lighting and drainage.
- Details of access and circulation.
- Coir rolls and gabions to be provided within the canal
- Management strategy and regime for a period of 5years

C7c) The development shall be carried out in accordance with the approved landscaping scheme and management regime.

C7d) The approved scheme shall be implemented, in its entirety, in accordance with any agreed phasing or within one year of any part of the development being brought into use or such other period of time as may be agreed in writing by the Local Planning Authority.

Reason: To ensure satisfactory development of the application site and to enhance the appearance of the area and to ensure that the proposed development contributes to the preservation and enhancement of the local character, distinctiveness and ecological value of the waterway corridor.

C8a) Prior to commencement of development a detailed 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 shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include:

i) Limiting the rate of surface water run-off generated by the site to discharge at no more than the Greenfield rate of 6.4 l/s

ii) Provision of attenuation storage volume on the site to retain the 100 year + climate change flow event volume assuming the discharge rate given above as detailed.

iii) Details of how the entire surface water scheme shall be maintained and managed after completion.

iv) At the detailed design phase, details must also be provided to confirm that surface water will not leave the proposed site in the 100 year + climate change allowance event. Drainage calculations must be included (e.g. Micro Drainage or similar package calculations), including the necessary attenuation volume, pipeline schedules, network information and results summaries to demonstrate that the greenfield discharge rate as proposed in the FRA and addendum will be achieved across all storm events.

v) If the system surcharges, the location of any surcharging should be identified as should any resultant overland flood flow routes. Any excess surface water must be routed away from any proposed or existing properties. If above ground flooding is to occur, detail must be provided of depth and where this will go and prove that the development or adjacent property will not be flooded as a result.

C8b) The scheme shall subsequently be fully implemented in accordance with the approved details before the development is completed and retained thereafter.

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

C9a) As part of the reserved matters submission a schedule of the facing materials shall be submitted to and approved in writing by the Local Planning Authority.

C9b) The development shall subsequently be implemented in accordance with the agreed details.

Reason: To ensure the satisfactory appearance of the development.

C10a) As part of the reserved matters submission details of the proposed boundary treatments, including for the service areas and of any barriers to be provided to prevent

vehicles from entering the canal, shall be submitted to and agreed in writing by the Local Planning Authority.

C10b) The development shall subsequently be fully implemented in accordance with the agreed details and retained thereafter.

Reason: To protect the integrity of the canal infrastructure and to prevent a detrimental impact on the appearance of the waterway corridor from the erection of poorly designed boundary treatments, in accordance with policies ENV3 Design Quality and ENV4 Canals of the adopted Black Country Core Strategy.

C11a) As part of the Reserved Matters submission assessment and details wherever practicable shall be submitted to and agreed in writing by the Local Planning Authority in conjunction with the Canal and Rivers Trust for the following:

- i) street furniture
- ii) lighting strategy
- iii) ablution facilities for canal users
- iv) electricity and water supply to the canal and canal basin

C11b) The proposals shall be implemented in accordance with the agreed details and retained thereafter.

Reason: The Phase 2 proposals are in outline with all matters reserved with no end users or detail agreed and therefore additional infrastructure should be explored to promote a lively and interesting canalside development which is active for users of the canal in addition to users of the waterside development and in accordance with policies ENV3 Design Quality and ENV4 Canals of the adopted Black Country Core Strategy and the Adopted Walsall Waterfront SPD.

C12a) As part of the Reserved Matters submission details of a waste storage, collection and litter management plan for the site shall be submitted to and agreed in writing by the Local Planning Authority

C12b) The proposals shall be fully implemented in accordance with the agreed details and retained thereafter.

Reason: To prevent pollution of the waterway and ground water from wind blow, seepage or spillage of waste products and materials in accordance with policies ENV3 Design Quality and ENV4 Canals of the adopted Black Country Core Strategy and the Adopted Walsall Waterfront SPD.

C13a) As part of the Reserved Matters submission a management plan showing how the landscape treatment will be established and managed is submitted to the Local Planning Authority and approved in writing. The management plan shall be carried out to an accepted methodology and detail:

- i) How the ecological planting will be established and managed thereafter.
- ii) Management operations to be carried out with proposed dates.
- iii) Monitoring and review to ensure the ecological enhancement of the site/ canal frontage develops in accordance with the approved landscape details.
- iv) Green and brown roof detail and management
- v) Bird and bat boxes position

C13b) The management of the landscaping shall be fully carried out in accordance with the approved management plan.

Reason: To ensure satisfactory development of the application site and to enhance the appearance of the area and to ensure that the proposed development contributes to the preservation and enhancement of the local character, distinctiveness and ecological value of the waterway corridor.

C14a) As part of the Reserved Matters the submitted Travel Plan Framework shall be updated in consultation with this Council's highways officers and the Public Transport Authority (PTA) and include a mechanism for delivery of the Travel Plan.

C14b) The Travel Plan submission will identify a package of measures consistent with the aim of reducing reliance on the car, and should include (but not be limited to) providing information on / promoting the use of alternative modes of transport, by:-

- i) The appointment of a travel plan co-ordinator,
- ii) The establishment of targets for modal shift,
- iii) The details of measures to be employed to achieve the identified targets,
- iv) Mechanisms for ongoing monitoring and review of targets and travel plan measures,
- v) Details of penalties and/or additional measures to be investigated / implemented in the event that the identified targets are not met.
- vi) Public transport information and ticket details;
- vii) Cycle provision, showers and lockers and associated infrastructure for staff; and
- viii) Walking initiatives.
- ix) Improving overall links to the main public transport infrastructure of and the primary retail core.

C14c) Prior to the first occupation of each building the approved measures shall be developed into a formal Travel Plan and agreed in writing by the Local Planning Authority, including binding methods of delivery, review, and monitoring of the measures in the Travel Plan (including the requirements of this condition).

C14d) The approved Travel Plan shall be fully implemented during the six months following the first occupation of the premises. Following the expiry of this period of time, a review of the Plan shall be carried out, and submitted to the Local Planning Authority for approval. The review will identify any refinements and clarifications deemed necessary to the Plan.

C14e) The occupation and use of the development shall comply with the requirements of the revised plan approved under part (d) of this condition, at all times,.

Reason: To ensure the satisfactory functioning of the development, to promote the use of a range of modes of transport, and minimise the use of the car.

C15a) As part of the Reserved Matters details shall be submitted to the Local Planning Authority setting out where the location of parking for site operatives and visitors shall be provided within the application site.

C15b) The approved details shall be fully implemented prior to the commencement of the development and thereafter retained, maintained and kept available during construction of the development.

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

C16a) As part of the Reserved Matters details of security oriented design measures and physical security measures for all buildings and public spaces shall be submitted to and approved in writing by the Local Planning Authority.

C16b) The approved measures shall be fully implemented concurrently with the relevant element of the development, and thereafter retained.

Reason: To ensure the safety of the occupiers and users of the development.

C17a) Prior to occupation details (including location and external appearance) of all plant, machinery, equipment and facilities used for the purpose, inter alia, of heating, extract-ventilation, and/or air conditioning, refrigeration, chilling, provision of compressed air, provision of electricity, waste disposal shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall include:

i) Mitigation to ensure that the proposed systems and methods are designed and operated to ensure that noise emissions, either individually or cumulatively, do not give rise to a complaint likelihood assessment exceeding “marginal significance” at nearby residential premises as determined in accordance with British Standard BS 4142: 1997 ‘Method for Rating industrial noise affecting mixed residential and industrial areas’.

ii) Mitigation to ensure that the proposed systems and methods do not give rise, either individually or cumulatively, to a Noise Rating Exceeding NR 35 1m from the window of any occupied residential premises during the hours 19.00 to 07.00.

iii) Flues serving commercial hot food cooking points

iv) Cleaning and maintenance regimes for odour extraction and abatement systems shall be agreed in writing prior to the systems coming into use.

v) External appearance and appropriate design features to visually disguise plant and machinery.

C17b) Agreed details shall be fully implemented prior to the first use and retained thereafter.

Reason: To ensure satisfactory appearance of proposed plant and machinery and to ensure that it does not result in the loss of amenity to nearby residents by virtue of odours, smells and noise.

C18. The development, the subject of the Reserved Matters submission shall meet the equivalent of the 2005 Building Research Establishment Environmental Assessment Method ‘very good’ standard, as a minimum.

Reason: In order to comply with guidance within saved policy ENV40 of Walsall's Unitary Development Plan, ENV3, ENV5 and ENV7 of the Black Country Core Strategy and the National Planning Policy Framework in terms of sustainable development and use of natural resources towards lower-carbon technology.

C19a) A system to control grease, oil and fat discharges to drainage/sewerage systems shall be agreed in writing with the Local Planning Authority.

C19b) The approved details shall be fully implemented prior to the first use of the development and retained thereafter.

Reason: To prevent inappropriate discharges into the drainage system

Notes for applicant:

1. Canal and River Trust:

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

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

C) The proposed development indicates the provision of a bridge crossing and soft planting within the canal. The applicant/developer is advised that Canal & River Trust' consent is required for these. Please contact the Canal & River Trust Estates Team on 01827 252034 for further advice.

D) The proposed development indicates that surface water may be discharged to the canal. The applicant/developer is advised that Canal & River Trust' consent is required for such a discharge. Please contact the Canal & River Trust Utilities Team on 01926 626108 for further advice.

2. Highways

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

B) No Drainage to Discharge to Highway - Drainage arrangements shall be provided to ensure that surface water from the compound does not discharge onto the public highway. No drainage from the proposed development shall be allowed to discharge into any highway drain or over any part of the public highway.

3. Crime Prevention and Reduction - The Crime Prevention Design Advisor / Crime Reduction Officer strongly recommend that the car park meets Safer Parking 'Park Mark' standards. This would greatly reduce the possible impact of crime this development could have on the area. Park Mark is similar to Secure By Design but for car parks and has proven to be very effective in creating safe car parking environments. Information can be found at <http://www.britishparking.co.uk/Guidelines-and-resources>



Economy and Environment, Development Management

Planning Committee

Report of Head of Planning and Building Control on 01-Oct-2015

Plans List Item Number: 4.

Reason for bringing to committee: Major Application

Location: FORMER WORKS SITE C/O CEMETERY ROAD AND VILLIERS STREET, WALSALL

Proposal: ERECTION OF 10 NO. THREE BEDROOM 2½ STOREY HOUSES PLUS PARKING.

Application Number: 15/0559/FL

Applicant: SCS Ltd

Agent: Timothy R Armstrong Architect

Application Type: Full Application

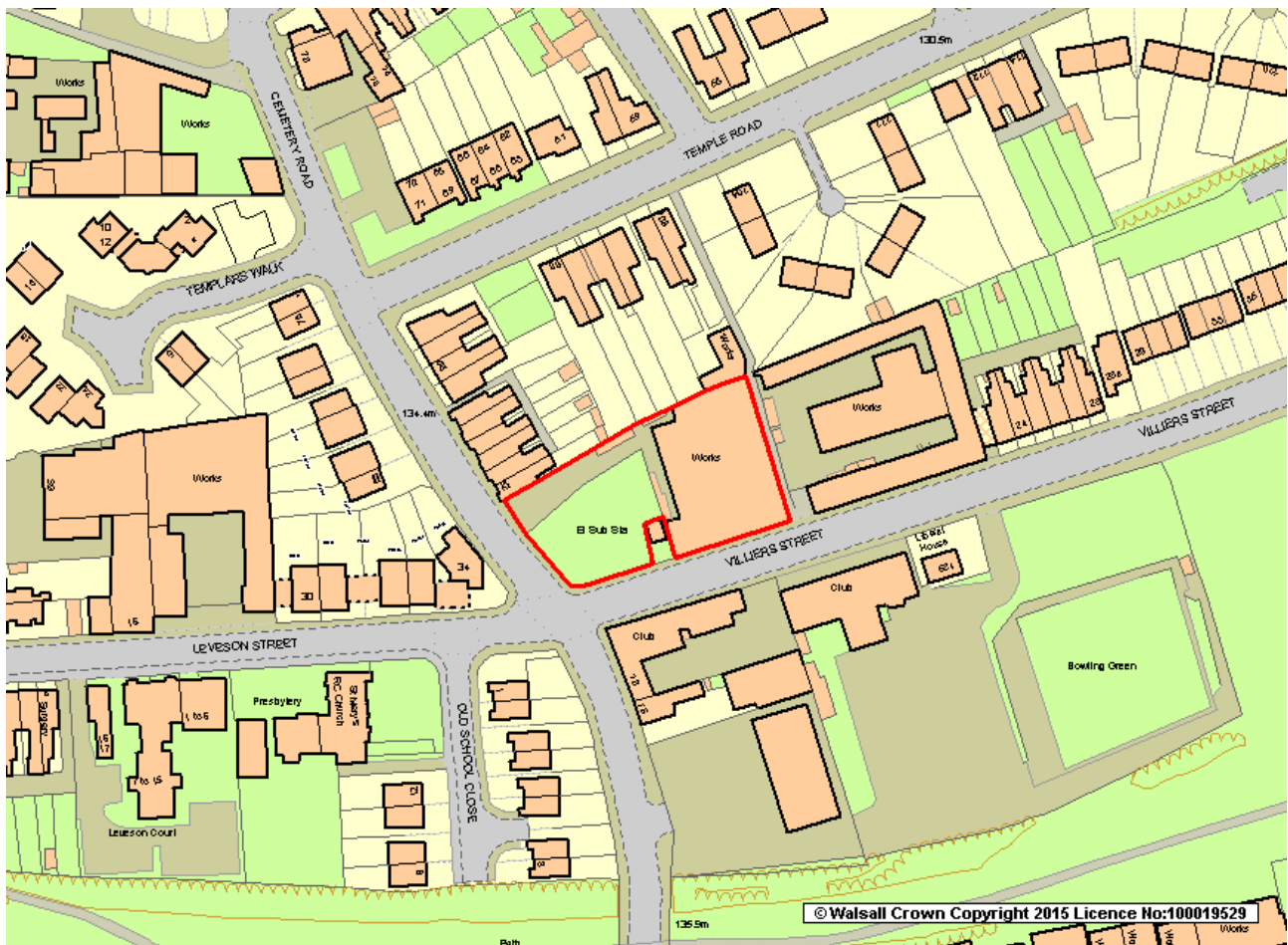
Case Officer: Alison Ives

Ward: Willenhall South

Expired Date: 13-Jul-2015

Time Extension Expiry: 05-Oct-2015

Recommendation Summary: Grant Subject to Conditions, and subject to a S106 Agreement to secure provision for urban open space unless the District Valuation Officer confirms the development is not viable with full contributions



Application and Site Details

The proposal is for the demolition of the remaining former industrial buildings at this site at the junction of Cemetery Road and Villiers Street and erection of 10 x 3 bedroom houses.

The front half of the site is vacant and enclosed by palisade fencing and there is an industrial building on the other half of the site facing Villiers Street. An electricity substation is located halfway along the frontage to Villiers Street. There is terraced housing in Cemetery Road and Temple Road surrounding the northern boundary of the site, industrial premises adjacent in Villiers Street, modern housing in Leveson Street opposite, a vacant night club on the opposite corner of Cemetery Road and Willenhall Liberal Club and further terraced housing in Villiers Street beyond the site. There is a public right of way (Willenhall 61) which runs alongside the eastern boundary and runs between Villiers Street and Temple Road.

The proposed housing is laid out to face Cemetery Road and Villiers Street with secure parking at the rear. The housing facing Villiers Street is split into three blocks, a terrace of four, a pair of semi's and terrace of three. The blocks are separated by the substation and proposed access to the parking areas. A detached house and the end terrace of four face Cemetery Road.

With the exception of the corner plot the houses are two and a half storey height with dormer windows in the front roof elevation to accommodate the third bedroom.

There are 20 parking spaces which equates to 200% parking provision. Most of the spaces are at the rear but two properties fronting Villiers Street have driveways. The access to the parking area is between plots and electric gates are proposed to secure this area.

Relevant Planning History

04/0685/FL/W2 – Erection of 14 no. Apartments – Granted subject to conditions and a S106 Agreement to secure urban open space contributions 04/10/05.

BC34453P: Outline application for erection of 9 dwellings including details of siting and access - Granted 1991.

Relevant Planning Policy Summary

National Planning Policy Framework (NPPF)

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

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

Find ways to enhance and improve places in which people live their lives

Contribute to conserving and enhancing the natural environment and reducing pollution.

Always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings

Take account of the different roles and character of different areas, promoting the vitality of our main urban areas

Encourage the effective use of land by reusing land that has previously been developed

Key provisions of the NPPF relevant in this case:

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

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

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

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

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

Function well and add to the overall quality of the area

Establish a strong sense of place

Respond to local character and history and reflect the identity of local surroundings and materials

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

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

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

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

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

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

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

On planning conditions the NPPF says:

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

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

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

The Development Plan

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

The Black Country Core Strategy (BCCS) (2011)

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

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

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

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

The Spatial Objectives include

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

The above are supported by the following policies:

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

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

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

HOU2: Advises on housing density, type and accessibility and the need to achieve high quality design and minimise amenity impacts. All developments should aim to achieve a minimum net density of 35 dwellings per hectare, except where higher densities would prejudice historic character and local distinctiveness as defined

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

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

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

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

ENV1: Seeks to safeguard nature conservation.

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

ENV3: Refers to design quality requirements.

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

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

Walsall's Unitary Development Plan (UDP)

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

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

The relevant policies are:

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

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

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

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

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

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: The quality of all water resources will be protected.

JP7: Seeks to protect other employment areas for employment uses.

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

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

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

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

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

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

T10 (a): Refers to accessibility standards.

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

1, 2 & 3 bed houses: 2 spaces per unit.

Supplementary Planning Documents (SPD)

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

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

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

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

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

DW5: Ease of Movement – connections to existing routes

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

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

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

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

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

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

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 in principle. The developer should confirm that visibility splays are achievable within their land ownership. Appropriate boundary treatment to the public right of way should also be secured by condition.

Coal Authority – No objections. A Coal Mining Risk Assessment report has been provided and recommends intrusive investigation works are undertaken prior to development commencing to establish the exact coal mining legacy issues on site. A condition to secure this and any remedial measures is recommended. A note for applicant regarding coal mining considerations is recommended.

Community Safety Officer – Queries the distance between the electric gate and the walls to either side as this space seems to form access points. A request for confirmation of the site boundary treatment is also made.

Environmental Health – No objections. Although there are two cubs nearby (former Ponderosa and Willenhall Liberal Club) there are no records of complaints about disturbance.

Police – No objections in principle. The site is within Willenhall South Neighbourhood Policing Beat Team and has had 1604 recorded crimes in the last 12 months, one of the highest crime areas in Walsall. It is recommended that Secure by Design specifications are incorporated as they will significantly increase security of the building.

Pollution Control – No objections subject to noise mitigation and land contamination conditions being included within any permission. Prior to demolition of the remaining building on site the applicant needs to assess whether any hazardous substances are present, including asbestos, and ensure these are removed and managed/disposed of in accordance with relevant legislation and codes of practice. Planning conditions are recommended to address this. A condition to secure a construction working plan is also recommended to ensure that demolition/engineering/construction activities do not cause excessive disturbance to nearby residential premises and the road network.

The site has historical industrial use and is located in an area of past mining. The applicant must conduct their own contaminated land and ground gas investigations as part of the application process and conditions are recommended to secure this.

The application site layout indicates that a residential property is to be located close to a sub-station. Prior to any development near to the sub-station a survey of the non-ionising radiation is recommended to be conducted to confirm that the levels will be lower than the recommended guidelines (International Committee Non-Ionising Radiation Protection). This is to be secured by a condition.

Adjacent to the site is a redundant industrial building. Opposite the site are a social club, an industrial site, and a transport depot. There is also a sub-station (potential source of low frequency noise) located on the site. Furthermore industrial noise is audible in the area from factories located some distance away from the site (possibly Newhall Street). It is recommended that acoustic mitigation measures are secured by condition.

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

Public Participation Response

One letter of support to the principle of development but raising comment on the detail of the scheme has been received. The representation is summarised as follows:

Supports the use for residential

The area needs rejuvenation

There has been problems of rats in the area

Boundary fencing should be erected to maintain privacy of neighbouring properties

Potential loss of privacy and overlooking neighbours should be considered

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

Determining Issues

Principle of residential development

Layout and Design

Relationship to surrounding properties

Access and parking

Provision for Urban Open Space

Local Finance Considerations

Observations

Principle of development

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

Planning permission for residential development of the site was previously approved albeit was never implemented so although the site is an existing employment site subject to policy JP7 the principle of residential redevelopment has already been accepted on this site.

The representation from a surrounding neighbour also supports redevelopment for residential purposes as the site needs improving and bringing back into use to improve the area.

On the basis of the above the principle of the development is acceptable.

Layout and Design

The proposed layout provides a clear definition between public and private areas with garden space in front of each house and the majority of secure off-street parking located at the rear. The position of the proposed dwellings respects the adjacent housing in Cemetery Road and adjacent buildings in Villiers Street.

Each house has a private rear garden. Although these are minimal sizes below that normally recommended they vary between approximately 30m²-65m² and are usable spaces. The site is close to local shops and amenities in Willenhall and is less than 400m from Willenhall Memorial Park so alternative amenity benefits are available for future occupiers.

The design of the dwellings is considered acceptable as the overall height of the two and a half storey new build is comparable to the height of the adjacent terraced housing in Cemetery Road and industrial premises in Villiers Street. The design of the elevations is also considered appropriate.

The police comments regarding suggested security measures are recommended as a note for the applicant and details of boundary treatments will be secured by condition. This will ensure security of the site and the proposed dwellings is maintained. The layout with defined public and private areas and a secure gate to the parking areas will enhance security. The community safety team have queried whether there is a gap between the electric access gate and adjacent houses. Although the elevation drawing shows no gap details will be secured by condition.

The substation lies between the proposed dwellings but there remains a 0.5m gap to the side elevation of the proposed dwellings. Pollution control officers have recommended that the applicant demonstrates the properties will comply with legislation in respect of electrical magnetic fields to ensure no adverse impact on residential amenities. A condition to secure this is recommended.

The gable wall and garden boundary along the public footpath will present no significant change for users of the footpath and boundary details can be secured by condition. The line of the footpath is unaffected. The house replaces a much larger industrial building presently alongside the footpath so is less overbearing to users of the footpath.

Details of drainage will be secured by recommended conditions to address Severn Trent Water comments and achieve sustainable drainage techniques if feasible on this site.

The layout and design is considered acceptable.

Relationship to surrounding properties

The position of the proposed buildings respects that of the surrounding properties. The end terrace house 32 Villiers Street is positioned at the back of footway and has a blank gable wall adjacent to the site boundary. The detached plot next to 32 Villiers Street is set further back from the highway (2.5m) and despite projecting marginally beyond the rear elevation of number 32 the distance between dwellings means the proposed dwelling does not adversely affect the outlook or privacy.

The distance between the proposed dwellings and those opposite the site in Cemetery Road is not dissimilar to the distance between existing dwellings and as the outlook is across the highway then privacy and outlook are not significantly affected.

The neighbour concerned about overlooking and loss of privacy does not directly adjoin the site boundary and is separated from the site by the public right of way. This is over 26m away from the site boundary so complies with Council guidelines in respect of privacy and aspect distances.

Proposed new boundary treatment will be secured by condition which will help maintain existing resident's security and privacy.

In respect of rats in the area the tidying up and development of the site should address any possible issues in this respect.

On the basis of the above comments the proposed development does not have a significant impact on the amenities of surrounding occupiers.

Access and parking

The proposal introduces a new access onto Villiers Street replacing the existing access. There is adequate visibility to the access and it is wide enough to accommodate two passing vehicles which is acceptable. The electric gates are positioned into the site to allow vehicles to pull off the highway whilst gates are opening so as not to obstruct traffic in the street. The community safety officer has queried whether there is a gap between the gates and adjacent houses. This is not the intention and full details will be secured by condition.

There are 2 off-street car parking spaces per dwelling which complies with UDP policy T13. The layout of the parking is acceptable and allows adequate manoeuvring space.

The access and parking arrangements are considered acceptable and will not have a severe impact on the surrounding highway network.

Provision for Urban Open Space

Under the terms of policies DEL1 of the BCCS and policies GP3 and LC1 of the UDP and SPD: Urban Open Space the proposal triggers the requirement for a contribution towards provision of urban open space. Based on the policy requirements this equates to a contribution of £20,790.00 normally secured by a S106 Agreement. The developer is proposing nil and intends to make a case for viability. Once the developer has provided a Financial Viability Assessment it will be reviewed by the District Valuation Officer. If the District Valuation Officer finds that the scheme is viable with full policy compliant requirements for urban open space then it is recommended that this is secured by a S106 Agreement. In the event that the District Valuation Officer confirms the scheme is not viable with full policy compliant requirements then it is recommended that the proposal is granted subject to conditions without the need for a S106 Agreement to secure urban open space provision.

Local Finance Considerations

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

This application proposes 10 new homes.

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

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

Positive and Proactive working with the applicant

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

Recommendation: Grant permission subject to conditions and subject to a S106 Agreement to secure provision for urban open space unless the District Valuation Officer confirms the development is not viable with full contributions.

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

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

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

Location Plan received 13/04/15

Proposed Site Plan (JMD423-01B) received 25/08/15

Block A Proposed Plans & Elevations (JMD423-02) received 25/08/15

Block B Proposed Plans & Elevations (JMD423-03A) received 25/08/15

Block C Proposed Plans & Elevations Sheet 2 (JMD423-04A) received 25/08/15

Block C Proposed Plans & Elevations Sheet 1 (JMD423-05) received 25/08/15

Block A Proposed Plans & Elevations Detached (JMD423-06) received 25/08/15

Street Scenees (JMD423-08A) received 25/08/15

2 Storey 3 bed unit (JMD423-09) received 25/08/15

Design & Access Statement received 13/04/15

Coal Mining Risk Assessment prepared by Earth Environmental & Geotechnical (A0942/G/1)

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 any demolition\construction works commencing the applicant shall agree a construction working plan in writing with the Local Planning Authority. The plan shall include the following:

Construction working hours

Measures to prevent flying debris

Dust mitigation measures (particularly as the contaminated land investigation has indicated that land is contaminated)

- Measures to prevent site drag-out (including need for wheel cleaning and use of a road-sweeper)

Noise and vibration (if piling and/or ground stabilisation is to be conducted) mitigation measures

3b. The development shall be carried out fully in accordance with the agreed construction working plan.

Reason: To protect the amenities of surrounding properties.

4a. Prior to the commencement of the development the following details shall be submitted to and agreed in writing by the local planning authority:

The submission of a scheme of intrusive site investigations for the mine entries and shallow coal workings for approval;

The undertaking of that scheme of intrusive site investigations;

The submission of a report of findings arising from the intrusive site investigations;

The submission of a scheme of treatment for the mine entries on site for approval;

The submission of a scheme of remedial works for the shallow coal workings for approval;

4b. The approved remedial and treatment works shall be implemented fully in accordance with the agreed details.

Reason: To address the coal mining legacy on site prior to works commencing for the new development.

5a. Prior to demolition a site survey to identify any potentially hazardous materials, including asbestos, shall be carried out and a Method Statement produced detailing actions and relevant time scales to be taken to prevent localised contamination.

5b. The development shall be carried out fully in accordance with the agreed Method Statement.

Reason: To prevent localised pollution and protect the health of local residents and construction workers.

6. Upon completion of demolition and site clearance, the following matters shall be addressed:

Prior to built development commencing a site investigation, ground contamination survey and assessment of ground gas, having regard to current best practice shall be undertaken. (see Note for Applicant CL1)

Prior to built development commencing a copy of the findings of the site investigation, ground contamination survey and ground gas assessment, together with an assessment of the hazards arising from any land contamination and/or ground gas shall be forwarded to the Local Planning Authority. (see Note for Applicant CL2)

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

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

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

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

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

7. No development shall commence until it can be demonstrated in writing that the electro-magnetic field (EMF) strengths from the substation, at the distance where the nearest residential development is to be located, comply with UK national guidelines.

Reason: To protect human health and the environment.

8a. The applicant shall agree details of acoustic glazing, acoustic ventilation, and acoustic boundary treatment to be installed in writing with the Local Planning Authority. This should include:

Acoustic glazing to all habitable rooms e.g. glazing that achieves a sound reduction of Rw 38.

Acoustic ventilation to all habitable rooms e.g. ventilation shall achieve a sound reduction of Rw 38 when in the open position.

Solid boundary treatment between residential and car access areas.

Solid boundary treatment between sub-station and residential premises. It is noted that the applicant intends to install 2100 mm close-boarded fencing, but it is not clear whether this will include all areas mentioned above.

8b. Agreed acoustic mitigation measures shall be fully implemented prior to the accommodation coming into use.

Reason: To protect the internal and external amenities of future residents.

9a. Prior to the commencement of the development drainage details for the disposal of both surface water and foul sewage shall be submitted to and approved in writing by the Local Planning Authority. The details shall include measures for incorporation of sustainable drainage techniques (SuDS) where possible.

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

Reason: To ensure the development is provided with satisfactory means of drainage and to reduce the risk of flooding and pollution. As drainage is below ground infrastructure it needs to be addressed prior to commencement of the development.

10a. Prior to the commencement of any built development above damp proof level on any structure full details of all external facing materials shall be submitted to and agreed in writing by the local planning authority.

10b. The development shall be implemented in accordance with the agreed facing materials.

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

11. Prior to the commencement of any built development above damp proof full details of boundary treatments shall be submitted to and approved by the local planning authority and maintained in accordance with the agreed details thereafter.

Reason: To ensure the satisfactory appearance of the development.

12a. Prior to the commencement of any built development above damp proof level, a detailed landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be submitted on a plan to an appropriate scale and shall include where applicable, details of:

Ground preparation measures to be adopted

Topsoil specification

Plant sizes and spacings

Details of proposed turf/seeded areas

Tree planting and staking details which should be shown as standard details

12b. The scheme shall be completed fully in accordance with the approved details before the development is occupied and retained as such.

12c. 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.

13. Prior to the first occupation of the development full details of the proposed electric gates to the access on fully scaled drawings shall be submitted to and approved in writing by the local planning authority and thereafter maintained in accordance with the agreed details.

Reason: To ensure the security of the parking areas and rear gardens of the dwellings.

14a. Prior to the first occupation of any dwelling unit on the development, all access ways, parking and vehicle manoeuvring areas shall be fully consolidated, hard surfaced and suitably drained so that surface water does not discharge onto the public highway. The parking bays for the flats shall be clearly demarcated on the ground.

14b. These areas shall thereafter be retained and used for no other purpose.

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

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

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

Reason: To protect the amenities of surrounding occupiers.

Notes for Applicant – Contaminated Land

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

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

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

Notes for Applicant – acoustic mitigation measures

If the applicant cannot agree acoustic mitigation measures then they must undertake a full noise survey to be agreed in writing with the Local Planning Authority. The aim of the survey will be to inform on the need for implementing mitigation measures such that the requirements of British Standard BS 8233: 2014 'Guidance on sound insulation and noise reduction for buildings' and 'Guidelines for Community Noise', World Health Organisation 2009 will be achieved. The following has general relevance:

Internal noise levels within bedrooms of residential development shall not exceed a Continuous Equivalent Noise Level, LAeq 8 hours, of 30 dB together with a maximum instantaneous level# of 45 dB LAFmax, between the hours 23.00 to 07.00;

Not to be exceeded for more than 10 instances.

Internal noise levels within habitable rooms of residential development shall not exceed a Continuous Equivalent Noise Level, LAeq 16 hours, of 35 dB, between the hours 07.00 to 23.00.

Notes for Applicant – substation and electro-magnetic fields

The applicant is recommended that they obtain written confirmation from the electricity supplier and/or undertake an independent assessment of the electro-magnetic field (EMF) strengths from the substation at the distance where the nearest proposed house is to be located. Results from the assessment shall be submitted in writing to the local planning authority prior to development commencing.

Note for applicant – Police recommendations

Secure By Design specifications which will significantly increase the security of the building (doors and windows). Information can be found at

http://www.securedbydesign.com/pdfs/SBD_New_Homes_2010.pdf

All external door and windows sets should comply to PAS 24 2012 standards. (This includes French doors)

All ground floor and accessible windows should contain a pane of laminated glass which complies to BS EN 356:2000 class P1A. This will improve the standard of security to the more vulnerable ground floor windows.

All ground floor apartment windows and all the ground floor front facing windows on the houses should have an area of defensible space across their width. This should be made up of densely planted shrubs. This will provide a buffer area between the windows and other public or private space, making it more difficult for offenders to access such windows. Where plants / shrubs are to be used in front of windows or around parking spaces the plants should be such that they grow to no more than 1m in height when mature. Plants and shrubs should also suit the environment they are to be located in terms of soil and light.

Perimeter and Boundary fencing in general should be at least 2.1m in height, (2.4m adjacent to public footpath see below) the fencing should be erected so that the smooth face is always facing outwards so that the frame cannot be used as a climbing aide. Anti-Climb Trellis topping can be incorporated to achieve the required height offering greater protection of the vulnerable rear of the properties e.g. 1.8m fencing plus 300mm anti climb trellis = 2.1m. Where the public footpath runs alongside this development there is an enhanced risk, experience shows us that offenders will use alleyways of this type as a means to gain cover and access to the rear of properties. Due to this enhanced risk the fencing should be a minimum of 2.4m along this boundary. Where panel and concrete post style fencing is to be used there needs to be a fixing between panel / slats around the posts which should create a secure mechanical bond. This should provide a chain linking

effect where each panel and post acts in concert with the next to resist attack by pushing, pulling and lifting. Fixings should be made of galvanized steel or stainless steel with a design life to match the timber components.

All side gates should be as close to the building line as possible to improve natural surveillance by removing or limiting the depth and number of recess's

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

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

Care needs to be taken that where low level fencing adjoins higher levels of fencing that the lower levels do not create a climbing aid to assist offenders.

Access controlled gated system - Gates should be a minimum of 2.1m in height, they should be self-closing/ locking. The gate design should not create footholds or climbing aids for offenders. The system should be vandal proof, if proximity keys are to be used, they are to be security encrypted to protect against unlawful copying.

Note for applicant – Coal Mining

Under the Coal Industry Act 1994 any intrusive activities, including initial site investigation boreholes, and/or any subsequent treatment of coal mine workings/coal mine entries for ground stability purposes require the prior written permission of The Coal Authority, since such activities can have serious public health and safety implications. Failure to obtain permission will result in trespass, with the potential for court action. In the event that you are proposing to undertake such work in the Forest of Dean local authority area our permission may not be required; it is recommended that you check with us prior to commencing any works. Application forms for Coal Authority permission and further guidance can be obtained from The Coal Authority's website at:

<https://www.gov.uk/get-a-permit-to-deal-with-a-coal-mine-on-your-property>

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

<https://www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries>



Economy and Environment, Development Management

Planning Committee

Report of Head of Planning and Building Control on 01-Oct-2015

Plans List Item Number: 5.

Reason for bringing to committee: Major Application

Location: BRICO, STUBBERS GREEN ROAD, ALDRIDGE, WALSALL, WS9 8BJ

Proposal: DEMOLITION OF FORMER ACCIDENT AND REPAIR FACILITY AND ERECTION OF 10 TWO BEDROOM APARTMENTS.

Application Number: 15/0612/FL

Applicant: Dr M Clancy

Agent: ADC Ltd

Application Type: Full Application

Case Officer: Alison Ives

Ward: Aldridge Central And South

Expired Date: 29-Jul-2015

Time Extension Expiry: 05-Oct-2015

Recommendation Summary: Grant permission subject to conditions and subject to a S106 Agreement to secure provision for urban open space unless the District Valuation Officer confirms the scheme is not viable with the full contributions.



Application and Site Details

The proposal is for demolition of the former Brico accident repair premises on Stubbers Green Road and erection of a three storey building comprising 10 x 2 bedroom apartments.

The site is in a Core Employment Area. It is triangular in shape and is immediately adjacent to Aldridge Wharf Bridge over the Daw End Branch canal which borders the western site boundary. There are new apartments to the east and a detached house opposite. There is an electricity substation on Stubbers Green Road between the site and adjacent apartments. The site level is lower than the bridge and the access and current industrial building are located on the eastern half of the site.

The land to the west of the site between the canal and the application site is within the Daw End Branch Canal Site of Local Importance for Nature Conservation (SLINC) and contains semi-mature trees and scrub. This is also a local wildlife corridor.

The proposed layout utilises the existing access. The new building is positioned at the front of the site within 3.5m from the back of footway and the vehicular access passes beneath an archway under the building. There are 15 parking spaces located at the rear of the building and bin and cycle storage available on the ground floor of the building beneath the archway. There is a limited amount of amenity space at the side and rear of the building. Existing vegetation and tree saplings on the boundary to the canal are to be retained.

