



Planning Committee

Report of Head of Planning and Building Control, Regeneration Directorate on 6th January 2011

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Planning Committee

*Report of Head of Planning and Building Control, Regeneration Directorate on
06/01/2011*

Reason for bringing to committee: Significant community interest

Application Number: 10/0412/FL

Application Type: Full application

Applicant: Parkview Builders Ltd

Proposal: Residential development 1no
dormer bungalow and 1no detached dwelling.

Ward: Paddock

Case Officer: Devinder Matharu

Telephone Number: 01922 652487

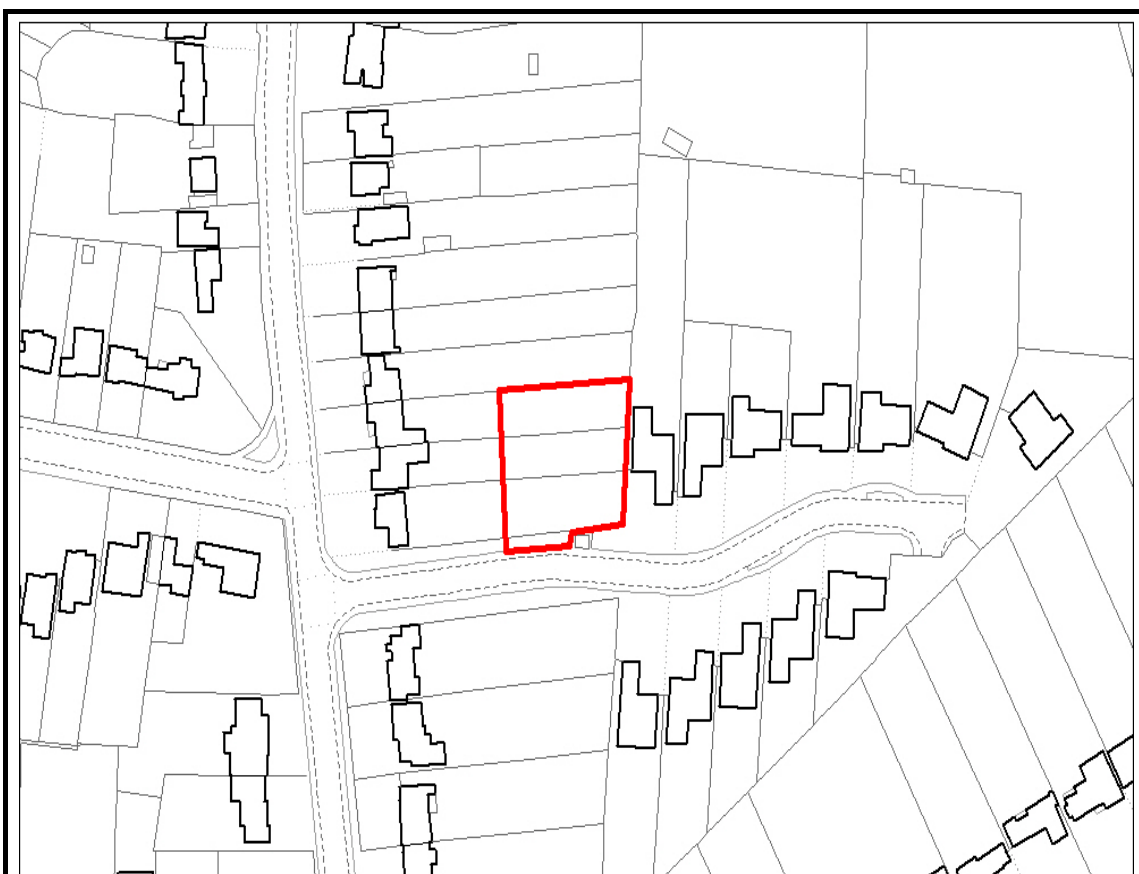
Email: planningservices@walsall.gov.uk

Agent: Armstrong Walker

Location: LAND TO THE REAR OF 55-59
SKIP LANE, ADJACENT 1 WOODFIELD
CLOSE, WALSALL

Expired Date: 20/09/2010

Recommendation Summary: Grant Permission Subject to Conditions



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Application and Site Details

The site forms part of the rear gardens of numbers 55, 57 and 59 Skip Lane. The application proposes the erection of one dormer bungalow and one house. The dwellings would front Woodfield Close and sit in line with number 1 Woodfield Close and have a single 3.5m wide shared access with a landscaped frontage. The proposed dwellings have a large expanse of roof with dormers and sloping roofs and projecting gable features. The proposal would equate to 16 dwellings per hectare.

The proposed house would measure 11m in length, 13m in width and have a height of 9.6m. The proposed dormer bungalow would measure 14m in length, 13m in width and have a height of 8.6m. The rear gardens would have an average length of 12.5m and an area of 219 and 231 square metres. Both dwellings would sit behind numbers 55 to 59 Skip Lane. The access to the properties would be located adjacent the existing sub station located on the grass verge on Woodfield Close. The access cuts into the existing grass verge and has been reduced to 3.5m wide.

Woodfield Close is a cul de sac. The houses cannot be seen from Skip Lane as they are well set back and have open frontages and landscaping to provide a spacious character to the area. The rear gardens of numbers 55 and 51 Woodfield Close run parallel with Woodfield Close with a tree lined grass verge. Detached properties varying in design and style from dormer bungalow to two storey dwellings form the character of Woodfield Close. The main features of the properties are prominent garages, porches, steep roofs and projecting gable features whether as part of the garage or part of the main dwelling. Each property has a drive way with off road car parking facilities. The rear gardens of the houses on Woodfield Close vary in size and shape; from long wide gardens too shorter angled gardens. Numbers 3 and 5 Woodfield Close have short rear gardens in comparison to the other properties along Woodfield Close.

There are no first floor windows in the gable elevation of 1 Woodfield Close facing the application site.

Number 57 has a single storey rear extension with a habitable room window facing towards the rear of the site and at the rear of 59 Skip Lane there is a conservatory.

Along the rear boundaries of the properties of 55, 57 and 59 Skip Lane is a leylandii hedge. This hedge is over two metres high and would be retained as part of the application.

The Design and Access Statement submitted with the application explains the proposal and in particular states that the design ensures the layout respects the character of the street scene. The front elevations reflect the adjacent properties and the siting is parallel and set back to a similar distance as nearby dwellings. This document also states that the development would be built in accordance with Secure by Design and Code for Sustainable Homes level 3..

The tree assessment and bat survey submitted identify protection measures during construction and little bat activity on site, therefore, no further surveys required.

The application proposes a drive gradient of less than 1 in 12 to meet highway safety standards.

Relevant Planning History

BC59561P. 55 Skip Lane. Single storey rear extension conservatory. Granted subject to conditions 1999.

Relevant Planning Policy Summary (Note the full text version of the UDP is available from the First Stop Shop in the Civic Centre, and on the Planning Services Website www.walsall.gov.uk/planning).

Saved Policies of the Walsall Unitary Development Plan (UDP)

2.2, 3.6, 3.7, & GP2: seek to make a positive contribution to the quality of the environment, whilst protecting people and ensuring adequate and safe access is provided.

3.16, GP7, ENV32, H10 and 3.116: seeks the design of residential developments to create high quality living environments, well integrated with surrounding land uses and local character. Poorly designed development which fails to properly take account of the context or surroundings will not be permitted. Designing out crime' through design, layout, landscaping and boundary treatments is encouraged.

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

Policies 3.17, 3.18 and ENV39 states proposals for the development of renewable energy sources and for the efficient use of energy will be encouraged provided that they would not have a detrimental effect on the character, quality and amenity of the surrounding area. Appropriate measures might include the siting, orientation, design, the recycling of waste heat, and the use of landscaping and building layout to reduce energy loss.

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

7.1: Seeks to promote an efficient highway network;

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

T13: car parking standards

4 bedroom houses – 3 spaces per unit

Supplementary Planning Document (SPD)

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;

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

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

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

Annexe E: 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, set backs 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.

Natural Environment SPD

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

Local Development Framework (LDF)

The Black Country Joint Core Strategy (JCS) has now been through its Examination in Public. It is on course for adoption early in 2011. The broad principles of the UDP – e.g. the appropriate reuse of previously developed land, need to promote the town and district centres and high quality design are further advanced in the document taking account of the latest national policy and available evidence. However, the plan is not generally site-specific and it will carry little weight until it is adopted.

Regional Strategy for the West Midlands

The revocation of Regional Spatial Strategies by the Secretary of State, on 6 July 2010, has been reversed by the High Court. The Government responded by advising its proposed abolition of the RSS system (abolition will require legislation and will take time) should be a material consideration in decisions. There has been a legal challenge to that position. The Government have responded and now advise that in relation to the challenge:-“The Secretary of State is defending the challenge is advised that it is ill founded. Nevertheless, pending determination of the challenge, decision makers in local planning authorities and at the Planning Inspectorate will in their determination of planning applications and appeals need to consider whether the existence of the challenge and the basis of it, affects the significance and weight which they judge may be given to the Secretary of State's statements and to the letter of the Chief Planner.”

Officer's advice is that the RSS is again part of the statutory development plan for the Borough, with the saved policies of Walsall's UDP, and decisions should be made in accordance with it unless material considerations indicate otherwise. Clearly, the situation is in flux and whilst reliance can be placed on the RSS the degree to which that can be maintained against a challenge is uncertain. Each case must be considered on its merits in this context and a balanced view achieved.

National Policy

PPS1 refers to the aims of delivering sustainable development and good design.

PPS 3: Housing: 'Matters to consider when assessing design quality include the extent to which the proposed development:

is well integrated with, and compliments, the neighbouring buildings and the local area more generally in terms of scale, density, layout and access creates or enhances, a distinctive character that relates well to the surroundings'

- Definition of previously developed land now does not include 'private residential gardens'
- Density is a measure of the number of dwellings which can be accommodated on a site or in an area. The density of existing development should not dictate that of new housing by stifling change or requiring replication of existing style or form. If done well, imaginative design and layout of new development can lead to a more efficient use of land without compromising the quality of the local environment.

PPG13 on transportation seeks to minimise the use of the car by the sustainable location of development.

Consultations

Transportation – No objection subject to a condition relating to access and drainage.

Policy T13 of the UDP seeks 3 car parking spaces to be provided for 4 bedroom dwellings. Both dwellings provide 3 car parking spaces each.

Pollution Control (Scientific Team) – No objection subject to a planning condition to address noise issues.

Pollution Control (Contaminated Land) – No objection

Drainage - No objection

Environmental Health – No objection

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

Fire Officer – No objection

Police - No objection but has made comments relating to the security of the site, in particular windows, doors, locks, fencing, gates, planting not to impede surveillance, utility metres and illumination.

Natural Environment – No objection, the bat report submitted is acceptable.

Landscape – No objection

Arboricultural Officer – No objections as long as the recommendations and guidelines details in the BS5837 tree report are adhered to.

There are no trees within the site that are worthy of retention for arboricultural or aesthetic reasons. There are two significant protected Oak trees situated outside of the site, the Oak to the south east of the site (T1 on tree report) is protected by woodland TPO 5/1972 and the Oak tree to the south west (T2 on the tree report) is protected by TPO 13/2010. The root protection area (RPA) of both these trees extends a small way into the development site and protective fencing in accordance with BS: 5837 2005 should be erected prior to any works commencing on site and maintained throughout until completion. The proposed driveway in front of plot 1 extends within the RPA of Oak tree T2, however, it only encroaches over a small area of the RPA and there are engineering solutions (e.g. No dig construction) available to ensure that there is no adverse affects to the tree.

Central Networks – No objection provided the works do not result in the relocation of the sub station and the cables are not damaged.

Public Participation Responses

Councillor Sanders considers the proposal to be back land development and that the development would be out of character with the area.

On the original plans fourteen letters of objection from eleven residents have been received objecting to the proposal on the following grounds:

- Overdevelopment
- Out of character with Woodfield Close
- Existing gardens contribute to unique character of the area
- Design of houses suggests that they are for affluent families and would not be affordable
- Set precedent for future development
- Area governed by Green Belt policies
- Development represents 'garden grab' as recognised by Government
- Site higher than Woodfield Close
- Overlooking

- Noise and disturbance
- Loss of trees and hedge and damage to protected trees
- Loss of wildlife/habitats, in particular bats
- Increase in number of cars
- Vehicles currently parked in Woodfield Close adjacent Skip Lane cause visibility problems

On amended plans a further forty two letters of objection have been received from thirty one residents. The following additional points have been raised:

- Increase in density
- Overcrowded development
- Dominant buildings in street scene
- Inappropriate development
- Development close to sub station
- Devalue property – *not directly a material planning consideration*
- Burden on drainage
- Already fighting flats on Woodside Close
- Area poorly served by public amenities
- Loss of green space
- Loss of privacy
- Overshadowing
- Overbearing
- Number of housing developments destroying the area

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

Determining Issues

- Principle of Development
- Impact on the character of the area
- Impact on the amenity of neighbours
- Level of amenity for potential occupiers
- Impact on trees and hedge
- Impact on protected Species - Bats
- Access and Parking

Observations

Principle of Development

Gardens are no longer classified as 'brownfield' or previously developed land. This does not however preclude new housing development on garden land. The revised PPS3 indicates that, if done well, imaginative design and layout of new development can lead to a more efficient use of land without compromising the quality of the local environment.

In principle the proposal is acceptable provided it is good design and respects the amenity of adjacent residents and the character of the wider area.

The area is not in Green Belt as one local resident suggests.

Impact on the character of the area

The proposed dwellings would be set back into the site allowing limited landscaping at the front contributing to the open spacious frontage in keeping with the character of the area. The proposal would sit in line with 1 Woodfield Close which is set at a higher level than the highway and the proposed dwellings reflect this. The dwellings would not be prominent in the street scene. The residential properties along Woodfield Close vary in design and style,

and the proposed dwellings reflect the range of design features of the existing properties and character of Woodfield Close, as such is considered acceptable.

Residents have objected to the proposal on the grounds of over development. The two dwellings represent a density of 16 dwellings per hectare, reflecting the surrounding area. Skip Lane and Woodfield Close are characterised by large detached properties and the proposed dwellings reflect these dwellings.

Residents have claimed that the proposal sets a precedent for future developments; however each application must be assessed on its own merits. In this case, it is considered the proposed residential development in this location would be in keeping with the area.

Residents have raised objections stating that there are a number of housing developments in the area. This is not relevant because, each development is carefully assessed against the character of the area to consider its suitability and any future proposals would be assessed in the same way. The proposed development in this location is considered acceptable.

The proposed access to the site would cross a grass verge and would not be prominent in the street scene as the existing adjacent sub station screens the access from Woodfield Close and the trees positioned further along the verge towards Skip Lane would screen the access from Skip Lane. Furthermore the front of the site would be landscaped which would enhance this part of Woodfield Close.

Impact on the amenity of neighbours

The positioning of the dwellings is considered not to have any impact on the occupiers of 55 to 59 Skip Lane.

57 Skip Lane has a single storey rear extension, the separation distance between this extension and the side elevation of plot 1 is 24.5m. On the side elevation of Plot 1 there are secondary habitable room windows and an ensuite window. The separation distance from the main elevation of 57 Skip Lane to location of these windows on the proposed dwelling would be 32m. These separation distances exceed the Council's standards.

There are no habitable room windows that would overlook the adjacent property at number 1 Woodfield Close; (there is an ensuite window to the side elevation that would face 1 Woodfield Close. This window would be obscurely glazed and would not result in any direct overlooking or loss of privacy). The retention of the boundary hedge adjacent 1 Woodfield Close would screen the proposed dwelling, so would the proposed dwellings would not be visible from 1 Woodfield Close.

Any overlooking to the existing rear gardens of the properties along this part of Skip Lane would be beyond the proposed rear gardens to the properties. The proposal would not result in any undue loss of amenity or privacy to these occupiers.

Residents have raised concerns regarding overshadowing. Any overshadowing would be to the very bottom part of the rear gardens of the properties along this part of Skip Lane. It is considered that this would not be significant enough to warrant refusal of the application.

Residents have raised concerns over noise and disturbance from the proposal. Although there may be some disturbance during the construction period whilst the buildings are being erected, there is no evidence to suggest the proposal would result in significant or permanent noise and disturbance to the detriment of adjoining residential occupiers.

Residents concerns regarding drainage. Severn Trent Water confirm have no objection to the proposal provided drainage details are submitted and approved to reduce the risk of flooding and minimising the risk of pollution.

This small scale residential development for two dwellings would not impact significantly on local amenities or the local school.

Level of amenity for potential occupiers

The proposal provides a rear garden of 12m in length and rear amenity areas of 237 and 187 square metres, which significantly exceed the Councils garden area standards and are considered appropriate to the character of the area.

There are no habitable room windows at the side of the two proposed properties which would lead to any direct overlooking between the two properties. There are rooflights at the side of plot 2 overlooking the side of plot 1, and although there is an obscurely glazed ensuite window it is considered to have no significant overlooking or loss of privacy.

There is an existing sub station along Woodside Close and residents have raised concerns over the close proximity of this to the proposed dwellings. This sub station is positioned approximately ten metres away from the front elevation of the dormer bungalow. Central Networks have no objections to the proposal.

Impact on trees and hedge

The hedge along the boundary with number 1 Woodfield Close would be retained, this would retain the character of this part of Woodfield Close.

There are no trees within the site that are worthy of retention for arboricultural or aesthetic reasons and the proposal seeks to provide additional landscaping to the front of the site to visually enhance the quality of the street scene.

Outside the site are two Oak trees, protected by Tree Preservation Orders. The root protection area of these trees extends into the development site. The Arboricultural Officer advises that effective mitigation during the construction phase would minimise the impact on these trees.

Residents have raised concerns over loss of green space; whilst part of the verge may be incorporated into the development landscaping within the site would be proposed which would visually enhance this part of Woodfield Close.