The proposed building is 3 storeys high of contemporary design. It measures 32m wide and 9.8m deep and has projecting elements including the stairwell, central bedrooms and flats 6, 7 and 8 at the canal end of the building. There is also a central projecting element at the rear which is 10m wide and 6m deep. The roof is a combination of flat and shallow mono-pitch roof elements with a maximum overall height of 9.5m. The elevations indicate a combination of brick, render and cladding.

The Design & Access Statement – Describes the site, existing use, amount, scale, landscaping, design/appearance of the proposals and access considerations.

The Pre-Development Tree Survey – Identifies four individual specimen trees and three groups of trees including English Oak, Silver Birch, Goat Willow and Elder. Most trees are category C (low quality with life expectancy of 10 years or less and stem diameter less than 150mm) with the exception of the Elder which is category U (serious defects and a condition that cannot be retained for longer than 10 years).

The Bat and Bird Survey – States there is no evidence of bats or birds using the building. Although there are some temporary roosting opportunities the survey found no evidence of bats using these. Emergence surveys are not required as potential use for roosting is low. A method of working should be in place for contractors. New roosting opportunities should be created in the new building.

The Assessment of Ambient Noise – This indicates that the noise climate in the vicinity of the proposed residential development is consistent with the suburban characteristics. The principle contributor to background noise during the day and night is road traffic. Additional

sources include occasional aircraft, birdsong, adjacent flats, and distant broadband noise reminiscent of air handling equipment audible during the night time period. The noise survey evaluates the sound insulation of the building envelope and details recommended sound insulation to ensure compliance with adopted design guidance to protect internal noise levels.

Relevant Planning History

BC45677P – Extension to office accommodation – Granted subject to conditions 28/02/96.

Relevant Planning Policy Summary National Planning Policy Framework (NPPF)

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

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

Key provisions of the NPPF relevant in this case:

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

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

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

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

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

Function well and add to the overall quality of the area

Establish a strong sense of place

Respond to local character and history and reflect the identity of local surroundings and materials

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

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

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

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

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

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

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

On planning conditions the NPPF says:

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

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

The Development Plan

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

The Black Country Core Strategy (BCCS) (2011)

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

This was adopted under the current Local Development Framework system, and the NPPF says that for 12 months from the publication of the national framework "decision-takers may continue to give full weight to relevant policies. However, it is more than 12 months since the NPPF was published in March 2012. Now (as with the saved policies of Walsall's UDP) the NPPF advises that "... due weight should be given to relevant policies ... according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)." To

consider the conformity of the BCCS with the NPPF the four Black Country councils have completed a 'Compatibility Self-Assessment Checklist' (published by the Planning Advisory Service) and have discussed the results with a Planning Inspector. Whilst there is no formal mechanism to certify that the BCCS is consistent with the NPPF the discussions led officers to the conclusion that the exercise identified no issues that would conflict with the NPPF or require a review of the BCCS in terms of conformity. The results of this assessment are to be published on the BCCS and Council websites and it is planned to report to the Council's Cabinet to confirm this view. In the absence of evidence to the contrary it is considered that the BCCS policies should be given full weight in planning decisions.

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

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

The Spatial Objectives include

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

The above are supported by the following policies:

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

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

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

HOU2: Advises on housing density, type and accessibility and the need to achieve high quality design and minimise amenity impacts. All developments should aim to achieve a minimum net density of 35 dwellings per hectare, except where higher densities would prejudice historic character and local distinctiveness as defined

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

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

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

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

ENV1: Seeks to safeguard nature conservation.

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

ENV3: Refers to design quality requirements.

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

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

Walsall's Unitary Development Plan (UDP)

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

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

The relevant policies are:

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

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

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

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

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

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

ENV24: Seeks to retain and enhance wildlife corridors.

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: The quality of all water resources will be protected.

JP5: Seeks to protect core employment areas for employment uses.

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

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

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

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

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

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

T10 (a): Refers to accessibility standards.

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

Flats with communal provision 1.5 spaces per flat

Supplementary Planning Documents (SPD)

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

The relevant SPD's are:

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

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

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

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

DW5: Ease of Movement – connections to existing routes

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

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

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

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

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

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

Conserving Walsall's Natural Environment SPD

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

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

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

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

Supplementary Planning Document 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 conditions to secure access and parking. The parking complies with policy T13 and appropriate bin and cycle storage is incorporated. Whilst the access point is fairly close to Anchor Wharf Bridge (about 50m from the apex) it is nevertheless utilising an existing commercial access which has unrestricted hours of operation. The vehicle trips to the proposed development are likely to be less than those to the extant use in peak traffic periods and on balance the Highway Authority considers the development will not have severe transportation implications and is acceptable.

Canal & River Trust – No objections.

Ecology – Objects on the basis that the design should be amended to better retain the belt of vegetation along the canal frontage. It is important to retain the integrity of the canal as a wildlife site and corridor but retention of planting is at risk due to the proximity of the building to the tree canopies which affect the outlook of the proposed flats and future occupiers may remove trees to open views of the canal. Consideration should be given to making a Tree Preservation Order. No objections in principle and conditions regarding bat and bird protection are recommended.

Fire Service – No objections.

Inland Waterways – No objections. Inland Waterways supports in principle the change of use of this canal side site from industrial to residential. The plans indicate retention of the canal side trees and shrubs as a screen to the development, and the layout and design of the proposed apartments is considered to be acceptable.

Police – No objections in principle. The area experiences moderate levels of crime. The developer should be made aware of Secure by Design specifications which will significantly increase the security of the building (doors and windows). A note for applicant is recommended. There are concerns about security and surveillance of the allocated parking spaces due to the open access to the rear court yard. Secure By Design states that vehicles should be parked where they can be seen by the owner. Undercroft access increases vulnerability for the bin and cycle storage and is considered a magnet for anti-social behaviour.

Pollution Control –No objections subject to conditions to secure details to mitigate the effects of ground contamination and noise. Conditions are also recommended in order to prevent or minimise environmental impact during the course of building works. The site was most recently used for vehicle accident and repairs. This use may have resulted in localised ground contamination but no specific detail of ground conditions in the area is available other than that obtained from previous land use data and historic mapping.

The application contains a noise report which identifies that noise mitigation measures should be implemented in order to reduce noise levels within internal living areas to within acceptable levels according to BS 8233: 2014 and World Health Organisation guidance. These details should be secured by conditions.

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

Public Participation Response

Two individual letters of objection and a petition with 15 signatures have been received. The objections are summarised as follows:

Dangerous access increasing potential for accidents
There have already been accidents in the area
Vehicle speeds exceed permitted 30mph in this vicinity
HGV's use this road regularly
The access should be left turn only towards the canal bridge
No objection to building apartments

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

Determining Issues

Principle of residential development
Layout and Design
Relationship to surrounding properties
Access and parking
Provision for Affordable Housing and Urban Open Space
Local Finance Considerations

Observations

Principle of development

The site is within a Core Employment Area and subject to UDP policy JP5 which supports retention of employment uses. This site, formerly Brico vehicle and accident repair centre, is vacant and is now isolated from the remainder of the core employment area by surrounding residential development. It's redevelopment for residential use is considered acceptable as an exception to policy JP5(b).

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

The residential development of the site will also improve the environment of the canal and adjacent residential properties. Adjacent neighbours do not object to the principle of a development for apartments.

On the basis of the above the principle of the development is acceptable.

Layout and Design

The layout utilises the existing access and the position of the apartment building across the front of the site respects the position of the adjacent apartments at The Briars and clearly defines public and private areas. The private amenity space and parking areas will be secured at the rear of the building. A condition to require gates to secure the undercroft and parking areas at the rear to address police comments is recommended.

There is a belt of trees and landscaping alongside the canal at the side and rear of the site which it is proposed to retain. The proposed apartment building is just 1m away from this landscaping at the closest point and up to 4m away elsewhere. The closest flats are plots 6, 7 and 8 but as these flats have dual aspect rooms there is the opportunity for occupiers to have an alternative outlook other than directly towards the belt of trees and landscaping. The Ecology officer objects to the proposals due to this relationship and considers there

would be pressure from future occupiers to remove vegetation to allow an outlook of the canal and suggests a tree preservation order should be considered. The tree survey identifies the majority of trees within Class C which are unlikely to last beyond 10 years and so not worthy of protection. On this basis the relationship between the apartment building and belt of landscaping along the canal is considered acceptable.

The Canal & River Trust and Inland Waterways have no objections to the relationship between the proposed development and adjacent canal.

There is a minimal amount of shared private amenity space available on site but there is a useable area at the side and rear of the building. There are additional amenity benefits to be gained from the proximity to the canal as the towpath is accessible from the bridge and offers leisure opportunities. The site is also just over 600m from Aldridge centre where shops and other facilities are available which provide alternative amenity benefit for future occupiers. On this basis the lack of any significant on-site amenity space is outweighed by other benefits.

The pollution control officer recommends conditions to secure details to mitigate the effects of ground contamination and noise and to minimise the impact from noise during demolition and construction. This will protect residential amenities of future occupiers and surrounding residents.

There is 3m between the proposed building and existing substation which is enclosed and fenced off. In the circumstances, and considering there are no windows in the gable elevation facing the substation there is no significant impact upon future occupier's amenities.

Despite being a high density more typical of a strategic or town centre the proposal is in a sustainable location. Also the proposal is for a flatted development and these types of development are typically higher density. With a density of 90 dwellings per hectare (dph) the scheme is in keeping with the adjacent Briars development which is 96 dph.

The height of the apartment block is lower than the adjacent development at The Briars which has a pitched roof. The design has a modern appearance which is considered acceptable at this site.

The layout and design is considered acceptable.

Relationship to surrounding properties

The proposed apartment building is broadly on the same alignment to Stubbers Green Road as the adjacent development The Briars so will not be obtrusive to the outlook of existing occupiers or obtrusive within the street scene. There are no windows in the gable elevation of the proposed building which faces The Briars so no potential for overlooking. The proposed building lies to the north west of the existing apartments at The Briars so will not have any significant impact upon daylight for existing occupiers.

There is a house opposite on Stubbers Green Road which is 22m away from the front elevation of the proposed apartment building on the opposite side of the highway. Although this is just below the recommended 24m separation distance it is considered that as there is a public footway and carriageway between the two there is no greater opportunity for overlooking from the apartments than from the existing public areas. Given the difference in ground levels between the site and carriageway in Stubbers Green Road

the proposed building will not appear as obtrusive and will be comparable in height to The Briars buildings.

On the basis of the above comments the proposed development does not have a significant impact on the amenities of surrounding occupiers.

Access and parking

The proposal is to utilise the existing access which is on the eastern side of the site. This is 4m wide and allows two vehicles to pass safely within the access at the site. Bearing in mind this site was previously occupied by Brico Coachpainting and would have regularly had HGV's and commercial vehicles visiting the premises it is considered that a residential development will not have a significant impact on highway safety.

Existing residents are concerned that the access is dangerous considering there have already been accidents in the area, HGV's regularly use this road and speed limits are exceeded already. They suggest the access could be made left turn only towards the canal bridge.

The Transportation officer does not object to utilisation of the existing access and is satisfied with the car parking, cycle storage and refuse provision which complies with Council policy. Whilst the access point is close to Aldridge Wharf Bridge it does utilise an existing commercial access which has unrestricted use. The vehicle trips to the proposed development are likely to be less than those to the extant use in peak traffic periods and on balance the development will not have severe transportation implications and is acceptable. These comments have taken into consideration resident's concerns about the access.

On balance the access and parking arrangements are considered acceptable and will not have a severe impact on the surrounding highway network.

Provision for Urban Open Space

Under the terms of policies DEL1 of the BCCS and policies GP3 and LC1 of the UDP and SPD: Urban Open Space the proposal triggers the requirement for a contribution towards provision of urban open space. Based on the policy requirements this equates to a contribution of £23,060.00 normally secured by a S106 Agreement.

The developer intends to make a case in respect of the viability of the scheme and will be providing a Financial Viability Assessment for review by the District Valuation Officer. If the District Valuation Officer finds that the scheme is viable with full policy compliant requirements for urban open space then it is recommended that this is secured by a S106 Agreement. In the event that the District Valuation Officer confirms the scheme is not viable with full policy compliant requirements then it is recommended that the proposal is granted subject to conditions only.

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 10 new homes.

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

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

Positive and Proactive working with the applicant

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

Recommendation: Grant permission subject to conditions and subject to a S106 Agreement to secure provision for urban open space unless the District Valuation Officer confirms the scheme is not viable with the full contributions.

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: -

Proposed Site Plan (845/02 Revision B) received 11/08/15

Proposed Floor Plans & Elevations (845/01 Revision B) received 11/08/15

Proposed Site Sections (845/03 Revision B) received 04/09/15

Topographic Survey (160115/01) received 23/04/15

Annotated Topographical Survey showing positions of surveyed trees received 23/04/15

Design & Access Statement prepared by ADC Architectural Design Consultancy Limited received 23/04/15

Pre-Development Tree Survey prepared by Midland Tree Surgeons received 23/04/15

Bat & Bird Survey prepared by S Christopher Smith (SK0502/0121) received 23/04/15

Assessment of Ambient Noise Noise Climate prepared by Robert Smith

(DRUK/ACC/RS/ADCMCSGRA/2429) received 29/04/15

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

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

Prior to built development commencing a site investigation, ground contamination survey and assessment of ground gas, having regard to current best practice shall be undertaken. (see Note for Applicant CL1)

Prior to built development commencing a copy of the findings of the site investigation, ground contamination survey and ground gas assessment, together with an assessment of the hazards arising from any land contamination and/or ground gas shall be forwarded to the Local Planning Authority. (see Note for Applicant CL2)

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

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

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

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

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

4. Prior to the commencement of the development the applicant shall agree measures for controlling noise, dust, flying debris, and drag-out from engineering and construction activities at the site in writing with the Local Planning Authority. All agreed measures shall be implemented and maintained throughout the duration of demolition operations and construction activities.

Reason: To protect local amenity and minimise environmental impact during development from the outset of development.

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

5b. This provision shall be retained during construction fully in accordance with the approved details.

Reason: In order to minimise on street parking by site operatives and the potential disruption to the free flow of traffic along the public highway, in the interests of highway safety.

6a. Prior to the commencement of the development drainage details for the disposal of both surface water and foul sewage shall be submitted to and approved in writing by the Local Planning Authority. The details shall include measures for incorporation of sustainable drainage techniques (SuDS).

6b. The development shall be completed with the approved details and retained as such.

Reason: To ensure the development is provided with satisfactory means of drainage and to reduce the risk of flooding and pollution. As drainage is below ground infrastructure it needs to be addressed prior to commencement of the development.

7a. No built development above damp proof level shall take place until suitable noise mitigation measures to protect internal areas of the proposed development as outlined in the report from Druk Limited (reference: Assessment of the Ambient Noise Climate in the Vicinity of the Proposed New Residential Development on Stubbers Green Road, Aldridge: DRUK/ACC/RS/ADCMCSGRA/2429, dated 24th April 2015) have been agreed in writing with the local planning authority.

7b. The development shall not be occupied until a validation report confirming the measures referred to in part (a) of this condition have been fully implemented has been provided to and accepted in writing by the Local Planning Authority.

Reason: To safeguard the amenity of residential occupiers of the site.

8a. Prior to the commencement of any built development above damp proof level on any structure full details of all external facing materials shall be submitted to and agreed in writing by the local planning authority.

8b. The development shall be implemented in accordance with the agreed facing materials.

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

9. Prior to the commencement of any built development above damp proof full details of boundary treatments and details of security gates to the undercroft and parking areas, shall be submitted to and approved by the local planning authority and maintained in accordance with the agreed details thereafter.

Reason: To ensure the satisfactory appearance and improved security of the development.

10a. Prior to the commencement of any built development above damp proof level, a detailed landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be submitted on a plan to an appropriate scale and shall include where applicable, details of:

Ground preparation measures to be adopted

Topsoil specification – if existing soils are to be used, details of its retention, improvement, cultivation or safe storage for re-use should be specified

Revised plant spacings for planting proposed and amendments to plant species

Details of proposed turf/seeded areas

Tree planting and staking details which should be shown as standard details

10b. The scheme shall be completed fully in accordance with the approved details before the development is occupied and retained as such.

10c. 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.

11a. Prior to the development first coming into use, the access road and parking areas shall be fully consolidated, hard surfaced and drained so that surface water run-off from these areas does not discharge onto the highway or any highway drain and all parking bays shall be clearly demarcated on the ground.

11b. These areas shall thereafter be retained and used for no other purpose.

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

12. Visibility splays measuring 2.4m x 50m shall be provided at the access point, within which no planting or structures exceeding 600mm in height above carriageway levels shall be permitted.

Reason: In the interests of highway safety.

13. Prior to the development first coming into use;-
the existing dropped kerb access arrangement shall be re-constructed to take the form of a bellmouth access with radii kerbs together with a tactile paving pedestrian crossing facility, to a specification to be agreed in writing with the Local Planning Authority
an appropriate junction warning sign, to Traffic Signs Regulations and General Directions 2002 specification, shall be installed on the south- eastbound approach to Anchor Wharf Bridge to provide advanced warning of the access point to the development on the opposite side of the bridge, the precise details and location of which shall be agreed in advance with the Local Planning Authority in consultation with the Highway Authority.

Reason: Notwithstanding the access point to the site is existing, taking into account the position of the access in relation to the road bridge, the provision of a bell mouth to replace to existing footway crossing will allow vehicles entering the site to pull clear of the main carriageway quickly without having to give way to passing pedestrians. Also the provision of an advanced warning sign will warn motorists of the approaching junction before passing over the canal bridge, in the interests of highway safety.

14a. Bat survey work has identified a low risk of bats within the site (as identified in the bat report by S Christopher Smith dated 10/3/15) and the following precautions shall be taken when implementing the planning permission:

Contractors undertaking demolition works shall be made aware that bats may be present and undertake demolition works in accordance with the method of working set out in S Christopher Smith's bat report on pages 16-17.

If no bats or evidence of bats are found during these operations, the approved works can continue.

14b. If bats or evidence of bats are found during these operations:

Bats should not be handled or touched and the vicinity of the roost shall be immediately reinstated.

No further destructive works shall be carried out to the building until the need for Natural England licence has been established.

Within one week of finding bats or evidence of bats, a written report by the supervising ecologist shall be submitted for the approval in writing of the Local Planning Authority, recording what was found, and proposing appropriate mitigation measures, including a timetable for their implementation

Work on the building shall only continue in accordance with the approved mitigation measures and on the approved timetable and/or in accordance with the terms of any Natural England licence issued

Reason: to conserve local bat populations.

15. A scheme for the provision of bat roosting sites as set out on pages 13-16 of S Christopher Smith's report dated 10/3/15 shall be installed before any part of the development is brought into use and retained thereafter with access openings maintained free of obstructions at all times.

Reason: to conserve local bat populations.

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

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

Reason: To protect the amenities of surrounding occupiers.

17. Prior to the commencement of development above damp proof level, details for entrance gates including both manual and electronic opening and closing arrangements together with details of on-going maintenance arrangements shall be submitted to and approved in writing by the Local Planning Authority. The approved gates shall thereafter be installed and maintained in accordance with the agreed details prior to the occupation of any flat.

Reason: To ensure the development delivers a safe and secure form of accommodation and highway movements into and out of the site are not interrupted.

Notes for Applicant – Contaminated Land

CL1: Ground investigation surveys should have regard to current "Best Practice" and the advice and guidance contained in the National Planning Policy Framework (2012); British Standard BS10175: 2011+A1:2013 "Investigation of potentially contaminated sites – Code

of Practice"; British Standard BS5930: 1999 "Code of practice for site investigations"; Construction Industry Research and Information Association "Assessing risks posed by hazardous ground gasses to buildings (Revised)" (CIRIA C665); or any relevant successors of such guidance. You are strongly advised to consult with the Local Planning Authority on the construction, location and potential retention of any boreholes installed for the purposes of ground gas and or groundwater before installation of same.

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

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

Notes for applicant - Highways

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

Note for applicant – Police

Secure by Design specifications are recommended. Information can be found at http://www.securedbydesign.com/pdfs/SBD_New_Homes_2010.pdf

All Ground floor windows must meet PAS 24 2012 standards with at least one pane of laminated glass to a minimum thickness of 6.4mm or glass successfully tested to BS EN 356:2000 resistant to manual attack P1A.

All ground floor windows need to have an area of defensible space across their width. This should be in the form of a densely planted area 1m deep.

All doors (including French and Patio doors) should meet PAS 24 2012 standards with at least one pane of laminated glass to a minimum thickness of 6.4mm or glass successfully tested to BS EN 356:2000 resistant to manual attack P1A.

NB/ Main entry and exit doors should have a self-closing / locking mechanism in place.

Where thumb turn locks are to be utilised consideration should be given to the 'By Pass' method of entry, a simple and effective method used by offenders to gain entry to thumb turn cylinders. Any thumb turn cylinder used should be designed so that it cannot be 'by passed'.

All doors need to be fitted with letter box internal protectors, this will help reduce the risk of the thumb turn lock being manipulated from the outside.

There should be a vandal resistant access control system in place on all external doors.

There should be a vandal resistant video intercom system on main entry / exit doors linked to each flat. Images of callers should be high resolution colour images during the daylight and monochrome images when operating below 0.5 lux, there should also be clear two way audio.

The bike storage door should be protected by an access controlled security door.

All external doorways should be well light.

The under-croft should be gated with a 2.1m access controlled gated system, the gates should be as close to the front building line as possible in order to remove any recesses. This will help secure the vulnerable rear of the site and the cycle and bin storage. It will also remove the risk of Anti Social behaviour as it removes the possible sheltered area.

The site should be secured around its complete perimeter with fencing no lower than 2.1m in height. The fencing should be of a design that offers no foot holds or climbing aids.

Note for applicant – Canal & River Trust

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

28/5/16



THE BRIARS
ALDRIDGE
WALSALL
WEST MIDLANDS
WS9 8AQ

18/05/2015

Dear Alison Ives.

Thank you for the notification of a planning application (number 15/0612/FL). Copy enclosed.

I/we have no objection to the building of the apartments, but i/we have concerns to access to the site.

The plans I /we have seen on-line states from the brow of the canal bridge is 50 meters, i/we have concerns this not ample distance for cars turning right off the site towards Aldridge. This area is a 30mph road, and during the day there is a lot of hgv vehicles and cars coming over the bridge from shelfield direction at speed greater than 30mph. thus causing a great risk of an accident, should this happen and a vehicle goes through the boundary fence of The Briars it may cause damage to the apartments at The Briars. Please see page 2 for peoples signitures and apartment numbers.

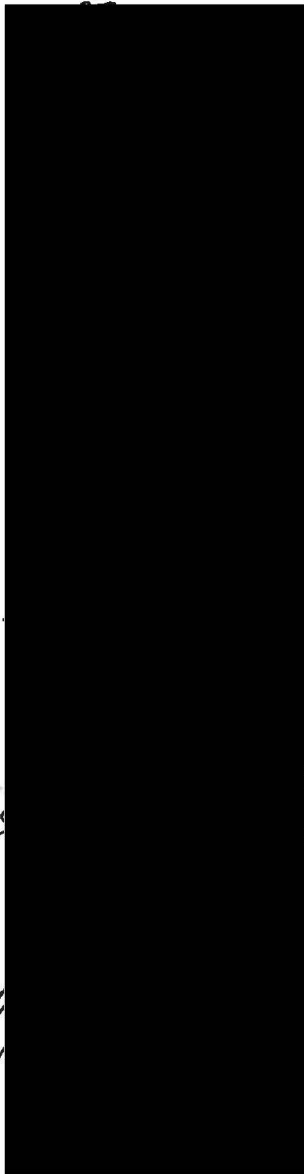
Hoping you can look again at the access into and out of the site.

Yours hopefully.

Residents signed overleaf.

RESIDENTS SIGNATURES

APARTMENT NUMBER AT THE BRIARS



133

147

151

149

163

167

177

173

173

159

159

157

171

171

145



IF YOU NEED TO CONTACT ME USE THE BELOW

PHONE



EMAIL





Economy and Environment, Development Management

Planning Committee

Report of Head of Planning and Building Control on 01-Oct-2015

Plans List Item Number: 6.

Reason for bringing to committee: Major Application

Location: 2 SPRING LANE, WALSALL, WS4 1AZ

Proposal: CHANGE OF USE FROM CLASS C2 (RESIDENTIAL INSTITUTION) TO CLASS C3 (DWELLINGS) CONVERTING PREMISES TO 17 X 1 BED SELF CONTAINED FLATS FOR PERSONS WITH LEARNING DISABILITIES, WITH ANCILLARY OFFICE ACCOMMODATION AND MINOR ELEVATION CHANGES TO DOORWAYS.

Application Number: 15/0747/FL

Case Officer: Alison Ives

Applicant: Mr Sean Wordley

Ward: Pelsall, Rushall-Shelfield

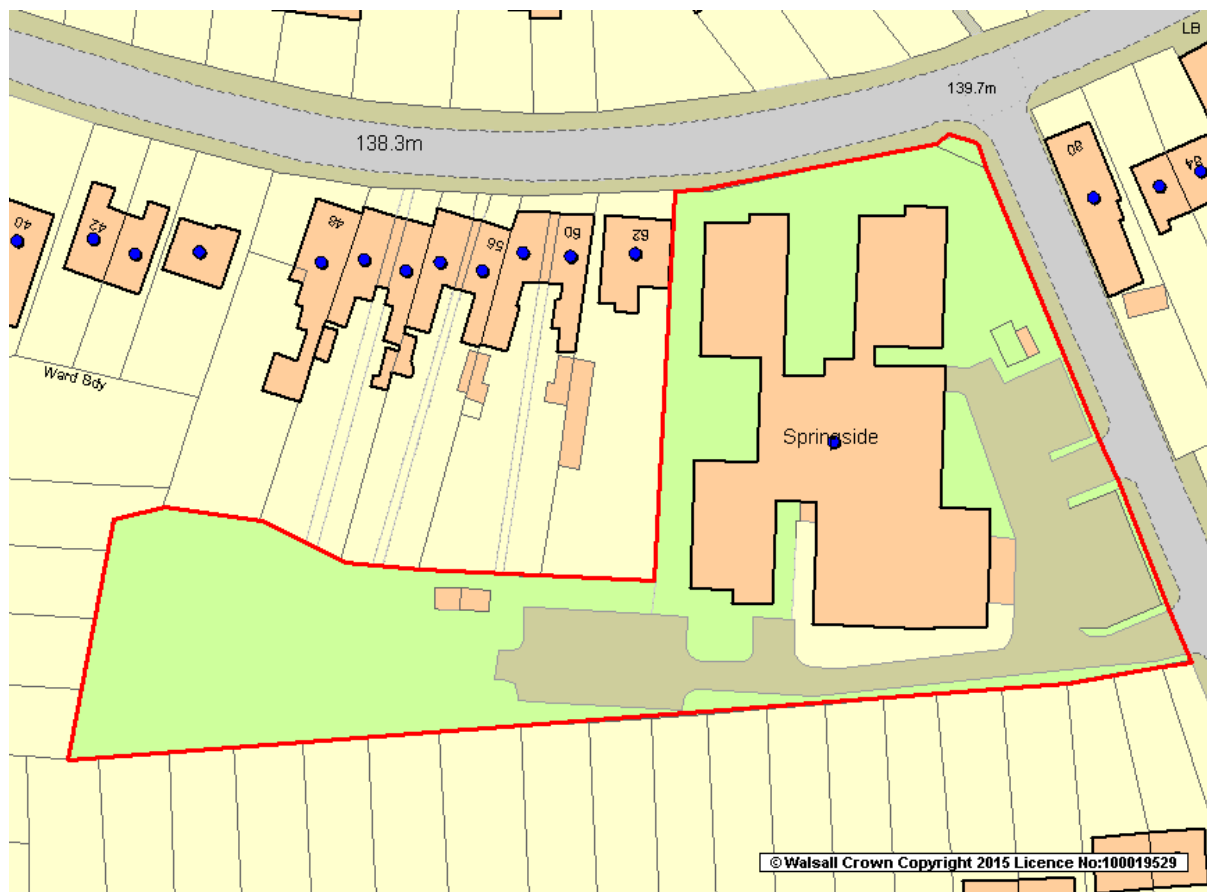
Agent: Not Known

Expired Date: 09-Sep-2015

Application Type: Full Application (Major)

Time Extension Expiry: 05-Oct-2015

Recommendation Summary: Grant permission subject to conditions and a Section 106 Agreement to secure the tenure of the properties as affordable housing and for urban open space contributions.



Application and Site Details

The proposal is for change of use of the existing building from a Class C2 (residential institution) to Class C3 (dwellings) converting the premises to 17 x 1 bedroom self contained flats for occupation by persons with learning disabilities plus ancillary office accommodation. The proposal includes minor changes to the elevations of the building as part of the conversion.

The premises are located at the junction of Spring Lane and Coronation Road and comprise a largely single storey building in a landscaped setting with parking at the front and side with a barrier access off Spring Road. The plant room is a higher section in the centre of the building. There is a garden beyond the car parking area surrounded by gardens in Church Way, Coronation Road and Field Lane. There is a mix of house types surrounding the premises. The building is currently vacant but was previously used for a care home for young adults with 23 bedrooms.

The applicant has identified that they propose to lease the premises to Inclusion Housing Community Interest Company (CIC) who are a Registered Provider.

The proposal is to convert the premises by dividing the existing rooms and installing bathrooms and kitchens and minor elevation changes to create new door openings to form self-contained flats. Some flats are served by a shared corridor but others have individual access. An office is included for staff of Inclusion Housing CIC.

The Design & Access Statement – Explains the previous use as a care facility for younger adults and the proposal to change the use to housing for residents with learning difficulties. It describes the proposed changes and car parking and access.

Relevant Planning History

BC14141P – Erection of a community unit for the mentally handicapped – Granted subject to conditions 21/06/85.

BC60711P - Certificate of Lawful Proposed Use: Proposed alterations to existing bungalow – Certificate Granted 06/03/2000 (Walsall Community Healthcare).

Relevant Planning Policy Summary

National Planning Policy Framework (NPPF)

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

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

Find ways to enhance and improve places in which people live their lives

Contribute to conserving and enhancing the natural environment and reducing pollution.

Always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings

Take account of the different roles and character of different areas, promoting the vitality of our main urban areas

Encourage the effective use of land by reusing land that has previously been developed

Key provisions of the NPPF relevant in this case:

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

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

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

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

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

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

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

Function well and add to the overall quality of the area

Establish a strong sense of place

Respond to local character and history and reflect the identity of local surroundings and materials

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

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

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

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

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

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

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

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

On planning conditions the NPPF says:

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

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

The Development Plan

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

The Black Country Core Strategy (BCCS) (2011)

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

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

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

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

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

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

The Spatial Objectives include

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

The above are supported by the following policies:

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

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

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

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

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

HOU2: Advises on housing density, type and accessibility and the need to achieve high quality design and minimise amenity impacts. All developments should aim to achieve a minimum net density of 35 dwellings per hectare, except where higher densities would prejudice historic character and local distinctiveness as defined

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

HOU5: Supports new health and education facilities well related to neighbourhood services and amenities.

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

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

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

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

ENV1: Seeks to safeguard nature conservation.

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

ENV3: Refers to design quality requirements.

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

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

Walsall's Unitary Development Plan (UDP)

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

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

The relevant policies are:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

T10 (a): Refers to accessibility standards.

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

Flats with communal provision: 1.5 spaces per unit

Supplementary Planning Documents (SPD)

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

The relevant SPD's are:

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

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

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

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

DW5: Ease of Movement – connections to existing routes

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

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

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

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

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

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

Conserving Walsall's Natural Environment SPD

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

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

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

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

Supplementary Planning Document for Affordable Housing

Guides delivery of affordable housing to appropriate locations in the Borough and provides [for balanced, mixed communities.](#)

[Supplementary Planning Document Urban Open Space](#)

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

Consultations

Transportation – No objections. The site has 17 car parking spaces which is considered more than adequate to cater for the development as residents are likely to have low car ownership levels. There is a concern that the flats may be sold or let on the open market to the general public and in this instance there would be a significant under provision of parking as UDP policy T13 requires 26 car parking spaces plus 2 disabled parking spaces for this number of flats. It is recommended that a condition is imposed or a S106 legal agreement completed to ensure the development is used solely for the intended use to ensure an appropriate level of parking is provided.

Ecology – No objections. No bat survey is required. The proposal does not show changes to the external layout so does not affect the existing trees within the site which are to remain. Tree protection measures should be secured by condition to protect the trees from damage during construction.

Environmental Health – No objections.

Equality & Diversity – No objections.

Housing Strategy – The proposal triggers the need for affordable housing provision. Based on policy requirements this would be 25% which equates to 4 units. This requirement needs to be met off site as normally a registered provider would not take on 4 units on a leasehold basis within the block. This would be secured by the developer providing a commuted sum of £120K (4 x £30K).

Pollution Control – No objections.

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

Public Participation Response

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

Noise and disturbance created by occupiers as previously experienced

Concern over personal safety and wellbeing

Could residents be violent or have criminal records

There is no mention of provision of permanent staff to supervise residents

Query the use permitted use class

Any extensions at first floor or on the car park to accommodate the 17 flats would affect neighbouring properties

Loss of property value

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

Determining Issues

Principle of residential development

Layout and Design

Relationship to surrounding properties

Access and parking

Observations

Principle of development

Redevelopment of the existing premises for a residential use is acceptable as it is a previously developed site in a sustainable urban location and is in accordance with the NPPF and BCCS and local development plan policies.

The objector has queried the permitted use but as this was previously a care home the current permitted use is Class C2 – residential institutions. The proposal, although some support is given to occupants, provides independent living and is Class C3 dwellings as self contained flats are proposed.

The proposal for self contained flats for occupation by people with learning disabilities is welcomed as it provides for people with special needs requiring specialist accommodation in accordance with UDP policy H5.

The premises were previously occupied as a care home with 23 rooms so the principle of a residential use is already established and is acceptable.

Layout and Design

The layout of the site remains unaltered as the proposal is to convert the existing building. Some minor alterations are proposed including provision of doorways to a couple of flats by replacing window positions. The design remains in keeping with the original building. No changes to parking and access are proposed.

There is a small office included for staff members who will provide support and supervision to occupiers. This is an ancillary facility given the intended future occupation of the building by Inclusion Housing CIC for residents with learning disabilities.

As there are numerous trees throughout the site a condition is recommended to ensure their protection throughout the development process. This addresses the ecology officer comments.

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

Relationship to surrounding properties

The building is not being extended so the relationship between facing habitable room windows and surrounding properties remains unaltered. The proposed doorways to the self contained flats are positioned in existing elevations replacing existing openings. There are no first floor extensions proposed or extensions on the car park so the neighbour concern about potential overlooking is not changed from the existing situation and is acceptable.

The objector is concerned for personal safety and wellbeing due to the nature of future occupiers and queries whether they will be violent or have a criminal record. The likelihood of residents being violent or having criminal records is no greater than that from existing residents in the area. The applicant has indicated that the site will be leased to Inclusion

Housing CIC and they will supervise future occupiers. Personal safety and wellbeing of neighbours will not be significantly harmed by the proposals.

A condition to restrict construction working hours is recommended to protect the amenities of nearby residents.

Loss of property value mentioned by the objector is not a material planning consideration.

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

Access and parking

The means of access and car parking at the site is to remain as existing. There is a barrier across the access and exit to prevent unauthorised parking.

There are 17 car parking spaces provided. This is below the requirement for 17 flats which would normally require 26 spaces plus 2 disabled spaces. The Transportation officer is prepared to make an exception to the level of parking required given the proposed future occupiers are people with learning disabilities and are less likely to own a vehicle. On this basis the level of parking is acceptable but as an exception to the parking standards has been made a condition or legal agreement is required to define the future occupiers to ensure the development is used solely for the intended use and to ensure an appropriate level of parking is provided.

A condition is recommended to secure marking out of two disabled parking spaces and to secure cycle parking provision as requested by the Transportation officer.

The access and parking arrangements are considered acceptable.

Provision for Affordable Housing and Urban Open Space

Under the terms of policies DEL1 and HOU3 of the BCCS and SPD Affordable Housing the proposal triggers the need for provision of affordable housing. Provision of 25% would equate to the need for 4 units. The Housing Strategy officer advises that a contribution of £120K towards off-site provision should be secured rather than on-site provision. This would normally be secured by a S106 Agreement.

The developer has advised that the premises will be leased to Inclusion Housing CIC, a Registered Provider of social housing. In the circumstances the entire development will be 100% affordable housing which should be secured by a S106 Agreement.

Under the terms of policies DEL1 of the BCCS and policies GP3 and LC1 of the UDP and SPD: Urban Open Space the proposal triggers the requirement for a contribution towards provision of urban open space. Based on the policy requirements this equates to a contribution of £14,790.00 normally secured by a S106 Agreement. The developer has advised that they are prepared to enter a S106 Agreement to secure this provision.

Local Finance Considerations

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

This application proposes 17 new homes.

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

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

Positive and Proactive working with the applicant

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

Recommendation: Grant permission subject to conditions and a Section 106 Agreement to secure the tenure of the properties as affordable housing and for urban open space contributions.

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

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

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

Location Plan received 11/06/15

Site Plan (1749-04) received 14/05/15

Proposed Floor Plan (1749-03) received 14/05/15

Proposed Elevations (1749-06) received 14/05/15

Existing Floor Plan (1749-02) received 14/05/15

Existing Elevations (1749-05) received 14/05/15

Design & Access Statement received 14/05/15

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

3. Notwithstanding the provisions of the Town & Country Planning Act 1990 (or any subsequent amendments) and Town & Country Planning (General Permitted Development)(England) Order 2015 (or any subsequent amendments) the development hereby permitted shall be used for residential flats for people with learning disabilities only (Class C3) and for no other purposes.

Reason: To allow for assessment of parking levels for any future changes of use of the premises to ensure adequate off-street parking is available to prevent any severe impacts on the highway network.

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

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

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

5a. Prior to the development first coming into use, two parking spaces shall be allocated for disabled users located in a convenient position as near as possible to an accessible building entrance and the spaces shall be clearly demarcated accordingly.

5b. All parking spaces shall thereafter be retained and used for no other purpose.

Reason: To ensure adequate parking for disabled users In accordance with UDP Policy GP2, T7 and T13.

6a. Prior to the development first coming into use, full details of a secure, covered and illuminated cycle shelter for the use of staff, residents and visitors, shall be submitted to and approved in writing by the Local Planning Authority and the facility shall be fully implemented in accordance with the approved details.

6b. The cycle shelter facility shall thereafter be retained and used for no other purpose.

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

7. Prior to the development first coming into use, improvements to the existing bellmouth access/egress points on Spring Lane, in the form of the installation of two pairs of tactile pedestrian dropped crossings, shall be implemented to the satisfaction of the Highway Authority, full engineering details of which shall be submitted in advance to the Local Planning Authority for approval in writing.

Reason: To improve accessibility to the site and for the general public for disabled people and the visually impaired in accordance with UDP Policy GP2 and T1 and in accordance with DfT Inclusive Mobility guidance.

8. All external facing materials for the proposed alterations shall match those of the existing building.

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

9. None of the existing trees on the site shall be lopped, felled or root pruned and the development shall be implemented in accordance with tree protection measures that comply with the recommendations of BS5837:2012. The tree protection measures shall be maintained throughout the development.

Reason: To safeguard the trees on the site.

10. During site preparation and building operations no storage of materials, equipment or waste, nor passage of vehicles, nor lighting of fires shall take place beneath the canopy of any tree to be retained.

Reason: To safeguard the trees on the site.

11. No digging of trenches or changes in ground level shall be undertaken within the canopy of any tree to be retained on the site without the written approval of the Local Planning Authority.

Reason: To safeguard the trees on the site.

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

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

Reason: To protect the amenities of surrounding occupiers.

Notes for applicant - Highways

1. The applicant will be expected to obtain the necessary Road Opening Permit from the Highway Authority for the access improvement works within the existing public highway.



Economy and Environment, Development Management

Planning Committee

Report of Head of Planning and Building Control on 01-Oct-2015

Plans List Item Number: 7.

Reason for bringing to committee: Major Application

Location: CASTINGS PLC, LICHFIELD ROAD, BROWNHILLS, WALSALL, WS8 6JZ

Proposal: CHANGE OF USE OF EXISTING B8 WAREHOUSE TO B2 INDUSTRIAL INCLUDING ALTERATIONS TO FORM STAFF WELFARE AND ANCILLARY OFFICES; TRANSFER LOBBY AND PLANT ROOM UNDER EXISTING CANOPY.

Application Number: 15/0799/FL

Case Officer: Alison Ives

Applicant: Castings PLC

Ward: Brownhills

Agent: Barnett Ratcliffe Partnership

Expired Date: 02-Sep-2015

Application Type: Full Application (Major)

Time Extension Expiry: 08-Oct-2015

Recommendation Summary: Grant Permission Subject to Conditions



Application and Site Details

The proposal is for change of use of an existing Class B8 warehouse on the Castings site, Lichfield Road to Class B2 general industrial use plus alterations to form staff welfare facilities and ancillary offices and for a transfer lobby and plant room beneath an existing canopy on the west side of the building facing the access.

The site is within a Core Employment Area. Castings own the adjacent premises and also premises on the opposite side of Lichfield Road. The Anglesey Branch Canal borders the eastern boundary of the site at a much lower ground level beyond which there is Sandhills Farm and Mobile Park Home site which are within the Green Belt. There is a balancing pond to the east of the building which provides water storage to attenuate run-off flows from storm water from the site. There are industrial premises surrounding the north and west boundaries.

The proposed staff welfare facilities and ancillary offices and storage are located at the front of the building, introducing a mezzanine floor providing 422m² over the two floors. First floor windows to the offices and staff welfare facilities are introduced in the end elevation of the building facing Lichfield Road. The proposed transfer lobby and new plant area are located beneath the existing canopy and are 24m long x 9.6m wide. The plant room also has a mezzanine floor. The extensions will be metal clad to match the existing building. The total floor area of the Class B2 area is 6054m². A small portion of warehouse use will remain at the rear of the building (528m²).

The proposal retains the existing cycle store, parking areas for 74 vehicles and the balancing pond.

The site is 2.53 hectares overall.

The Design & Access Statement – Explains that due to current manufacturing needs the proposal is to expand into the current warehouse and replace the warehouse elsewhere (see current application 15/1197). It also describes the design, layout, scale and access of the proposal.

The Noise Impact Assessment – Considers the change of use to Class B2 to include CNC machining factory manufacturing iron and aluminium castings for the automotive industry. The assessment predicts that noise ratings level at nearby noise sensitive properties due to equipment and plant associated with the new CNC factory are not expected to exceed current representative background noise levels during daytime or night time periods. The noise survey results in a mix of traffic and existing industrial noise affecting the local area, including the factory, indicate that typical operational noise due to the development of the site would not be expected to adversely impact the local area or identified noise sensitive receptors.

The Report on Ground Investigation – Describes the site location and surface conditions, history, geology, hydrogeology, landfill, mining, radon and previous ground investigations. It reports present investigations, ground conditions and geo-environmental assessment. It summarises that there is a thin covering of made ground across the site but conventional shallow foundations are likely to be suitable. There are high concentrations of potential contaminants and a layer of clean cover to landscaped areas is recommended and

buildings provided with basic vapour exclusion measures. The site lies over a major aquifer and is within the groundwater source protection zone. The groundwater would not be less than 20m deep and potential for contaminants to migrate is negligible. No remedial precautions are recommended. The canal water levels are above groundwater levels but risk of potential contaminants to the canal is not a significant risk.

The Additional Investigation Work – Deep Groundwater – Further investigations including work to update the risk assessment for controlled waters has been carried out. There is some elevated cyanide in the deeper groundwater but does not appear to be derived from the site itself. The risks to off-site receptors should not be significant if present at all. Hydrocarbons also seem to have reduced. No remedial precautions with respect to soils or groundwater with respect to cyanide are needed.

Relevant Planning History

15/1197 - Extension to existing B8 warehouse with undercroft parking for an additional 50 cars, turning area, extended canopy and modified balancing pond – No decision yet. This is a current application to provide a new Class B8 warehouse to replace that displaced by the current proposals to change the use of the existing warehouse to Class B2 use. Outline planning permission 11/0432/FL has already been granted for this.

12/0785/FL - Construction of building for forklift wash and workshop – Granted subject to conditions 15/08/12.

12/0662/FL - Demarcation of disabled parking spaces – Granted subject to conditions 20/07/12.

11/0432/FL - Full planning application for New Warehouse and Car Park with associated internal service roads and landscaping and Outline planning application for future development area 0.47ha – Granted subject to conditions 01/07/11.

10/1404/FL - New warehouse and car park with associated internal service roads and landscaping – Granted subject to conditions 01/02/11.

There are older applications and applications for display of advertisements at the site dating back to 1987.

Relevant Planning Policy Summary **National Planning Policy Framework (NPPF)**

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

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

Find ways to enhance and improve places in which people live their lives

Contribute to conserving and enhancing the natural environment and reducing pollution.

Always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings

Take account of the different roles and character of different areas, promoting the vitality of our main urban areas

Encourage the effective use of land by reusing land that has previously been developed

Key provisions of the NPPF relevant in this case:

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

Paragraph 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

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

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

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

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

Paragraph 121 Development sites should be suitable for new uses taking account of ground conditions and land instability, including from natural hazards or former activities such as mining and pollution.

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

On planning conditions the NPPF says:

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

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

applicants to secure developments that improve the economic, social and environmental conditions of the area. Pre-application engagement is encouraged.

The Development Plan

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

The Black Country Core Strategy (BCCS) (2011)

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

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

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

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

The Spatial Objectives include

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

The above are supported by the following policies:

CSP2: Outside strategic centres and regeneration corridors free-standing employment sites to provide local employment opportunities to serve communities outside the corridors will be supported.

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

EMP1: Aims to provide industrial land and warehouse jobs in the Black Country and to protect jobs and support economic growth.

EMP2: Encourages development of high quality employment land and safeguards it for B1(b), B1(c), B2 & B8 purposes.

EMP3: Provides for local quality employment land.

EMP5: Seeks to improve access to the labour market by securing recruitment and training.

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.

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.

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

Walsall's Unitary Development Plan (UDP)

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

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

The relevant policies are:

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

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

ENV14: Encourages reclamation and development of derelict and previously developed land where possible in accordance with other policies. Where previous uses have affected the stability of the site the application must be accompanied by a site investigation report.

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.

JP5: Seeks to protect core employment areas for employment uses.

JP8: Bad neighbour industries will be given careful consideration and should be capable of providing satisfactory screening and landscaping and must be subject to stringent operational control to minimise disturbance.

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

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

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

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

T8: Seeks to improve pedestrian access.

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.

Class B2 (General Industrial) – 1 car park space per 50m² of gross floor space up to 250m²; then 1 space per 100m², 1 bike locker for every 10 car parking spaces plus Taxi facilities.

Supplementary Planning Documents (SPD)

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

The relevant SPD's are:

Designing Walsall SPD

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

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

Consultations

Transportation – No objections subject to recommended conditions to secure details of access and parking. There are 74 parking spaces are available which accords with the maximum parking levels in UDP policy T13. The access is an existing one and remains unchanged. A cycle shelter is already provided.

Canal & River Trust – No objections.

Ecology – No objections.

Flood Risk Manager – No objections. There are no major built changes, other than at first floor creating a mezzanine and infilling the existing canopy for the plant area. A small proportion of the canopy area is sited within the 1000 year surface water mapping so there is a residual risk that the proposed two storey infill would affect and displace the pluvial flow route. Given the 1000 year envisaged return period, it is liable to only convey significant flow in rare events. There are two existing substations shown within this rare event flow path – one within the factory and one adjacent the cycle store so the developer should be made aware of the residual risk to the site or relevant utility company, so they can decide whether any on-site mitigation measures are necessary.

There is an existing pond on-site which appears to act as attenuation for the site and it's unlikely that the surface water drainage arrangements will change, although there may be an increase in foul flows.

Associated documents show that there may be elevated cyanide present in the deeper groundwater but unless there is any other local knowledge or risk to the site that we are unaware of, we do not have any other comments or informatives to add to the application.

Inland Waterways – No objections.

Lichfield District Council – No objections.

Police – No objections.

Pollution Control – No objections subject to conditions to secure noise mitigation. The impacts upon nearby residential premises, in particular those located on the Mobile Home Park at Sandfield Farm, need to be considered. The applicant states their intention for CNC machining to take place within the building. Whilst CNC machining is not excessively noisy when contained within a solid building, B2 industrial use has potential for other noisier activities to be conducted. A noise condition is recommended to require compliance when machinery and/or other activities are carried out. In relation to contaminated land and pollution of groundwater no ground-works are to take place so no additional information is required. An advisory note should be included within any permission as Castings PLC currently holds an Environmental Permit issued by Pollution Control for their foundry activity. If any proposed B2 use within the building in question is a directly associated activity with foundry production, then the applicant is required to contact Pollution Control to discuss the requirement to vary the permit. Should the variation be considered to be substantial then the Public Participation Directive shall apply. The developer should avoid creating any openings or installing extraction systems on the facade facing onto the Mobile Home Park.

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

Public Participation Response
None received.

Determining Issues

Principle of development
Layout and Design
Relationship to surrounding properties
Means of access and parking

Observations

Principle of Development

The premises are located in a Core Employment Area where there are established industrial uses adjacent. In accordance with policies EMP2 and EMP3 of the BCCS and JP5 of the UDP these types of sites are safeguarded for employment uses including classes B1, B2 and B8. The proposal for a Class B2 general industrial use with ancillary offices and staff facilities accords with the policy to protect employment land.

The change of use also retains existing employment on the site as part of the existing business.

For these reasons the proposals are considered in accordance with BCCS policy EMP2, EMP3 and UDP policy JP7.

Layout and Design

The proposal is for change of use of the existing building with only minor elevation changes including windows in the elevation facing Lichfield Road and an infill extension below the canopy facing the access. The layout of the site remains the same as existing and is unaffected by the proposed development.

The proposed extension beneath the canopy matches the remainder of the building and is to be metal clad which is typical of industrial buildings design.

The layout retains the balancing pond to attenuate for surface water run-off and protect the canal so there is no adverse impact on the canal or drainage for the site. The Canal & River Trust, Inland Waterways and the Flood Risk Manager are satisfied with these arrangements. Pollution Control officers are also satisfied that there is no significant risk in terms of contamination or pollution of groundwater. The change in processes may need a variation to the current Environmental Permit issued to Castings by the Council but this is a process controlled by Pollution Control.

The layout and design of the proposal are acceptable.

Relationship to surrounding properties

The building is already in place and there are no changes to the elevations facing Sandhills Farm or the Mobile Park Home site. There will be no change to the appearance of the building from these nearest residential properties.

The change of use to Class B2 does introduce CNC machining and industrial processes within the building which has a greater potential to affect the amenities of nearby residents in terms of noise. Pollution Control officers have recommended conditions to secure noise mitigation to address this potential.

The extension for the transformer and plant rooms is on the opposite side of the building facing the access and other industrial buildings so will not be visible from residential properties and will be masked by the remainder of the building. Noise measures will apply equally to this extension to protect amenities.

The developer should avoid creating any openings or installing extraction systems on the facade facing onto the Mobile Home Park. A condition to control noise levels will address this. A condition to require details of any new external lighting is also recommended to prevent harm to the amenities of nearby residents.

Means of access and parking

The proposal does not amend the existing means of access or parking provision at the site. The use of the building by Castings for Class B2 industrial processes is ancillary to uses on the wider site and the level of parking provision is acceptable. The parking provision accords with UDP policy. The Transportation officer does recommend a

condition to ensure the building remains ancillary to the remainder of the site in order to ensure that adequate parking remains.

The means of access and parking are unaltered and are acceptable for the proposed use.

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 plans and supporting information has 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 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: -

Location Plan (1505/PL/07) received 22/05/15

Proposed Site Plan (1505/PL/06) received 22/05/15

Proposed Elevations (1505/PL/05 Rev A) received 04/06/15

Proposed Plans & Section (1505/PL/04) received 22/05/15

Existing Site Plan (1505/PL/03) received 22/05/15

Existing Elevations (1505/PL/02) received 22/05/15

Existing Floor Plan (1505/PL/01) received 22/05/15

Design & Access Statement (SAL/AC/1505/DAS) received 04/06/15

Noise Impact Assessment prepared by HRS Services Limited (121177-AC- 2v2) received 16/07/15

Report on Ground Investigation prepared by Sladen Associates (08-0794) received 04/06/15

Additional Investigation Work – Deep Groundwater Report prepared by Slade Associates received 04/06/15

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

3a. Prior to the commencement of the development drainage plans for the disposal of both [surface water and foul sewage shall be submitted to and approved in](#) writing by the Local Planning Authority.

3b. The development shall be completed fully in accordance with the approved details and retained as such.

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

4a. The difference between the Rated Level (as determined using British Standard BS4142:2014) and background noise levels shall not be greater than 5 decibels, 1 metre from the facades of occupied dwellings (including mobile homes and caravans).

4b. The developer shall demonstrate compliance with part (a) of this above condition at the written request of the Local Planning Authority.

Reason: To protect nearby residents.

5. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) the proposed development shall remain ancillary to the main use of the site as a whole and shall not at any time be operated independently.

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

6. The parking areas shown on drawing no.1505/PL/06 dated May 2015, shall thereafter be retained and used for no other purpose.

Reason: To ensure adequate parking is retained in accordance with UDP Policy GP2, T7 and T13.

7. The extensions to the building hereby approved shall be completed in materials to match that of the existing building.

Reason: To ensure the satisfactory appearance of the development.

8a. Prior to the installation of any external lighting systems full details shall be submitted to and agreed in writing with the Local Planning Authority.

8b. Any agreed external lighting shall be implemented and maintained in accordance with the agreed details.

Reason: To protect the amenities of surrounding properties.

Note for applicant – Noise Survey Methods

It is recommended that prior to any noise survey the consultant agree methodology in writing with the Local Planning Authority. British Standard BS 4142:2014 'Methods for rating and assessing industrial and commercial sound' is relevant for any acoustic survey.

Acoustic surveys should be conducted by suitably qualified persons. Consideration should be given to persons or organisations with membership to the Institute of Acoustics and/or Association of Noise Consultants, relevant qualifications in acoustics include e.g. Institute of Acoustic Certificate of Competence and/or Diploma.

Advisory note

Castings currently hold an A2 Environmental Permit for their foundry. If the activities are to be associated with the foundry are to be conducted in the proposed building then consideration needs to be made for varying the permit.



Economy and Environment, Development Management

Planning Committee

Report of Head of Planning and Building Control on 01-Oct-2015

Plans List Item Number: 8.

Reason for bringing to committee: Major Application

Location: , FORMER BEECHDALE COUNTY PRIMARY SCHOOL, REMINGTON ROAD, WALSALL, WS2 7EF

Proposal: ERECTION OF 80 DWELLINGS COMPRISING 1 & 2 BED FLATS AND 2, 3 & 4 BED HOUSES

Application Number: 15/1119

Applicant: Accord Indesign

Agent: Accord Indesign - Mr Kevin Paddock

Application Type: Full Application (Major)

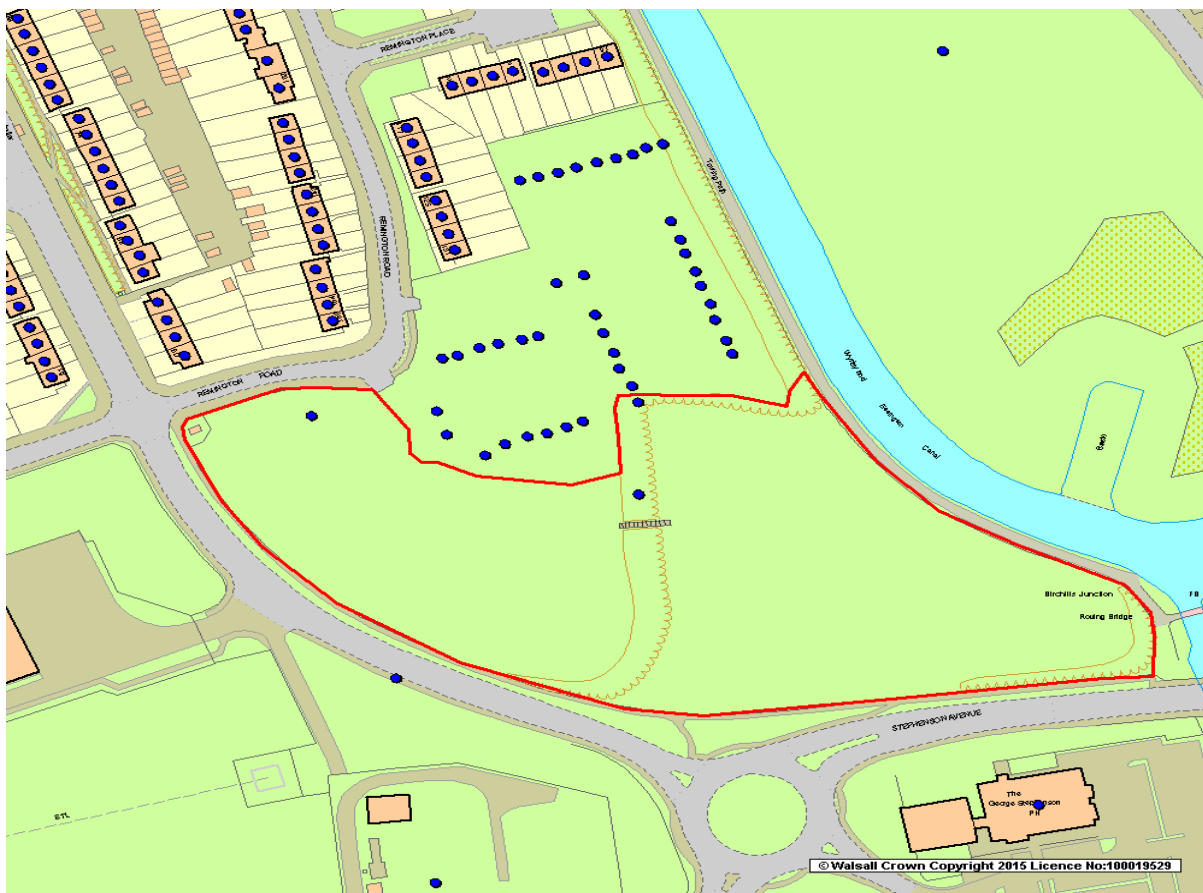
Case Officer: Alison Ives

Ward: Birchills Leamore

Expired Date: 20-Sep-2015

Time Extension Expiry:

Recommendation Summary: Grant permission subject to conditions and subject to resolving ecology and tree issues. Also subject to a S106 Agreement to secure provision for urban open space unless the District Valuation Officer confirms the scheme is not viable with the full contributions.



Application and Site Details

The proposal is to erect 80 dwellings as phase 2 of the development of the former Beechdale School, Remington Road. The applicant is Accord Housing Association and the proposed properties are all affordable social rented units. The proposed mix is 12 x 1 bed flats, 24 x 2 bed houses and 12 x 2 bed flats, 22 x 3 bed house and 10 x 4 bed houses. All housing will be designed to Secure by Design principles.

The school has been demolished and phase 1 built out and occupied. The remainder of the school site comprises mainly scrub vegetation with mature trees in the south-eastern corner and mature trees and a dense hedge around the perimeter. There is a Tree Preservation Order across the site (48/2008). The Wyrley & Essington Canal borders the eastern boundary (a Site of Local Importance for Nature Conservation) and Stephenson Avenue forms the southern boundary. Existing properties in Remington Road are two storey houses. The phase 1 development now known as Innovation Way includes three storey properties. Accord Group occupies a factory site opposite the application site where they manufacture timber panels for housing construction. Reedswood Way Retail Park and the George Stephenson public house are located in the vicinity and there are bus stops immediately adjacent to the site. Remington Road bends at a 90 degree angle in the location of the site.

The proposal is to develop the remainder of the former school site as phase 2 of the Accord Group development. The site was declared surplus to requirements by the Council.

The proposal is to utilise the same access as Phase 1 off Remington Road, now named Innovation Way. This connects throughout the housing layout for phase 1 and 2 with pedestrian access only onto Stephenson Avenue. The proposed housing faces shared spaces (homezones) and secondary access within the site. The existing school palisade fencing along Stephenson Avenue is to be removed and the landscaped area managed by Accord to ensure its retention along Stephenson Avenue. A landscaped buffer along the canal is also to be retained and managed by Accord.

There is one parking space per unit allocated for the flats and for the 2 bedroom houses and two parking spaces for 3 bedroom houses and larger.

The proposed layout includes semi-detached and terraced houses and a block of apartments. The houses are constructed with timber framing which is manufactured by Accord at their factory opposite the site on Stephenson Avenue. A mix of two and two and a half storey houses of modern design are proposed and a three storey apartment block in the south-eastern corner of the site adjacent to the existing woodland. Features include gables, balconies, Juliet balconies and glass canopies with some horizontal cladding.

The site is 1.91 hectares giving a density of 42 dwellings per hectare. The surrounding housing has a density of 35 dwellings per hectare and the phase 1 development has a density of 37 dwellings per hectare.

The developer states that as the scheme provides 100% affordable units they are unable to provide for any other required obligations.

The sale of the site will generate a capital receipt for the Council.

The Design & Access Statement – Describes the site and its context, gives an analysis of the site and explains the proposed design, proposed landscaping and sustainability.

The Transport Statement - Considers the impact of the proposed redevelopment proposals on the local road network, trip generation, traffic impact, highway safety and sustainable access. The Statement concludes that the Phase 1 and 2 development will result in a reduction in trips generated compared to the former school use during the AM peak and school closing. There will be negligible trips during the PM peak. It advises that due to the minimal impact in terms of additional traffic no junction assessments of the local network have been carried out. The local highway network has a very good safety record. The site also has potential to generate trips by sustainable modes.

The Framework Travel Plan – Identifies existing transport opportunities, redevelopment proposals, travel plan management and co-ordination, travel plan initiatives, targets, review and monitoring. The framework sets out a package of measures to take forward on occupation and explains how the framework will be administered by a Travel Plan Co-ordinator. It targets a reduction in private car use.

The Environmental Noise Survey & Assessment – Assesses the environmental impact of noise on the proposed residential development. Suitable mitigation treatment is recommended including glazing.

The Phase 2 Geo-Environmental Interpretive Report– Includes a description of the site, and its history, examines the geology/ground conditions, hydrogeology and mining implications and potential contamination issues from radon, gas protection and contamination assessments of human health, controlled waters. It makes recommends for foundations and floor slab, drainage, roads and hard standing.

The Phase 2 Flood Risk Assessment & Drainage Strategy – Describes the site noting it within Flood Zone 1 having less than 1:1000 year annual probability of river or sea flooding or other sources. The surface water run-off is to be limited to a restricted discharge rate of 15l/s maximum for 1:30 year storm event and 42 l/s maximum for 1:100 year storm event plus allowance for 30% for climate change. In this instance water quality improvements through use of SuDS are not beneficial but water butts, permeable paving and attenuation tanks are to be incorporated. Foul drainage will be connected to Severn Trent Water combined sewer in Remington Road and this sewer has sufficient capacity.

The Arboricultural Survey & Constraints Report –Identifies individual trees and groups of trees that have been surveyed. It identifies potential below and above ground constraints, indirect damage, subsidence and heave. It recommends a full assessment to support the full application and arboricultural methods statement. Trees T3 (Ash), T5 and T10 (Horse Chestnut) are identified for removal. Timing of works should avoid disturbance to protected species and wildlife.

The Tree Protection Plan & Arboricultural Method Statement – Considers there is no arboricultural reason why the development cannot proceed. Tree protection measures are identified.

The Update Baseline Ecological Site Audit – Concludes apart from the development of phase 1 very little has changed in remaining habitats since 2012. It is important that woodland habitat, hedgerows, trees and shrubs in the site and along the canal are retained, protected and ecologically enhanced under a permanent Management Plan for

Biodiversity. The development should only proceed with protection and enhancement measures in place.

Relevant Planning History

13/0575/FL - Residential development of 40 houses (Phase 1) – Granted subject to conditions 31/07/13.

14/1666/NMA - Non-material amendment to permission 13/0575/fl to change approved facing materials, omit gable window on plot 10, balconies on plots 10-19 and house type BV/A4, eaves parapet on house types BV/A4 and BV/A3, PV panels on house type BV/A4 and changes to layout and parking (plots 10-18, 32, 35-40) – Granted subject to conditions 02/12/14.

There are older applications for the former school on the site.

Relevant Planning Policy Summary

National Planning Policy Framework (NPPF)

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

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

Find ways to enhance and improve places in which people live their lives

Contribute to conserving and enhancing the natural environment and reducing pollution.

Always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings

Take account of the different roles and character of different areas, promoting the vitality of our main urban areas

Encourage the effective use of land by reusing land that has previously been developed

Key provisions of the NPPF relevant in this case:

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

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

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

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

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

Function well and add to the overall quality of the area

Establish a strong sense of place

Respond to local character and history and reflect the identity of local surroundings and materials

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

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

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

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

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

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

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

On planning conditions the NPPF says:

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

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

The Development Plan

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

The Black Country Core Strategy (BCCS) (2011)

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

This was adopted under the current Local Development Framework system, and the NPPF says that for 12 months from the publication of the national framework "decision-takers may continue to give full weight to relevant policies. However, it is more than 12 months

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

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

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

The Spatial Objectives include

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

The above are supported by the following policies:

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

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

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

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

HOU3: Will seek to secure 25% affordable housing on all sites of 15 dwellings or 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.

ENV4: All development proposals likely to affect the canal network must: safeguard the operation of a navigable and functional waterway; protect and enhance its special historic, architectural, archaeological and cultural interest protect and enhance its nature conservation value; protect and enhance its visual amenity; protect and enhance water quality in the canal.

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

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

Walsall's Unitary Development Plan (UDP)

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

The relevant policies are:

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

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

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

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

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

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

ENV24: New development which would sever or unacceptably [harm the integrity of linear features such as canals will not normally be permitted.](#)

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

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

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

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

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

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

T1: Seeks to improve access and help people get around

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

T7 – Car Parking

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

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

T10 (a): Refers to accessibility standards.

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

T13: Parking Provision

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

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

Flats with communal parking, 1.5 spaces per flat

Flats with allocated parking, 2 spaces per flat

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

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

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

DW5: Ease of Movement – connections to existing routes

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

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

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

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

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

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

Conserving Walsall's Natural Environment SPD

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

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

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

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

Supplementary Planning Document for Affordable Housing

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

Supplementary Planning Document Urban Open Space

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

Consultations

Transportation – No objections in principle. Conditions to secure details of access, parking, cycle parking and the pedestrian access onto Stephenson Avenue are recommended. Parking levels are considered acceptable as this is in a sustainable location and the applicant has demonstrated that there is lower car ownership in this ward (census data 2011).

Asset Management - The former Beechdale School closed in July 2007 and the buildings were demolished in November 2008. The site is surplus to the Council's requirements. The Department for Education granted consent under Schedule 1 of the Academies Act 2010 in October 2013 to the disposal of the non playing field elements of the site. Consent from the Secretary of State for Education is awaited under Section 77 of the Schools Standards and Framework Act 1998 for the disposal of the playing field element of the site.

Canal & River Trust – No objections. An informative is recommended regarding working practices adjacent to the canal.

Coal Authority – No objections. The Phase 2 Geo-Environmental Interpretive Report identifies that the coal mining legacy on site potentially poses a risk to the proposed development and that remedial works to stabilise an identified recorded mine entry (shaft) should be undertaken prior to development. A condition to secure this is recommended.

District Valuation Officer – Comments to be updated at committee.

Ecology – Objects. The proposal destroys a small woodland adjacent to the canal corridor and allows insufficient space to provide a scheme which will enhance the canal corridor without causing a nuisance to the future residents. The applicant's landscape scheme does not provide sufficient details for proposed landscaping in this area.

Environment Agency – No objections.

Environmental Health – No objections.

Flood Risk Manager – No objections subject to a condition to secure drainage details to restrict run-off rates so that the 1 in 30 year event is not allowed to flood the surface, meaning that water must stay in the pipes, manholes and storage systems. The 1 in 100 year & 30% climate change event can be stored on site but will not be permitted to enter any buildings. The 1 in 100 year & 30% must also be limited to the development and not be allowed to migrate to any adjacent areas or properties.

Permeable paving for the parking bays has been incorporated into the Masterplan design, with sizeable attenuation tanks providing storage volume. The application has also considered designing for exceedance.

Housing Strategy – Fully supports the proposed tenure and property type and size mix. The proposal is for a 100% affordable scheme.

Landscape – No objections subject to a condition to secure details of soft landscaping.

Natural England – No objections. The proposal is unlikely to affect any statutorily protected sites or landscapes. Provision of green infrastructure is encouraged to be incorporated into the site. Information to assess protected species or local sites should be assessed by the local authority in accordance with standing advice.

Police– This area experiences high levels of crime. The developer advises that the development will meet the appropriate Secure By Design specifications that were met on Phase 1. There only remaining concern is in relation to securing the apartment block and access control gates are recommended to protect this vulnerable area of the site. A note for applicant about recommended security measures is included.

Pollution Control – No objections. Conditions are recommended to address localised ground contamination, acoustic mitigation measures, and impacts during the construction phase.

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

Sport England – No objections. The site is considered not to form part of, [or constitute a playing field as historical aerial photographs identify there is](#) no evidence that the playing pitches had ever been marked out as playing pitches and the playing fields have not been used for over five years.

Public Participation Response

None received.

Councillor Jeavons asked a question regarding the position of the access and whether this could be conditioned.

Determining Issues

Principle of residential development
Layout and design
Relationship to surrounding properties
Means of access & parking
Relationship to existing trees and canal
Provision for affordable housing and urban open space
Local Finance Considerations

Observations

Principle of residential development

The site was previously developed as a school and associated playing fields. The school closed in 2007 and was declared surplus to requirements by the Council. The proposals are for the remaining part of the school site as Phase 2 of a residential development. The Department for Education granted consent under Schedule 1 of the Academies Act 2010 in October 2013 to the disposal of the non playing field elements of the site. Sport England do not object to the proposals as there is no evidence that the site has been used as a sports pitch in the last five years.

The principle of new housing development on a previously developed site in a sustainable urban location is in accordance with development plan policies.

The principle of new housing on the site is considered acceptable.

Layout and design

The proposed layout utilises the same access as Phase 1 off Remington Road, now named Innovation Way. There is a row of houses facing Remington Road but the remainder of the proposed houses face the internal access within the site. On the whole rear gardens back onto one another, the exception being those plots backing onto Stephenson Avenue. As there is a belt of trees and landscaping to be retained along this frontage to be managed by Accord it will ensure the new housing is screened.

There is adequate space and separation between the proposed dwellings on site as distances between facing elevations is at least 24m and at least 13m between gable elevations. The gardens are considered appropriate in size and offer a useable amenity area for future occupiers.

The proposed apartment block in the south eastern corner of the site is aligned almost parallel to the boundary of the site with the canal and is surrounded by the retained trees. The existing palisade security fence for the school is to be retained in this area to provide security for the flats. This will partly address the police comments regarding security of the flats. A note for applicant is recommended regarding other recommended security measures. There are pockets of useable space around the building and car parking adjacent.

The density at 42 dwellings per hectare is within an acceptable range and is similar to the phase 1 development. The slight increase (37dph to 42 dph) is reflective of the fact that there are flats included on phase 2 which are inevitably a higher density.

Accord factory premises are on the opposite side of Stephenson Avenue. There is also potential for traffic noise to those properties nearest to this boundary. The Pollution Control officer recommends conditions to secure acoustic mitigation measures and to restrict construction hours in order to protect residential amenities in this respect.

Conditions are also recommended to address ground contamination and to secure drainage details as requested by pollution control officer, Severn Trent Water and the Food Risk Manager.

The modern design and appearance of the proposals is similar to that on phase 1 and is considered acceptable.

The layout and design are considered acceptable subject to resolving ecology and tree issues referred to below.

Relationship to surrounding properties

The proposed dwellings facing Remington Road are set back from the highway and are sufficient distance away from existing properties so there is no potential for significant overlooking or loss of privacy. The layout of dwellings within phase 2 meet the space and separation distances recommended in SPD: Designing Walsall so do not significantly affect the residential amenities of future occupiers. The distance between existing housing on phase 1 and proposed housing on phase 2 also complies with the guidance.

Conditions are recommended to restrict construction hours and to provide a construction methodology working plan in order to protect the amenities of surrounding occupiers.

The relationship to surrounding housing does not cause significant potential for overlooking, loss of privacy or loss of daylight and is acceptable.

Means of access & parking

The proposal is to utilise the existing access off Remington Road, now called Innovation Way. The Transport Statement states that the proposals for phase 2 do not create any significant impact on the surrounding highway network, even when combined with the phase 1 development. The combined effect on the highway network is negligible when compared to the original school use.

In response to Cllr Jeavons enquiry regarding the access this is to be from the existing access off Remington Road (now Innovation Way) rather than from Stephenson Avenue and will be secured by condition. The Transportation officer is satisfied that the proposed access will not have any significant impact on the surrounding highway network.

The level of parking is considered appropriate as there is 100% parking for the flats and 2 bedroom units and 200% parking for the 3 bedroom units and above. This is a sustainable location and the census data demonstrates that there is low car ownership in this ward. There is access to bus stops immediately outside the site and the site is in walking distance of other shops and facilities.

The design of the access within the development is a shared space comprising different surface materials and incorporates street tree planting. This softens the appearance and reduces any potential impact on the appearance of the development due to parking.

The means of access and parking is acceptable.