Impact on protected Species – Bats

Residents have raised concerns over loss of wildlife and habitats. Bats are the only known protected species in the area. The bat report submitted identifies that there is very little bat activity on site with very few flying past the site and with no evidence of roosting in the trees. The report concludes that no further survey work is required. The retention of the hedge along the boundary with 1 Woodfield Close would maintain bat foraging value in the area. All of these conclusions are acceptable by the Council's expert.

Access and Parking

Policy T13 of the UDP requires a total of 3 car parking spaces to be provided per dwelling and the proposal seeks to provide this in the form of integral garaging and driveway parking and this would prevent any significant on street car parking. It is considered that the proposal would not exacerbate any existing parking problems.

Residents have raised concerns over safety with the increase in number of vehicles. The number of trips generated by two houses will not have any significant effect in the area. The existing electrical sub station in close proximity to the proposed access drive would not affect vehicular or pedestrian visibility splays.

The access would be constructed off Woodfield Close and as this land is set at a higher level than the road, a condition would need to be included to ensure the gradient of the driveway is not steeper than 1 in 12 for highway safety reasons.

That planning permission is granted subject to conditions:

Summary of Reasons for Granting Planning Permission

The development in terms of scale, size, positioning and layout would not represent an overdevelopment, overcrowding of the site or be out of character with Woodfield Close. The proposed dwellings would sit adjacent 1 Woodfield Close without being dominant and overbearing.

The proposal assimilates well into the street scene, reflecting the character of the area.

It is considered that the addition of two houses in the area would not significantly impact on local public amenities or the local school.

Any overlooking to the existing rear gardens of the properties along this part of Skip Lane would be beyond the proposed rear gardens to the properties. The proposal would not result in any undue loss of amenity or privacy to these occupiers.

Bats are the only protected species in the area and the submitted bat report identifies that there is very little bat activity on site. The retention of the hedge along the boundary with 1 Woodfield Close would maintain bat foraging value in the area and assist in retaining any wildlife and habitats in the area as well as enhancing the amenity of the area.

The landscaping to the front of the site would compensate for the partial loss of the grass verge along this side of Woodfield Close and would visually enhance the area.

The impact on the protected trees outside of the site can be mitigated through the implementation of a no dig method and the installation of fencing around the root protection areas.

The proposal of two properties would not result in permanently increased noise and disturbance, There will be only limited disturbance during the construction phase, and the hours of operation on site can be controlled through a suitable condition.

Although there may have been recent housing development in the area, each development is carefully assessed against the character of the area to consider its suitability and any future proposals would be assessed in the same way. The proposed development in this location is considered acceptable.

The proposal provides three car parking spaces within the curtilage of each of the properties which meets the requirements of Policy T13. It is considered that the proposal would exacerbate any existing parking problems.

Drainage details would be submitted and approved in accordance with the guidelines set out by Severn Trent Water to prevent drainage problems.

The proposal complies with the saved policies of the Walsall Unitary Development Plan, in particular, 2.2, 3.6, 3.7, GP2, 3.16, 3.116, GP7, ENV32, H10, 3.117, ENV33, 3.17, 3.18, ENV39, ENV40, 7.1, T7 and T13 and Policies DW1, DW2, DW3, DW4, DW5, DW9 and DW10 of the Designing Walsall SPD, Policies NE8, NE9 and NE10 of the Conserving Walsall's Natural Environment SPD and the advice given in PPS1, PPS3 and PPG13.

Recommendation: Grant Permission Subject to Conditions

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

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

2) The development shall be completed in accordance with drawing number: 09/344/03A, 09/344/04A, 09/344/05A, 09/344/06 and 09/344/07 and submitted on 13 September 2010, drawing number 09/344/01A submitted on 17 September 2010 and drawing number 09/344/02B submitted on 9th November 2010.

Reason: To define the permission

3) No development shall commence on site until a schedule of facing materials to be used in external walls and roofs has been approved in writing by the Local Planning Authority. The development shall be completed with the approved details and retained and maintained at all times.

Reason: To ensure the satisfactory appearance of the development.

4) No development shall commence on site until drainage details for the disposal of both foul and surface water have been submitted to and approved in writing by the Local Planning Authority. The development shall be completed with the approved details.

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

5) Prior to the occupation of the development hereby approved, the driveways and vehicular turning areas shall be fully consolidated, surfaced and drained in accordance with details to be submitted to and approved in writing by the Local Planning Authority at a gradient not steeper than 1 in 12. No surface water from the driveways shall *discharge onto the public highway or into any highway drain*.

Reason: In the interest of highway safety.

6) Prior to the first occupation of the development hereby approved, the proposed vehicular footway crossing shall be constructed to a specification to be approved and agreed in writing by the Local Planning Authority, and any works shall meet all statutory requirements.

Reason: To ensure the satisfactory completion of the development.

7) The approved tree protection measures detailed in the BS: 5837 2005 tree report dated March 2010 shall be fully implemented prior to the commencement of any works on site and

shall be retained until the completion of the development. The land so enclosed shall be kept clear of all contractors' materials and machinery at all times, as laid out in British Standard 5837:2005

Reason: To safeguard the protected trees adjacent to the site.

6) No demolition, construction or engineering works, (including land reclamation, stabilisation, preparation, remediation or investigation), shall take place on any Sunday, Bank Holiday or Public Holiday*, and such works shall only take place between the hours of 07.00 to 18.00 weekdays and 08.00 to 16.00 Saturdays unless otherwise permitted in writing by the Local Planning Authority. No plant, machinery or equipment associated with such works shall be started up or operational on the development site outside of these permitted hours.

Reason: To protect the amenity of adjoining residential occupiers

7)) The development shall be constructed in accordance with the Code of Sustainable Homes (April 2007) 3 stars standard relating to energy efficiency / CO2, water efficiency, surface water management, site waste management, household waste management and use of materials, unless otherwise agreed in writing with the local planning authority.

Reason: In order to provide high performance sustainable homes and protect the environment in accordance with policy aims 3.17 and 3.18 and policy ENV39 of the Walsall Unitary Development Plan

Notes to applicant

- 1) * 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.
- 2) The bat report submitted for this application by Apex Ecology Limited makes recommendations on planting for wildlife and on low impact lighting in paragraphs 4.5 and 4.6. It is recommended that the advice contained in section 4 of the submitted bat report is followed.
- 3) The Police have advised:
 - the development should meet Secure by Design standards
 - the perimeter fence shall be a 1.8m high close board fence topped with a 0.3m high trellis
 - the gates affording access to the rear of the properties should be of robust construction with no climbing aid and be lockable at the front building line
 - utility metres should be located outside of the buildings to negate the need to enter the property access the metres
 - good levels of illumination should be installed.
- 4) Central networks have advised:
 - Central Networks will not consider any request to move the substation adjacent to the development, at Central Networks' expense, in the future.
 - The cables which supply this substation are laid in the footpath along Woodfield Close. These cables will need to be lowered PRIOR to site works commencing, as they will be laid at footway depth, rather than roadway depth.
 - Any damage caused to these cables by the developer will be invoiced to the developer.



Planning Committee

*Report of Head of Planning and Building Control, Regeneration Directorate on
06/01/2011*

Reason for bringing to committee: Major application

Application Number: 10/1011/FL

Application Type: Full application

Applicant: K.D. Estates

Proposal: Residential development
consisting of 88 dwellings with associated
roadworks.