Relationship to existing trees and canal

The proposed apartment building is 9.5m away at its closest point from the boundary of the site with the canal and is positioned amongst existing trees. The trees along the canal boundary and along Stephenson Avenue are to be retained and there is sufficient space to build the apartment block without causing significant harm to the proposed retained trees. The ecology officer is concerned that the proposed apartment block is too close to the trees and allows insufficient space to enable enhancements along the canal corridor without causing a nuisance to the future residents.

The trees surrounding the apartment building will inevitably affect the outlook for future occupiers but as the developer is Accord Housing who will be managing the external spaces then a condition to secure the management of the external areas should ensure no unauthorised pruning or removal of trees. This will ensure there remains a landscape corridor along the canal to enhance any ecological benefits. A condition to secure this is recommended.

The ecology officer is also concerned that the applicant's landscape scheme does not provide sufficient details for proposed landscaping in this area. An amended scheme can be secured by recommended condition to address this.

The Canal & River Trust raises no objections to the proposals or relationship of the building to the canal boundary. A note for applicant is recommended to advise the developers of their responsibility to liaise with the Trust during construction.

It is considered that there is scope to retain trees yet provide a satisfactory relationship to the canal corridor without requiring significant amendments to the size or position of the proposed apartment block. On this basis the recommendation is to grant permission subject to conditions (and a S106 Agreement unless proved not viable) and subject to resolving these ecology and tree concerns.

Provision for affordable housing and urban open space

Under the terms of policies DEL1 and HOU3 of the BCCS and SPD Affordable Housing the proposal triggers the need for provision of affordable housing. Provision of 25% would equate to the need for 20 units. The application is made by Accord Group and all 80 units will be social rented to be provided by Accord a Registered Provider. Although the proposed affordable housing provision at 100% is well above the policy requirement for 25% provision the Housing Strategy officer is fully supportive of the level of provision proposed. The affordable housing provision is recommended to be secured by condition.

Under the terms of policies DEL1 of the BCCS and policies GP3 and LC1 of the UDP and SPD: Urban Open Space the proposal triggers the requirement for a contribution towards provision of urban open space. Based on the policy requirements this equates to a contribution of £133,190.00 normally secured by a S106 Agreement. The developer is proposing nil.

The developer has provided a Financial Viability Assessment which is being reviewed by the District Valuation Officer. If the District Valuation Officer finds that the scheme is viable with full policy compliant requirements for urban open space then it is recommended that this is secured by a S106 Agreement. In the event that the District Valuation Officer confirms the scheme is not viable with full policy compliant requirements then it is recommended that the proposal is granted subject to a condition to secure the affordable housing only.

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 80 new homes.

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

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

Positive and Proactive working with the applicant

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

Recommendation: Grant permission subject to conditions and subject to resolving ecology and tree issues. Also subject to a S106 Agreement to secure provision for urban open space unless the District Valuation Officer confirms the scheme is not viable with the full contributions.

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: -

Location Plan (100 Rev A) received 27/07/15

Proposed Site Plan (102) received 19/06/15

Masterplan Layout Phase 2 (21304-203) received 19/06/15

Phase 2 General Arrangement 1 of 2 (21304-200) received 19/06/15

Phase 2 General Arrangement 2 of 2 (21304-201) received 19/06/15

House Type Bv/A4 (Double Fronted) – Plans & Elevations (14-1360/103) received 19/06/15

House Type b.A2 – Proposed floor Plans & Elevations (14-1360/104) received 19/06/15

House Type b-B1 – Proposed Floor Plans & Elevations (14-1360/105) received 19/06/15

House Type w-C1 – Proposed Floor Plans & Elevations (14-1360/106) received 19/06/15

Floor Plans – Flats (14-1360/107 Rev B) received 19/06/15

Elevations – Fats (14-1360/108 Rev B) received 19/06/15

Phase 2 Planting Strategy (21304-204) received 19/06/15

Phase 2 Planting Strategy (21304-205) received 19/06/15

Levels Strategy (P14-369/301 Rev E) received 19/06/15

Drainage Strategy (P14-369/302 Rev D) received 19f/06/15

Longitudinal Sections (P14-369/303 Rev B) received 22/06/15

Flood Routing Plan (P14-369/304 Rev C) received 19/06/15

External Works Layout (P14-369/310 Rev D) received 19/06/15

Topographical Survey (14-1360/101 Rev A) received 19/06/15

Tree Constraints Plan (600001801-TCP) received 19/06/15

Tree Protection Plan (1 of 1 received 19/06/15

Swept Path Analysis (1403-02 Rev A) received 22/06/15

Design & Access Statement prepared by Accord Indesign (version 01) received 29/06/15

Transport Statement prepared by Phil Jones Associates (1403) received 22/06/15

Framework Travel Plan prepared by Phil Jones Associates (1403) received 22/06/15

Environmental Noise Survey & Assessment prepared by noise.co.uk (14142A-1) received 19/06/15

Phase 2 Geo-Environmental Interpretive Report prepared by Rodgers Leask Environmental (P12-214) received 19/06/15

Phase 2 Flood Risk Assessment & Drainage Strategy prepared by Rodgers Leask (P14-369) received 19/06/15

Arboricultural Survey & Constraints Report prepared by Betts (S6154/J000416/ARB) received 19/06/15

Tree Protection Plan & Arboricultural Method Statement prepared by Betts (S6154/J000416/ARB) received 19/06/15

Update Baseline Ecological Site Audit (6154/J000401/HAUD) received 19/06/15

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

3. With due regard to the Phase 2 Remington Road, Walsall, Geo-environmental Interpretive Report, by Rodgers Leask Environmental Ltd, June 2015:
Prior to built development commencing a “Remediation Statement” setting out details of remedial measures to deal with the identified and potential hazards of any land contamination present on the site and a timetable for their implementation shall be submitted to and agreed in writing by the Local Planning Authority. (see Note for Applicant CL2)

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

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

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

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

4a. Prior to the commencement of the construction activities a Construction Methodology Working Plan shall be submitted to and approved in writing with the Local Planning Authority.

4b. The Construction Methodology Working Plan shall be implemented fully in accordance with the approved details upon commencement of works and shall be maintained until the site is completed.

Reason: To protect the amenities of surrounding occupiers and protect the surrounding highway network from indiscriminate parking.

5. With due regard of Environmental Noise Survey & Assessment, 19th March 2015, Report Ref 14142A-1, by Noise.co.uk Ltd

Prior to construction and engineering works commencing the applicant shall agree acoustic mitigation measures to be incorporated into the dwellings in writing with the Local Planning Authority.

Upon installation of the acoustic mitigation measures the applicant shall submit a validation report in writing to the Local Planning Authority confirming that the agreed mitigation measures have been checked and installed as agreed.

Reason: To protect the amenities of existing and future occupiers.

6. The remediation works set out within Section 11.4 of the Phase 2 Geo-Environmental Interpretive Report prepared by Rodgers Leask Environmental Ltd (June 2015) shall be fully completed prior to commencement of development.

Reason: To address the coal mining legacy on site.

7a. Prior to the commencement of the development drainage plans for the disposal of surface water (based on sustainable drainage principles and limited to greenfield run-off rates) and foul sewage shall be submitted to and approved in writing by the local planning authority.

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

Reason: To ensure the development is provided with satisfactory means of drainage and to prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal.

8a. Prior to the commencement of any development above damp proof course level, a more detailed soft landscaping scheme for the development shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be submitted on a plan to an appropriate scale and shall include where applicable, details of:

Native planting to frontage of canal

Individual plants shown allocated to individual beds and totalled up on a Plant Schedule

Use of imported topsoil to agreed British Standard, unless detailed soil analysis is provided to prove suitability of existing site soils.

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

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

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

9. None of the existing trees on the site shall be lopped, felled or root pruned other than those to be first agreed in writing with the local planning authority, and the development shall be implemented in accordance with tree protection measures that comply with the recommendations of BS5837:2012. The tree protection measures shall be maintained throughout the development.

Reason: To safeguard the trees on the site.

10. During site preparation and building operations no storage of materials, equipment or waste, nor passage of vehicles, nor lighting of fires shall take place beneath the canopy of any tree to be retained.

Reason: To safeguard the trees on the site.

11. No digging of trenches or changes in ground level shall be undertaken within the canopy of any tree to be retained on the site without the written approval of the Local Planning Authority.

Reason: To safeguard the trees on the site.

12. Prior to the first occupation of the development details of the ongoing maintenance and management of all landscaped and external areas throughout the site shall be submitted to and approved in writing by the local planning authority and thereafter maintained in accordance with the agreed details.

Reason: To ensure the maintenance and ongoing management of landscaped and external areas to protect the visual amenities of the area and security of the site.

13. Prior to the commencement of development above damp proof level, details for the two proposed pedestrian access points along Stephenson Avenue shall be submitted to and approved in writing by the local planning authority. The details shall include drawings to show the design of the both accesses and details of the proposed gates adjacent to the apartment block to include both manual and electronic opening and closing arrangements together with details of on-going maintenance arrangements.. Any approved gates shall thereafter be installed and maintained in accordance with the agreed details prior to the occupation of any dwelling hereby approved.

Reason: To ensure the development delivers a safe and secure form of accommodation and highway movements into and out of the site are not interrupted.

14a. Prior to the first occupation of any dwelling to which this permission relates an area for car parking shall be laid out in accordance with the approved plans which shall be properly consolidated, surfaced and drained, in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

14b. These areas shall not thereafter be used for any other purpose than the parking of vehicles.

Reason: In the interests of highway safety and to ensure the free flow of traffic using the adjoining highway and in accordance with UDP Policies T7 & T13.

15a. Prior to the development first coming into use, full details of a secure, covered and illuminated cycle shelter shall be submitted to and approved in writing by the Local Planning Authority and the facility shall be fully implemented in accordance with the approved details.

15b. The cycle shelter facility shall thereafter be retained and used for no other purpose.

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

16. Upon first occupation of the development, the commitments, measures and targets to encourage sustainable travel modes to reduce car based trips to the site contained with the Framework Travel Plan dated June 2015 and submitted by Phil Jones Associates (Project Code:1403) shall be fully developed into a full Travel Plan and implemented, monitored and reviewed for the lifetime of the development, in accordance with the approved Plan.

Reason: To encourage sustainable travel modes, in accordance with BCCS policy TRAN2 and UDP Policy T10.

17a. Notwithstanding the plans submitted prior to the first occupation of the development, details of the proposed boundary treatments shall be submitted to and agreed in writing by the Local Planning Authority

17b. The development shall be implemented in accordance with the agreed details thereafter.

Reason: To protect the visual amenities of the area.

18a. Prior to the commencement of any built development above damp proof level on any structure full details of all external facing materials shall be submitted to and agreed in writing by the local planning authority.

18b. The development shall be implemented in accordance with the agreed facing materials.

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

19. No more than 25 dwellings shall be built on the application site, unless the applicant has made appropriate on-site provision towards affordable housing in accordance with policies HOU3 of the Black Country Core Strategy and GP3 of the Walsall Unitary Development Plan and the Affordable Housing Supplementary Planning Document unless otherwise agreed in writing by the Local Planning Authority. The affordable housing shall be retained thereafter.

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

20. 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 – Canal & River Trust

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

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

Note for applicant – Contaminated Land

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

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

records and results of any post remediation ground gas testing should be included in validation reports. This note is not prescriptive and any validation report must be relevant to specific remedial measures agreed with the Local Planning Authority.

Note for applicant – Police

The following measures are recommended to be undertaken:

All ground floor apartment windows and all the ground floor front facing windows on the houses should have an area of defensible space across their width. This should be made up of densely planted shrubs. This will provide a buffer area between the windows and other public or private space, making it more difficult for offenders to access such windows. Where plants / shrubs are to be used in front of windows or around parking spaces the plants should be such that they grow to no more than 1m in height when mature. Plants and shrubs should also suit the environment they are to be located in terms of soil and light.

Perimeter and Boundary fencing in general should be at least 2.1m in height, (2.4m adjacent to public footpath see below) the fencing should be erected so that the smooth face is always facing outwards so that the frame cannot be used as a climbing aide. Anti-Climb Trellis topping can be incorporated to achieve the required height offering greater protection of the vulnerable rear of the properties e.g. 1.8m fencing plus 300mm anti climb trellis = 2.1m.

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

All side gates should be as close to the building line as possible to improve natural surveillance by removing or limiting the depth and number of recess's.

Care needs to be taken that where low level fencing adjoins higher levels of fencing that the lower levels do not create a climbing aid to assist offenders over the higher levels of fencing.

An Access controlled gated system should be located on the access/ exit point of the car park area in front of the apartment block– Gates should be a minimum of 2.1m in height, they should be self-closing/ locking. The gate design should not create footholds or climbing aids for offenders. The system should be vandal proof, if proximity keys are to be used, they are to be security encrypted to protect against unlawful copying.

Fencing around the apartment and car parking area should be at least 2.1m in height, fencing should also be constructed so that access cannot be gained around the rear of the apartment block.

Rear access alleyways need to be secured by a key lockable 2.1m gate (Key lockable from both sides with a mortise type lock). The gate needs to be positioned as close to the front building line as possible. All gates and fencing along the rear access alleyway should be 2.1m in height.



Walsall Council

Economy and Environment, Development Management

Planning Committee

Report of Head of Planning and Building Control on 01-Oct-2015

Plans List Item Number: 9.

Reason for bringing to committee: Major application

Location: WILLENHALL TOWN F.C., NOOSE LANE, WALSALL, WV13 3BB

Proposal: REPLACEMENT OF GRASS PITCH WITH 3G ARTIFICIAL PITCH, ERECTION OF REBOUND FENCE, NETTING, EXTENSION TO CAR PARK AND ERECTION OF NEW CHANGING ROOMS AND MEDICAL FACILITIES

Application Number: 14/1847/FL

Case Officer: Paul Hinton

Applicant: S K Asset Management

Ward: Willenhall South

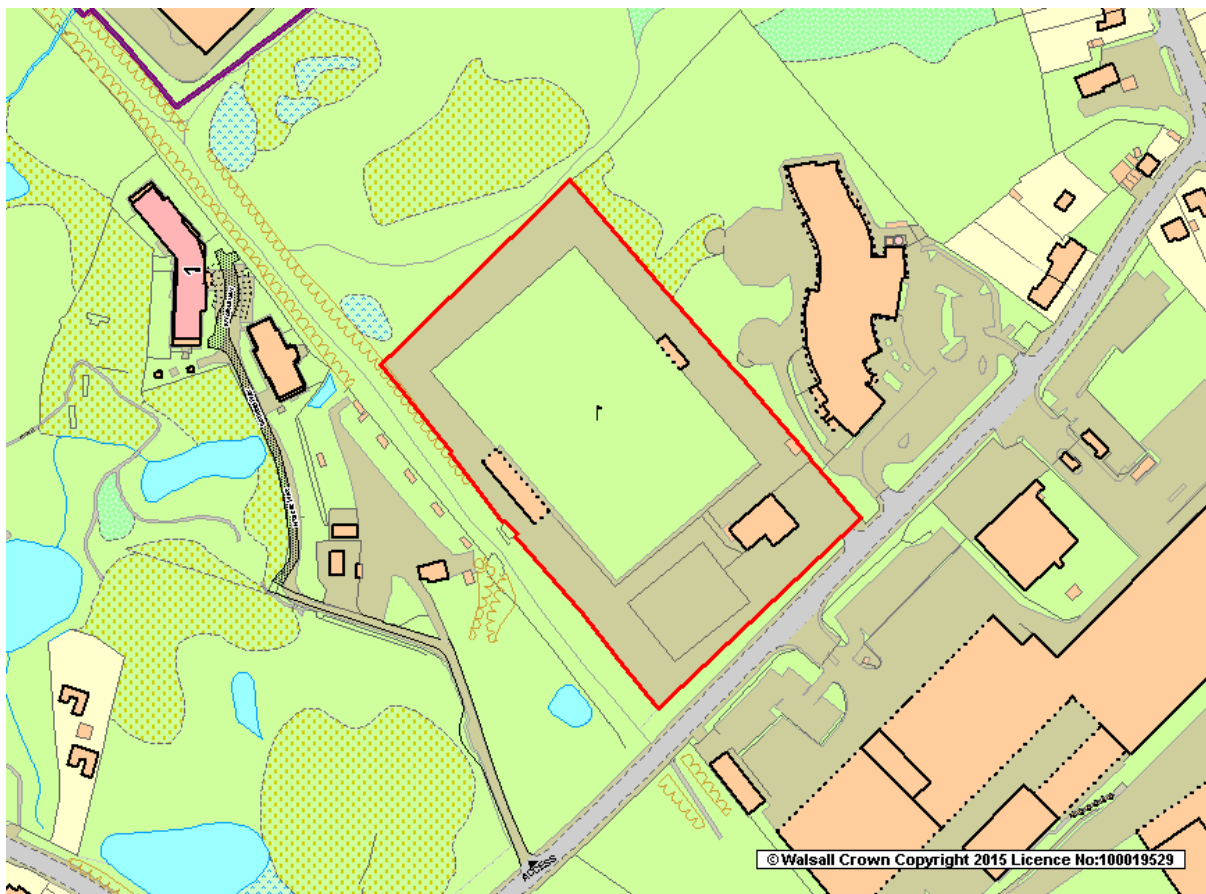
Agent: J Mason Associates Ltd

Expired Date: 27-Aug-2015

Application Type: Full Application (Major)

Time Extension Expiry: 06-Oct-2015

Recommendation Summary: Grant Permission Subject to Conditions



Application and Site Details

This application seeks planning permission for the replacement of the existing grass pitch at the former Willenhall Town Football Club with a 3G artificial pitch. Around the perimeter of the pitch it is proposed to erect a rebound fence of between 4m and 5m in height, the fence would be of a wire mesh design. At the northern boundary goal end of the site towards Fibbersley nature reserve an additional 3m of netting is proposal (total boundary height of 7m), to the other goal end towards Noose Lane an additional 2m high netting is proposed (total boundary height of 7m). The application also proposes the siting of three portable buildings along the perimeter of the pitch in an unused area, there would be two double height portable buildings which would be used to provide changing and medical rooms. In addition the application proposes 40 additional parking spaces within an unkempt area between the side of the pitch and the adjacent Fibbersley Park Primary School.

The application site is located on Noose Lane, with an existing gravelled car park at the front of the site behind which is a recently constructed fully enclosed 3G pitch and the club house. To the rear is the full sized football pitch which includes two separate seated terraces. There are floodlights around the pitch. The application site sits at a lower level than Noose Lane with double yellow lines along the eastern side of Noose Lane.

Immediately to the east of the site is Fibbersley Park Primary School, to the north is Fibbersley nature reserve (which include Waddons Brook Site of Importance for Nature Conservation) and immediately to the west is a former railway line which sits approximately 2.5-3m lower than the application site and is used as access to the nature reserve. Further to the west is Trentham Cottage Caravan Park, 33m from this established playing pitch. On the opposite side of the road is Aspray 24, a commercial logistics depot and adjacent to that and opposite the SINC is Willenhall Memorial Park.

The application site, the adjacent school, Waddons Brook SINC and the Memorial Park are allocated as public open space in the UDP.

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

Design Statement

The pitch location will remain as existing and there will be no additional works needed to the floodlights or stands which also remain as existing.

3G Football Pitch Construction

Synthetic grass football pitch is constructed from a free draining, frost-free sub-base, sometimes one or two tarmac layers and/or shockpad with artificial grass carpet. The purpose of the pitch is to remove surface water.

Schedule of use

Coning of main pitch to be used for four pitches. Hour slots of use, seven days a week, 9am to 10pm. Users including SKFC (Academy, adult team, U7s, U8s, U11s, U12s, U13s, U16s, U18s), Fibbersley Primary School, Homeless, Fit for Life (Unemployed), Walsall Junior League Mini Soccer, Wolverhampton Wasps Rugby, Handball, Reedswood Ladies, Friendly matches, and community hire.

Protected Species Report

Large population of great crested newt on a SINC adjacent to the site, with a breeding pond within 10m of the site. There are also records of smooth newt, common frog and common toad.

The stadium site is bounded by a concrete perimeter wall, which forms a significant barrier for amphibians, but there is potential access for amphibians underneath some of the panels. The land within the site is either unsuitable or suboptimal habitat for amphibians. The site is assessed as having a low risk of great crested newts because of the suboptimal habitat and the barrier effect of the perimeter wall.

A method statement is presented to hand search the area, removing the potential refugia before the hibernation season and checking that there are no great crested newts on the site before work.

Coal Mining Risk Assessment

Prior to construction it will be necessary to undertake an intrusive investigation to ascertain the potential influence of shallow mining on the proposed stacked changing rooms and medical facility cabins.

Response to Sport England objection

The playing field would not be lost, but replaced with a better playing field with a 3G FIFA1/FIFA 2 stadium pitch.

The quality of sports being played would increase as per the usage plan giving more accessibility to the community.

There are currently three existing 3G pitches in Walsall, with five further ones proposed.

These are not stadium FIFA1/FIFA 2 pitches that meet the pyramid league systems, most of them are not available to use in the day time for community sports use.

The Walsall playing pitch strategy report 2010-2015 sets out that there is an excess of senior grass pitches; many of the current pitches are of poor quality and there is a need for 3G pitches.

Proposed changing room will also serves pitches on the park opposite (Willenhall Memorial Park).

The FA has said that Walsall needs 6.5 artificial FIFA 1/FIFA 2 pitches.

Current leisure provision in Willenhall is poor, Willenhall Leisure centre closed in 2012/13.

The facilities are home to over 15 community groups and organisations.

The facility will focus on developing opportunities for those who want to progress onto a regional, national and international stage.

Currently the pitch is used up to 6 hours per week, but the new facility will allow pitch to be used 7 days a week for training and games.

The club would host inter school competitions for the local schools.

The project will develop a girls team 14-25 years.

With disabled access to the facility, will further develop links with disability groups.

The design of the changing rooms could be changed to accommodate changing on just the ground floor and the AGP specification can also be changed.

Relevant Planning History

14/0187/FL - New Astro turf pitch with fencing and netting roof enclosure, and floodlights. Granted subject to conditions 10/10/2014.

03/2257/FL/W4 - Demolition of former social club, car park surfacing, boundary and other fencing and bowling green shelter. GSC 12/03/2004.

Relevant Planning Policy Summary

National Planning Policy Framework (NPPF)

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

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

support town centres and a town centre first approach for retail, leisure, commercial, office, tourism, cultural, and community uses;

take account of the different roles and character of different areas, promoting the vitality of our main urban areas.

take account and support local strategies to improve health

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.

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.

8: Promoting healthy communities

70. Decisions should...plan positively for the provision of sports venues.

74. Existing sports land should not be built on unless...the loss resulting from the proposed development would be replaced by equivalent or better provision.

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 or land instability.

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

120. The effects of pollution on health, environment or amenity should be taken into account.

121. Decisions should ensure that the site is suitable for its new use taking account of ground conditions.

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 planning conditions the NPPF says:

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

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

The Development Plan

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

Local

The Black Country Core Strategy (BCCS) (2011)

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

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

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

The key planning policies include:

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

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

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.

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.

ENV5: All developments should incorporate Sustainable Drainage Systems (SUDs)

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

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

ENV6: Development that would increase the overall value of the open space, sport and recreation network will be encouraged, especially in areas of deficiency. Each Local Authority will set out in Local Development Documents policies to make more efficient use of urban land by creating more multifunctional open spaces, increasing access to open space, sport and recreation facilities, including people with disabilities.

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 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.

ENV11: Applications which involve significant external lighting will not be permitted unless they propose the minimum amount of lighting necessary.

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

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

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

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

T7: Car Parking

All development should satisfy the car parking standards set out in Policy T13, and be well designed.

7.51: Easy walking/cycling distance will depend on local circumstances but the maximum will normally be regarded as 1000m.

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

Stadiums: 1 space per 15 seats.

Other outdoor sports pitches: 15 car park spaces per pitch.

8.7 encourages the enhancement of existing and provision of new facilities for education, health and other community needs. Particular emphasis will be placed on locations which are accessible to all sections of the community.

LC1: Seek to retain and enhance existing urban open spaces

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.

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

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.

Conserving Walsall's Natural Environment SPD

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

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

Consultations

Sport England – no objection subject to use of recommended conditions in regard to a community use agreement, that the 3G pitch is fit for purpose and a condition to ensure that the changing facilities are fit for purpose.

Transportation – no objection subject to a condition requiring the extended car park to be hardsurfaced.

Pollution Control – there are concerns due to potential for ground gas. Details of the membrane type to be fitted under the building and method of sealing is required.

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

Coal Authority – no objection subject to the use of a condition requiring site investigation works prior to commencement of development.

Ecology – no objection subject to use of recommended condition in regard to compliance with the method statement of the Great crested-newt survey.

Police – no objection.

Environmental Health – no objection.

Public Participation Responses

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

No objections received.

Determining Issues

Principle of development
Impact on the character and appearance of the area
Impact upon residential amenity
Ground conditions
Ecology
Access and Parking

Observations

Principle of development

The grass pitch was first installed at the site in 1975 with the site occupied by Willenhall Town FC, floodlights were installed in 1980. The current pitch due to the grass surface is restricted to a maximum average of 3 games a week, but there are no planning restrictions to the times and days of use of the pitch or floodlights. The proposed change in surface material would increase the use of the sports pitch, with a proposed schedule submitted

showing a large number of different community groups using the pitch between 9am and 10pm seven days a week. The NPPF seeks decisions should plan positively for the provision of sports venues and that existing sports land should not be built on unless the loss resulting from the proposed development would be replaced by equivalent or better provision. BCCS policy ENV6 states that development that would increase the overall value of the open space, sport and recreation network will be encouraged, with policy LC1 of the UDP seeking to retain and enhance existing urban open space and address deficiencies in the provision.

Sport England originally objected to the application on the basis that there was no justification for the loss of the natural turf pitch and replacement with artificial grass pitch (AGP) and that the design of the AGP did not appear to comply with the Football Association's technical specification and in addition the proposed buildings with the changing area at first floor level is not supported either by Sport England or the FA. In response the applicant has met with Sport England and undertaken a review in consideration of the current Walsall Playing Pitch Strategy which explains that there is a shortage of these types of pitches within the Borough and currently none that meet the FIFA1/FIFA 2 standards. In addition it explains the significant community benefit this enhanced local facility would bring. Sport England have withdrawn their objection and are satisfied that there is strategic justification for the AGP subject to the use of recommended conditions in regard to construction of the pitch meeting the FAs technical standards. A condition is also recommended that the changing rooms shall not be constructed other than in accordance with the FA's technical requirement. It is recommended that this condition requires detailed designs to be first provided to the LPA to ensure the design is also acceptable on visual grounds. The final condition Sport England recommends is the submission of a community use agreement prepared in consultation with Sport England to ensure if the ownership of the AGP were to change the community would still have access to it.

This is a long standing football club in an area of designated Urban Open Space. The proposed AGP and changing facilities would increase the overall value of this sports facility which in principle is acceptable.

Impact on the character and appearance of the area

The site is characterised by an existing football club with club house and the more recent smaller enclosed Astroturf pitches at the front. The changing rooms and change in surface material would not impact upon the character of the area. The nature of the changes would increase the use of the site, therefore there would be more people and vehicle movements associated with the site. The club is located next to a school and across the road from a large distribution company. The increased activities are not considered to cause significant harm to the character of the area.

The proposed changing rooms when stacked would have a height of 5m. The height of these relatively small buildings would be considered against the context of the existing stand and along the boundary with the railway cutting is a mature landscape buffer. There would be limited views of these buildings from public areas and accordingly they would have limited visual impact.

As is common practice around multiple use sports facilities a rebound fence is proposed to protect against any stray balls. The proposed rebound fence would be between 4m and 5m in height and would be 4m from the edge of the pitch and would be attached to the side of the terraces. The fence would be wire mesh which is the same used to the recently

built pitch at the front of the site. Due to the transient nature of the fencing there would be views through the site even when approached at an angle. To the fencing behind the goal ends additional netting is proposed which would take the boundaries up to 7m in height. Additional netting has been installed above the rebound fence to the existing Astroturf pitch and has limited impact.

While the height of the boundary around the whole of this standard sized football pitch is high, the use of materials ensures that there is limited visual impact and its use further supports the enhancement of this community facility.

Impact upon residential amenity

To the west of the site, 33m away and separated by the former railway cutting and mature dense landscaping is Trentham Cottage which is a caravan park. The applicants have confirmed that the existing floodlights have overspill lenses that would direct illumination away from residents. Across Noose Lane is Aspray 24, a 24 hour logistics company which provides a level of background noise. In consideration of the lawful established use of the site which is unrestricted, the commercial uses nearby, the separation distance to the caravans and location of the terrace building weighed against the community benefits the proposal would bring and an absence of any objections from nearby occupiers it is considered the proposal would not result in a significant loss of amenity by virtue of increased noise and disturbance. Both Environmental Health and Pollution Control have considered the proposal and raise no objection on amenity grounds.

Ground conditions

The application site falls within the Development High Risk Area as defined by the Coal Authority. A Coal Mining Risk Assessment has been submitted with the application that identifies the site has been subject to past coal mining activity and concludes that shallow mining poses a risk that cannot be entirely discounted and recommends that intrusive site investigation works are undertaken to establish the exact situation regarding ground conditions and to enable appropriate remedial measures to be identified. The Coal Authority do not object to the application subject to the use of a condition requiring site investigation works prior to commencement of development.

The site is located on land which due to a legacy of mining has the potential to produce elevated levels of ground gas. It is also within close proximity to a closed landfill site. The applicant's agent has confirmed membrane will be used to protect users of the portable buildings. Pollution Control do not object to this mitigation measure but require precise details of the measures to ensure they are sufficient. This can be secured by condition.

Ecology

A Protected Species Report has been submitted which found a large population of great crested newt on the SINC adjacent to the site, with a breeding pond within 10m of the site. While the stadium site is bounded by a concrete perimeter wall, which forms a significant barrier for amphibians, there is potential access for amphibians underneath some of the panels. A method statement has been provided proposing a legal method of ensuring the football complex is made inaccessible to great crested newts. Natural Environment raise no objection to the application subject to the use of a recommended condition in regard to implementation of the method statement. A note for applicant is also recommended.

Parking and access

The site is served by one access point from the double yellow lined Noose Lane and has a car park at the front. The proposal seeks to increase the parking provision by 40 further spaces, including provision for disabled parking. The area is currently unkempt. In UDP T13 parking policy terms, the existing stadium which has 500 seats requires 34 spaces based upon 1 space per 15 seats. The secondary existing outdoor sports pitch requires a further 15 spaces equating to 49 spaces plus 5 disabled spaces. The site presently has about 65 spaces and proposes a further 40 spaces totalling 105 spaces (inclusive of 7 disabled spaces) plus a coach parking area and a turning facilities. Whilst the overall parking provision will be significantly more parking spaces than the T13 policy requirement, in this instance however, the level of parking is considered consistent with Policy T10 (a) in that it is in an area of Noose Lane where there are known parking issues relating to the adjacent school and hence a higher level of on-site parking provision is justified. Transportation raise no objection subject to the use of a recommended condition that the car park is fully consolidated, hardsurfaced, drained and the parking spaces retained.

Condition 4a of previous approval 14/0187/FL states that prior to the development first coming into use *'the car parking and vehicle manoeuvring areas shall be fully consolidated, hard surfaced and drained and the parking bays clearly demarcated on the ground'*. While the secondary pitch is in use the parking surface is not consolidated and no spaces have been demarcated. The applicant is currently looking into options of hardsurface and would look to do both areas with this part of the build (should planning permission be approved). In the interests of highway safety a condition requiring details of how the site would be surfaced is necessary and a condition requiring it being surfaced and available for use prior to the development being brought into use.

Positive and proactive working with the applicant

Officers have worked with the applicant and his agent securing the necessary information to enable support to be given to the proposal.

Recommendation Summary: 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:

- Site plan received 26/6/15
- Modular buildings received 26/6/15
- Coal Mining Risk Assessment received 21/8/15
- Super Rebound fence details received 28/5/15
- Protected Species Report received 24/8/15

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

3a) No development shall commence until an intrusive site investigation confirming the shallow mining conditions and any remediation measures required to ensure the safety and stability of the proposed development have been submitted to and approved in writing by the Local Planning Authority.

3b) The development shall be undertaken in accordance with any approved remediation measures.

Reason: To ensure the safety and stability of the development.

4a) The development hereby permitted should not commence until drainage plans for the disposal of foul and surface water flows have been submitted to and approved 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: This is to ensure that the development is provided with a satisfactory means of drainage as well as to reduce of creating or exacerbating a flooding problem and to minimise the risk of pollution.'

5a) The portable buildings shall not be sited until details of their design which should be in accordance with the Football Association's Technical Design Guidance Note: The FA Guide to 3G football turf pitch design principles and layouts has been first submitted for written approval by the Local Planning Authority.

5b) The development shall be completed in accordance with the approved details.

Reason: To ensure the development is fit for purpose and sustainable and to accord with UDP policy LC1, Black Country Core Strategy policy ENV6 and the National Planning Policy Framework.

6a) Prior to the portable buildings being sited details of ground gas ingress protection measures to be installed in the proposed buildings shall be first submitted for written approval by the Local Planning Authority.

6b) A validation report confirming the details of the measures implemented together with substantiating information and justification of any changes from the agreed remedial arrangements shall be submitted for written approval by the Local Planning Authority prior to the buildings being brought into use.

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

7a) Prior to the development first coming into use, full details of the car parking area which shall be fully consolidated, hard surfaced and drained shall be first submitted for approval by the Local Planning Authority.

7b) The approved details shall be implemented prior to the development first coming into use and shall thereafter be retained and used for no other purpose.

Reason: The proposed use of a stone surface material to the car park will not allow the clear demarcation of the parking bays, particularly the disabled bays, which is likely to result in hap-hazard parking by customers and hence the inefficient use of the car park. The car park shall therefore be fully hard surfaced and drained and bays clearly demarcated, to ensure the safe and satisfactory operation of the car park and in accordance with UDP Policy GP2, T7 and T13.

8) The 3G Artificial Grass Pitch hereby permitted shall not be constructed other than in accordance with the Football Association's Technical Design Guidance Note: The FA Guide to 3G football turf pitch design principles and layouts.

Reason: To ensure the development is fit for purpose and sustainable and to accord with UDP policy LC1, Black Country Core Strategy policy ENV6 and the National Planning Policy Framework.

9a) The development shall not be brought into use until a community use agreement has been submitted to and approved in writing by the Local Planning Authority. The agreement shall apply to the Artificial Grass Pitch and the changing accommodation and include details of pricing policy, hours of use, access by non-members, management responsibilities and a mechanism for review.

9b) The development shall not be used at any time other than in strict compliance with the approved agreement.

Informative: Guidance on preparing Community Use Agreements is available from Sport England www.sportengland.org.

Reason: To secure well managed safe community access to the sports facility/facilities, to ensure sufficient benefit to the development of sport and to accord with UDP policy LC1, Black Country Core Strategy policy ENV6 and the National Planning Policy Framework.

10a) Great crested-newt survey work has found a low risk that this species may be present on the site (as identified in the Protected Species Report by AMPA Ecology dated 21/8/15). Development shall proceed only in accordance with the Method of Works set out in the AMPA Ecology report. If no great crested-newts are found during these operations, the approved works can continue.

10b) If great crested-newts are found during development operations:

1. Newts should not be handled or touched and the vicinity of the resting place shall be immediately reinstated.
2. No further destructive works shall be carried out until the applicant's ecologist or Natural England have been consulted and the need for Natural England licence has been established.
3. Within one week of finding great crested-newts, a written report by the supervising ecologist shall be submitted for the approval in writing of the Local Planning Authority, recording what was found, and proposing appropriate mitigation measures, including a timetable for their implementation
4. Work on the development shall only continue in accordance with the approved mitigation measures and on the approved timetable and/or in accordance with the terms of any Natural England licence issued

Reason: To conserve local great crested-newt populations

Notes for Applicant

- It is recommended that Japanese knotweed on the north of the site is eradicated. This invasive plant is listed in Schedule 9 of the Wildlife and Countryside Act 1981 and it is illegal to plant or otherwise cause this species to grow in the wild. It can spread vegetatively by small fragments of root or stem. It should not be mown, or the cuttings can only be disposed of by a safe method (burning, special waste disposal). Regular herbicide treatment or professional removal is advised to ensure that it does not spread.



Economy and Environment, Development Management

Planning Committee

Report of Head of Planning and Building Control on 01-Oct-2015

Plans List Item Number: 10.

Reason for bringing to committee: Called-in by Councillor Worrall on grounds of Impact on Amenity of Neighbours

Location: RUSHALL PARK, ROWLEY PLACE, WALSALL

Proposal: PROPOSED SKATE PARK

Application Number: 15/0257/FL

Applicant: Clean and Green Services

Agent: Not Known

Application Type: Full Application

Recommendation Summary: Grant Permission Subject to Conditions

Case Officer: Paul Hinton

Ward: Rushall-Shelfield

Expired Date: 28-May-2015

Time Extension Expiry:



Application and Site Details

This application seeks planning permission for the installation of a skate park at Rushall Playing Fields. The skate park would be sunk into the ground by 1.8m, with most of the edging 0.2m above ground level. Two ramps above ground level are proposed ranging between 0.4m and 1.1m in height. The skate park is an irregular rectangle shape that would have a maximum ramp height of 2.7m, with a width of 22.2m and length of 22.4m

Rushall Playing Fields is bounded by residential properties along Winterley Lane, New Street, Springfields, Rowley Place and The Longcroft. The park has an area of 6ha and has a public right of way through the middle of the site and other paths across the park. The park is open grass with tree planting to some of the perimeter and a boulevard of trees across the middle of the park. There is both a children's play area and outdoor gym to the northern part of the park with football pitches within the southern part. The skate park is proposed to the northern part of the park, 30m from the rear gardens of houses along Winterley Lane.

The following information has been submitted in support of the application:

Background information

The project is a partnership between various Walsall Council services (Green Spaces, Clean and Green, Area Partnerships, IYPSS, ASB Team) and the Friends of Rushall Playing Fields and Rushall Development Group

Consultation was carried out in 2013 and agreed improvement plan for the Park was drawn up. It proposes to address the Parks core infrastructure, for example - new footpaths, improving the entrances to Rowley Place, Longcroft and Friary Crescent, provide new and improved car parking arrangements, extra litter bins and benches and new notice boards. New tree and a meadow land will be planted to improve the landscape and general wellbeing of the environment. In addition the playing fields will be developed as a high quality community green space hub with a range of facilities and features including addressing youth provisions within the Playing Fields to incorporate a skate park, multi use games area, outdoor gym equipment and to improve the existing play area. The proposals are in line with Council and partner adopted Green Space Strategy, Playing Pitch Strategy, Play Strategy, Access Standards, Area Partnership Plans and the national quality award standards for Green Spaces

The overall Improvement Plan has been drawn together with and approved by the following partners / organisations:-

Local residents and users via consultation workshops

Area Partnership

Ward Members

Rushall Development Group

Manor Farm Community Association

Local Police and ASB Team

Walsall Council IYPSS

Noise report

At residential facade the source levels are lower than the background level, this gives an assessment of "low adverse impact" on the resident.

At residential garden the level will be below the 50dB guidance

The assessments of the proposed operation of the skate park both in terms of the maximum and average noise levels indicate there will not be a significant and demonstrable adverse impact in terms of noise that outweigh the benefits. It would be recommended that consideration is given to the following mitigation measures which may further reduce the resultant noise levels at the residential properties: The assessment is based on the skate park only being between 07:00 and 23:00 and therefore it would be recommended that no additional lighting is provided at the park to deter the use of the park outside these hours. Consideration should be given to install a 2.0m high solid timber fence along the northern boundary of the skate park with a small return on each site.

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.

take account of the different roles and character of different areas, promoting the vitality of our main urban areas.

take account and support local strategies to improve health

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.

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.

8: Promoting healthy communities

70. Decisions should...plan positively for the provision of sports venues.

74. Existing sports land should not be built on unless...the loss resulting from the proposed development would be replaced by equivalent or better provision.

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.

120. The effects of pollution on health, environment or amenity should be taken into account.

121. Decisions should ensure that the site is suitable for its new use taking account of ground conditions.

123. Planning decisions should aim to:

- Avoid noise from giving rise to significant adverse impacts

On planning conditions the NPPF says:

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

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

The Development Plan

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

Local

The Black Country Core Strategy (BCCS) (2011)

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

This was adopted under the current Local Development Framework system, and the NPPF says that for 12 months from the publication of the national framework "*decision-takers may continue to give full weight to relevant policies. However, it is more than 12 months since the NPPF was published in March 2012. Now (as with the saved policies of Walsall's UDP) the NPPF advises that "... due weight should be given to relevant policies ... according to their degree of consistency with this framework (the closer the policies in the*

plan to the policies in the Framework, the greater the weight that may be given).” To consider the conformity of the BCCS with the NPPF the four Black Country councils have completed a ‘Compatibility Self-Assessment Checklist’ (published by the Planning Advisory Service) and have discussed the results with a Planning Inspector. Whilst there is no formal mechanism to certify that the BCCS is consistent with the NPPF the discussions led officers to the conclusion that the exercise identified no issues that would conflict with the NPPF or require a review of the BCCS in terms of conformity.

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

The key planning policies include:

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

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

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.

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.

ENV6: Development that would increase the overall value of the open space, sport and recreation network will be encouraged, especially in areas of deficiency. Each Local Authority will set out in Local Development Documents policies to make more efficient use of urban land by creating more multifunctional open spaces, increasing access to open space, sport and recreation facilities, including people with disabilities.

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 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.

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

T7: Car Parking

All development should satisfy the car parking standards set out in Policy T13, and be well designed.

8.7 encourages the enhancement of existing and provision of new facilities for education, health and other community needs. Particular emphasis will be placed on locations which are accessible to all sections of the community.

LC1: Seek to retain and enhance existing urban open spaces

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.

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

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

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

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

Consultations

Sport England – no objection.

Transportation – no objection.

Pollution Control – no objection subject to the use of noise mitigation measures.

Natural Environment (Ecology) – no objection.

Natural Environment (Landscape) – no objection.

Police – to be reported

Anti Social Behaviour - to be reported

Environmental Health – no objection.

Public Participation Responses

Site notices displayed and surrounding occupiers notified by letter.

Two letters have been received raising an objection to the application on the following grounds:

Loss of privacy

Nuisance

Increase in anti-social behaviour

Inappropriate due to close proximity of elderly residents

Determining Issues

Principle of development

Impact on the character and appearance of the area

Impact upon residential amenity

Observations

Principle of development

The proposed skate park would provide a facility that conforms with the site's allocation of Urban Open Space. Sport England comment that the area for the skate park could be laid out as a playing pitch, however Skateboarding and BMXing are recognised sports.

Therefore the development is for an outdoor sports facility of sufficient benefit to sport to outweigh the potential loss of a future planning pitch. Weight is also given to the existing playing pitches to the south of the site.

The proposal would therefore increase the opportunity for outdoor sport in a sustainable location to the benefit of social inclusion. The principle of development is acceptable.

Impact on the character and appearance of the area

The site is characterised by existing sports provision and skate parks are features of other parks in the Borough, the Arboretum and King George's playing field in Bloxwich. The proposal would not impact upon the character of the area.

The skate park would be sunk into the ground with only 1.1m exposed above the existing ground level. The park has other playing equipment and this proposal would not adverse impact upon the appearance of the area.

Impact upon residential amenity

The skate park would be 30m from the rear garden of the nearest house along Winterley Lane and 48m from the rear of the house. The application has been supported by a Noise Survey which concludes that at residential facade there would be a low adverse impact on residents. At residential garden the level will be below the 50dB guidance. The report comments that "the operation of the skate park both in terms of the maximum and average

noise levels indicate there will not be a significant and demonstrable adverse impact in terms of noise that outweigh the benefits". This statement would suggest some harm and the report also recommends consideration is given to the skate park only being between 07:00 and 23:00 and the installation of a 2.0m high solid timber fence along the northern boundary.

The applicant has confirmed there is no lighting and no intention to provide lighting which would secure the use of the site to daylight hours only. The use of a standalone fence to assist blocking noise is not considered a practicable option in an open park which could end up being a target for vandalism and has the potential to become a maintenance liability. Pollution Control have considered the report and do not object to the proposal subject to mitigation measures to the northern boundary. It is recommended that a landscape bund would provide a sufficient noise boundary. This bund could be created from some of the soil removed to sink the skate park and it could then be grassed over to provide an attractive landscape feature. The applicant would be happy with that approach and has also added that the bund would be supplemented by additional tree planting.

Regarding the suggested hours of work, such a condition would not be enforceable as no fencing or gating is associated with the development which could be secured at the appropriate times. With the provision of a bund which will suppress noise levels, it is considered residential amenity can effectively be secured without the necessity for a condition.

Subject to the provision of the bund/acoustic mitigation measure, which can be secured by a recommended condition it is considered that the proposal would not give rise to a significant loss of residential amenity through noise and disturbance.

Concerns have been raised about loss of privacy from the proposal. Given the distances from residential properties and that this is a public park, it is considered the proposal would not give rise to any further loss of privacy.

Concern has been raised about the potential for encouraging anti-social behaviour. The park is permanently open with a public footpath and other pathways running through the park. Rowley Place is used for parking by visitors to the park and is in direct view of the proposal. Within the park are two sets of play equipment and playing pitches, therefore a high amount of comings and goings would be reasonably expected to occur. In addition the first floor rear windows of houses in Winterely Lane overlook this area. For these reasons the skate park would not be significantly hidden away from view during the day so as to attract crime or anti-social behaviour. In addition the proposal does not include any form of shelter.

As regards the perceptions of crime or anti-social behaviour, it is appreciated that being able to see activities helps people feel comfortable whereas secluded or hard to see areas make people cautious and hesitant. Over time the location would also become familiar to people using the park on a regular basis and any increased perceptions of crime and anti-social behaviour would be unlikely to be significant for people. It is therefore considered that the development would not result in actual or perceived opportunities for crime or anti-social behaviour.

Positive and proactive working with the applicant

Officers have worked with the applicant and his agent securing the necessary information to enable support to be given to the proposal.

Recommendation: Grant Permission Subject to Conditions

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

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

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

- Location plan received 2/4/15
- Site plan received 18/2/15
- Layout plan received 3/3/15
- Sections received 3/3/15
- Environmental Noise Impact Assessment received 16/9/15

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

3a) The development hereby permitted shall not be brought into use until details of acoustic mitigation measures to protect the amenity of the residents of nearby dwellings has first been submitted for written approval by the Local Planning Authority.

3b) The approved mitigation measures shall be installed prior to the development first being brought into use and shall thereafter be retained.

Reason: To safeguard the amenity of nearby residential occupiers.

4a) No external means of lighting the development hereby approved shall be used unless details have been first submitted for written approval by the Local Planning Authority.

4b) The lighting shall be installed and operated in accordance with the approved details.

Reason: To protect the amenity of nearby residential occupiers.



Walsall Council

Economy and Environment, Development Management

Planning Committee

Report of Head of Planning and Building Control on 01-Oct-2015

Plans List Item Number: 11.

Reason for bringing to committee: Statutory Objection

Location: LAND BETWEEN JUNCTIONS 9 AND 10 OF M6, DARLASTON ROAD, WALSALL, WEST MIDLANDS

Proposal: UPGRADE OF EXISTING ADVERTISING HOARDING TO 48 SHEET LED ADVERTISING DISPLAY.

Application Number: 15/0975/ADVT

Applicant: Primesight Ltd.

Agent:

Application Type: Advertisements

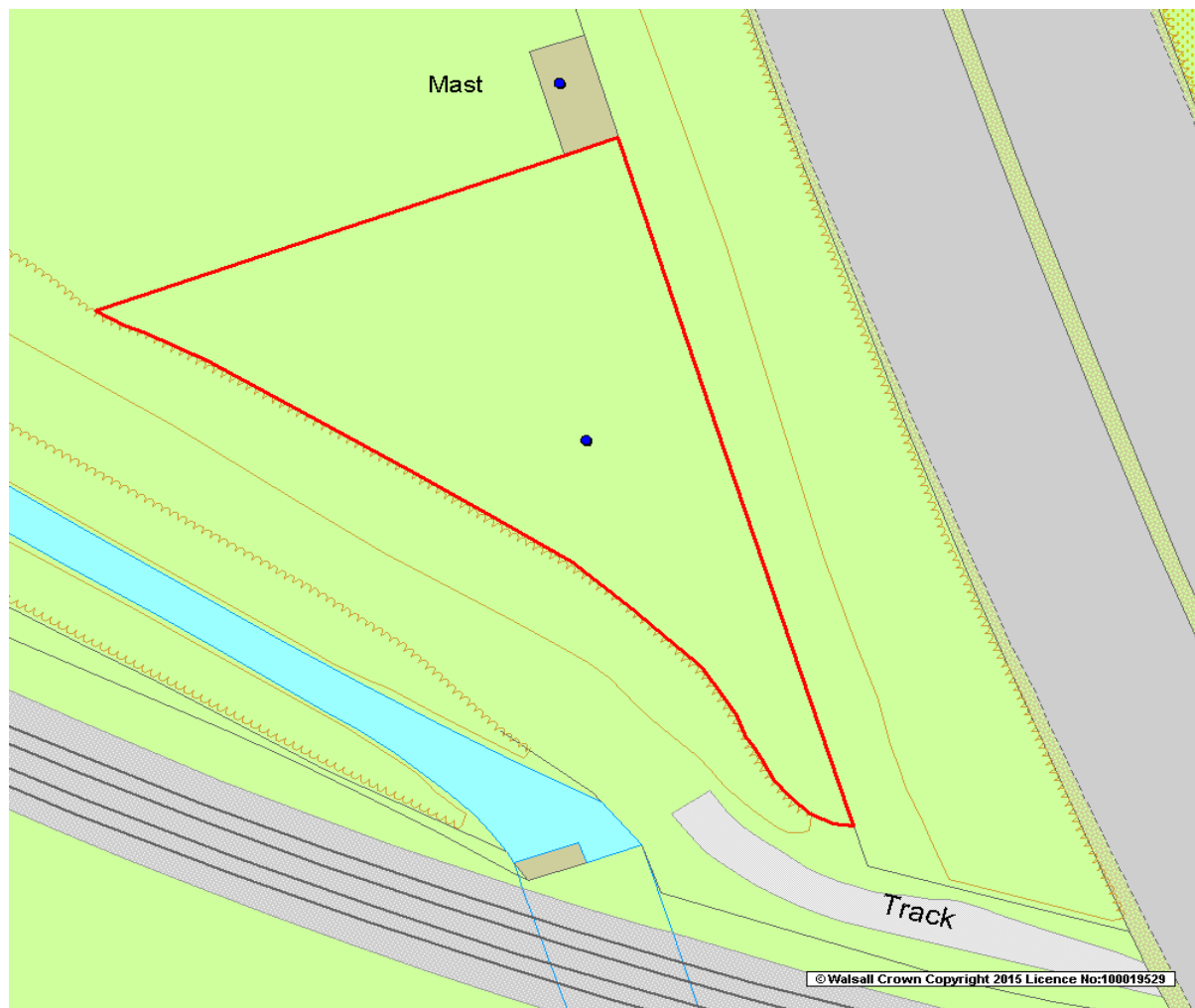
Recommendation Summary: Grant Advert 5 years

Case Officer: Karon Hulse

Ward: Pleck

Expired Date: 27-Aug-2015

Time Extension Expiry:



Application and Site Details

This application seeks consent to upgrade an existing previously approved 96 sheet internally illuminated poster hoarding erected on a mono-pole on land to the west of the M6 motorway, south of the gasometers which are currently being decommissioned.

The proposal involves the replacement of the existing hoarding (12.45 metres long and 3.95 metres deep (96 sheet poster) at an overall height above ground of 8.3 mts) with a new digital display screen half the size of the existing hoarding. The proposed size of the new led display would be 6.096mts by 3.048 mts (48 sheet poster) and be centrally located within the frame of the existing hoarding.

The poster is sited so as to be visible to northbound M6 traffic only.

The digital display would be controlled remotely via a dedicated internet connection and computer software that would control every aspect of the display in real-time, including brightness, timing of each image, transition time between each image and transition method etc.

The application includes the following details:

No images shall be displayed on the LED advertising screen that include moving elements, animation, flashing visual effects or include any assembly and/or disassembly of the image/advert or any wording upon it.

The frequency of change between the images will not be more than once every 10 seconds.

The change between successive images shall be less than 0.1 seconds.

The intensity of the illumination of the screen permitted shall not exceed 300cd/m² during hours of darkness.

The display will be fitted with a safety feature that would turn the screen off (i.e. shows a black screen) in the event of a malfunction or error.

The existing structure is sited 20 metres back from this raised section of the M6 east of land between the IKEA store and Gala Bingo. Access to the site is along a track off Darlaston Road.

There is a railway line to the south which is at ground level and runs under the M6 but above the River Teme which is in a culvert.

Relevant Planning History

Along the M6 corridor there are now a number of advertisements intended to be seen by motorists using the M6. In many cases these are relatively un-changing because they are advertising the business on the premises on which they are displayed. Whilst these are important, the emerging type and character of advertisements are of the changing commercial poster or 'billboard' type, unrelated to the premises on which they stand, and often considerably closer to the motorway.

Two recent examples have been the replacement sign at the entrance to IKEA superstore (250 metres to the south of this application site) and the replacement of the previous PVC banner advertisements on the Walsall football club site with two LED illuminated digital

advertisement screens adjacent to the M5 motorway between junctions 9 & 8 (M6/M5) in a 'V' shape. In each case the advertisement screens are angled to face traffic on the M6.

The existing 96 sheet poster hoarding was originally approved in October, 2002 (02/1925/AD/W3 refers).

It is appropriate to set out the relevant history of the wider area.

The Football Club site:-

See above

Decisions to refuse consent

There have been numerous refusals by Appeal Inspectors or by the Council, the following outlines those applications which have been refused along the western side of the M6:

Showcase Cinema,

06/0906/AD/W5 - 96 sheet monopole (12.2 metres by 3 metres, single sided, illuminated) adjacent the north-bound M6, north of J10.

Highways Agency objection, delegated refusal May 2006, appeal dismissed January 2007 for the following reasons:

- police and motorway unit object
- would not have long advance views
- compelling safety reasons to resist
- also discordant in views, and unduly imposing.

Adjacent to gasholders, Land off Darlaston Road, James Bridge,

Adjacent to the northbound M6, north of J10.

06/0445/AD/W5 - Two illuminated portrait format posters (5m wide, 7.5m tall), adjacent M6, northbound carriageway.

Highways Agency objection, delegated refusal May 2006, appeal dismissed Oct. 2006 for the following reasons:

- Elevated M-way restricts space and makes dealing with any incidents more difficult
- traffic flows exceptionally high
- slowing traffic very close to proposed location
- will attract drivers attention

Highways Agency records show cluster of collision incidents between J9 and J10 (both close to site)

Inspector considers it is important drivers are not faced with demands on their attention over and above official highway signs

- high sided vehicles shut off some views for drivers which adds to distraction factor
- there is a risk of accidents

on amenity, gas holders flanking site vary in height and signs will stand out on occasion, they would stand out incongruously and obtrusively.

07/0176/AD -96 sheet poster in same place as above.

Highways Agency objection, refused April 2007, delegated, reasons follow appeal decision above.

09/0006/AD - 96 sheet internally illuminated light box, adjacent the gas-holders off Darlaston Road. Appeal dismissed August 2009, on visual amenity and highway/public safety grounds. The Inspector noted a relatively long range of visibility, but did not think drivers would easily assimilate the advert because of frequent congestion and many high-

sided vehicles obscuring the view, so that it would create excessive distraction for drivers. The advert would also spoil the visual effect of greenery, and notwithstanding the gas-holders would be harmful to the amenity of motorway users.

11/1430/AD – Mega illuminated light box 18.5m by 5m. Refused for competing for driver's attention to Motorway signage in a stretch of Motorway requiring elevated concentration and visual amenity by obtrusiveness in tree lined stretch of M6.

12/0563/AD – Portrait style illuminated panel, 8m by 5.5m. No objection received from HA. Appeal dismissed on visual amenity grounds only.

Most of the above have been north of this application site *and determined against the backdrop of the gasometers and the openness of the land immediately around them.*

Planning Policies

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

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

- finding ways to enhance and improve the places in which people live their lives;
- proactively drive and support sustainable economic development.
- Always seek to secure high quality design and good standards of amenity for all existing and future occupants of land and buildings
- Take account of the different roles and character of different areas

Key provisions of the NPPF relevant in this case:

NPPF 1 - Building a strong, competitive economy

NPPF 4 - Promoting sustainable transport

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.

NPPG (Advertisements) - Planning practice guidance has been updated by the NPPF. Adverts need to be assessed against the requirements of Para 67 of the NPPF and the advert should purely be assessed in respect of their impact on visual amenity and public safety. If consent is refused on amenity or public safety grounds, efforts should be made to suggest an alternative site or sign and for the LPA to co-operate with the applicant to devise a scheme acceptable to the Council.

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

EMP1: Providing for Economic Growth

CSP4 – All development to make a positive contribution to place-making and environmental improvement, including high quality of design and utility of all transport proposals.

CSP5 – Objectives for the transport network include containing congestion through managing their efficiency, and improving road safety.

ENV2 – Development proposals should preserve and where possible enhance local character and special qualities.

ENV3 – High quality design to deliver urban renaissance that stimulates economic, social and environmental benefits.

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)*".

GP2: Environmental Protection

3.6: Development should help to improve the environment of the Borough.

ENV32 (b) 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.

ENV36: Poster Hoardings.

a) Poster hoardings will not be permitted where they have a detrimental effect on either the amenity of an area and its residents or public safety. The most appropriate locations are likely to be in areas of mainly commercial character. Hoardings are unlikely to be permitted:-

III. In residential areas

V. On sites visible from motorways and on prominent sites on classified roads

Supplementary Planning Document

Designing Walsall

Policy DW1 Sustainability

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

DW6 – Legibility. New development should contribute to creating a places with a clear image and identity.

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

Other policy:

Planning Practice Guidance – Advertisements (replaces Circular3/2007)

This national guidance is issued to accompany the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

<http://www.legislation.gov.uk/uksi/2007/783/contents/made>

Advertisements are controlled with reference to their effect on amenity and public safety only.

Considerations affecting amenity:

Para 79 - What does “Amenity” mean?

“Amenity” is not defined exhaustively in the Town and Country Planning (Control of Advertisements) (England) Regulations 2007. It includes aural and visual amenity (regulation 2(1)) and factors relevant to amenity include the general characteristics of the locality, including the presence of any feature of historic, architectural, cultural or similar interest (regulation 3(2)(a)).

It is, however, a matter of interpretation by the local planning authority (and the Secretary of State) as it applies in any particular case. In practice, “amenity” is usually understood to mean the effect on visual and aural amenity in the immediate neighbourhood of an advertisement or site for the display of advertisements, where residents or passers-by will be aware of the advertisement.

So, in assessing amenity, the local planning authority would always consider the local characteristics of the neighbourhood: for example, if the locality where the advertisement is to be displayed has important scenic, historic, architectural or cultural features, the local planning authority would consider whether it is in scale and in keeping with these features.

This might mean that a large poster-hoarding would be refused where it would dominate a group of listed buildings, but would be permitted in an industrial or commercial area of a major city (where there are large buildings and main highways) where the advertisement would not adversely affect the visual amenity of the neighbourhood of the site.

If the advertisement makes a noise, aural amenity would also be taken into account before express consent would be given.

Considerations affecting public safety

Para 67 - In what locations are advertisements *more likely to affect public safety on the roads*?

All advertisements are intended to attract attention but proposed advertisements at points where drivers need to take more care are more likely to affect public safety. For example, at junctions, roundabouts, pedestrian crossings, on the approach to a low bridge or level crossing or other places where local conditions present traffic hazards.

There are less likely to be road safety problems if the advertisement is on a site within a commercial or industrial locality, if it is a shop fascia sign, name-board, trade or business sign, or a normal poster panel, and if the advertisement is not on the skyline.

Para 68 - *What are the main types of advertisement which may cause danger to road users?*

The main types of advertisement which may cause danger to road users are:

(a) those which obstruct or impair sight-lines at corners, bends or at a junction, or at any point of access to a highway;

- (b) those which, because of their size or siting, would obstruct or confuse a road-user's view, or reduce the clarity or effectiveness of a traffic sign or signal, or would be likely to distract road-users because of their unusual nature;
- (c) those which effectively leave insufficient clearance above any part of a highway, or insufficient lateral clearance for vehicles on the carriageway (due allowance being made for the camber of the road-surface);
- (d) those externally or internally illuminated signs (incorporating either flashing or static lights) including those utilising light emitting diode technology:
 - i. where the means of illumination is directly visible from any part of the road;
 - ii. which, because of their colour, could be mistaken for, or confused with, traffic lights or any other authorised signals;
 - iii. which, because of their size or brightness, could result in glare and dazzle, or distract road-users, particularly in misty or wet weather; or
 - iv. which are subject to frequent changes of the display;
- (e) those which incorporate moving or apparently moving elements in their display, or successive individual advertisements which do not display the whole message;
- (f) those requiring close study (such as Public Information Panels), which are situated so that people looking at them would be insufficiently protected from passing vehicles; or those advertisements sited on narrow footpaths where they may interfere with safe passage by causing pedestrians to step into the road;
- (g) those which resemble traffic signs, as defined in section 64 of the Road Traffic Regulation Act 1984, and may therefore be subject to removal by the traffic authority under section 69 of that Act, for example:
 - i. those embodying red circles, crosses or triangles, or any traffic sign symbol; or those in combinations of colours which might otherwise be mistaken for traffic signs; or
 - ii. those incorporating large arrows or chevrons with only the arrow or chevron made of retroflective material or illuminated, causing confusion with similar signs in use at, or approaching roundabouts.
- (h) those which embody directional or other traffic elements and which need special scrutiny because of possible resemblance to, or confusion with, traffic signs, for example, advertisements which:
 - i. contain a large arrow or chevron (or have a pointed end and have only a few words of message);
 - ii. invite drivers to turn right on a main road, or where there is fast moving traffic;
 - iii. invite drivers to turn, but are sited so close to the turning that there is not enough time to signal and turn safely; or
 - iv. are so close to similar advertisements, or official traffic signs, that road-users might be confused in the vicinity of a road junction or other traffic hazard.

In many cases it may be possible for the hazardous traffic features of the display to be removed by, for example, re-siting the sign, screening of floodlights, changing the colours of lights or restricting the frequency with which the display changes. Such changes might be achieved by discussing a suitable alternative display with the advertiser.

Para 72 - In what ways can advertisements affect railway safety?

Under certain conditions, advertisements, whether illuminated or not, can interfere with railway safety in the following ways:

- by interfering with the visibility or interpretation of fixed signals;
- by causing the illusion of a signal where no signal is situated;
- by being mistaken for hand signals;
- by interfering with warning boards, speed-restriction signs, tail-lights, or other signs or lights;
- by interfering with the visibility of level crossings;

by interfering with the visibility of level crossing signs and signals for road and rail users. Green, yellow or red illuminated advertisements are particularly liable to cause such difficulties.

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

Consultation Replies

Highways England - objects on the grounds that the proposed advertisement may have an impact on road user safety. However, if planning permission is recommended to be granted, Highways England would recommend a number of conditions to reduce the impacts upon the motorway. Which include;

level of internal illumination shall not exceed 300cd/m2.

rate of content change of advertisements shall be limited to once every ten seconds.

not incorporate moving images, animations, video or full motion images.

Network Rail – objects on the following grounds:

distraction to train drivers from LED advertising display

increased risk of signals passed at danger and subsequent collision

If there is a red advert, the driver of a train at speed could see it in the distance and brake accordingly only to find the red was not in fact from a railway signal. With a green advert – a train driver is lead into a false comfort believing the green advert is their green signal.

Will the proposed LED advertising display will be at the same height, size and position and angle as the present board?

confirmation of its position

recommend that an illuminated sign does not impact adversely on the safe operation of the railway.

Provide shielding to the left of the unit to ensure no distraction to train driver

Pollution control – no objections

Transportation - No objections

Public Participation Responses

None

Determining Issues

In legislative and policy terms, the only issues that form the basis of a decision are amenity and public safety, as set out in circular 3/2007 until superseded by NPPF Planning Practice Guidance. References to “any other relevant factors” are wider and limited.

Public Safety-

Visual Amenity

Observations

Public safety

This application involves the replacement of the existing hoarding with a new digital display screen half the size of the existing hoarding. There has been an illuminated 96 sheet hoarding in this location for the past ten years.

With regards to motorway safety, national guidance in Circular 3/2007 makes distraction of drivers a prime consideration in relation to Motorways. Appeal decisions along the M6 corridor have indicated concern regarding not only resulting accidents causing damage to life and property, but also to the serious disruption and delays which result from even small accidents on this very busy stretch of the motorway network. Whilst it has been identified that this section of the motorway is subject to increased number of traffic incidents, none can actually be directly attributed to the siting of the various advert displays and certainly none have been identified as being the responsibility of the siting of this particular poster hoarding.

Highways England has objected on the grounds that the proposed advertisement may have an impact on road user safety. As part of the application submission the details include internal illumination to a level of 300cd/m² and the rate of content change will be limited to once every ten seconds. Highways England are in agreement that both of these levels are acceptable and within guidelines set out by the Institute of Lighting Professionals (ILP).

In addition they have recommended that there are no moving images, animations video or full motion images incorporates into the advertisements, the application does stipulate that there will be no moving elements and as such a condition controlling this aspect will be satisfactory to restrict it.

With regards to the comments and holding objection by network rail, the proposal will not involve any ground works as the structure is already in place. Similarly the existing advert is currently illuminated and whilst the proposed will be different being a digital display (LED) and will have changing adverts, the relationship has co-existed for at least the past ten years without incidents attributed to the advertisement. With regards to the colours displayed on the advertisement the Local Planning Authority has no control over the contents including colours. However and again there has been an illuminated sign in this location for some time, the proposal is not to change its location just its display type and reduce the size of the display on the structure. Network Rail have suggested conditions in the event that the proposed change to the display type is approved.

One of the conditions suggested has been the provision of a shield on the western edge of the display to assist in screening it from the railway line. The applicants are currently discussing this with network rail and are proposing to rotate the structure through 20 degrees in order that it faces towards the M6 away from the line of the nearby railway line. A condition requiring this can ensure that any impact is reduced.

On balance, in this instance and allowing for the scale, dominance, location adjacent to this part of the M6 and the rail line, being seen against the back drop of the existing retail/commercial estate, reduction in the size of display unit, reliability of the display it is considered that the replacement display is acceptable subject to conditions suggested by the Highways England..

Visual amenity

Visual amenity - The application is to replace the existing illuminated 96 sheet poster hoarding with a smaller 48 sheet LED display unit to be erected on the existing structure. The reduction in size is to be welcomed and the implementation of new technology will also improve the functionality of the advert as it will be able to be remotely controlled all the time and reduces visits to the site and delays in any repairs which could be more visually distracting than a quality picture.

Previous refusals were to be sited close to the gasometers where in terms of visual amenity it was considered the adverts would spoil the visual effect of greenery, it is open around the gasometers unlike the application site where from the M6 it is predominantly seen against the backdrop of commercial premises of Ikea, Gala Bingo etc. views around the gasometers will become even more important with the decommission of the towers.

The two large LED displays at the football club and the pole adverts at Middleton Group have some commonality with the current proposal, being LED digital screens and changing their display every 10 seconds. The LED displays provide sharp images, ensuring they attract attention. The current proposal is similar to those already approved in the area but smaller.

The technology of LED advertising screens allows for regular changes of advertising image and potentially allows for moving images or graphics. It is considered in this context, moving images/graphics and very regular changes of images would prove harmful to local amenity (as well as public safety), any approval would need to avoid the more extreme impacts of moving or flashing images and the frequent changing of the advertisements by conditions.

The issue is whether the increased visual impacts arising from the change to the type of display unit and the more frequently changing display will *result in significant additional harm to amenity in this context. In the previous cases it was considered the advertisements were significant and would have some impact to visual amenities. As this advertisement already exists and is currently illuminated, the change to the type of display* which is becoming a common feature along motorway corridors is unlikely to be significant to warrant refusal.

Visual amenity from local roads and vantage points.

Other than being seen from the motorway it is unlikely that there will be any views from residential houses the nearest of which are in Hough Road on the other side of the M6 and at a lower level. Whilst these may not have long range views of the structure, when it is illuminated the sign could be visible, however this would be against the backdrop to the motorway with its associated street lighting and amongst other signage of this commercial area.

On balance, it is considered that subject to the conditions suggested by the Highways England, the replacement smaller LED display unit is acceptable.

Positive and Proactive working with the applicant

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

Recommendation Summary: Grant Advert 5 years

1. No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission

Reason: It is a requirement of the Regulations that the site owners permission be obtained before any advertisement is displayed.

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

- Existing and Proposed Location Plan (PY2403-001) received 3rd July, 2015
- Existing and Proposed Site Plan (PY2403-002) received 3rd July, 2015
- Existing elevation (PY2403-003) received 3rd July, 2015
- Proposed elevation (PY2403-004) received 3rd July, 2015
- Existing hoarding specifications (B960010) received 3rd July, 2015
- Proposed Digital Display specifications (D480024) received 3rd July, 2015
- Guidance for digital roadside advertising and proposed best practice *Transport for London) received 3rd July, 2105

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 erection of any scaffolding within 10 metres of a boundary to a railway line a method statement giving details of measures to be taken to prevent construction materials from the development reaching the railway (including protective fencing) shall be submitted to and approved in writing by the Local Planning Authority in conjunction with Network Rail

3b. Prior to any development commencing the approved details shall be fully implemented and thereafter retained throughout the duration of the works.

Reason - In the interests of railway safety

NB The applicant is reminded that when pole(s) are erected for construction or maintenance works, should they topple over in the direction of the railway then there must be at least a 3m failsafe zone *between the maximum height of the pole(s) and the railway boundary*.

4a. Prior to any works being carried out which involve alterations to ground levels, earthworks and excavations to be carried out near to the railway boundary full details shall be submitted to and approved in writing by the Local Planning Authority

4b. Any works shall be carried out in accordance with the agreed details.

Reason: To protect the adjacent railway.

5. No advertisement shall be sited or displayed so as to-
Endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);

Obscure, or hinder the ready interpretation of, any traffic sign, railway signal, or aid to navigation by water or air; or

Hinder the operation of any device used for the purpose of securing or surveillance or for measuring the speed of any vehicle.

Reason: In the interest of public safety

6. Any advertisement displayed, and any site used for the displaying of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.

Reason: To ensure the satisfactory appearance of the development

7. Any structure *or hoarding erected or used principally* for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.

Reason: In the interest of public safety and amenity

8. Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair on visual amenity.

Reason: In the interest of public safety and amenity

9. Notwithstanding the details provided, throughout the period of this consent, no images shall be displayed on the LED advertising screens that include moving elements, animation, flashing visual effects or include any assembly and/or dis-assembly of the image/advert or any wording upon it.

Reason: To enable the M6 Motorway to continue to be an effective part **of** the national system of routes for through traffic in accordance with Section 10 (2) of the Highways Act 1980 and to protect users of the M6 Motorway in the interests of road safety.

10. Notwithstanding the details provided, throughout the period of this consent, the frequency of change between the images/adverts displayed on the LED advertising screens hereby approved will not be more than once every 10 seconds, with a fade from one advert/image to another advert/image over a 1 second time frame

Reason: To enable the M6 Motorway to continue to be an effective part of the national system of routes for through traffic in accordance with Section 10 (2) of the Highways Act 1980 and to protect users of the M6 Motorway in the interests of road safety.

11. Notwithstanding the details provided, throughout the period of this consent, no more than 1 image/advert is to be displayed on the screen at any one time. (Subject to the fade in and fade out as provided by condition 10).

Reason: To enable the M6 Motorway to continue to be an effective part of the national system of routes for through traffic in accordance with Section 10 (2) of the Highways Act 1980 and to protect users of the M6 Motorway in the interests of road safety.

12. Notwithstanding the details provided, throughout the period of this consent, the intensity of the illumination of the screens permitted shall not exceed 300cd/m.

Reason: To enable the M6 Motorway to continue to be an effective part of the national system of routes for through traffic in accordance with Section 10 (2) of the Highways Act 1980 and to protect users of the M6 Motorway in the interests of road safety.

13. At no time shall any part of the structure other than the area measuring 6.096mm by 3.048mm as identified on plan drawing numbers D480024 and PY2403-004, received 3rd July, 2015 be used for the LED digital display screen.

Reason: In the interest of public safety and amenity

NFA – Network Rail have been consulted on this application and you are advised of the following:

If vibro-compaction machinery / piling machinery or piling and ground treatment works are to be undertaken as part of the development, details of the use of such machinery and a method statement will be required to be submitted to the Network Rail Asset Protection Engineer.

Network Rail requests that the developer submit a risk assessment and method statement (RAMS) for the proposal to the Network Rail Asset Protection Engineer once the proposal has entered the development and construction phase. The RAMS should consider all works to be undertaken within 10m of the operational railway. We require reviewing the RAMS to ensure that works on site follow safe methods of working and have taken into consideration any potential impact on Network Rail land and the operational railway. The developer should contact Network Rail Asset Protection prior to works commencing at AssetProtectionLNWSouth@networkrail.co.uk to discuss the proposal and RAMS requirements in more detail.

The developer/applicant must ensure that their proposal, both during construction, and after completion of works on site, does not affect the safety, operation or integrity of the operational railway, Network Rail land and its infrastructure or undermine or damage or adversely affect any railway land and structures. There must be no physical encroachment of the proposal onto Network Rail land, no over-sailing into Network Rail air-space and no encroachment of foundations onto Network Rail land and soil. Any future maintenance must be conducted solely within the applicant's land ownership.