Ward: Rushall-Shelfield

Case Officer: Alison Deakin

Telephone Number: 01922 652487

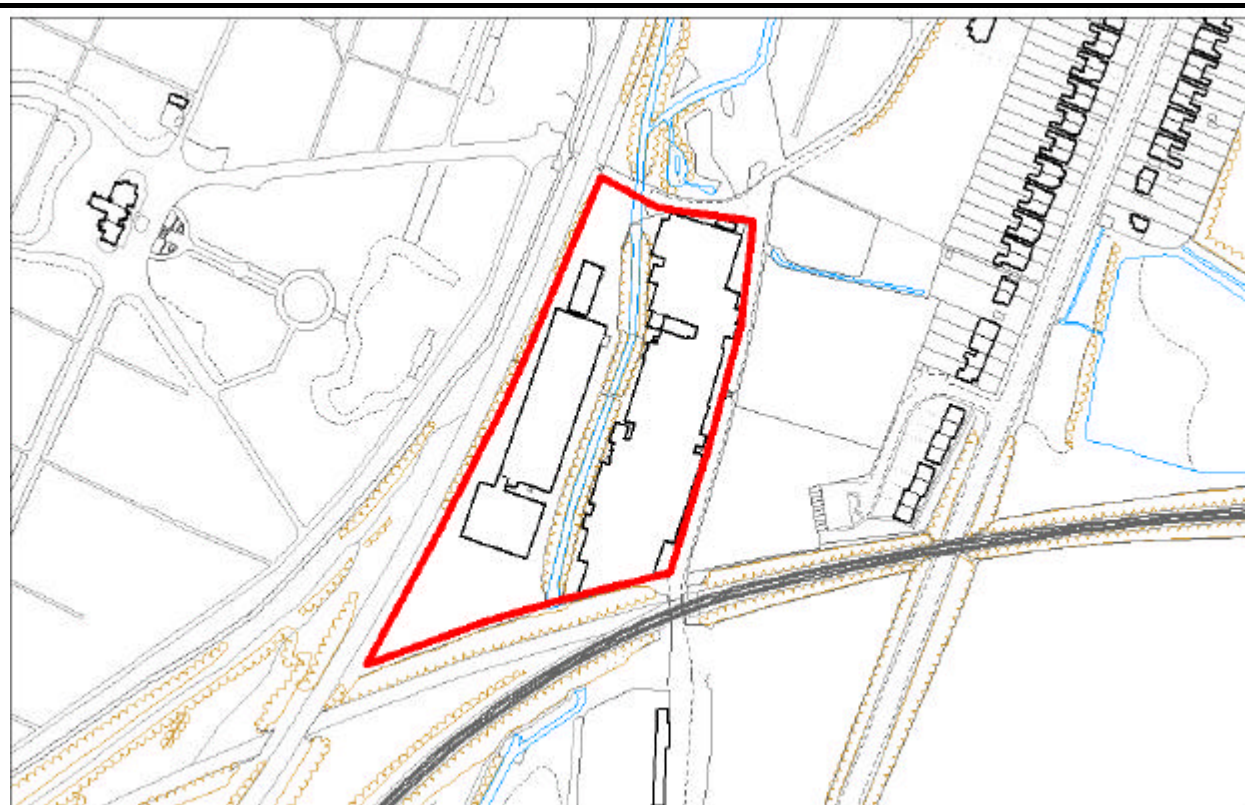
Email: planningservices@walsall.gov.uk

Agent:

Location: LAND AT CARTBRIDGE LANE
SOUTH, RUSHALL, WALSALL.

Expired Date: 25/10/2010

Recommendation Summary: Grant Permission Subject to Conditions and a Planning
Obligation



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Application and Site Details

The application is for erection of 88 dwellings and associated road works on vacant land off Cartbridge Lane South, Rushall. There were formerly industrial buildings on the site that were demolished in October 2009. (It is a resubmission of a scheme supported by Committee but reduces the number of units and replaces flats with houses)

The site is a Major Developed Site within the Green Belt (Policy ENV4d) falling between the residential areas of Coalpool/Ryecroft, Rushall and The Butts. The site is close to Coalpool Cemetery in the west (across a former railway), and open paddocks to the north and east and a second dismantled railway line to the south where there are also substantial trees. There are allotments and housing further north and an electricity power station beyond the railway to the south. Ford Brook runs through the centre of the site and is culverted at the north and south ends. A pedestrian bridge crosses the brook approximately half way along its length.

The site is served from a single access on the short north boundary on Cartbridge Crescent which is connected to Cartbridge Lane South. To the south of the site, Cartbridge Lane South passes under an existing rail line. The proposals incorporate an emergency access for fire service vehicles by improving an existing footway/cycleway linking Cartbridge Lane in the north to Cartbridge Lane South to allow emergency vehicles to enter from the north and exit to the south. This includes provision of emergency access bollards, removal of vegetation overhanging the carriageway and revision of a Traffic Regulation Order to allow for emergency vehicles.

The proposal is for 18 x 2 bed, 56 x 3 bed and 14 x 4 bed predominantly two storey houses including detached, semi-detached and terraced properties. There are however, 2 x 2 bed flats contained in a detached two storey building (plots 86/87). House type "K" is a 2½ storey house with dormer window in the front elevation. The proposals reduce the number of flats compared to the earlier scheme was to have included 50 flats and 46 houses. There are 189 off-street parking spaces proposed which is at least 2 spaces per dwelling provided either by a garage and driveway, in plot-parking or allocated parking areas. The proposals also include provision of a new replacement pedestrian bridge over Ford Brook.

The proposed vehicle access is via Cartbridge Lane South which is extended to create a cul-de-sac serving the houses on the western half of the site. There is no through route to Cartbridge Lane but it is proposed to allow emergency fire service vehicle access only via this route. This includes widening the existing track, cutting back foliage and installing barriers.

The site area is 2.39 hectares which gives a density of 37 dwellings per hectare.

A Design & Access Statement, Extended Phase 1 Habitat Survey, Ecological Assessment, Arboricultural Report, Site Investigation, Updated Transport Assessment, Site Appraisal of Archaeological Risk, Report on Existing Noise Climate and Flood Risk Assessment.

The Design & Access Statement explains how the layout has been determined by the course of Ford Brook which dissects the site from north to south. The proposals seek to reduce the effect built development has on the Green Belt as the houses are smaller scale than the original industrial buildings and the layout provides clearly defined public and private spaces with improved surveillance of surrounding areas. The site is well screened but the design of houses has taken elements from properties in the surrounding area.

The Extended Phase 1 Habitat Survey recommends a Bat Survey and White Clawed Crayfish and Water Vole Surveys are carried out. It also states that bat and bird boxes

should be included in new buildings and wildflower and native shrubs should be used to landscape areas along Ford Brook.

The Ecological Assessment includes detailed surveys for Bats, Otters, Water Voles and Crayfish. It concludes that the site was used by foraging bats and mitigation such as related planting along Ford Brook and appropriate lighting is recommended plus bat and bird boxes in new buildings. No otters were found hence no mitigation is necessary, water voles were also absent from the site. No mitigation is required for white-clawed crayfish which were not found within the site although it does offer moderate to good in-stream habitat for this species. Improved management of Ford Brook is recommended.

The Arboricultural Report concludes that the proposed layout has been designed to ensure significant trees on the site and beyond the boundary are retained and protected during construction. The trees that are to be removed have little impact on the amenity value of trees in the locality. The proposals offer the opportunity for new tree planting to enhance the area.

The Site Investigation advises the contamination identified is unlikely to present a significant risk to human health. There are volatile organic compounds in soil and groundwater and toxic and phytotoxic metals and hydrocarbons in soils which are cause for concern and remediation is required. However, the risk to buildings from potentially aggressive ground conditions has been assessed as low. Japanese Knotweed will require treatment.

The Updated Transport Assessment states that the revised proposals would result in a decrease of 11 vehicles (two-way) during the morning peak and 5 more vehicles during the evening peak from that already approved. Mitigation is proposed by upgrading the shared surface of Cartbridge Lane South to incorporate a footpath and traffic calming measures. The proposals would not have any adverse transport impacts and suitable measures are to be undertaken to improve accessibility and safety for all modes of travel.

The Site Appraisal of Archaeological Risk states there is low risk for archaeological remains on the site and a high likelihood of significant previous disturbance. No further archaeological work is required. There are no buildings of historic merit on the site.

The Report on Existing Noise Climate indicates background noise is primarily from traffic on Lichfield Road and the adjacent railway line. It recommends the use of enhanced glazing for those dwellings nearest the railway to limit the impact of railway noise at night. Dwellings on the western side of the site would benefit from a barrier fence along the boundary to the proposed new rail link.

The Flood Risk Assessment notes the site is within Flood Zone 3 and there is a flood risk from Ford Brook. Surface water flooding also poses a potential flood risk due to the topography and overland flow caused by developing the land. A diversion channel is proposed to discharge back into Ford Brook which will provide betterment in terms of reducing flood risk on Cartbridge Lane. Proposed ground levels allow for no more than 150mm of flood water on the ground in the 100 year plus climate change and blockage scenario. The proposed development will reduce surface water run off rates by 45% which meets the Environment Agency criteria which requires attenuation of at least 20% compared to the current scenario. Taking into account the previous permission and the fact that remodelling takes the site out of Flood Zone 3 the development will provide benefit to Cartbridge Lane and the wider community.

The applicant has also provided a Planning Obligations and Affordable Housing Statement and Report on Planning Obligations in the Context of Scheme Viability. These reports

outline the applicant's financial case for maintaining the original obligations previously agreed by Committee for application 08/0059/FL. They therefore seek a Deed of Variation to the original S106 Agreement to adopt the same obligations to provide a financial contribution towards education provision of £158,514.06 and provision of 3 x 3 bed houses for social rent to be delivered in partnership with a Housing Association. These reports have been reviewed by the District Valuer and comments included below.

The applicant states that since January 2008 when the original application was submitted market conditions have significantly worsened and these conditions have persisted with a combination of depressed values, lack of mortgage loans for individual buyers and a scarcity of development finance for speculative activity. They state that certain types of property such as apartments and 3 storey houses are more difficult to sell and are more adversely affected by lower mortgage security valuation and these types of properties accounted for 69% of the original scheme. Even taking account of the more saleable property mix now proposed scheme viability remains a significant issue and any increase in planning obligations from those agreed as part of the original application will render the scheme unviable.

Relevant Planning History

07/2481/ND/E10 - Screening Opinion to ascertain if an Environmental Assessment is required for Residential Development – Deemed decision that an EIA is not required.

08/0059/FL - Proposed demolition of existing buildings and erection of 96 dwellings with associated development, landscaping and infrastructure – Granted subject to conditions and a S106 Agreement 30 October 2009. This included a mix of 50 flats and 46 houses. Committee resolved to discount the planning obligations to provide a contribution towards education provision and 3 X 3 bed affordable houses.

Relevant Planning Policy Summary (Note the full text version of the UDP is available from the First Stop Shop in the Civic Centre, and on the Planning Services Website www.walsall.gov.uk/planning).