Walsall Council

Economy and Environment, Development Management

Planning Committee

Report of Head of Planning and Building Control on 01-Oct-2015

Plans List Item Number: 12.

Reason for bringing to committee: Significant Community Interest

Location: LAND BETWEEN 6 AND 14 FOUNDRY LANE, PELSALL, WALSALL, WS3 4QH.

Proposal: NEW HOUSE

Application Number: 15/0986/FULL

Applicant: Mr A Toon

Agent: Mr Mike Sweeney

Application Type: Full Application

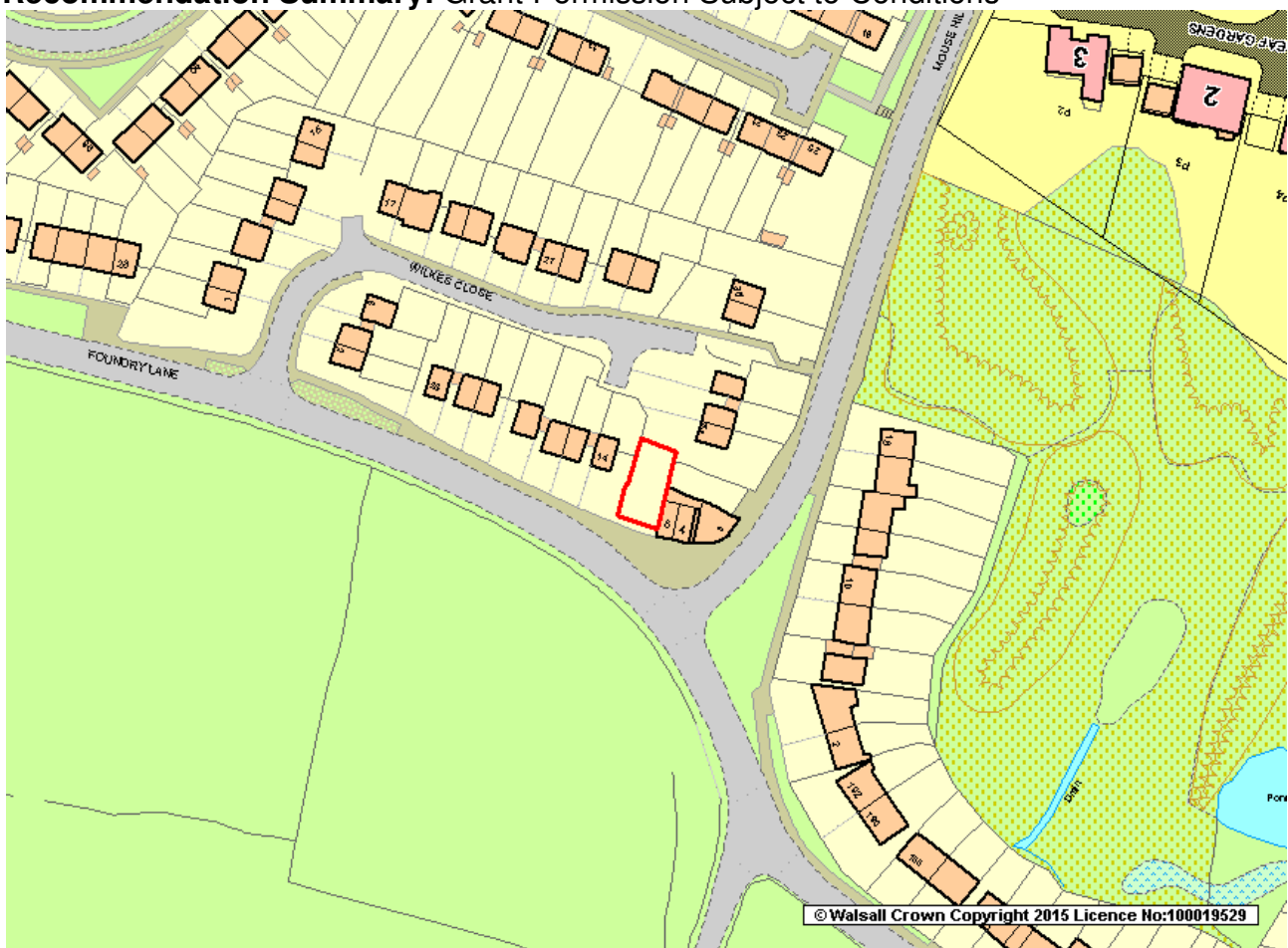
Recommendation Summary: Grant Permission Subject to Conditions

Case Officer: Barbara Toy

Ward: Pelsall

Expired Date: 13-Aug-2015

Time Extension Expiry: 09-Oct-2015



Application and Site Details

The site is situated on the northern side of Foundry Lane just to the west of the junction with Mouse Hill, Goscote Lane and Allens Lane. The site comprises open land sat between No 14, a detached two storey modern house set back from the road to the west and No 6 set immediately to the east, an end terraced two storey house set at back of pavement with single storey rear wing. A large wide triangular footpath area is situated on the frontage of the site, 6, 4 and 3 Foundry Lane.

No 6 and 4 Foundry Lane are traditional 19th century terraced houses with No 3 adjoining a corner shop at ground floor with residential accommodation above, which completes the terrace. This terrace is situated within the Old Pelsall Conservation Area, but the application site sits just outside of the conservation area.

Immediately to the north (rear) of the site are modern semi detached houses in Wilkes Close, with protected trees situated outside of the site. To the south are open fields (Green Belt). Further to the west are similar modern detached house beyond No 14.

This is a revised application following a previous refusal for the erection of a two storey house on the site. The design and layout has been amended to overcome the previous reasons for refusal. The layout has been amended to set the house back from the footpath by 1.7 – 2m and amend the side entry. The design has been amended and whilst the accommodation would still provide a 2 bed house split over 3 floors with a bedroom within the roof space the large rear dormer has been removed and replaced with a roof light to the rear and the roof lights to the frontage removed. The gable roof to the side element has been raised and would now follow the same pitch/angle as the main roof. The car parking spaces below the first floor has been amended to a proper garage and the front windows amended to provide full height windows with Juliette balconies.

The accommodation would provide:

Ground floor – Hall, kitchen/dining area, utility and garage

First Floor - Lounge, bathroom, bedroom

Loft Space - Bedroom

2 parking spaces would be provided within the front driveway one of which is allocated to No 3 Mouse Hill who have a legal right to a single parking space on this land. 900mm high hoop top railings would be provided to the side boundary of the driveway to allow visibility. An entry between the new house and No 6 would provide access to the rear for both properties. An amenity area of approx 70sqm would be provided to the rear with new 1.8m high fencing provided. The house would be built from facing bricks with a tiled roof, with 1 velux window to the rear.

Relevant Planning History

14/1769/FL, Erection of 3 bed detached house. Refused 16-01-15.

Reasons for refusal:

1. The scale, design and appearance of the proposed house would be out of character with the general street scene and have an unacceptable adverse impact on the character, appearance and setting of the adjacent Old Pelsall Conservation Area. The development would therefore be contrary to the National Planning Policy Framework in particular paragraphs 58, 64 and 132, the Black Country Core Strategy policies ENV2 and ENV3 and Walsall's saved Unitary Development Plan, in particular policies GP2, ENV29 and

ENV32, the Supplementary Planning Document, Designing Walsall in particular policy DW3: Character and English Heritage, The Setting of Heritage Assets (2011).

2. The proposals are considered to be detrimental to highway safety for the following reasons:

- The size and restrictions to the proposed on site parking spaces fail to meet the standard parking space requirements of Policy T13 of the UDP
- The proposals fail to provide sufficient on site parking to meet the needs of both the development and the existing adjacent properties
- The proposed parking layout fails to provide the required 2.4m x 3.4m pedestrian visibility splays which do not pass over third party land or are clear of structures exceeding 600mm in height above footway level.

As such the proposals would be contrary to saved policies T13 and GP2 of Walsall's Unitary Development Plan.

Mouse Hill Store, 3 Foundry Lane

BC07170P, alterations to form additional shop area and extension to living accommodation and construction of car park, granted subject to conditions 19-07-83.

Relevant Planning Policy Summary

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:

Key provisions of the NPPF relevant in this case:

- Seek to secure high quality design and good standards of amenity for all existing and future occupants
- Take account of the different roles and character of different areas.
- Proactively drive and support sustainable economic development to deliver the homes that the country needs.
- Take account of and support local strategies to improve health for all.
- NPPF 4 – Promoting Sustainable Transport
- NPPF 6 – Delivering a Wide Choice of High Quality Homes
- NPPF 7 - Requiring good design
- NPPF 12 - Conserving and enhancing the historic environment

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

- HOU2: Housing Density, Type and Accessibility
- ENV2: Historic Character and Local Distinctiveness
- ENV3: Design Quality

Unitary Development Plan

- GP2: Environmental Protection
- ENV14: Development of Derelict and Previously Developed Sites
- ENV29: Conservation Areas
- ENV32: Design and Development Proposals
- H3: Windfall Sites on Previously Developed Land and Conversion of Existing

Buildings

- T7 - Car Parking
- T13: Parking Provision for Cars, Cycles and Taxis

Supplementary Planning Document

Designing Walsall

- DW3 - Character
- DW9 – High Quality Public Realm
- Appendix D

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

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

Additional Relevant Policies

Conservation Principles Policies and Guidance for the Sustainable Management of the Historic Environment: English Heritage (2008)

Consultations

Transportation – No objections subject to conditions re the provision of suitably surfaced parking spaces, provision of realigned dropped kerb and pedestrian visibility splay. This revised scheme provided 2 off street parking spaces for the new house and 1 further space for use by No 6.

Conservation Officer – No objections subject to conditions to ensure the use of timber windows painted white, and removal of permitted development rights to ensure control over any future development.

Natural Environment – No requirements for a bat survey.

Pollution Control – No objections subject to conditions. The site was part of a former foundry and no information has been provided regarding ground conditions at the site. A

site investigation would be required to identify remediate of any localised ground contamination and ground gas issues associated with the former use.

Severn Trent Water – No objections subject to drainage condition.

Tree Officer – No objections. The separation distance from the proposed house to the protected trees in Wilkes Close is considered to be such that the proposals would have no adverse impact on the protected trees.

Public Participation Responses

Four objections received.

Objections:

- No 3 Mouse Hill has a legal right to park one vehicle on the land in question.
- The land is not large *enough* for a house of this size, it will be sandwiched between the existing and a 3 storey property would appear out of keeping adjacent to the listed buildings
- Overlooking of properties to the rear, looking directly into bedrooms
- Block views of the fields on Foundry Lane
- The occupiers of Mouse Hill already park on the pavement area, where will additional cars park
- The amended scheme does not overcome previous objections
- Loss of privacy from loft window and patio doors to the rear
- Loss of light
- No detail of the retention of existing right of way over the land for adjacent property.
- Proximity of the proposed house to existing houses causing damage to existing properties
- Proposed fencing to the rear would further block light
- Concern about the proximity of the new house to the protected tree on the frontage of 43 Wilkes Close and possible damage to the tree and roots
- Design of the house out of keeping with the character of the area
- Property devaluation (Not a material planning consideration)

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

Determining issues

Whether the proposals overcome the previous reasons for refusal in terms of:

- Scale, design and appearance and impact on the character, appearance and setting of the adjacent Old Pelsall Conservation Area.
- Adequacy of parking spaces and pedestrian visibility splay

Other considerations:

- Principle of the development
- Impact on amenity of adjoining occupiers
- Impact of Protected Trees
- Local Financial Considerations

Observations

Scale, Design and appearance and impact on the Old Pelsall Conservation Area

The site sits immediately adjacent to a terrace of traditional 19th century properties that are situated at back of pavement within the Old Pelsall Conservation Area. The properties to the west are more modern detached houses built on the former foundry, which are set back from the road with front gardens and driveways. The site therefore sits between two very different ages and styles of properties. It was considered that the previous refused design neither reflected the traditional terrace to the east nor the more modern houses to the west and was out of character with the street scene and the character and appearance of the conservation area.

The proposals would now create an entry between the terrace and the new house for use by both the new house and No 6, separating the new house from the terrace so it is seen as a new component.

The design has been amended to make the house stand apart from the terrace with a more modern appearance. The eaves height would be similar to the terrace but the ridge height would be stepped down, with the ridge on the set back element to the side even lower, which would provide a step between No 14 (which is significantly lower) and No 6.

Whilst the house would have a room within the roof space, it would appear as a two storey house within the street scene approx 0.8m lower than No 6. The large unsightly dormer window to the rear has been removed and replaced with a roof light which would improve the overall appearance of the rear of the property and avoid direct overlooking of the frontage of the properties in Wilkes Close to the rear. The proportions of the house are considered appropriate and would provide a link between the tall narrow terraced houses to the east that are within the conservation area and the much wider lower modern houses to the west.

It is considered that the revised scale, design and appearance of the proposed house would sit comfortably within the street scene, providing an appropriate transition between the existing properties, would not have a negative impact on the adjacent conservation area and it is considered that it would overcome the previous reason for refusal.

Parking and Highway Safety

The proposed layout now includes an integral *garage and two appropriately sized off street parking spaces within the front driveway. Whilst only 2 off street parking spaces* are required for the new house the third space would be provided to comply with an existing covenant to provide one space for the adjacent house at No 6 and would therefore meet the needs of both the development and the existing adjacent property.

The layout of the site has been amended since the previous refusal with the house now set back from the back of pavement which allows suitable pedestrian visibility in an easterly direction and to the west an open hooped top fence is proposed along the forward boundary between the site and No 14 to ensure appropriate pedestrian visibility.

The proposals also include a 900mm wide side entry for use by both the new house and no 6 for access to the rear.

The Highway Authority considers the proposals would overcome the previous reason for refusal and would not have severe transportation implications and is acceptable in *accordance with NPPF para.32*

Other Considerations:

Principle of the development

The proposals would provide a 2 bed house in a predominantly residential area on a previously developed site, the principle of the provision of a further residential property in this location is considered appropriate and in compliance with policy.

Historical maps show that the site was previously occupied by buildings, continuing the terrace, the principle of providing a new house on the site is therefore considered acceptable.

Impact on amenity of adjoining occupiers

The proposals would comply with separation distances required by Appendix D of Designing Walsall, in relation to the properties at the rear in Wilkes Avenue. No 43 Wilkes Avenue to the rear sits at right angles to 4 and 6 Foundry Lane, the proposed house would sit at right angles to the front driveway of No 43 and would create no loss of privacy or overlooking to the rear. Indeed the existing protected tree on the frontage of No 43 would obscure any full views into Wilkes Close. The previous large dormer window to the rear has been removed and replaced with a roof light, which would reduce the likelihood of overlooking or loss of privacy. The proposals fully comply with the 45 degree code in relation to both 6 and 14. It is considered that the proposals would have no adverse impact on the amenities of the surrounding occupiers.

Whilst the site is currently vacant and has been for a number of years and allows views through from Wilkes Close towards the open fields, this was not always the case as the site was previously occupied by further buildings within the terrace. Loss of views from Wilkes Close would not be a reason for refusal of the proposals.

Impact on Protected Trees

It is considered that the TPO trees on Wilkes Close to the rear of the site will remain unaffected by the proposed dwelling. In accordance with the root protection areas (RPA) as recommended in BS 5837: 2012 a distance of 13.0m would be sufficient enough RPA for a tree with a diameter at breast height (DBH) of 1080mm. The TPO Sycamore tree on Wilkes Close closest to the proposed dwelling has a diameter a lot less than 1080mm, requiring a RPA of less than the 13m separation distance.

Local Financial 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.

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 following approved plans and documents: -

Block Plan submitted 19th June 2015-09-22 Site Plan Drawing 2014-31-01 submitted 19th June 2015

Proposed Ground Floor and Car Parking Plan Drawing 2014-31-02 Rev J submitted 14th July 2015

Proposed First Floor and Loft Floor Layout Drawing 2014-31-03 Rev J submitted 19th June 2015

Proposed Elevations Drawing 2014-31-04 Rev G submitted 22nd September 2015

Roof Plan Drawing 2014-31-07 Rev A submitted 19th June 2015

Proposed Street View Front Elevation Drawing 2014-31-10 Rev B submitted 22nd September 2015

Proposed Boundary Treatment Drawing 2014-31-11 Rev A submitted 15th September 2015

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

3a. No development shall commence until samples of all facing and roofing materials for the proposed house, plus all proposed hardsurfacing within the site have been submitted to and approved in writing by the Local Planning Authority.

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

Reason: To ensure the facing and roofing materials harmonise with those in the surrounding vicinity.

4a. No development shall commence on site until details of the disposal of both surface and foul water drainage have been submitted to and approved in writing by the Local Planning Authority.

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

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

5a. Prior to the first occupation of the new dwelling, the parking spaces for the new dwelling and existing dwelling shall be fully implemented and brought into use. The parking spaces shall be fully consolidated, hard surfaced and suitably drained to prevent any surface water from these areas discharging onto the public highway or into any highway drain, details of which shall be submitted to and approved in writing by the Local Planning Authority.

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

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

6. Prior to the parking spaces first coming into use, the existing vehicle dropped kerb on Foundry Lane shall be realigned to serve the new parking spaces and the existing redundant footway crossing reinstated back to full kerb height. The works shall be carried out in accordance with Council's footway crossing specification SD11/8 dated January 2008 and to the satisfaction of the Highway Authority. All works within the public highway shall be in accordance all statutory requirements.

Reason: To ensure the satisfactory completion and operation of the development and in accordance with UDP Policy GP2, T4 and in the interests of highway safety.

7. The pedestrian visibility splay at the access point shown on drawing no. 2014-31-02 dated November 2014, shall at all times be kept free of any structure or planting exceeding 600mm in height above footway level.

Reason: To ensure adequate inter-visibility at the access point in the interests of highway safety.

8. Car parking space no. 3, shown on drawing no. 2014-31-02 Rev J submitted 14th July 2015, shall be for the sole use of no. 6 Foundry Lane and clearly demarcated and retained for this purpose only.

Reason: To ensure off street parking is available for the existing dwelling to minimise on street or pavement parking, in accordance with UDP policy GP2, T7 and T13 and in the interests of highway safety.

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

i) Prior to built development commencing a site investigation, ground contamination survey and assessment of ground gas, having regard to current best practice shall be undertaken. (see Note for Applicant CL1)

ii) Prior to built development commencing a copy of the findings of the site investigation, ground contamination survey and ground gas assessment, together with an assessment of the hazards arising from any land contamination and/or ground gas shall be forwarded to the Local Planning Authority. (see Note for Applicant CL2)

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

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

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

vi) A validation report confirming the details of the measures implemented together with substantiating information and justification of any changes from the agreed remedial

arrangements shall be submitted to and accepted in writing by the Local Planning Authority prior to the development being brought into use. (see Note for Applicant CL3)

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

10. All windows and external doors within the dwelling shall be timber and painted white and once installed shall be thereafter maintained and retained.

Reason: In order to protect the setting of the Old Pelsall Conservation Area.

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended), no development within Schedule 2, Part 1, A, B, E and F shall be carried out to the houses hereby approved, without the prior approval of a planning application.

Reason: To enable the Local Planning Authority to retain effective control over the site to protect the setting of the Old Pelsall Conservation Area.

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

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

Reason: In order to safeguard the amenities of the surrounding occupiers.

Notes for Applicant – Contaminated Land

CL1

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

CL2

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

of the potential for contaminants contained in, on or under the land to impact upon ground water. Advice on this aspect can be obtained from the Environment Agency.

CL3

Validation reports will need to contain details of the “as installed” remediation or mitigation works agreed with the Local Planning Authority. For example photographs of earth works, capping systems, ground gas membranes, and structure details should be provided.

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

Notes for Applicant - Highways

1. The applicant will be expected to obtain the necessary Road Opening Permit from the Highway Authority for the dropped kerb footway crossing works within the public highway.
2. The attention of the applicant is drawn to the need to keep the highway free from any mud or other material emanating from the application site of any works pertaining thereto.



Economy and Environment, Development Management

Planning Committee

Report of Head of Planning and Building Control on 01-Oct-2015

Plans List Item Number: 13.

Reason for bringing to committee: Significant Community Interest

Location: LAND REAR OF 9 BASLOW ROAD, WALSALL, WS3 3SG

Proposal: OUTLINE APPLICATION FOR THE DEMOLITION OF 7 BASLOW ROAD, THE ERECTION OF 4 DWELLINGS (3 SET TO THE REAR AND 1 FRONTING BASLOW ROAD) AND ASSOCIATED WORKS, ACCESS AND LAYOUT ONLY FOR DETERMINATION.

Application Number: 14/0893/OL

Case Officer: Barbara Toy

Applicant: Mr & Mrs B Davis

Ward: Bloxwich East

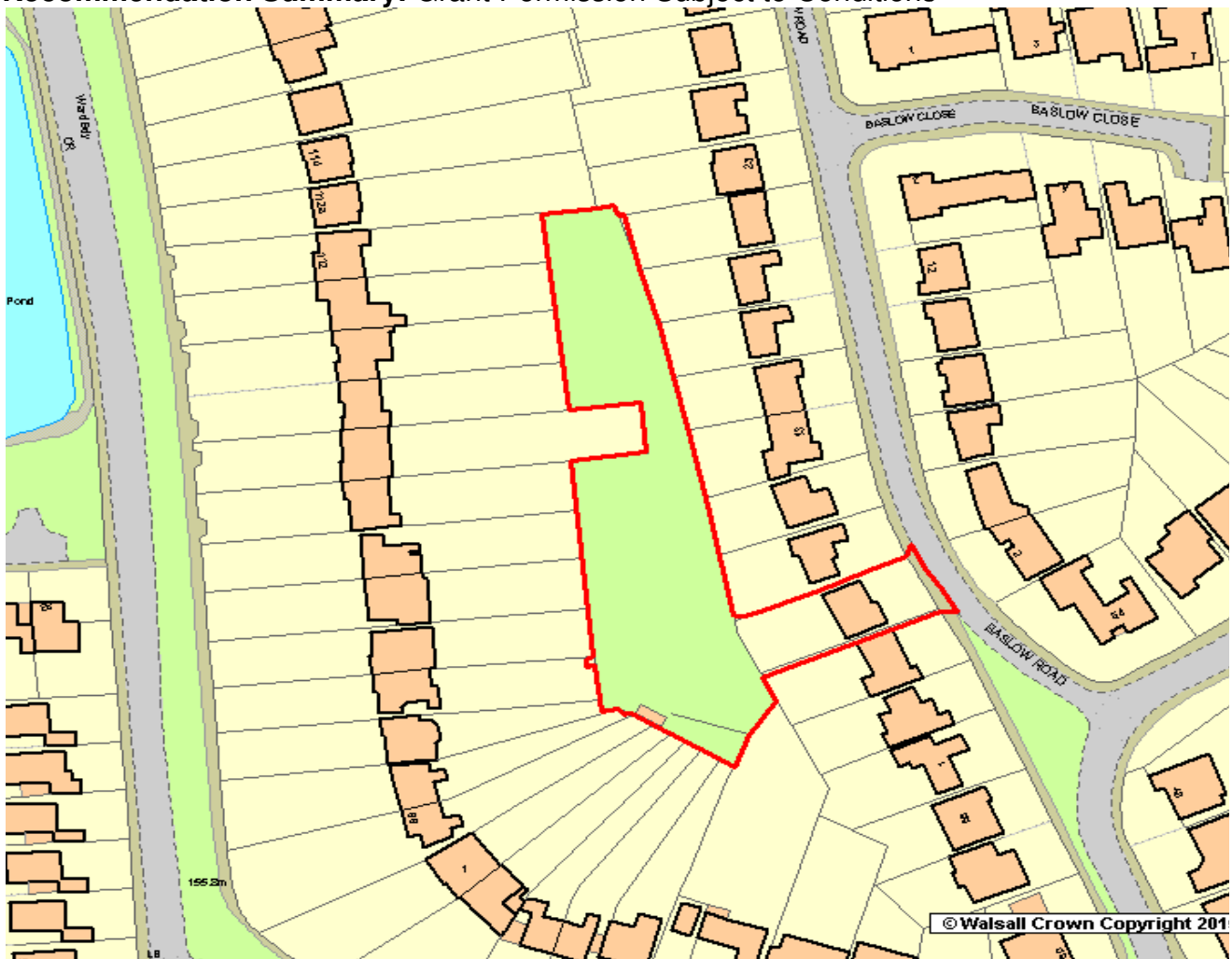
Agent: CT Planning Limited

Expired Date: 30-Apr-2015

Application Type: Outline Application

Time Extension Expiry: 30-Jun-2015

Recommendation Summary: Grant Permission Subject to Conditions



Application and Site Details

The site is situated on the western side of Baslow Road and comprises an area of land surrounded by residential gardens of properties in Baslow Road (Nos 5-23 odd), Stoney Lane (Nos 1-11 odd) and Stafford Road (Nos 88-112 even). The site is currently used as a garden extension by the applicant with a number of storage sheds adjacent to the southern boundary, predominantly mown grass, chickens at the northern end of the site and a large number of mature trees within and immediately adjacent to the boundary. Seven individual trees and one group of trees within the site are protected under TPO 16/2004. Access to the site is currently gained via a driveway set between 5 and 7 Baslow Road created through the removal of a single storey side garage at No 7, a detached two storey house. The site is roughly rectangular in shape running north - south with a projection of the rear garden of 104 Stafford Road reducing the width of the site.

The site sits approx 300m from Stafford Road which forms part of the Strategic Highway Network and provides regular bus services, and approx 850m from Bloxwich district centre.

The character of the area is defined by detached houses with a mix of traditional houses with large frontages and rear gardens along Stafford Road and more modern 1960's houses in Stoney Lane and Baslow Road. The pattern of development consists of detached houses facing the highway with front driveways, with no backland development in the immediate area.

This is a revised application following the refusal of an outline application for the erection of 5 detached houses on the land to the rear with access to the site via the existing gates access adjacent to No 7 Baslow Road. This revised outline application has been amended since submission and now proposes the erection of 4 detached two storey house, 3 set to the rear (2 x 3 bed and 1 x 4 bed) and 1 fronting Baslow Road (1 x 4 bed), with access and layout for determination and all other matters reserved for future determination (appearance, landscape and scale). The proposals now include the demolition of No 7 Baslow Road, the creation of a new vehicle access drive adjacent to No 9 Baslow Road and erection of a new house on the frontage adjacent to No 5.

The first set of amendments revised the overall layout and the second set made further amendments to plot 2.

Plot 1 would comprise a two storey 4 bed house front Baslow Road and would follow the existing building line of both No 5 and No 9. The house would have 2 front driveway parking spaces with a detached single garage set to the rear access via the proposed new access drive adjacent to the boundary with No 9.

Plot 2 would comprise a 3 bed detached two storey house set facing north east at an angle to the houses in Baslow Road. The house would have a detached single garage and driveway parking set to the south west of the house at the head of the new access drive.

Plot 3 would comprise a 3 bed detached two storey house set facing south at right angles to the houses in Baslow Road with a driveway parking on the frontage and a single detached garage set to the south west of the house, towards the boundary with Stafford Road.

Plot 4 would comprise a 4 bed detached two storey house set facing south at the northern end of the site (beyond the reduced width of the site) with driveway parking and a detached double garage set to the south of the house.

All four plots would have a garden area exceeding 68sqm.

The site has an area of 0.3 hectares, 4 dwellings would result in a density of 13 dwellings per hectare.

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

Design and access statement

This relates to the original submission and discusses the land use, amount/density of development, proposed layout, scale, external appearance, living conditions, access, landscaping, ecology and drainage.

Planning Statement

This discusses the application site and surroundings, history and planning policy. It also discusses the planning considerations of the case: the principle of the development, the character and appearance of the area, living conditions, noise, access, community safety, ecology, drainage, landscape, fire safety and bin carrying distance. The statement refers to an appeal at 43 Middleton Road, Streetly.

Addendum Planning Statement

This discusses the reasons for refusal on the previous application in terms of housing land supply, living conditions, trees and highways.

Arboricultural Assessment and Additional Comments on the Amended Layout

This makes an assessment of 24 individual trees and three groups of trees within and immediately adjacent to the site. The survey indicates 2 category A trees, 13 category B trees, 8 category C and 1 unclassified tree on site. The three groups of trees are all category C. The proposals would require the removal of T13 (Cat B) early mature common ash tree. The applicants acknowledge its loss is unfortunate as the tree is well established and of good form and health. TP3, T16, T18, T19 and T20 are also identified for removal on the revised scheme.

A number of trees are shown to have a driveway or part of the main access drive within their root protection areas and it is therefore recommended that a 'no-dig' method of construction would need to be used.

The site contains trees around almost all the boundaries, the final design of the house types and their gardens will need to take full account of the existing and future growth of the tree cover.

The final scheme includes further amendments to plot 2, to both the orientation of the buildings, the position of the house and garage and the size of the garden which have improved the extent of shading to the plot.

The survey provides details of mitigation for the loss of trees as well as tree management and tree protection measures.

Noise Impact of Proposed Access Road

This report relates to the original layout and not the scheme now under consideration. It however concluded that the noise impact from vehicle movements on the proposed access road set between No 5 and No 7 would be negligible.

Schedule of Backland Planning Permissions Granted by Walsall Council

This refers to 7 sites within the Borough where backland developments have been approved in the last 4 years.

Relevant Planning History

11/1552/FL, erection of one detached house and detached garage, refused 23-03-12.

12/0435/TR, fell one willow tree, refused 11-06-12.

13/1675/OL, outline application for the erection of 5 dwellings and associated works, access and layout only for determination, refused 05-02-14.

Reasons for Refusal:

1. The development would create an unacceptable backland development that would be at odds with the established pattern, layout and general character of the area which is defined by street frontage properties. The proposed layout fails to respond to local character, reinforce local distinctiveness or reinforce the existing urban structure. The proposals fail to meet separation distance guidance within appendix D of Designing Walsall and as a result would have an adverse impact on the amenities of the occupiers of the surrounding residential properties in terms of overlooking and loss of privacy. The development is therefore contrary to the aims and objectives of the National Planning Policy Framework, policies CPS4, HOU2, ENV2, ENV3 of the Black Country Core Strategy, saved policies GP2, 3.6 and ENV32 of the Walsall Unitary Development Plan and the design principle: homes, policies DW3, DW4, DW6 and Appendix D of Supplementary Planning Document: Designing Walsall.
2. The proposals fail to demonstrate that the proposals would not have an adverse impact on highway and pedestrian safety through reversing movements onto Baslow Road due to the single track access drive and the continuous dropped kerb for the access drive and frontage parking for No 7 Baslow Road contrary to policy GP2 of Walsall's Unitary Development Plan. The level of parking provision for plots 2 – 5 fails to comply with policy T13 of Walsall's Unitary Development Plan and the bin collection point fails to comply with guidance contained within Department of Transport Guidance: Manual for Streets (2007) for refuse collection and travel distance for occupiers to drag bins. The width of the access drive and site layout (insufficient turning head) fails to comply with Fire Safety requirements of Approved Document Part B of Building Regulations.
3. The proposed development and layout is likely to result in unacceptable loss or damage to trees within and immediately adjacent to the site some of which are protected under Tree Preservation Order 16 of 2004, through the position of the houses, access drive and occupancy of the site and pressure from future occupiers to remove or prune trees that overhang and shadow the buildings, drive and amenity space, which would be detrimental to the overall amenity, aesthetic and landscape character of the area. As such the proposals are contrary to the aims and objectives of the National Planning Policy Framework, policy ENV3 of the Black Country Core Strategy, saved policies GP2, ENV18, ENV32 of Walsall Unitary Development and policies NE7 and NE8 of Supplementary Planning Document Conserving Walsall's Natural Environment.

Relevant Planning Policy Summary

National Planning Policy

National Planning Policy Framework (NPPF)

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

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

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

Key provisions of the NPPF relevant in this case:

4: Promoting Sustainable Transport

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

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

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

6: Delivering a Wide Choice of High Quality Homes

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

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

7: Requiring Good Design

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

58. Decisions should aim to ensure that developments:

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

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

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

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

11. Conserving and enhancing the natural environment

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

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

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

123. Planning decisions should aim to:

- Avoid noise from giving rise to significant adverse impacts

On planning conditions the NPPF says:

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

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

The Development Plan

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

Local

The Black Country Core Strategy (BCCS) (2011)

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

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

to the contrary it is considered that the BCCS policies should be given full weight in planning decisions.

The key planning policies include:

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

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

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

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

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

ENV2: Historic Character and Local Distinctiveness

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

ENV3: Design Quality

Development proposals across the Black Country will deliver a successful urban renaissance through high quality design that stimulates economic, social and environmental benefits. Implementation of the principles of "By Design" to ensure the provision of a high quality networks of streets, buildings and spaces.

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

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

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

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

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

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

The relevant policies are:

GP2: Environmental Protection

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

I. Visual appearance.

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

VII. The adequacy of the access, and parking.

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

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

ENV18: Existing Woodlands, Trees and Hedgerows. The Council will ensure the protection, positive management and enhancement of existing woodlands, trees and hedgerows. Development will not be permitted if it would damage or destroy trees or woodlands protected by Tree Preservation Order,

ENV23: Nature Conservation and New Development

(a) The layout of all new development must take account of:-

I. The potential for enhancement of the natural environment through habitat creation or the exposure of geological formations.

II. The nature conservation opportunities provided by buildings by designing in features which provide roosting/ nesting places for bats.

(b) The Council will require the layout of all new development to take full account of existing features of value for wildlife or geology. Where loss or damage of existing features is unavoidable, the Council will require mitigation measures to which adequately compensate for the features lost.

ENV32: Design and Development Proposals.

(a) Poorly designed development or proposals which fail to properly take account of the context or surroundings will not be permitted. This policy will be applied to all development but will be particularly significant in the following locations:

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

(b) When assessing the quality of design the Council will use the following criteria:

I. The appearance of the proposed development

II. The height, proportion, scale and mass of proposed buildings/structures.

IV. The integration and co-ordination of buildings and external space.

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

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

ENV33: Landscape Design

Good landscape design is an integral part of urban design

T7: Car Parking

All development should satisfy the car parking standards set out in Policy T13, and be well designed.

T10: Accessibility Standards – General

(b) Standards will apply to all development proposals with the exception of:

i small residential developments within existing residential areas including infill plots

7.51: Easy walking/cycling distance will depend on local circumstances but the maximum will normally be regarded as 1000m.

T13: Parking Provision

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

4 bedroom houses and above, 3 spaces per unit

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

Supplementary Planning Documents (SPD)

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

Designing Walsall (Feb 2008)

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

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

The following are the relevant policies;

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

DW4 – Continuity – New development proposals must give consideration to common building lines and how the development will give definition to streets and spaces to reinforce the existing urban structure and give significance to important streets and spaces.

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

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

DW10 – Well Designed Sustainable Buildings - new development should make a positive contribution to creating a sustainable environment.

Appendix 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 (April 2008) - advises on the information requirements and survey standards for protected species to accompany planning applications.

NE7 - Planning applications which are not supported by an adequate arboricultural impact assessment are likely to be refused.

NE8 - All planning applications proposing the retention of trees, woodlands or hedgerows within a development site should demonstrate that the trees to be retained will survive without causing significant nuisance beyond the development phase. Adequate space should be retained for the trees to develop in the future without causing severe shading or requiring damaging containment pruning.

CABE: By Design

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

Tree Preservation Orders, a Guide to the Law and Good Practice

Para 5.11 says that the proximity of trees to buildings is an important consideration. It states that incoming occupiers of properties will want to be in harmony with their surroundings without casting excessive shade or otherwise interfering with their prospects of reasonably enjoying their property. It also says that unreasonable inconvenience to occupiers leads inevitably for consents to fell.

Site Layout Planning For Daylight and Sunlight – A Guide to Good Practice (BRE Trust)

3.3 Gardens and Open Spaces

Amenity areas should receive at least two hours of sunlight on 21st March.

Appendix H – Trees and Hedges

Consultations

Transportation – No objections to the amended scheme subject to conditions, the amended scheme overcomes the previous concerns. The new access road would be widened to 4.5m which would be sufficient to allow two vehicles to pass safely and the number of new dwellings off the access road has been reduced to 3. A suitably sized turning facility has been incorporated as well as a refuse bin collection point near Baslow Road.

Tree Officer – No objections to the loss of the trees proposed but concerns about the extent of the resultant shadowing to plot 2. The revised layout now overcomes the previous issues relating to the northern plot and whilst plot 3 will still have shading at points through the day, it is the shading of the garden of plot 2 that have provided the most concern. The shading from the respective trees has been assessed at various points through the day on 21st March and it would appear that the layout now just complies with the 'Planning for Sunlight and Daylight' guidance that half of the amenity area should receive at least 2 hours of sunlight on 21st March. However there is still likely to be pressure from future occupiers to undertake further works to the trees to allow greater light to the garden and house which would be resisted.