Saved policies of Walsall Unitary Development Plan (UDP)

GP1: Supports the sustainable location of development.

2.2, 3.6, 3.7, & GP2: seek to make a positive contribution to the quality of the environment, whilst protecting people and ensuring adequate and safe access is provided.

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

GP4 & ENV14: seek to bring forward derelict, vacant or underused land and buildings for new uses.

3.3: The character and function of the Green Belt will continue to be safeguarded as part of the wider West Midlands Green Belt.

3.21 & ENV1: Defines the purpose of the Green Belt.

ENV3: Identifies more detailed considerations for proposals in the Green Belt.

ENV4: Redevelopment proposals for major developed sites in the Green Belt should have no greater impact than the existing development on the openness and purpose of the Green Belt.

ENV13: Development will not normally be permitted in close proximity to high voltage electricity transmission lines, substations or transformers.

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

ENV21: Development which would destroy, damage or adversely affect a Site of Local Importance for Nature Conservation will not be permitted unless it can be demonstrated that there are reasons for the proposal to outweigh its level of nature conservation value.

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

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

3.16, GP7, ENV32, H10 and 3.116: seeks the design of residential developments to create high quality living environments, well integrated with surrounding land uses and local character. Poorly designed development which fails to properly take account of the context or surroundings will not be permitted, particularly in locations such as visually prominent sites. Designing out crime' through design, layout, landscaping and boundary treatments is encouraged.

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

ENV40: Proposals for development will be encouraged to incorporate measures for conservation of water resources such as the use of water efficient devices, the on site recycling of water (including grey water systems).

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

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

8.8: states that 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 a financial contribution to the costs of providing these facilities will be required.

LC1: seeks to retain and enhance existing urban open spaces and readdress any deficiencies in the provision or accessibility of these. 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.

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

T3: The Council will safeguard land for rail use and promote jointly with Centro and rail operators, improvements of existing and the establishment of new passenger rail or metro services.

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

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

T13: car parking standards

1, 2 & 3 bedroom houses 2 spaces per unit

4 bedroom houses and above 3 spaces per unit

Flats with communal parking 1.5 spaces per unit

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.

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

DW2: All development must contribute towards creating places that feel safe, secure and welcoming for everyone;

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

DW4: Attractive spaces within new development should be defined or enclosed by buildings, structures and/or landscape

DW5: All new development should contribute to creating places that are well connected, easy to get to and safe to move through

DW6: New development should contribute to creating a place that has a clear image and identity and is easy to understand

DW7: All new development should contribute to creating lively places that offer a mix of activities to the widest range of possible users

DW8: New development should contribute to creating flexible and adaptable places that can easily change over time

DW9: New development must seek to ensure it creates places with attractive environmental quality

DW10: New development should make a positive contribution to creating a comfortable, adaptable and sustainable built environment

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

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.

Urban Open Spaces SPD

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

Education SPD

Sets out the contributions that developers will be required to make towards the provision and improvement of local education facilities.

Affordable Housing SPD

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

Healthcare SPD

Seeks to provide adequate healthcare facilities and sets out requirements for contributions from potential developers.

Local Development Framework (LDF)

The Black Country Joint Core Strategy (JCS) has now been through its Examination in Public. It is on course for adoption early in 2011. The broad principles of the UDP – e.g. the appropriate reuse of previously developed land, need to promote the town and district centres and high quality design are further advanced in the document taking account of the latest national policy and available evidence. However, the plan is not generally site-specific and it will carry little weight until it is adopted.

Regional Strategy for the West Midlands

The revocation of Regional Spatial Strategies by the Secretary of State, on 6 July 2010, has been reversed by the High Court. The Government responded by advising its proposed

abolition of the RSS system (abolition will require legislation and will take time) should be a material consideration in decisions. There has been a legal challenge to that position

The Government have responded and now advise that in relation to the challenge:-
“ The Secretary of State is defending the challenge and believes and is advised that it is ill founded. Nevertheless, pending determination of the challenge, decision makers in local planning authorities and at the Planning Inspectorate will in their determination of planning applications and appeals need to consider whether the existence of the challenge and the basis of it, affects the significance and weight which they judge may be given to the Secretary of State's statements and to the letter of the Chief Planner.”

Officer's advice is that the RSS is again part of the statutory development plan for the Borough, with the saved policies of Walsall's UDP, and decisions should be made in accordance with it unless material considerations indicate otherwise. Clearly, the situation is in flux and whilst reliance can be placed on the RSS the degree to which that can be maintained against a challenge is uncertain. Each case must be considered on its merits in this context and a balanced view achieved.

National Policy

PPS1: Emphasises the need to reject poor design and the need for sustainable development.

PPG2: Limited infilling or redevelopment of major developed sites that meets the criteria C3 & C4 in Annex C of PPG2 is not inappropriate development. Essentially development should have no greater impact than the existing development on the openness and purpose of the Green Belt, not exceed the height of existing buildings or occupy a larger area of the site than the existing buildings.

PPS3: Promotes sustainable development and the efficient use of previously developed land. It promotes the need for well designed new housing developments. Consideration of design and layout must be formed by the wider context.

PPS4: Encourages sustainable economic growth and making the most efficient and effective use of land, prioritising previously developed land. It encourages location of developments which generate substantial transport movements in locations that are accessible.

PPS9: Seeks to promote sustainable development, conserve, enhance and restore the diversity of England's wildlife and geology and contribute to rural renewal and urban renaissance.

PPS10: Aims to protect human health and the environment by producing less waste and by using it as a resource wherever possible.

PPG13: Promotes sustainable patterns of development which reduce the need to travel, especially by car.

PPS24: Seeks to minimise the adverse impact of noise.

PPS25: Aims to ensure that flood risk is taken into account to avoid inappropriate development in areas at risk from flooding.

Consultations

Transportation – No objections. The parking provision accords with policy T13. The revised Transport Statement concludes there is sufficient reserve capacity within the Cartbridge Lane South/Lichfield Road junction so that the proposal is unlikely to have a significant detrimental impact on the highway network.

Pollution Control (Scientific Team) – No objections subject to measures being put in place to address potential and/or actual noise and vibration issues arising. Conditions have been recommended to address this. Since the development may need to incorporate an

electricity sub-station, concerns may be warranted in regard to noise and/or the impact of electro magnetic fields and should be addressed by recommended conditions.

Pollution Control (Contaminated Land) – No objections subject to provision of details for remedial and mitigating measures required to make the site suitable for a residential use being submitted, implemented and validated.

Environmental Health – No objections.

Drainage – No objections. The developer must have Environment Agency permission to discharge surface water from the new development into the adjacent watercourse.

District Valuer – The gross development value of the site is £12,115,017 exclusive of any incentives that may be required. Construction costs have been calculated on the basis of building to Level 3 of the Code for Sustainable Homes and allowing for a developers profit of 20% for the open market dwellings and 6% on the affordable homes of the gross development value. Fees and abnormal costs have been taken into account including the proposed S106 costs of £558,923.20. The residual value based on the proposed development of 88 units is £620,832 and the scheme is not viable.

However, the scheme for provision of 85 open market units and 3 affordable housing social rented units plus a contribution of £158,514 as offered in the earlier S106 Agreement has a residual value of £2,166,429 and the scheme is viable on this basis.

Rights of Way – No objections. Details of the improvements to the public footpath between Cartbridge Lane South and Lichfield Road and of the type of barriers to be used to restrict access through to Cartbridge Lane are to be agreed. The new pedestrian bridge across Ford Brook will not be an adopted right of way.

Ecology – No objection but concerns about unresolved issues. This is a site in a key location within the Ford Brook Site of Local Importance for Nature Conservation (SLINC), within a Wildlife Corridor and adjacent to the Mill Lane Site of Importance for Nature Conservation (SINC). The development proposals provide insufficient detail and take insufficient account of biodiversity issues.

Of particular concern is the encroachment of development towards trees and hedges along the southern and western boundaries within the Mill Lane SINC. There is a considerable risk that trees will be lost or damaged when they cause immediate severe shading and nuisance to future householders, especially those elevated on the railway embankment.

Development also encroaches very close to the Ford Brook corridor with concerns that its function as a wildlife corridor will be diminished by lighting and disturbance from increased human presence. Recent survey work has shown 4 species of bats using the corridors within and adjacent to the site.

Landscape – No objections.

Arboricultural Officer – No objections in principle. The most significant trees are just outside the boundary of the site and there is concern that plots 84-87 are in close proximity to the southern boundary and will be overshadowed by trees off site.

Natural England – No objections. A lower intensity of development is recommended in areas with the greatest number of bat recordings and enhanced vegetation. These are the

best areas for bat and bird boxes. A condition is recommended for the developer to stop work in the event that protected species are found during operations.

Urban Design – Objects. The scheme does not maximise the Green Belt location or create a high quality residential development. There are key vistas terminated by garages or parking and two plots with nearly blank elevations to the street which represents poor design and the elevations appear bland. There is also little space for landscaping.

Housing Strategy – The scheme would normally require 25% affordable housing on this site. However, a financial viability on this site has been undertaken previously which indicated that the development was only able to provide 3 social rented houses.

Walsall Children's Services – Serco – No objections in principle. A financial contribution of £426,156.10 is required towards primary and secondary school provision in accordance with the Education SPD.

Environment Agency – No objections. The proposals meet the requirements of PPS25 and the FRA demonstrates that all new development within the site will be flood resilient, including safe access and escape routes where required, and that any residual risk can be safely managed. The mitigation measures highlighted in the FRA shall be secured by a recommended condition.

Severn Trent Water – No objections.

Fire Service – No objections.

British Waterways – No objections.

Centro – The proposed development is within the Integrated Transport Authority's minimum standards for accessibility by public transport. There are numerous bus services which operate along Lichfield Road during peaks, daytime and evenings. None of Centro's existing infrastructure is adversely affected by the proposals. The developer should ensure pedestrian links between the site and Lichfield Road and access links to the Sustrans National Cycle Route 5 are direct, convenient, well lit, well sign posted and of a safe and secure design. A Residential Travel Plan should be developed to encourage sustainable travel.

Police Architectural Liaison Officer – There are high levels of recorded crime in the area in the last 12 months and high levels of anti-social behaviour. The site should achieve Secured by Design to improve safety for residents and give a greater level of security to properties. Alleyways giving access to the rear of properties should be securely gated and fencing brought forward in line with the front of dwellings.

Public Participation Responses

A petition with 43 signatures and 9 individual objections have been received summarised as follows: -

- Depletion of mains water pressure
- There should be no vehicular access between Cartbridge Lane and Cartbridge Lane South
- Vehicle access between Cartbridge Lane and Cartbridge Lane South would adversely affect pedestrian and highway safety and residential amenities in Cartbridge Lane
- Devaluation of property by creating a through road (*devaluation of property is not a material planning consideration*)

- Potential increased traffic in Cartbridge Lane is a highway hazard
- A through route from Cartbridge Lane South to Cartbridge Lane would become a rat run
- Unnecessary expense of widening lane for emergency vehicles
- The bridge over the stream would need to be widened and strengthened
- Developers should take care to protect potential bats on site and their habitats
- Removal of contaminants from the land may result in air borne pollution causing a hazard to human health and potentially affecting adjacent allotments and should therefore be suitably supervised
- Need to know what measures will be taken to deal with biogenic gas
- Fordbrook Wildlife should be protected during decontamination, laying of services and building work
- There has never been a tannery on site but it was used for disposal of waste from the leather industry in Walsall
- The drawings on the original permission referred to in the Transport Statement are not available on the web site
- What are the changes to the original plans? *(this was explained to the writer)*
- Housing will be an improvement to the locality and improved security

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

Determining Issues

- Principle of Residential Development
- Impact on the Green Belt
- Layout and Design
- Access and Parking
- Landscaping and Ecology
- Flooding
- Education/Urban Open Space/Healthcare/Affordable Housing/Public Art provision

Observations

Principle of Residential Development

The redevelopment of the site for residential purposes has already been accepted by Committee in granting planning permission 08/0059/FL. The proposals will contribute to meeting house building requirements. Residential development will also be more in keeping with the surrounding context and offers improved surveillance of the surrounding areas and enhanced setting for the Green Belt. The current proposal showing a reduced number of flats has no implications for the principle of residential development.

The proposed density at 37 dwellings per hectare is within the accepted range stated in policy H9 of the Unitary Development Plan and takes into account new PPS3 advice, the limitations set by the Green Belt policies in terms of the footprint of buildings and the need to introduce a level of development that is viable. The density is also in keeping with surrounding areas. The proposals are acceptable in these respects.

Impact on Green Belt

The scheme meets the Development Plan requirements for a Major Developed Site in the Green Belt (Policy ENV4d) in that it would have no greater impact on the purposes of the Green Belt than the former factory development and the area to be covered by buildings would not occupy a larger area of the site than the aggregate ground floor area of the former buildings. There would also be no significant intensification of activities on site or extra traffic generation. The height of the proposed buildings has been reduced from the

earlier permission as buildings are now predominantly 2 storeys. There are 10 X 2.5 storey properties (house type K) with the second floor in the roof space. Nevertheless the buildings do not have any greater impact on visual amenities or the character of the Green Belt.

The site is surrounded by dense tree planting to the south and west that gives a landscaped setting and will provide screening to new development in the same way that the former industrial buildings were screened. The proposed residential development is for fewer dwellings than the earlier permission resulting in a reduction from 7352m² to at most 7301m² total floor space (both figures being a greatly reduced total floor space compared to the former industrial building that was 12,824m² a 57% reduction). The proposals will therefore have an improved impact on the character and openness of the Green Belt in accordance with policy ENV4.

The proposed new dwellings are now a comparable height to the former buildings at between 7-7.5m high with the exception of the 2.5 storey properties which are 10m high to the ridge. The proposed residential properties are of a reduced bulk, scale and massing, therefore on balance the increased height of the limited number of 2.5 storey properties are acceptable as overall there will be an improvement on the openness and character of the area.

The proposed dwellings will offer an improved appearance within the Green Belt.

Layout and Design

The layout and design focuses on maximising surveillance and providing a safe and secure environment for future occupiers. It shows housing arranged in perimeter blocks facing onto the public areas with secure private gardens enclosed to the rear of the dwellings. The layout creates frontages to Cartbridge Lane South, Cartbridge Crescent and Ford Brook. It also maintains and enhances the Ford Brook corridor allowing space to accommodate access and provision of surveillance of this public area from a large number of properties creating a safe environment.

The submitted plans show that 49 plots have rear garden areas below the 68m² normally required by SPD: Designing Walsall. However, these smaller gardens range between 38-65m² and are mainly for two bedroom houses. In the circumstances the reduced garden areas are considered acceptable particularly given the open Green Belt context and links to surrounding open space which provide alternative amenity benefits.

The design of the dwellings includes detached, semi-detached and terraced housing to reflect house types in the surrounding area. Materials are primarily facing brickwork and render and the dwellings have pitched roofs, door canopies, brick headers and stone cills etc. The elevations are simple yet the arrangement of buildings and incorporation of new landscaping provides an acceptable street scene elevation.

Objectors are concerned that the development will result in a depletion of mains water pressure to existing properties. However, Severn Trent Water has not objected to the proposals in principle and the developer has to provide adequate drainage to serve the new dwellings.

Objectors also want to be sure that all contaminants are safely removed from the site to prevent pollution or hazards to human health. A site investigation has been carried out and pollution control recommends conditions to ensure adherence to relevant procedures in this respect. Given the relationship of the site to the adjacent railway it is recommended that measures are implemented to mitigate for potential noise and vibration.

As the site is in a fairly remote location it has suffered from vandalism, anti-social behaviour and security problems since the premises became vacant. This has posed a major threat to the safety and security of the site which is of great concern both locally and to the Police. A key consideration in determining the layout has been to maximise natural surveillance throughout the site and reduce opportunity for crime. New housing may provide improved surveillance of the surrounding areas and provide a greater public presence around the site that will encourage more people to use the pedestrian and cycle links and routes and public spaces around the site to help improve security. The details of boundary fencing and security measures can be provided at a later date to ensure they are satisfactory design.

The Urban Design officer is concerned that the design is bland, key vistas are terminated by garages or parking and two plots have nearly blank elevations to the street. However, the developer has identified that they have chosen designs from the surrounding area and the street scenes give an acceptable appearance albeit not unique. The plans have been revised so that there are now houses terminating the views from the end of the cul-de-sacs to improve the outlook. The house types have also been altered to introduce amended house type J which is dual fronted and addresses both streets on corner plots.

The two plots referred to as having a nearly blank elevation were plots 38 and 39 facing Cartbridge Crescent. However, plot 38 has since been deleted so plot 37 is now the end property. This has an oriel window at first floor serving the hallway but the front elevation of the dwelling does provide surveillance of the street at the road junction. Plot 39 has been revised so that there are lounge and dining room windows in the gable facing the public realm. In the circumstances the proposals have improved the street scene and urban design characteristics. Additional landscaping is also included along Cartbridge Lane South.

The layout provides a clear definition between public and private spaces with secure private boundaries, overlooking of adjacent access routes and public spaces, front doors facing the street, parking within plot where possible and traffic movements restricted by the layout and street features. Overall the proposed residential development will provide satisfactory security for the site in accordance with policy GP7.

Access and Parking

The proposed access is from Cartbridge Lane South with no vehicular through route to Cartbridge Lane for general vehicles. However, it is proposed to allow emergency vehicle access only via this route. Objectors are concerned about potential creation of a through route between Cartbridge Lane South and Cartbridge Lane that could become a rat run and have adverse impacts upon pedestrian and highway safety and increase noise and disturbance for existing residents in Cartbridge Lane. However, the proposal does not allow general vehicles to use the through route which will be designed to prevent misuse. These works are to be funded by the developer. As the access to Cartbridge Lane will only be for emergency vehicles there will not be a significant increase in vehicles using this route (a concern of objectors).