Natural Environment – No objection subject to conditions re bat boxes, external lighting and landscaping. In terms of protected species the habitat is not really suitable. There is no need for a bat survey unless one of the mature trees is to be felled, a Phase 1 habitat survey is not required.

Pollution Control– No objections subject to conditions. A noise survey has been submitted, which recommends improved acoustic boundary fencing between the new access drive and the residential properties either side, whilst this relates to the original proposals and refers to No 5 and No 7 Baslow Road, the recommendations are still considered appropriate for No 7 and No 9, either side of the new access road. Conditions recommended to ensure details of the boundary treatment are submitted for approval, the fence is installed, control of noise, dust and vibration during demolition or construction to control the hours of working on site.

Severn Trent Water – No objections subject to drainage condition

Fire Officer – No objections, the furthest plot now sits just inside the 45m requirement for fire service access.

West Midlands Police – No objections, the developer should be made aware of Secure By Design.

Public Participation Responses

A petition of 90 signatures and 28 letters of objections have been received in relation to the original submission, 19 letters of objections received in relation to the first amended scheme and 8 letters (on behalf of 9 properties) to the final amended scheme.

The petition states that the development will have an adverse effect on the residents amenities, parking, security and privacy and has been submitted by a resident and forwarded by David Winnick MP.

Objections to original submission: (4 houses set to the rear)

Highway Safety

Unsuitable entrance to site, highway safety implications

Baslow Road narrow road

Turning circle to enter the site inadequate, potential damage to kerbs and parking cars

Inadequate visitor parking within site leading to on street parking in Baslow Road, adverse impact on pedestrian and vehicle movements in the road

Narrow access drive, building materials likely to be off loaded on Baslow Road, Increase in traffic

Lack of access for fire engine, ambulance or refuse vehicle between the 2 houses

The access is a residential driveway not an access drive.

Narrow single width access drive unsuitable for access and utilities

Whilst vehicle passing place created, still cause waiting traffic in Baslow Road

Bin collection point repositioned still considerable distance to further property

Site entrance too close to bend in Baslow Road, hazard to traffic

Baslow Road used as a cut through route, high traffic speeds.

Parking already an issue in Baslow Road, likely exacerbated by development

Extended footway crossing, parking for No 7, access drive and drive No 5

No pedestrian route within access drive.

Character

At odds with the surrounding established pattern of development defined by street frontage properties

Examples of developments in the area not a true comparison, these are fully functioning highway not a private access drive

Out of character with surrounding houses and area

Backland development sufficient land elsewhere to prevent development of **this** nature

Dramatically alter the land and create a cramped estate

Visual and acoustic barrier and focal point for the community, if lost or further eroded detrimental impact on the area

Development by stealth, gradual change of land from allotment to development site

Increase in density

Constrained site

Residential Amenity

Security, opens up the site currently land locked by gardens, removal of access gates

Noise and disturbance to surrounding residential occupiers
 Inconvenience to current residents
 Loss of privacy and overlooking from loss of trees
 Loss of light to garden due to height of buildings
 Light pollution
 Likely bins still stored for collection in Baslow Road
 Inconvenience particularly to No 5 and No 7 Baslow Road and the house opposite the driveway, from vehicles coming and going and headlights
 Proposals fail to meet guidelines on separation distances
 Poor visual appearance of 'car park' on the frontage of No 7
 Ecology
 Loss of hedge rear garden of No 7 to create bin hardstanding
 As trees removed loss of wildlife
 Bats in the area (identified in development sites in the area), full habitat and wildlife survey required
 Formerly well cultivated allotments, are these not protected?
 Wildlife haven loss of natural habitat
 Trees
 Passing place within root protection area of protected trees, likely damage to the tree is vehicles larger than a car, insufficient space for passing place
 Loss of and damage to protected trees
 Trees removed prior to previous application
 Loss of willow tree previously refused
 Trees *blighted by accumulation of debris created by the applicant and not a valid reason to remove the tree*
 Question appropriateness of 'no-dig' construction areas
 Access by larger vehicle, damage to willow tree
 Loss of protected tree T13 unacceptable, young mature tree in good condition
 Drainage
 Stream running through the site appears to have been filled in , effect on future water levels
 Extended hard surfacing frontage extra pressure on storm drain
 Impact of building works on land drainage
 Likely flooding to surrounding properties
 Natural well in garden in Stafford Road
 Important open space that acts as sump for drainage
 No sufficient to say that drainage will be dealt with at later stage
 Mains water supply at maximum, new pipes required from Stafford Road
 Other
 Refuse collection likely bins left on Baslow Road outside No 5 as an eyesore
 Garden grabbing
 Continual applications
 Single dwelling and 5 dwellings previously refused, no change in circumstances
 Property devaluation (not a material planning consideration)
 Submission mismatched with application, ie noise impact refers to previous scheme
 Restrictive covenant on the and still stands, restricted use to garden or agricultural purposes
 Are sprinklers sufficient
 Housing supply already met no need for backland development
 Not sustainable development, contrary to policy
 Monetary gain, no consideration for *local residents*.

Objections to amended scheme: (3 houses to the rear and replacement of No 7 Baslow Road)

Amendments do not address issues raised on previous refusal

Complaint re timeframe for comments

Complete change of direction in the application, demolition, surely a new application?

Two previous refusals for development of the site

Annoyance at continual applications on the site Mismatch of supporting information for amended scheme

Perturbed at too much assistance from the planning department to the developer despite objections from local residents, resulting in the amended scheme

Undue pressure from the agent on the planning department and threats of appeal

List of other sites approved to show consistency not relevant, each case different

Not brownfield site but green land

Garden grabbing, backland development

Houses in the area for sale, no more houses needed

Previously allotments, aren't these protected?

Still only an outline application no thought yet to internals, so likely still further amendments

Site bought as a whole by the applicant even thou other surrounding owners had been approached about buying plots of land, others out priced by applicant

Development for monetary reasons only

Applicant will move as soon as work starts

Restrictive covenants on the site, use for garden or agriculture only

Pedestrian right of way over the land

Highways

Insufficient parking for houses and visitors within the site

New access more of an intrusion to the street than previous

Disruption along Baslow Road during construction

Parking in Balsow Road

Baslow Road used as a cut through

Adverse impact on neighbours from car headlights in the access drive

Insufficient space for turning within the site

Fire access restrictions, houses too great a distance from the road

Dangerous access, bend in the road, blind spot

Natural Environment

Site provides important habitat for wildlife, birds, newts and frogs on the land & surrounding properties

Bats in the area, habitat report needed

Important open space

Trees

Further tweaking of plot 2 to address tree officer comments, further loss of protected trees

Confusion of protected trees on the plan and which to be removed, different numbering to TPO

How will mains services be provided in the no dig area (access to plot 4)

Residential Amenity

Loss of light to surrounding properties from 2 storey buildings

Increased noise from vehicles to the rear of houses

Inadequate separation distance to existing houses

Loss of privacy

Light pollution

Close proximity of houses to Stafford Road and adverse impact on living conditions of surrounding occupiers

Cramped living conditions of new properties
Poor appearance of bin area on the frontage, who will keep this clear?
Design & Layout
New house in Baslow Road different style and character
Bin area too far from houses, bins will be left there
Why knock down a perfectly good house to build another one?
Create a car park on the frontage of No 7, poor appearance
Drainage
Site drains to north towards plot 4
High water table
Watercourse through the site below ground
Natural well in the garden of Stafford Road
Difference in levels between surrounding properties and site, water accumulation and drainage issues
Dealing with drainage at a later date inappropriate given the issues on site
If cess pits used how will a tanker enter the site?

Objections to final amended scheme: (revisions to plot 2)

Highway Safety
More traffic leading to more parking in Baslow Road, difficult access for existing residents
Access is on the bend in Baslow Road
Construction deliveries and workers vehicles likely to block Baslow Road
Pedestrian safety issues from parked vehicles in Baslow Road
Bin collection area in visibility splay?
Access amended to enable effluent tankers to access the site
Residential Amenity
More cars and commercial vehicles at the bottom of the garden
Loss of privacy
Loss of views
Security issues, opening up a land locked site
View of bins on frontage of No 7, an eyesore, who will clear up any mess?
Inadequate separation distance plot 2 to No 9 Baslow Road
No consideration for surrounding residents
Proximity of the corner of plot 2 to the gardens of 96 & 96 Stafford Road
Adverse impact on the peace and quiet at the bottom of gardens
Natural Environment/Drainage
Loss of tree likely to undermine existing fence, adjacent gardens at a higher level than the site, structural challenges for the fencing.
Concerns re drainage of the site
Loss of important open space
Impact on nesting birds in the willow tree
Loss of trees and natural habitat
Bats fly around at the bottom of gardens
Plot 2 garage closer to willow tree, likely damage and drainage issues
Further loss of trees, more trees likely to be lost in the future
Stream used to run through the site giving a high water table, flooding impact on the land and surrounding gardens.
A natural well has been created in a garden in Stafford Road adjacent.
Character and Appearance
Plot 2 cramped, not aspirational
Set a precedent
House to replace No 7 out of character with the street

Plot 3 limited space

Other

Little change from previous scheme

Monetary gain for applicant who will likely move away as soon as houses built

Land previously allotments with a covenant preventing built development and right of way for pedestrian access

Land grabbing against government policy

Submitted settlement plan misleading, land not sufficiently spacious

Garden land not brownfield site, extended garden of No 9, green infrastructure that should not be built on

Submitted petition shows community objections

Demolition now involved

Dispute of boundary rear of 94 Stafford Road, whether T16 (now to be removed) should be in the garden of 94.

Houses in Baslow Road priced out of the market for buying plots at the end of their garden

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

Determining issues

Whether the proposals overcome the previous reasons for refusal in terms of:

- Impact on the character and appearance of the area
- Impact on the amenities of the surrounding residential occupiers in terms of overlooking and loss of privacy
- Adverse impact on highway and pedestrian safety
- Loss or damage to trees (some protected)

Other issues

- Principle of development
- Ecology
- Drainage
- Other issues raised by objectors
- Local Finance Considerations

Observations

Impact on the character and appearance of the surrounding area

The area is characterised by detached houses of differing styles and ages but having street frontages with front gardens/driveways and private rear gardens. Some infill developments have however have created some small cul de sacs within the area that interrupt the main street pattern. The amended layout now includes the demolition of the existing house at No 7, creation of a new wider vehicle access drive and provides a new two storey detached house on the frontage to replace No 7 which would follow the existing building line of No 5 and No 9 Baslow Road, set back from the street with front driveway parking. Whilst 3 new detached houses would also still be provided to the rear, as a backland development, it is considered that the development would be better integrated into the street scene with the new driveway and the new house at No 7 and would better reflect the other cul de sac developments in the area and respond to local character and urban structure, creating a more comprehensive development. The development would no longer create a gated private development to the rear not visible from the street.

Whilst the development would allow for the construction of 4 new houses the net increase in residential properties would only be 3, a reduction in 2 units over the previous refusal.

The proposals would have a density of 13 dwellings per hectare which would accord with the surrounding properties which average between 12 and 22 dwellings per hectare. As the development now proposes only 3 units to the rear the plot sizes proposed are now larger than those previously refused. Plot sizes in the immediate area vary significantly, whilst those in Stafford Road are large, the plots in Balsow Road, Baslow Close and Sandstone Close are much smaller. It is considered that the revised plot sizes for the site are comparable with the variety in the surrounding area and now considered appropriate for the location.

The revised proposals overcome the previous reason for refusal relating to the pattern of development and the character of the area.

Impact on residential amenity

The reduction in the number of units to the rear and the revised orientation and layout of the houses would ensure that plots 3 and 4 far exceed the required 13m separation distance between windowed elevations and blank gables exceeding 3m in height defined in Appendix D of Designing Walsall.

The orientation of the house at plot 2 has been amended so that it now faces north east, set at an angle, not directly facing the rear of the houses in Balsow Road. Whilst the separation distance between the windowed elevations falls short of the 24m required by Appendix D (22m), it is considered that any direct overlooking and loss of privacy would be avoided due to the angled position and existing landscaping along the boundary and the separation is considered appropriate in this case.

Objectors have raised the issue of additional noise and disturbance from the properties and vehicle movements at the rear of their properties. The reduction in the number of units to 3 would significantly reduce the amount of comings and goings to the site and an acoustic fence to the boundaries of No 7 and No 9 would reduce any impact from the access road, which would be the closest to vehicle movements to properties. Objectors have also commented on the likely disturbance from vehicles and headlights from use of the new access drive directly opposite the front windows of properties opposite in Baslow Road, whilst the proposals would create some activity, vehicle movements are considered a normal activity in a residential area. It is recognised that there would be an increase in activity within the site by virtue of people and vehicle related movements, above the existing level of usage. However this is a residential area and use of the site would be similar to any urban environment where a level of noise and light spill from vehicle headlights is not unknown.

The revised proposals overcome the previous reason for refusal relating to residential amenity.

Access and parking

The revised scheme includes a new vehicle access created between the new house at No 7 and No 9 Balsow road and would provide a driveway 4.5m wide which would allow two vehicles to pass. The access is no longer gated and provides a turning head at the head of the driveway (adjacent to plot 2) to allow vehicles to adequately manoeuvre and turn within the site to leave in a forward gear reducing the likelihood of vehicle conflict and reversing movements onto Balsow Road. The width of access, the turning head and more than

adequate driveways within the site would overcome the previous objections from the fire service, allowing appropriate access to each of the houses in compliance with Building Regulations Approved Document Part B.

Unlike the refused scheme No 9 Baslow Road, the new access drive and the new house at No 7 Baslow Road would each have their own vehicle access crossings in compliance with guidelines and improving pedestrian safety.

Plots 1, 2 and 3 would each have a single detached garage and driveway parking, plot 4 would have a double garage and driveway parking all in compliance with guidelines for parking in policy T13 of the UDP.

The revised layout now provides a bin collection point on the frontage of the new house at No 7 Baslow Road, to be used on bin collection days, this would allow for the collection of bins without the refuse wagon entering the site. Whilst the distance from the hardstanding to the houses would be lengthy, those purchasing the houses would be aware of this from the onset. Whilst objectors have commented on the poor visual appearance of the bin hardstanding, any reserved matters application would include screen landscaping (ensuring appropriate visibility splay) and it is considered that the area would only be in use for a few hours each week and is therefore considered acceptable and would not present an adverse impact on the general street scene.

The revised layout and proposals overcome the previous objections from both the transportation and the fire service and now provide appropriate access, parking and refuse storage to overcome the previous reason for refusal

Trees

The submission includes the original Arboricultural Assessment and an updated statement on the amended layout and in particular a response to the concerns raised about shading to plot 2. The assessment gives details on 24 individual trees and 3 groups.

The amended layout has reduced the number of houses on the land to the rear from 5 to 3 which has allowed for larger plots and a reduced impact on the trees within the site and the revised position of the access drive takes away the concerns raised previously about the proximity of the access drive and passing place to the protected Willow Tree at the southern end of the site.

In addition to the trees identified on the previous scheme for removal (T13, T18, T19 and T20 identified in the tree assessment), the revised layout now relies on the removal of T16 and a group of trees TG3 adjacent to the western boundary with Stafford Road. There are no objections from the tree officer to the removal of these trees. T16 is heavily leaning Cherry tree and dominated by the larger sycamore tree adjacent (T15) which will be retained. And TG3 is a group of conifers which is removed would not detract from the overall amenity of the area.

The revised layout for plot 2 now shows the driveway to the proposed single garage within the root protection area of T24 (Willow), this would require a no-dig technique for the driveway, which is considered acceptable in these circumstances for a private driveway. The movement of the garage and the slight movement of the house itself now means that the plot would just about have the 2 hours of sunlight on half the garden on 21st March in compliance with guidance in the Planning for Sunlight and Daylight. The applicant has recognised that the internal layout of the property will need to be carefully considered at

reserved matters stage to minimise any negative effects of the shading and to maximise the light gathering opportunities through the design of windows and other ways of creating light. Whilst the garden will still experience shading it is considered to be at an acceptable level with different areas of the garden having sunlight at different times of the day, which is likely to reduce the pressure to remove further trees or undertake further pruning work in the future.

Other

Principle of development

The site is situated in a predominantly residential area surrounding by residential properties in a sustainable location within walking distance of a regular bus service on Stafford Road and Bloxwich district centre. The site whilst currently used as garden land by the applicant was previously an overgrown area of land that local residents claim was previously used as allotments. Historical maps show that the site has always been open land with no built form and is therefore unlikely to be regarded as brownfield land. However the site is not a traditional rear garden, it is land separated from and outside of the curtilage of No 9 and lies beyond the use for domestic purposes. There is no established planning use for the land. The merits of the individual case must therefore be assessed.

Ecology

This is not a site which would normally require ecological survey work to support a planning application. The site has been inspected by an officer from the natural environment team. The site is largely mown grass with a few mature trees.

In terms of protected species, the habitat is not really suitable. There was no evidence of badgers or large mammals. Previous queries raised about newt populations are most likely to refer to the unprotected smooth newt. There are no records of the protected great crested-newt in this area. There are no ponds on the application site which could be used for breeding. There may be suitable ponds in the neighbouring gardens and the pond on the Stafford Road on the former convent site is only 90 metres to the west. It is likely that any newts originated from this large pond. The application site offers limited foraging areas because mown grass provides little cover. In its current condition, the application site is probably little different to the surrounding gardens in this respect. Certainly no evidence has been provided of the protected great crested-newt being present on this site which does not offer good foraging habitat.

Officers consider that there was no need for a bat survey unless one of the mature trees is to be felled. If that is the case the trees should be inspected for bats prior to permission being given. This would apply to mature trees both on and off the site. It is considered that some the proposed houses are too close to mature trees which appear to be in neighbouring gardens. These trees will either be damaged during construction or cast such dense shade (and honeydew) that the trees will have to be removed or at least cut back once the development is occupied. There is only one substantial structure on the application site and that is a shed building at the southern end of the site. Certainly inspection showed it was unsuitable for bats and its loss would raise no concerns in terms of bats.

The question of loss of bat foraging habitat should be considered. While bats have been reported in the gardens by residents at the time of the previous application, they are unlikely to be roosting on the application site (except in the mature trees). Foraging habitat is much more difficult to protect. Bats can forage several miles from their roosts and if all

bat foraging areas are protected there would be limited development. If no trees are being removed there should be no difference to local foraging areas. However, mature trees provide both shelter for flying bats and a foraging resource. Therefore if the felling of significant trees is required either directly (removed to accommodate the development) or indirectly (trees removed to because they cause severe problems to the users of the development), the proposals should be refused unless a detailed bat evaluation is carried out.

If the scheme was to be deemed acceptable, planning permission should include a note to the applicant to time site clearance works to avoid breeding birds.

It is considered that a Phase 1 Habitat Survey is not required. The site is not a designated wildlife site and contains no notable habitats. It is not a site where protected species are likely to occur. It is effectively a large garden area. The most important features for wildlife on the site are the mature trees. Providing the trees are retained there is unlikely to be any detriment to local wildlife.

Drainage

This is an outline application only with layout and access only for determination so it is reasonable that drainage plans have not been submitted *at* this time. Objectors have raised the issue that an underground stream across the site has been filled in which has caused waterlogging of the site and adjacent garden, however Severn Trent have raised no objection to the application, subject to a condition requiring full drainage details to be submitted prior to any commencement of development on site, which they would discharge. Site levels is also an issue that would be dealt with by condition if the proposals were recommended for approval.

Other issues raised by Objectors

Whilst security of the existing properties has been raised by objectors, the proposed would create a residential cul-de-sac not dissimilar to others in the vicinity where security is not an issue.

The design, appearance and internal layout of the houses would be considered under a reserved matters application together with landscaping.

A Schedule of Backland Development planning consents granted in Walsall has been submitted in defence of backland development and referring to the determination of applications in a consistent manner. Each of the sites is assessed below:

Site	Description	Comments
1 Wallington Close 11/1222/OL	Demolition of 1 property and erection of 6 bungalows	A comprehensive development surrounded by residential properties with no detrimental impact on the character, openness or visual amenity of the area
Rear of 219 Lichfield Road 11/1009/FL	8 detached houses	8 houses added to an existing development of 18 houses, a comprehensive development surrounded by residential properties where the cul de sac is to be adopted highway.
Land off Cormorant Close 12/0710/FL	2 dormer bungalows and 2 semi detached houses	Further 4 units added to an existing development of 8 properties, a comprehensive development surrounded by residential properties where the cul de sac is to be adopted highway
*Rear of 49-55 Stafford Road 12/1372/FL	8 detached houses	Further 8 units added to existing 1980's development of 5 units, a comprehensive development in a residential area. Whilst public open space is situated immediately to the west, the development does not unacceptably impact on the character, openness or visual amenity of the area.
Rear of 160 Thornhill Road 12/1670/FL	2 dwellings	2 units added to the end of an existing established cul de sac Millcroft Road (adopted highway). A comprehensive development surrounded by other residential properties.
Rear of 57 Stafford Road 13/0248/FL	Single detached house	An additional unit added to the existing development as * above
Rear of 87 Whetstone Lane 14/0609/FL	3 dwellings	This was a resubmission following a previous refusal and a dismissed

Whilst each planning application is assessed on its own merits and circumstances, the

above cases are not comparable with the application site and accordingly limited weight is given to this evidence.

With respect to the comments from neighbours that the Local Planning Authority has worked closely with the applicants, this is normal practice in respect of the resubmission of a planning application and is recommended in paragraph 187 of the NPPF.

Local Financial 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 4 new homes.

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

Positive and Proactive Statement

Following the refusal of the previous application, the Local Planning Authority has worked with the applicant throughout the determination of this amended scheme to address the previous reasons for refusal and the comments of the neighbours and consultees.

Recommendation: Grant permission subject to conditions

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

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

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

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

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

- Appearance
- Landscaping
- Scale

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

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

Site Location Plan Drawing 3958/99C submitted 27th February 2015
Settlement Pattern Drawing 3958/02C submitted 27th February 2015
Proposed Site Layout Plan Drawing 30430/101 Rev J submitted 22nd May 2015
Proposed Site Layout Drawing 30430/01 Rev F submitted 22nd May 2015
Plot 2 Garden area Comparisons Drawing 30430/02 submitted 22 nd May 2015
Topographic Survey Drawing 13/003/01 submitted 16th June 2014
Planning Statement submitted 16th June 2014
Addendum Planning Statement submitted 16th June 2014
Photographs of the Application Site submitted 16th June 2014
Public Transport Plan submitted 16th June 2014
Facilities Plan submitted 16th June 2014
Design and Access Statement 16th June 2014
Schedule of Backland Planning Permissions Granted by Walsall Council submitted 5th February 2015
Noise Impact of Proposed Access Road submitted 16th June 2014
Arboricultural Assessment By fpcr dated November 2013 submitted 16th June 2014
Comments on the Amended Layout – Trees by fpcr submitted 16th June 2014
Comments on Revised Layout – Trees and Shade for Plot 2 by fpcr submitted 22nd May 2015.

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

5a. No development shall commence until samples of all facing and roofing materials for the proposed house, plus all proposed hardsurfacing within the site have been submitted to and approved in writing by the Local Planning Authority.

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

Reason: To ensure the facing and roofing materials harmonise with those in the surrounding vicinity.

6a. No development shall commence on site until details of the disposal of both surface and foul water drainage have been submitted to and approved in writing by the Local Planning Authority.

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

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

7a. Prior to first occupation of any of the dwellings hereby approved the design and specification of boundary fencing to be installed at dwellings adjoining the proposed access road shall be provided to and approved in writing with the Local Planning Authority.
Note: This fencing should achieve a minimum height of 2 metres and have a minimum mass of 10kgm-2

b. The approved scheme of boundary fencing shall be completed prior to the occupation of any dwelling forming part of this development.

Reason: In order to safeguard the amenities of the occupiers

- 8a. Prior to any demolition and/or construction operations commencing a method statement setting out arrangements for controlling noise, vibration and dust from such operations shall be submitted and agreed in writing with the Local Planning Authority.
- b. The agreed method statement shall be fully implemented and thereafter maintained until demolition and construction works are complete.

Reason: In order to safeguard the amenities of the surrounding occupiers.

9. Two bat boxes (Schwegler model 1FR or equivalent) shall be built into the to south-facing wall of the new buildings on plots 2 and 4 at eaves level. The bat boxes shall be incorporated into the development before any part is brought into use and retained thereafter.

Reason: To conserve local bat populations.

- 10a. No external lighting shall be installed prior to the submission and approval of details by the Local Planning Authority. Any external lighting shall be low level high pressure sodium with UV filters and directional shrouding/shields to prevent light spill. Floodlighting shall be avoided.
- b. Any lighting shall be installed in accordance with the approved detail and thereafter maintained.

Reason: To avoid disturbance to local bat populations.

- 11a. Prior to the first occupation of any dwelling on the development;-
- i) The access road, vehicle manoeuvring and parking areas serving the dwelling shall be fully consolidated, hard surfaced and drained to ensure surface water from these areas does not discharge onto the public highway,
- ii) A dropped kerb footway crossing shall be installed to align with the new access road. The crossing shall be carried out in accordance with Council's footway crossing specification SD11/8 dated January 2008 and to the satisfaction of the Highway Authority. All works within the public highway shall be in accordance all statutory requirements.

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

- 12a. Prior to the commencement of the development, a construction methodology statement shall be submitted to and approved by the Local Planning Authority detailing where the parking and turning facilities for site operatives and construction deliveries will be located and including full details of the wheel cleansing arrangements to prevent mud from being deposited on the highway during the period of construction.
- b. This provision shall be retained during construction in accordance with the approved details.

Reason: In order to minimise on street parking by site operatives and the potential disruption to the free flow of traffic along the public highway, in the interests of highway safety.

13. A 2.4m x 3.4m pedestrian visibility splay shall be maintained at the new access point at all times, within which no structure or planting exceeding 600mm in height above footway level will be permitted.

Reason: To ensure adequate pedestrian/vehicle inter-visibility is maintained at the access point in the interests of highway safety.

14. Prior to the commencement of any works on site tree protection measures (In accordance with BS5837:2012 Trees in Relation to Development) identified in the Arboricultural Assessment by fpcr dated November 2013 shall be fully implemented and retained throughout the construction phase until the completion of the development.

Reason: To safeguard the trees included in the Tree Preservation Order on the site.

15. During demolition, site preparation and building operations no storage of materials, equipment or waste, nor passage of vehicles, nor lighting of fires shall take place beneath the canopy of any tree to be retained.

Reason: To safeguard the trees included in the Tree Preservation Order on the site.

16. No digging of trenches or changes in ground level shall be undertaken within the canopy of any tree to be retained on the site.

Reason: To safeguard the trees included in the Tree Preservation Order on the site.

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

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

Reason: In order to safeguard the amenities of the surrounding occupiers.

18. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended), no development within Schedule 2, Part 1, A, B, E and F shall be carried out to the houses hereby approved, without the prior approval of a planning application.

Reason: To enable the Local Planning Authority to retain effective control over the site to protect the amenities of the area and the protected trees within the site.

Note to Applicant

The landscaping reserved matters application shall include a native hedgerows around the boundary of the site which shall be planted no later than the first planting season (September to March) following occupation of the development.


16/7/14

90 Signatures

**COMMUNITY OBJECTION TO
PLANNING APPLICATION 14/0983/OL
DATED: JULY, 2014**

REGENERATION
16 JUL 2014
RECEIVED

We object to the development of backland at the rear of 9 Baslow Road
This development will have an adverse effect on the residents amenities,
parking, security and privacy.

SIGNATURE	ADDRESS
	15 BASLOW ROAD.
	15 BASLOW ROAD
	13 BASLOW ROAD.
	12. BASLOW Rd.
	3 BASLOW Rd
	56 SANSTONE RD.
	56 SANSTONE RD
	58 Sanstone Rd.
	58 Sanstone Rd.
	60 Sanstone Rd.
	54 Sanstone Rd.
	54 SANSTONE RD
	11 BASLOW ROAD.
	11 Baslow Road
	58 Stafford Rd
	STAFFORD Rd
	8 BASLOW ROAD
	10 BASLOW ROAD
	23 BASLOW RD
	23 Baslow Rd.



Walsall Council

Economy and Environment, Development Management

Planning Committee

Report of Head of Planning and Building Control on 01-Oct-2015

Plans List Item Number: 14.

Reason for bringing to committee: Contrary to residential standards

Location: DENTAL SURGERY, 131, HIGH STREET, BROWNHILLS, WALSALL, WALSALL, WS8 6HG

Proposal: REAR FIRST FLOOR EXTENSION AND NEW SHOP FRONT

Application Number: 15/1102/FULL

Case Officer: Devinder Matharu

Applicant: High Street Dental Surgery

Ward: Brownhills

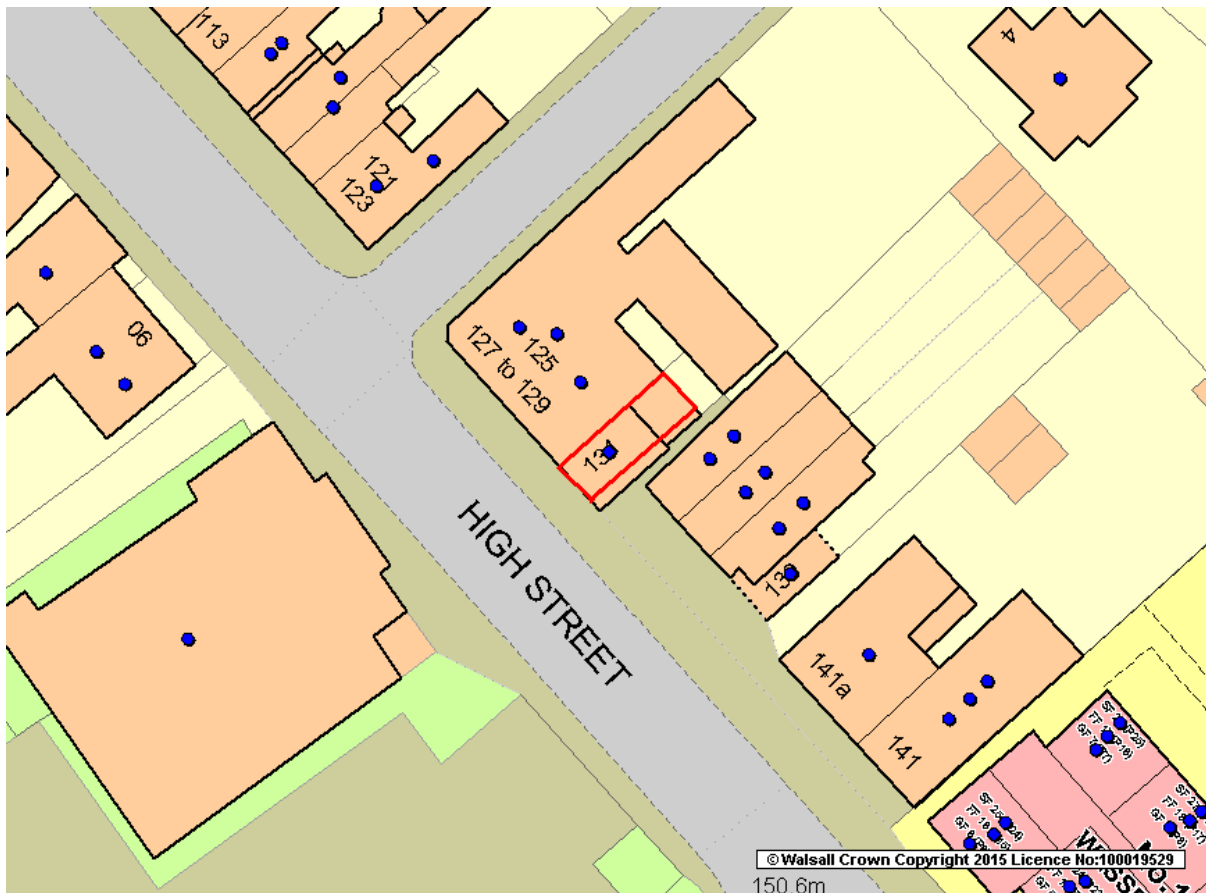
Agent: Mr Waheed Khan

Expired Date: 14-Sep-2015

Application Type: Full Application

Time Extension Expiry:

Recommendation Summary: Grant Permission Subject to Conditions



Application and Site Details

Number 131 High Street is located on the north eastern side of High Street, an end unit in a parade of 4 commercial units two storeys high. The buildings have a white coloured finish. The units within the parade are commercial with 131 being a dental surgery. The ground floor has a bay window with a recessed door way and a step up. At first floor there are two large windows fronting the High Street. Access to the rear of the premises is via a side access between numbers 131 and 133.

Numbers 125 to 129 have rear extensions with 125 having a two storey rear wing. At the rear of number 131 is a staircase that leads to the flats above numbers 125 to 129. Immediately to the rear of numbers 125 to 131 is a detached two storey building that forms the boundary with the rear site and numbers 125 to 131. These flats have kitchen windows on the rear elevation adjacent number 131 and opposite number 131 on the rear wing of 125.

Numbers 133 to 139 to the east of the application site are set back approximately 4.2m to allow a forecourt to the premises. These commercial premises are two storeys high.

The site is within Brownhills district centre and within the primary shopping area.

The application proposes the erection of a first floor extension and a new shop front.

The first floor extension will measure 3.95m in width and 3.4m in length and will link into the existing roof with an extension to the existing roof of 2.9m. The extension would provide a decontamination room.

The proposed shop front would bring out the shop front to the back of the highway, removing the existing recessed entrance way. The proposal would include two large glazed windows. With a smaller stall riser. The proposal would also include internal alterations to retain two treatment rooms, one on the ground floor and one on the first floor.

A Design and Access Statement has been submitted which states:

- The new client wishes to improve the service and quality of the accommodation to patients
- Powder coated aluminium shop front will provide disabled access
- Internal alterations changed to provide treatment room and disabled WC on the ground floor.
- First floor extension to provide a decontamination room
- Extension will be built with brick and tiles to match the existing building
- Number of stall will increase from 3 to 5 full time staff.

The agent has stated that the proposed works are being done for two purposes, which will lead to improved NHS dental services being provided to the local community

- 1) provision of a ground floor disabled access dental treatment room ,and disabled access toilet ,which will allow local disabled/wheelchair patients to access a NHS dental service at their doorstep ,rather than having to travel further from their home, at the moment there is no provision of NHS dental services for disabled patients at these premises
- 2) provision of a separate decontamination room ,thus working towards the department of health decontamination and sterilisation of dental instruments in a better and safer environment

All in all this will improve the provision of NHS dental services to the local community.

The agent has confirmed that the shop front shall be externally finished in dark grey, RAL 7026.

Relevant Planning History

07/2682/FL/E12- installation of metal security shutters. Granted 2008.

Other relevant site history

BC63541P- 125-129 High Street –conversion of showroom to retail units, ground and first floor store/garage to residential accommodation and 3n flats at first floor. Granted 28th June 2001.

Relevant Planning Policy Summary

National Planning Policy Framework (NPPF)

The NPPF was published on Tuesday 27th March 2012. It cancels and replaces all PPGs and PPSs (except for PPS10 'Planning for Sustainable Waste Management'), several Mineral Policy Statements and Planning Guidance, a number of Circulars and several Letters to Chief Planning Officers.

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

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

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

Key provisions of the NPPF relevant in this case:

1. Building a strong, Competitive economy

18. committed to securing economic growth in order to create jobs.

19. support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth.

2. Ensuring the vitality of town centres

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. In drawing up Local Plans, local planning authorities should:

- recognise town centres as the heart of their communities and pursue policies to support their viability and vitality;
- define a network and hierarchy of centres that is resilient to anticipated future economic changes;

- define the extent of town centres and primary shopping areas, based on a clear definition of primary and secondary frontages in designated centres, and set policies that make clear which uses will be permitted in such locations;
- promote competitive town centres that provide customer choice and a diverse retail offer and which reflect the individuality of town centres;
- retain and enhance existing markets and, where appropriate, re-introduce or create new ones, ensuring that markets remain attractive and competitive;
- allocate a range of suitable sites to meet the scale and type of retail,

leisure, commercial, office, tourism, cultural, community and residential development needed in town centres. It is important that needs for retail, leisure, office and other main town centre uses are met in full and are not compromised by limited site availability.

4. Promoting sustainable transport.

29. The transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel.

32. opportunities for sustainable transport modes should be taken up depending on nature and location of site and safe and suitable access to the site can be achieved for all people.

7. Requiring good design

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

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

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

- Planning policies and decisions should aim to ensure that developments are visually attractive as a result of good architecture and appropriate landscaping.

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

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

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

The Development Plan

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

The Black Country Core Strategy (BCCS) (2011)

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

The key planning policies include

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 network of streets, buildings and spaces and consideration of crime prevention measures and Secured by Design principles.