Off street parking is provided for all dwellings, most detached and semi-detached houses have their own garages and driveways and terraced dwellings have parking in front of the dwellings. The parking provision equates to at least two spaces per dwelling and accords with policy T13. Although the block of parking serving plots 48-59 is dominant in front of the dwellings this arrangement is almost identical to the earlier permission where it served flats. Additional planting has also been introduced along the front of the parking areas and between parking spaces to soften the appearance of parking. Parking will be more dominant on the western half of the site but on balance the layout is considered to provide an acceptable building and landscaping layout and will not harm visual amenities to such an extent as to warrant refusal of permission.

Centro have no objections to the proposals as there is good pedestrian access to local bus routes and access to the Sustrans National Cycle Network that will encourage residents to use alternative means of travel. These are immediately adjacent to the site so access is convenient and will be well lit by new street lighting thus encouraging use.

Objectors are concerned that the Transport Assessment refers to plans approved as part of the original permission 08/0059/FL not being available on the web site. However, an updated Transport Assessment has been provided that relates to the current proposals.

The access and parking is considered acceptable and will not adversely affect highway safety.

Landscaping and Ecology

The amended plans show the houses on the eastern side of the site moved closer to Cartbridge Lane South to give a wider strip of land along Ford Brook to provide a landscaped buffer. Additional planting has also been introduced in front gardens along Cartbridge Lane South to improve the appearance. Although landscaping is limited throughout the site there are constraints to the development including the maintenance of a buffer to Ford Brook and allowing space to surrounding trees around the perimeter of the site. As the site was previously occupied by industrial premises that offered no opportunity for planting the housing layout is considered to offer considerable benefits.

Natural England is satisfied that the layout does not harm protected species as confirmed by the additional surveys which have been carried out. Despite their concern about the intensity of development in certain areas where bats have been recorded, protection of a buffer alongside Ford Brook and around the edges of the site coupled with provision of additional landscaping and bat and bird boxes will mitigate against potential harm. The developers will also need to abide by protected species legislation to conserve wildlife. For the above reasons the additional landscaping is supported and the proposals will have no adverse impact upon protected species.

The tree officer is concerned about the proximity of housing to the surrounding trees outside the site that may overshadow them and result in requests for pruning. The ecology officer is also concerned about the proximity of buildings to the trees and hedges within the Mill Lane SINC adjacent and potential loss of trees within the wildlife corridor that provide bat foraging.

The revised layout has 3-7m separation between the closest buildings and the south-western boundary. This is not as generous as the earlier permission which has amenity space and parking for an apartment block in this location but the developer has amended the house types and provided generous garden areas for the plots nearest the boundary (with the exception of plots 86/87). The houses on the south-eastern boundary are further away from the boundary than the original permission. The houses on plots 76-83 are between 10-11m away from the western boundary, not dissimilar to the earlier permission. Houses on plots 53, 54, 69 and 70 have gable ends facing this boundary and the proximity of the gardens is no different to the earlier permission. On balance, considering there are less properties proposed and the constraints of the site in terms of protecting Ford Brook and surrounding trees, the proposals provide adequate separation and protection to these surrounding areas. Appropriate conditions are recommended to provide ecological enhancement and protect vegetation within the Ford Brook corridor and ensure suitable lighting and to provide bat roosting features in new houses.

Flooding

The site is constrained by the Ford Brook watercourse running through the centre and the need to allow service strips either side due to requirements for Environment Agency access. The site is within Flood Risk Zone 3 (high risk of flooding) but revised plans have been received which have resulted in the loss of a further plot, introduction of a drainage swale at the northern end of the site (adjacent plots 30 and 37), repositioning the highway further away from the brook and remodelling levels to improve drainage and prevent risk of flooding. These revisions have addressed matters raised by the Environment Agency and offer improvements to prevent flooding of the highway from surface water. The mitigation measures included in the FRA can be secured by an appropriate condition.

The details of the replacement bridge proposed over the Ford Brook are to be provided at a later date but should be adequate to cater for the level of usage proposed.

Education/Urban Open Space/Healthcare/Affordable Housing/Public Art provision

Under the requirements of policies GP3, 8.8, LC1, 8.9, H4 and ENV34 of the UDP and Supplementary Planning Documents on Education, Urban Open Space, Healthcare, Affordable Housing and Designing Walsall the development would attract the need for a S106 Agreement to cover Education (contribution of £202,005.20 towards primary and secondary school provision) Urban Open Space (contribution of £226,200.00), Healthcare (contribution of £99,918.00), Affordable Housing (25% on site provision – 22 units) and Public Art (contribution of £30,800) in accordance with the thresholds and criteria specified in the relevant supplementary planning documents. The total figure for required contributions amounts to £558,923.20.

Committee resolved to discount the contributions on the earlier permission to include £158,514.06 towards education and provision of 3 x 3 bed houses for social rent and waived contributions towards urban open space, healthcare and public art following consideration of the developer's financial viability appraisal.

The same developer now requests a Deed of Variation to the existing Section 106 Agreement to allow them to carry it forward to cover the new proposals i.e. they are not offering any further contributions towards provision of education, affordable housing, urban open space, healthcare or public art. There are also fewer dwellings proposed. A new financial appraisal has been provided which has been considered by the District Valuer who confirms that the scheme is not viable if full policy contributions are required but is viable on the basis of the reduced contributions already agreed. It is therefore considered reasonable to accept the developer's offer for 3 x 3 bed houses for social rent and £158,514.06 towards education provision.

Committee should be satisfied that any decision to relax financial contributions or affordable housing provision by allowing the developers to maintain the existing S106 by providing a Deed of Variation to link it to the new scheme are directly related to the special circumstances of this case in recognition of the abnormal development costs so as not to undermine the successful application of policy at other sites where the need to secure contributions is paramount.

Summary of Reasons for Granting Planning Permission

The site is identified as a Major Developed Site within the Green Belt where redevelopment is acceptable provided it has no greater impact upon the Green Belt. The principle of residential development has already been approved and will be in keeping with the surrounding area and the density at 37 dwellings per hectare is acceptable as it is in keeping with the surrounding areas.

The proposed aggregate floor area of the houses is 56% less than that of the former industrial buildings. The 2.5 storey houses are 10m high to the ridge which is taller than the former industrial buildings but the majority of the proposed houses are a comparable height. Despite the increase in height there is no greater impact upon the visual amenities or character of the Green Belt due to the reduced scale and mass of the residential buildings and improved openness throughout the site compared to when it was occupied by the former industrial premises.

The proposed layout maximises surveillance. The layout also maintains and enhances the Ford Brook corridor which runs through the centre of the site. Although over half of the properties have gardens below 68sqm the smaller gardens are for smaller properties and it is considered that the surrounding Green Belt context will offer alternative amenity benefits sufficient to outweigh the shortfall.

Parking accords with the Council guidelines and spaces are conveniently located to encourage use.

The landscaping has been improved throughout the site and protected species surveys carried out to which Natural England have no objections. Bat and bird boxes and additional landscaping will help improve wildlife habitats and other ecological enhancements are recommended. Concerns raised by the objector relate to protected species, contamination and protection of Ford Brook have all been taken into consideration and addressed by appropriate conditions to ensure implementation of mitigation measures.

The revised FRA, repositioning of the road away from the Ford Brook, introduction of a drainage swale and remodelling of levels has satisfied the Environment Agency recommendations and reduces potential flooding of the highway.

The layout maximises surveillance to address police concerns as the site is fairly remote and has suffered vandalism in the past. A greater public presence around the site will also improve security.

The developer has offered to adopt the existing S106 Agreement for application 08/0059/FL for the current proposals and has provided financial justification as to why they are unable to offer the full contributions.

For the above reasons the proposed development is considered to comply with the relevant policies of the development plan, in particular Policies 3.3, 3.6, 3.7, 3.16, 3.23, GP2, GP3, GP4, GP7, ENV4, ENV14, ENV17, ENV18, ENV24, ENV32, ENV33, H3, H9, H10, 8.8, LC1, LC8, T7 and T13 of Walsall Unitary Development Plan March 2005, and, on balance, having taken into account all material planning considerations, the proposal is acceptable.