CSP4: Place Making

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. Its diverse, accessible, affordable and active villages, towns and neighbourhoods will encourage commercial activity, promote prosperity and support the well-being of the area’s inhabitants. A high quality of design and utility of all transport proposals will be sought to ensure that interventions make a positive contribution to place making as well as increasing accessibility and connectivity.

CEN2: Hierarchy of Centres

The Strategic Centres in the Black Country will provide the main focus for high level retail and office, cultural and service activities.

CEN5: District and Local Centres

A network of vibrant District and Local Centres provide particularly for day-to-day convenience shopping and local service needs.

It is considered in this case that the relevant provisions of the BCCS are consistent with the NPPF

Walsall’s Unitary Development Plan (UDP)

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

Saved policies of the Unitary Development Plan

Policies GP2, 3.6, 3.7 seeks to make a positive contribution to the quality of the environment, whilst protecting people and not permitting development which would have an unacceptable adverse impact on the environment. Considerations to be taken into account in the assessment of development proposals include:

I. Visual appearance.

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

VII. The adequacy of the access, and parking.

3.113, 3.114, 3.115, ENV32 & 3.116: new development should be considered in relation to its setting and should create high quality of built and landscape design, well integrated with surrounding land uses and local character. Designing out crime' through design, layout, landscaping and boundary treatments is encouraged.

ENV14 encourages the development of previously developed land.

ENV35 – the design of frontages to commercial premises should be appropriate to their setting and sympathetic to the building which they are situated. The following factors should be taken into account:

- The architectural merits of the building
- The character in which they are located
- The prominence of the building
- Initiatives for the enhancement of the centre in which they are located.

S1: identifies town centre uses

S2: main role of district centres to meet the needs of the district.

S4: Seek to sustain and enhance the range and quality of town centre uses. Development must not be at the expense of the vitality and viability of the district centre. Non retail uses must contribute to the vitality of the frontage by attracting additional trade and be open during normal shopping hours and not detract from the retail frontage By creating a “dead frontage”.

T7: Car Parking

All development should satisfy the car parking standards set out in Policy T13, and be well designed.

T13: Parking Provision

4 car parking spaces per consulting room

It is considered in this case that the relevant provisions of Walsall's saved UDP are consistent with the National Planning Policy Framework.

Supplementary Planning Documents (SPD)

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

Designing Walsall (2013)

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

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

Annexe D: Numerical Guidelines for Residential Development identifies privacy and aspect distances between dwellings including 24m separation between habitable windows for two storeys and above, 13m separation between habitable room windows and blank walls exceeding 3 metres in height, 45° code, garden dimensions of 12m in length and 68m² for

housing and 20m² per dwelling where communal provision is made, setbacks to avoid terracing and provision of boundary walls. Although failure to comply with these guidelines may not by itself be a reason for refusal of an application, it will be a factor to be used in determining whether a proposal would be compatible with the wider character of the area or the existing dwelling or the amenity of neighbours.

Shop Fronts SPD 2015

SF2- Shop front proportions

When assessing the quality of the design of any shop front proposal the Council will use some or all of the following criteria:

- I. Where a stall riser is proposed it comprises a plinth and will not exceed 500mm in height;

- II. Pilasters should extend the full height of the window and should comprise a width of no greater than 1/8 of the height. Pilasters should project no more than 150mm from the wall and comprise a plinth that aligns with that on any stall riser. Pilasters will terminate with an abacus possibly over a capital or console at or under the lower edge of the fascia board or entablature. A pilaster may continue through the fascia board in the form of a pilaster head and may extend beyond the upper line of the fascia board with a finial, pediment or ball;

- III. Fascia boards/entablatures will be positioned directly under the supporting structure to the masonry wall and shall cover an area no greater than a fifth of the area of the shop front. The fascia board/entablature may be forward set on a mount (possibly with a forward downward angle of no greater than 20 degrees) but shall sit behind the abacus of the pilaster, capital or console. The fascia board shall not extend over/above the first floor window cills;

- IV. The window shall extend up to the underside of the fascia and may include a transom light level with or above the head of the doorway. Any space between the top of the door and the underside of the fascia board/ entablature shall be glazed.

- V. Mullions, piers and transom bars shall be kept to a minimum width/thickness and shall not exceed the structural requirements necessary to provide adequate strength in the shop front.

SF3 – Materials in shop fronts

Shop fronts in other areas may be constructed using other materials, but this depends on the dimensions of the individual components, their fixing, surface finish and colour.

SF4 –Colour finishes

Shop fronts in other areas will also be required to have the colour finish approved during the planning process and these too should not use bright colours.

SF5- Access to shops

Proposals for both adaption and new shop fronts shall consider the following criteria for entrances:

- Level access, including use of internal ramping and lifts (unless there is scope for an external ramp or lift in the landscaping);
- Appropriate floor covering to recesses entrances;
- Doorbells to request assistance when obstacles such as steps cannot be removed; and
- Retention of door widths and heights that are original to the style of the building, but meeting minimum disability width when necessary.

Consultations

Transportation – No objection

Public Rights of Way Officer- No objection

Pollution Control Contaminated Land Team – No objection

Environmental Health – No objection

Public Participation Responses

None

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

Determining Issues

- Principle of development
- Design and layout
- Impact upon neighbouring residential occupiers
- Impact upon neighbouring commercial uses
- Access and parking

Observations

Principle of development

The site is within Brownhills District Centre and within the primary shopping area. The premises is an existing dental practice that seeks to make internal alterations to allow a ground floor practice, upgrade the frontage to allow disabled access and to provide a decontamination room, as part of new procedures set out by the Department of Health for health services. In principle the proposed works are supported.

Design and layout

The design of the shop front is considered acceptable; the existing shop front has a large glazed area with a stall riser which will be replicated in the replacement shop front. The external finish of the shop front can be sought through planning conditions.

The design of the proposed first floor extension is considered acceptable. The agent has stated that the extension will be constructed using materials similar to those in the existing building. This can be secured by planning condition.

Impact upon amenities of neighbouring occupiers

There are three flats above numbers 125 to 129. Flat 1 is the nearest flat to the proposed extension and flat 3 being at the opposite end. Flat 3 has a kitchen window what faces towards the rear of 131. The proposed extension has been reduced in length to comply with the 45 degree code from the nearest kitchen window of flat 1 at first floor above 129 High Street.

Whilst the proposed extension at 131 has been reduced in length to meet the 45 degree code from the kitchen window of flat 1, the proposal does not comply with the Council's residential standards between habitable rooms and blank walls exceeding 3m high. The proposal falls short of this separation distance by 3m. The dental surgery is required to provide a decontamination room and a ground floor treatment room in order to comply with

current department of health regulations. On balance, it is considered that the proposed extension would not unduly impact upon the amenities of the occupiers of flat 3 to warrant refusal of the application. Ambient light to this kitchen would still be available and furthermore, the level of amenity in a town centre location would not be similar to that in a suburban area.

Impact upon neighbouring commercial uses

The proposed first floor extension and replacement shop front would not unduly impact upon the amenities of neighbouring commercial uses to warrant refusal of the application.

Access and parking

The site is located within Brownhills District Centre. The site has no parking at present and none is proposed. Parking is available generally within the district centre. The Highway Office has no objection to the proposal.

Positive and proactive working with the applicant

The proposed works, on balance, are considered acceptable and would not unduly impact upon neighbouring or commercial occupiers to warrant refusal of the application.

Recommendation Summary: Grant Permission Subject to Conditions

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

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

2. The development shall be completed in accordance with the following approved plans only:

- location and block plan, drawing number 02a submitted 21st September 2015
- existing and proposed plans and elevations, drawing number 01a submitted on 28th August 2015.

Reason: To define the permission.

3. The walls and roof of the extension 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.

4: Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, or succeeding Orders, no side facing windows or doors, other than as shown on the deposited plans, shall be installed in any part of this development.

Reason: To safeguard the amenities of the occupiers of adjoining premises and to comply with policy GP2 of Walsall's Unitary Development Plan.

5. The replacement shop front shall be externally finished in dark grey, RAL 7026.

Reason: In the visual amenities of the area.



Economy and Environment, Development Management

Planning Committee

Report of Head of Planning and Building Control on 01-Oct-2015

Plans List Item Number: 15.

Reason for bringing to committee: Significant Community Interest

Location: CENTRAL DIRECT, , GREEN SERVICE STATION, GREEN LANE, WALSALL, WS2 8JH

Proposal: CHANGE OF USE FROM FORMER CAR SALES TO VEHICLE WASHING AND VALETING CENTRE

Application Number: 15/1032/FULL

Applicant: Mr G Alia

Agent: Mr Peter Atfield

Application Type: Full Application

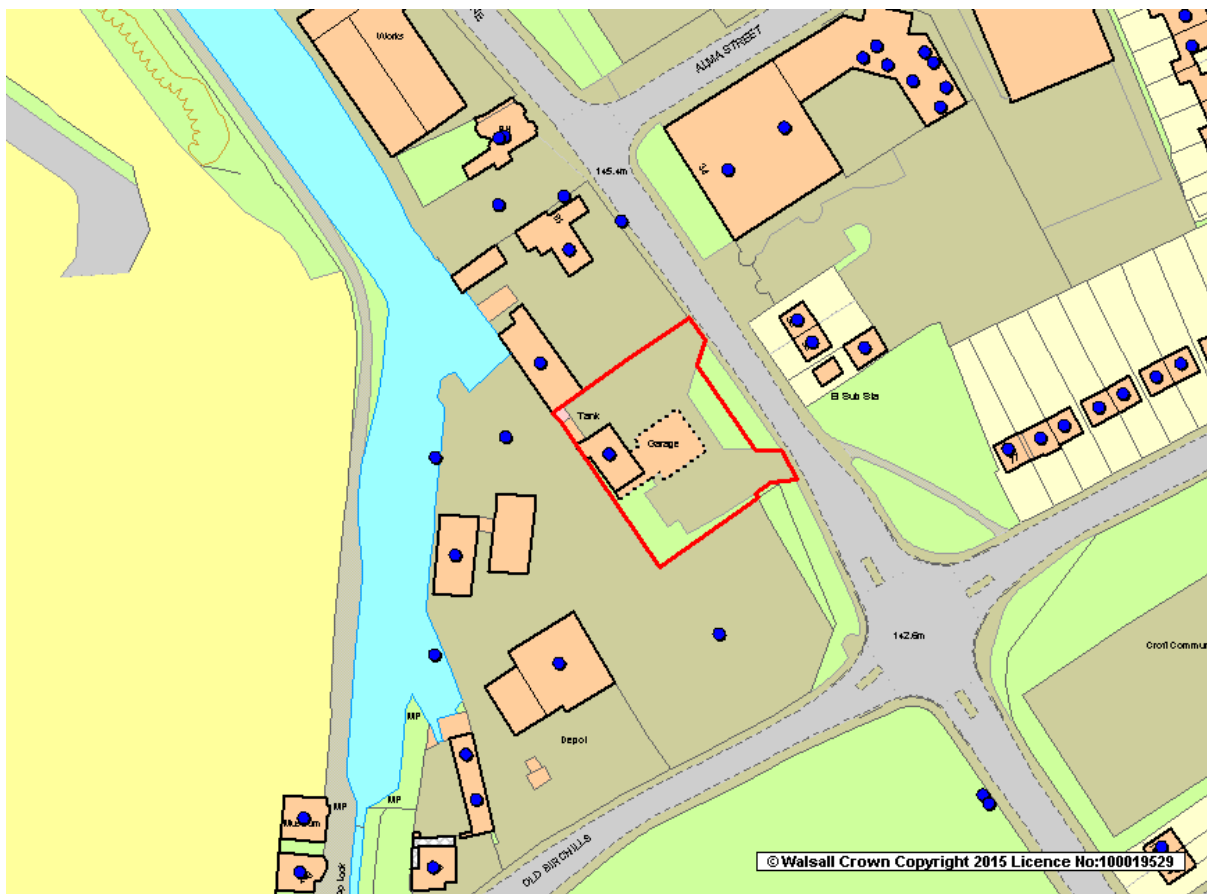
Recommendation Summary: Grant Permission Subject to Conditions

Case Officer: Devinder Matharu

Ward: Birchills Leamore

Expired Date: 25-Aug-2015

Time Extension Expiry:



Application and Site Details

Former Green Lane service Station is located on the western side of Green Lane. The site was previously utilised as a service station and has an entrance and exit point onto Green Lane. In front of the application site along Green Lane there are painted red lines. The application site is vacant and the existing sales building and existing canopy located centrally over the area where the filling pumps were still remains on site. The sales building and canopy are set back into the site and the site is hard surfaced with tarmac and concrete. There are two drainage channels on site by the entrance and exit points. The site is enclosed along the highway frontage by 1.8m high black railings, a 1.8m concrete fence to the rear and a 1.8m high palisade fence to the northern and southern boundaries.

To the north, west and south of the application site are other commercial uses and commercial buildings, car sales to the north on the forecourt in front of the building used by A Plus scaffolding and roofing LTD, CB Fencing to the south and Scorpio Welding Gases and Walsall Boat Builders to the east. There is a parcel of open space at the junction of Green Lane and Hospital Street.

On the opposite side of the road are residential properties.

The site is located approximately 35m from the junction of Old Birchills and Green Lane and Hospital Street.

The application proposes the change of use from former car sales to vehicle washing and valeting centre.

The submitted plans show that vehicles will be washed under the existing canopy with an outside drying and valetting area to the north of the site. Customers waiting to have their vehicles washed will wait along the southern part of the site. Drainage channels will be installed within the site adjacent the entrance and exit points. Equipment will be stored within the building during closing times and in adverse weather conditions vehicles will be valeted inside the existing sales building.

The agent has submitted a covering letter which states:

- Cars waiting to be washed will wait between the southern access and the canopy
- Once washed, the vehicles will be moved to the north of the canopy where they will be dried
- There is an area for up to 4 external valet bays. Valeting can also be carried out within the building
- Photographs of the equipment to be used have been submitted. This equipment will be stored inside the building when not in use.
- The detergent containers will be stored within the building when not in use.
- The site will be secured by locking the access and egress gates.
- No external alterations to the buildings are proposed.
- Valetting can be carried out inside and outside of the building.
- Vehicles will be managed by being driven either by their owner or as directed by staff.

A planning statement has been submitted which states:

- The site is currently vacant with the previous use ceasing 6months ago.
- The site is relatively open and has two access points across a wide verge.

- Site accommodates one building previously used for vehicle maintenance with an ancillary office and WC.
- The site is surfaced with tarmac and concrete hard standing with two drainage channels.
- There is a centrally sited large canopy.
- The site was previously used for petrol and diesel sales with motor repairs and servicing.
- Within the vicinity are commercial uses with residential to the west.
- Site was formerly used for the sale of motor vehicles with the forecourt being used as a display area and the building accommodating a sales office.
- The wide access/ egress points will allow for one way circulation.
- The building accommodates an office which can be used as a waiting area for customers.
- Washing will be with hand held pressure washers.

The opening hours would be 8am till 7pm Mondays to Sundays, including bank holidays.

Relevant Planning History

BC12706 – extension to service bay. Granted subject to conditions 1979.

BC1111 – office extension. Granted subject to conditions 1974.

Relevant Planning Policy Summary

National Planning Policy Framework (NPPF)

The NPPF was published on Tuesday 27th March 2012. It cancels and replaces all PPGs and PPSs (except for PPS10 'Planning for Sustainable Waste Management'), several Mineral Policy Statements and Planning Guidance, a number of Circulars and several Letters to Chief Planning Officers.

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

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

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

Key provisions of the NPPF relevant in this case:

1. Building a strong, Competitive economy

18. committed to securing economic growth in order to create jobs.

19. support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth.

4. Promoting sustainable transport.

29. The transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel.

32. opportunities for sustainable transport modes should be taken up depending on nature and location of site and safe and suitable access to the site can be achieved for all people.

7. Requiring good design

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

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

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

- Planning policies and decisions should aim to ensure that developments are visually attractive as a result of good architecture and appropriate landscaping.

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

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

11. Conserving and enhancing the natural environment

109. The planning system should contribute to and enhance the natural and local environment by:

- protecting and enhancing valued landscapes, geological conservation interests and soils;
- recognising the wider benefits of ecosystem services;
- minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;
- preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability;

and

- remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

123. Planning policies and decisions should aim to:

- avoid noise from giving rise to significant adverse impacts²⁷ on health and quality of life as a result of new development;
- mitigate and reduce to a minimum other adverse impacts²⁷ on health and quality of life arising from noise from new development, including through the use of conditions;
- recognise that development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established;²⁸ and
- identify and protect areas of tranquillity which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason.

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

The Development Plan

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

The Black Country Core Strategy (BCCS) (2011)

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

The key planning policies include

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 network of streets, buildings and spaces and consideration of crime prevention measures and Secured by Design principles.

CSP4: Place Making

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. Its diverse, accessible, affordable and active villages, towns and neighbourhoods will encourage commercial activity, promote prosperity and support the well-being of the area's inhabitants. A high quality of design and utility of all transport proposals will be sought to ensure that interventions make a positive contribution to place making as well as increasing accessibility and connectivity.

EMP3: Local Quality Employment Areas

Local quality employment areas are characterised by a critical mass of industrial, warehousing and service activity in fit for purpose accommodation with good access to

local markets and employees. These areas will provide for the needs of locally based investment and will be safeguarded for the following uses:

- Industry and warehousing
- Motor trade, including car showrooms, garages and vehicle repair
- Haulage and transfer depots
- Trade wholesale retailing and builders merchants
- Scrap metal, timber, construction premises and yards
- Waste collection, transfer and recycling uses as set out in Policy WM4

Not all areas will be suitable for all uses and Local Development

It is considered in this case that the relevant provisions of the BCCS are consistent with the NPPF

Walsall's Unitary Development Plan (UDP)

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

Saved policies of the Unitary Development Plan

Policies GP2, 3.6, 3.7 seeks to make a positive contribution to the quality of the environment, whilst protecting people and not permitting development which would have an unacceptable adverse impact on the environment. Considerations to be taken into account in the assessment of development proposals include:

I. Visual appearance.

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

VII. The adequacy of the access, and parking.

ENV10: Pollution

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

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

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

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

(b) 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 as identified in part

(a) of the policy.

3.113, 3.114, 3.115, ENV32 & 3.116: new development should be considered in relation to its setting and should create high quality of built and landscape design, well integrated with surrounding land uses and local character. Designing out crime' through design, layout, landscaping and boundary treatments is encouraged.

ENV14 encourages the development of previously developed land.

ENV40 : adequate foul and surface water drainage infrastructure is available to serve the proposed development.

4.4, 4.34 and JP5

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

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

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

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

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

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

T7: Car Parking

All development should satisfy the car parking standards set out in Policy T13, and be well designed.

T13: Parking Provision

No specific parking requirement

It is considered in this case that the relevant provisions of Walsall's saved UDP are consistent with the National Planning Policy Framework.

Supplementary Planning Documents (SPD)

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

Designing Walsall (2013)

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

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

Consultations

Transportation – No objection

Canal and Rivers Trust – No objection

Severn Trent Water– No objection subject to drainage details being submitted and approved in writing.

Pollution Control– No objection

Ecology – No objection

Public Participation Responses

Seventeen letters from sixteen objectors have been received objecting to the proposal on the following grounds:

- No need for another hand car wash
- Already two hand car wash business in area and proposal would impact upon them
- Abundance of car washes in area
- Employees of other hand car washes would lose their jobs
- Other hand car washes would have to close down due to loss of business.
- Other uses on site to support car wash like tyre sales
- Know local manufacturing business who would like to use the site
- Put customers to local business off and affect trade
- Existing antisocial behaviour and boy racers issues
- No drainage
- Waste water floods on Green Lane and adjacent site
- Overspray and chemicals sprayed onto neighbouring sites detrimentally affecting valuable materials.
- noise
- Close to traffic lights at the junction of Green Lane and Birchills
- Congestion and traffic delays already at peak hours, this would be exacerbated
- Congestion and traffic hazard entering and leaving site
- Dangerous on junction with safety issues.
- Road is narrow
- Entrance and egress is dangerous
- Accidents with heavy traffic

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

Determining Issues

- Principle of development
- Design and layout
- Impact upon neighbouring residential occupiers
- Impact upon neighbouring commercial uses
- Drainage
- Access and parking

Observations

Principle of development

The site is within the core employment area and under policy JP5 of the Unitary Development Plan, the area would be safeguarded for core employment uses. The policy also states that when buildings or sites in core employment areas become available for reuse they will normally be safeguarded for core employment uses. However, policy EMP3 of the Black Country Core Strategy identifies the site as local quality employment land that would be safeguarded for a number of uses including garages, car showrooms and vehicle repairs. The Employment Land Review confirms the core strategy land is suitable for local quality uses. The UDP considers the land as core employment uses; however more recent policy implies that on balance a hand car wash facility would be acceptable in principle.

Adjacent commercial occupiers have stated that there is no need for another hand car wash, as there is an abundance of car washes in the area with two nearby. They also state that the proposed hand car wash would impact upon other hand car wash businesses resulting in employees at those hand car washes losing their jobs and affecting trade at the nearby car washes forcing them to close down. There are no policies that limit the number of car washes in a particular area, each application is determined on its own merits. There is no evidence to suggest that the proposed hand car wash would affect trade at nearby car washes to the point where they would result in employees losing their jobs or the nature of the business is forced to close down.

Adjacent commercial occupiers have stated hand car washes have other uses on site to support car wash like tyre sales and they know a local manufacturing business who would like to use the site. The proposal being considered under the current application is for a hand car wash only; any other uses on the site will require separate planning permission. A planning condition will ensure the site is not used for vehicles repairs, maintenance or servicing or any other works such as tyre sales and tyre fitting or battery fitting.

Design and layout

The proposal does not include any external alterations to the existing buildings of the existing canopy on site. Any advertisements to promote the proposed business would require advert consent and would be dealt with under advert regulations when an advert application is submitted.

The layout of the proposed use would ensure the business is operated as an in and out operation with vehicles entering from the southern entrance. Customers waiting to have their vehicles washed would wait to the southern part of the site and then be washed under the centrally located canopy and then moved along to the northern part of the site to be dried and valetted before leaving the site from the northern egress point. It is considered that the proposed layout and use of the site would operate effectively with minimal impact upon the overall use of the site as a hand car wash.

Impact upon amenities of neighbouring occupiers

The nearest residential properties are on the opposite side of the road. The houses are set back with a front garden. The former service station is set back within the site with the sales buildings being set to the western part of the site and the canopy being located centrally within the site in front of the existing sales buildings. The proposed use of the site for a hand car wash will ensure customer vehicles are washed underneath the existing centrally located canopy with cars valetted along the northern part of the site. Customers waiting to have their cars washed would wait within the southern part of the site. The proposed opening hours would be 8am to 7pm. Green Lane is a major thoroughfare to and from Walsall. It is considered that the use of the site as a hand car wash from 8am to 7pm during the week would not unduly impact upon the amenities of these residential occupiers on the opposite side of the road to warrant refusal of the application. With regards to Sundays and bank and public holidays, residents can expect a reasonable amount of peace and quiet, and to safeguard the amenity of residential occupiers, it is considered the operating times are limited from 10am to 6pm.

With regards to noise, the car wash and valetting will be set back within the site and any noise outside of the site perimeter would be ambient noise and not significant to impact upon neighbouring amenity to warrant refusal of the application.

Given the size of the site, any overspray would be within the site boundary. Any chemicals used to wash the vehicles with would filter into the drainage system with waste water.

Impact upon neighbouring commercial uses

The neighbouring commercial occupiers have stated that the proposed hand car wash would put off customers affecting trade, overspray and chemicals sprayed onto neighbouring sites detrimentally effecting valuable materials and noise.

The vehicles will be washed centrally under the canopy away from the site boundaries. It is considered any overspray would be within the site boundary given the scale of the site and as such not detrimentally affecting neighbouring commercial uses. Any chemicals associated with the vehicle washing would be contained within waste water that would be drained adequately off site. With regards to noise the noise would not be continuous; furthermore, the existing buildings on site would absorb some of the noise. It is considered that the use of the jet washes and valet machines would not unduly impact upon the amenities of neighbouring commercial occupiers to warrant refusal of the application.

Commercial neighbours also state that there are existing antisocial behaviour issues and boy racer issues. There is no evidence to suggest that the proposed hand car wash use would exacerbate any existing issues with anti social behaviour or boy racers. Any issues with anti social behaviour and boy racers are matters for the Police and the Council's Victims of Crime Officer. The site is currently vacant, it is considered with the site being occupied this would deter any potential antisocial behaviour around the site.

There is no evidence to suggest that the proposed hand car wash would have a detrimental impact upon local neighbouring commercial uses.

Drainage

Neighbouring commercial uses have stated that waste water floods onto Green Lane and onto adjacent sites. The proposed development shows two drainage channels to be installed in front of the entrance and egress points. Whilst this information has been provided, Severn Trent Water have confirmed that the recommended drainage condition should be attached to any decision, as the proposal is for a hand car wash and any waste water drainage would have to be connected to foul drainage. The agent/applicant would need to seek further drainage advice from Trade Effluent at Severn Trent Water and this can be attached as an informative on the planning decision. Furthermore, a planning condition will be attached to ensure the existing drainage channels are fully working to ensure waste water does not spill onto the public highway or onto adjacent commercial sites.

Access and parking

Transportation have no objection to the proposal subject to a planning condition requiring the existing drainage channels to be in a fully working order prior to the car wash first coming into use and channels thereafter retained and maintained in a serviceable order.

Neighbouring commercial uses have raised concerns that the proposed hand car wash is too close to traffic lights at the junction of Green Lane and Birchills, there is existing congestion and traffic delays already at peak hours, this would be exacerbated, the road is narrow, entrance and egress is dangerous, the proposal would result in congestion and traffic hazard entering and leaving site, the location is dangerous on the junction with safety issues and there are likely accidents with heavy traffic. The site was previously utilised as a fuel filling station that would have generated a significant amount of vehicle

movements which would include a variety of vehicle types from cars, vans, lorries, motorcycles and other heavy goods vehicles. The proposed hand car wash would have a significantly low traffic generation compared to this previous use. The site is currently vacant and at any time could be reinstated as a fuel filling station and could generate a greater volume of traffic together with the sales building that would be selling convenience goods for local customers.

The proposed use would not exacerbate existing traffic congestion or traffic delays, as the proposed use would only attract passing trade. With regards to the entrance and egress points, these are existing access points that were utilised with the former use of the site as a fuel filling station.

On balance, it is considered that the proposed use would not exacerbate any existing traffic or congestion issues and the level of traffic generated to and from the site would be significantly lower than its previous use, as a fuel filling station.

Positive and proactive working with the applicant

Recent planning policy implies that on balance a hand car wash facility would be acceptable in principle. The proposed layout and use of the site would operate effectively with minimal impact upon the overall use of the site as a hand car wash.

With regards to noise, the car wash and valetting will be set back within the site and any noise outside of the site perimeter would be ambient noise and not significant to impact upon neighbouring residential or commercial amenity to warrant refusal of the application.

Given the size of the site, any overspray would be within the site boundary. Any chemicals used to wash the vehicles with would filter into the drainage system with waste water.

There is no evidence to suggest that the proposed hand car wash use would exacerbate any existing issues with anti social behaviour or boy racers.

On balance, it is considered that the proposed use would not exacerbate any existing traffic or congestion issues and the level of traffic generated to and from the site would be significantly lower than its previous use, as a fuel filling station.

Recommendation: Grant Permission Subject to Conditions

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

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

2. The development shall be completed in accordance with the following approved plans only:

- location plan submitted on 1st July 2015
- site plan submitted 1st July 2015
- site layout plan submitted 31st July 2015
- plan number TP.18776-2, entitled "floor plan as proposed" submitted on 1st July 2015.

Reason: To define the permission.

3a. Prior to the commencement of this development, drainage plans for the disposal of foul and surface water flows shall be submitted to and approved in writing by the Local

Planning Authority.

3b. The approved scheme shall be implemented in accordance with the approved details before the development is first brought into use.

Reason: Necessary to ensure that the development is provided with a satisfactory means of drainage as well as to reduce or create or exacerbate a flooding problem and to minimise the risk of pollution and to accord with Policy ENV40 of the UDP.

4. The existing drainage channels within the site at the entrance and egress points shall be in a fully working order prior to the car wash first coming into use and the drainage channels thereafter retained and maintained in a serviceable order.

Reason: To prevent waste water spilling onto the highway and adjoining commercial sites and to ensure the site is served with adequate drainage facilities.

5. The vehicle washing and valetting centre hereby approved shall only be operational between the hours of 8am to 7pm Mondays to Saturdays and 10am and 6pm Sundays, bank and public holidays.

Reason: To protect the amenity of the residential occupiers on the opposite side of Green Lane.

6. No external lighting shall be installed within or outside of the site.

Reason: In the visual amenities of the site and to protect the amenity of the residential occupiers on the opposite side of the road.

7. The use hereby approved is solely for a vehicle washing and valetting centre and no part of the site or buildings shall be used for vehicle repairs, vehicle maintenance, tyre fitting, tyre sales and car battery fitting.

Reason: To control the use of the site and to ensure only the approved use is operational

Notes for Applicant

- As the site is to be used as a Car Wash, we would strongly recommend the applicant speaks to the Trade Effluent Support Desk before requesting a discharge of the drainage related condition (Tel: 01332 683369).



Economy and Environment, Development Management

Planning Committee

Report of Head of Planning and Building Control on 01-Oct-2015

Plans List Item Number: 16.

Reason for bringing to committee: Called in by Councillor Longhi on the grounds that it would not unduly affect the amenities of the neighbour.

Location: 114 ALLENS LANE, PELSALL, WALSALL, WS3 4JS

Proposal: FRONT AND REAR EXTENSIONS, ADDITION OF FIRST FLOOR AND NEW GABLE ROOF.

Application Number: 15/1035/FULL

Applicant: Mr & Mrs Gilbert

Agent:

Application Type: Full Application

Recommendation Summary: Refuse

Case Officer: Jenny Townsend

Ward: Pelsall

Expired Date: 25-Aug-2015

Time Extension Expiry:



Application and Site Details

This application proposes to replace an existing dormer bungalow with a two storey house with a gable roof. The original plans proposed two storey extensions to both the front and rear of the bungalow however following discussions with officers over concerns about the description of the proposal and the impact on the amenity of the occupiers of the neighbouring bungalow (number 116 Allens Lane), amended plans have been received which have omitted the rear two storey extension.

The application bungalow has a 5.5m high gable roof with flat dormers across most of the width of the roof on both the front and rear roof slopes. The bungalow is a plain design with a central porch that has a pitched roof. The blank right-hand side wall is built to the boundary with number 102 Allens Lane which is a house that projects approximately 4 metres beyond the front of the bungalow and at the rear is 3 metres forward from the rear of the bungalow. The boundary between the properties angles slightly so at the front of 102, the gap to the side is 1.5 metres whilst at the rear it widens to 3 metres. Number 102 has a garage nearest to the boundary with the first floor part of the house set in a further 3 metres.

On the other side of the bungalow there is a gap of approximately 2 metres between the bungalow and the boundary with number 116 Allens Lane. Number 116 is also a bungalow which is approximately 0.5 metres higher in level and lies back from the front of number 114. Number 116 has a 4 metre wide driveway with a garage at the end alongside the boundary and two windows in the side elevation which face towards the application property. The larger one of these windows is the only window to a bedroom and the other is a secondary window to the front bedroom which has the main window facing onto Allens Lane. Currently there is a low wall (approximately 0.5 metres high) on the boundary between the bungalows.

The rear garden is approximately 32 metres long and has planting and trees to the boundary with number 102 and a detached garage alongside the boundary and the rear of number 116 which provides screening to the rear garden of 116. The rear corner adjacent the boundary with number 9 Firbank Way has low shrubs and is quite open.

The plans propose to increase the height of the front, side and rear walls of the bungalow and add a gable roof that would be 7.2 metres high at the ridge. A two storey extension is proposed on the front right-hand side of the bungalow (adjacent the boundary with number 102) that would be 2.3 metres deep, 5.2 metres wide with a gable roof between 4.8 and 6.5 metres high. No windows are proposed in either of the side elevations of the new front wing.

A sloping canopy is proposed over the new front door and in the side elevation facing towards number 116, a window to an en-suite shower room is proposed at first floor level.

The ground floor layout is to be re-configured and 4 bedrooms are proposed at first floor level.

This part of Allens Lane has a mix of detached and semi-detached houses and bungalows that are a variety of designs. The application bungalow is the first of 4 bungalows that are stepped back from the road between 14 and 16 metres.

Opposite are open fields.

Relevant Policies

National Planning Policy Framework (NPPF)

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

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

- Always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings
- Take account of the different roles and character of different areas, promoting the vitality of our main urban areas

Key provisions of the NPPF relevant in this case:

- ***NPPF 7 - Requiring good design***

On **planning conditions** the NPPF says:

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

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

Local Policy

Black Country Core Strategy

- ENV3: Design Quality

Unitary Development Plan

- GP2: Environmental Protection
- ENV32: Design and Development Proposals
- T7 - Car Parking
- T13: Parking Provision for Cars, Cycles and Taxis

Supplementary Planning Document

Designing Walsall

- Appendix D

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

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

Relevant Planning History

None.

Consultation Replies

Pollution Control - Pollution Control supports the development however the site was formerly utilised for the mining of coal and lignite with subsequent infilling that may have resulted in localised ground contamination that may present Health and Safety implications for persons undertaking ground works. A note is recommended to advise of this.

Representations

None.

Determining Issues

- Design and Character of Area
- Amenity of Nearby Residents
- Parking

Observations

Design and Character of Area

The area is a mix of houses and bungalows that vary in design. The design of the proposed house is considered would be in keeping with the existing character and as the existing bungalow is next to a house with bungalows on the left, a replacement house that would still have bungalows to the left is considered would not harm the existing street scene.

Nevertheless it is not considered that the proposal could be described as extensions as the amount of original wall that would remain in relation to the proposed additions would be modest, the front of the building would be completely remodelled and part extended forward, a complete new first floor level and a new roof that would be 1.7 metres higher than the existing is to be added which would result in a completely different appearance in the street scene. During discussions with officers, the applicants and their representative queried why they were being asked to amend the description as the application had been validated and accepted with this description. They were advised that sometimes descriptions are amended following a visit to the site as it is only then clear what the actual changes would be. After consideration the applicants have declined to amend the description and wish the proposal to be assessed as extensions to a bungalow.

Amenity of Nearby Residents

Whilst it is acknowledged that the footprint of the building closest to number 116 would not change, the increased height of the walls and the addition of the new roof together with the orientation to the east of number 116 is considered would have an overbearing impact on the side bedroom window of number 116 Allens Lane, which is the only window to the room and as a result would cause a loss of light, outlook and amenity to this room that would be detrimental to the occupiers of this bungalow.

It is acknowledged that the proposal has been amended to remove the proposed two storey extension that would have been approximately 6 metres from the window however on balance it is considered that the height and proximity of the development would harm the living conditions of the occupiers of number 116.

The potential of adding a two storey extension to the rear of the bungalow as permitted development is not considered possible as the eaves and ridge would be higher than that of the original dwellinghouse (bungalow) and as such would not accord with paragraph A1(d) of Class A of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development)(England) Order 2015.

The proposed two storey front extension would not project beyond the front of number 102 and even though the extension would be to the west of 102, the separation to the side and because the nearest part of 102 is a garage, it is considered that there would be little shading or loss of light or privacy to number 102 from the front extension.

The long rear garden would exceed the 24 metres separation required to protect the privacy and amenity of neighbouring properties and as such the development is considered would have little impact on the amenity or privacy of the occupiers of number 9 Firbank Way.

Parking

There is sufficient space on the frontage of the property to provide 3 parking spaces that would accord with UDP policy for a house with 4 or more bedrooms.

Positive and Proactive working with the applicant

Officers have spoken with the applicant's and their representative and have advised that in this instance are unable to support the proposal on the grounds that the description is incorrect and the detrimental impact on neighbouring bungalow number 116 Allens Lane.

Recommendation: Refuse

1. It is not considered that the proposal could be described as extensions to a bungalow as the amount of original wall that would remain in relation to the proposed additions would be modest, the front of the building would be completely remodelled and part extended forward, a complete new first floor level and a new roof that would be 1.7 metres higher than the existing is to be added which would result in a completely different appearance in the street scene.
2. The increased height of the walls and the addition of the new roof together with the orientation to the east of number 116 is considered would have an overbearing impact on the side bedroom window of number 116 Allens Lane, which is the only window to the room and as a result would cause a loss of light, outlook and amenity to this room that would be detrimental to the occupiers of this bungalow. As such it is considered that the height and proximity of the development would harm the living conditions of the occupiers of number 116.

The proposal is contrary to the aims and objectives of the National Planning Policy Framework including paragraphs 56, 57, 58, and 64, Walsall's Saved Unitary Development Plan policies, in particular GP2, ENV32 and the Supplementary Planning Document "Designing Walsall".