Recommendation: Grant Permission Subject to Conditions and a Planning Obligation

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 approved plans and documents: -

- Site Location Plan (30232/06) received 26/07/10
- Planning Layout (30232/01 Rev A4) received 9/12/10
- Planning Layout showing rear garden areas in square metres (30232/101 Rev B) received 16/11/10
- Planning Site Layout – Building Finished Floor Levels (30232/05 Rev C) received 21/12/10
- Landscape Proposals (30232/LA2 Rev B) received 21/12/10
- Street Elevations Sheet 1 of 2 (30232/02 Rev F) received 21/12/10
- Street Elevations Sheet 2 of 2 (30232/03 Rev E) received 20/10/10
- House Type Portfolio (Floor Plans & Elevations for House Types A-H, K, L, L variant & M) received 26/07/10
- House Type F2 – Plots 48 & 60 Floor Plans & Elevations (30232/HT/F2/01) received 20/10/10
- House Type J – Floor Plans (30232/HT/J/01) received 20/10/10
- House Type J – Elevations (30232/HT/J/02) received 20/10/10
- House Type L – Plots 11 & 39 Floor Plans (30232/HT/L/01) received 20/10/10
- House Type L – Plots 11 & 39 Elevations (30232/HT/L/02) received 20/10/10
- Design & Access Statement prepared by Barton Wilmore (July 2010) received 26/07/10
- Artists Impressions prepared by NBA received 26/07/10
- Ecological Assessment prepared by EDP (Sept 2010) received 20/10/10
- Arboricultural Report prepared by Marishal Thompson Group (0806101149) received 26/07/10
- Tree Survey Drawing (D0806101149/1) received 26/07/10
- Materials Layout (30232/04 Rev D) received 16/11/10
- Engineering Appraisal (1B0447/AP1 Rev B) received 21/12/10
- Planning Obligations & Affordable Housing Statement prepared by Bridgehouse Property Consultants (July 2010) received 26/07/10
- Intrusive Site Investigation prepared by Alumasc Group PLC received 26/07/10
- Extended Phase 1 Habitat Survey prepared by Marishal Thompson Group (E0806101142) received 26/07/10
- Updated Transport Assessment prepared by ADL Traffic Engineering Ltd ((ADL/AJM/2055/18A) received 26/07/10
- Initial Site Appraisal of Archaeological Risk prepared by Marishal Thompson Group (E/2007071422/AW vs.1) received 26/07/10
- Report on Existing Noise Climate prepared by Hoare Lea (Revision 3) received 26/07/10
- Flood Risk Assessment prepared by JBA Consulting (2010s4585) received 09/12/10 by email and 21/12/10 by post

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

Reason: In the interests of the amenity of the surrounding residents of the proposed development.

4. (i) 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 and a timetable for their implementation shall be submitted to and agreed in writing with the Local Planning Authority (see note for applicant CL2).
- (ii) 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.
- (iii) 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.
- (iv) 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.

5. No built development shall be carried out until samples of facing materials to be used in external walls and roofs of the development and the surrounding garden walls and other structures and boundary treatments (including details of the gates to the secure parking areas), has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the satisfactory appearance of the development.

6. Prior to the commencement of the development, full engineering details of the required highway improvements to Cartbridge Lane South, shown on ADL Drawing 2055/04, Revision C and approved under planning permission 08/0059/FL, shall be submitted for approval in writing by the Local Planning Authority. Prior to the first occupation of any dwelling on the development, the approved highway improvements to Cartbridge Lane South shall be fully implemented brought into use in accordance with the agreed details.

Reason: To ensure the satisfactory development of the site and ensure highway safety

7. Prior to the first occupation of any dwelling on the proposed development, a revision of the existing Traffic Regulation Order for the use of part of Cartbridge Lane as an emergency access route, the details of the specification and precise location of the emergency bollards or a suitable alternative barrier, shall be submitted to and approved in writing by the Local

Planning Authority and implemented in accordance with the agreed details unless the Local Planning Authority agrees to any variation in writing.

Reason: To ensure the satisfactory development of the site and ensure highway safety

8. The development hereby permitted shall not be brought into use until the accesses, turning areas and parking facilities shown on the approved plan have been consolidated, surfaced, drained, and otherwise constructed in accordance with details to be submitted to and approved in writing by the Local Planning Authority. These areas shall be thereafter be retained and kept available for those uses at all times.

Reason: To ensure the satisfactory development of the site and ensure highway safety

9. Means of vehicular access for construction traffic to the development hereby approved shall be from Lichfield Road along Cartbridge Lane South only.

Reason: To ensure the satisfactory development of the site and ensure highway safety

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

Reason: To prevent indiscriminate parking along Cartbridge Lane South, in the interest of highway safety.

11. All road and shared surface junctions and car parking access points shall provide a visibility splay of 2.4m x 25m, and within those splayed areas nothing shall be erected, planted or allowed to grow within the area described that exceeds a height of 600mm, in the interest of highway safety.

Reason: To ensure the satisfactory development of the site and ensure highway safety

12. All individual driveways that are created as a result of the proposed development that joins the carriageway or shared surface shall provide a visibility splay of 2.0m x 25m, and within those splayed areas nothing shall be erected, planted or allowed to grow within the area described that exceeds a height of 600mm, in the interest of highway safety unless otherwise agreed in writing by the local planning authority.

Reason: To ensure the satisfactory development of the site and ensure highway safety

13. Prior to the first occupation of any dwelling, the part of "Beacon Way" public footpath that links Cartbridge Lane South and Lichfield Road shall be upgraded, to a specification to be agreed in writing with the Local Planning Authority in consultation with the Public Rights of Way Officer, to ensure the application meets the required accessibility criteria.

Reason: To ensure the satisfactory development of the site and ensure pedestrian safety

14. Prior to commencement of any built development further details of the exact siting, design and construction of the proposed footbridge/cycle path across Ford Brook and the pedestrian path across the swale adjacent to plot 30 shall be submitted to the Local Planning Authority for approval and then implemented in accordance with the approved details and maintained throughout the life of the development unless the Local Planning Authority agrees in writing to any variation.

Reason: To ensure the satisfactory development of the site.

15. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) 2010s4585 Cartbridge Lane, December 2010 prepared by JBA Consulting and the following mitigation measures detailed within the FRA:

- i. Limiting the surface water run-off generated by the 1 in 100 year plus climate change critical storm so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site. Plans and calculations should be provided demonstrating adequate storage and routing of surface water in this design event.
- ii. Limiting the total surface water outflow rates to no greater than the total previous surface water outflow rate minus 20 per cent.
- iii. Provide a strategy for the management and maintenance of surface water drainage features.
- iv. Finished floor levels are set no lower than those detailed in the Flood Risk Assessment (A minimum of 124.78 m AOD in the northern part of the site and 124.67 m AOD in the southern part of the site).
- v. Provide plans to raise road levels on Cartbridge Crescent and Cartbridge Lane to sufficiently remove the site from Flood Zone 3
- vi. Details shall be provided in relation to any works within 8 metres of the Ford Brook prior to the commencement of built development.

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site and prevent flooding elsewhere by ensuring existing outflows are not exceeded over the lifetime of the proposed development and ensure appropriate maintenance over the lifetime of the development in the interests of amenity.

16. Prior to the commencement of the development drainage plans for the disposal of surface water and foul sewage shall be submitted to and approved in writing by the Local Planning Authority. The drainage works shall be completed in accordance with the agreed details prior to the first occupation of the development.

Reason: To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal.

17. Development shall not commence until the developer provides details of a safe exit route from the site for residents and visitors, not adversely affecting the flood regime, to land outside the 1 in 100 year flood plain, are submitted to and agreed in writing by the local planning authority. This route must be in place before any occupancy of the building(s) and shall be retained thereafter unobstructed in any way.

Reason: To provide safe access and egress during flood events and reduce reliance on emergency services.

18. There must be no new buildings, structures (including gates, walls and fences) or raised ground levels within 8 metres of the top of the banks of Ford Brook inside or along the boundary of the site, unless agreed otherwise in writing by the Local Planning Authority.

Reason: To maintain access to the watercourse for maintenance or improvements and provide for overland flood flows.

19. No development works shall commence until an ecological enhancement scheme for the Ford Brook has been submitted to and approved in writing by the Local Planning Authority. The ecological enhancement scheme shall include:

- Details of all existing habitat features to be retained.
- Details of all existing habitat features to be removed.
- Proposed replanting and habitat creation works.
- Provision for the removal of rubbish from the water course.
- Detailed habitat creation and management proposals for protected species which could be expected in the brook corridor including bats, water voles and white-clawed crayfish. This includes the removal of wire mesh within the brook channel where feasible.
- Management plan for the establishment and long-term management of the brook corridor to include monitoring.
- Timetable for implementation.
- Identification of organisation responsible for the management of the brook corridor.

The ecological enhancement scheme shall be implemented only as approved and retained and managed thereafter.

Reason: to conserve and enhance the corridor along the Ford Brook for the conservation of wildlife.

20. No external lighting shall be installed adjacent to the brook course without the written consent of the Local Planning Authority. Any lighting scheme submitted for Local Planning shall be designed to ensure that a dark corridor is retained along the line of the Ford Brook for use by bats and other wildlife. The approved scheme shall be implemented and retained thereafter.

Reason: To retain a dark wildlife corridor along the Ford Brook for the conservation of wildlife.

21. No development shall commence until proposals to incorporate bat roosting features into the proposed buildings have been received and approved in writing by the Local Planning Authority. The approved scheme shall be incorporated into the development before any part is brought into use and retained thereafter.

Reason: To conserve local bat populations.

22. No development works shall commence until method statement for the retention of the vegetation within the brook course and the tree and hedge lines immediately adjacent to the southern and western boundaries of the site has been submitted to and approved in writing by the Local Planning Authority. The method statement shall include methodology for constructing all buildings, hard surfacing, fencing and landscape works within 5 metres of these boundaries together with the installation and location of protective fencing throughout the development phase. The development shall be implemented only in accordance with the approved method statement.

Reason: To ensure the protection of key ecological features immediately adjacent to the site.

23. All planted and grassed areas and associated protective fencing shall be maintained for a period of 5 years from the full completion of the approved scheme. Within this period:
(a) grassed areas shall be maintained in a tidy condition and any areas that fail to establish

shall be reinstated;

(b) planted areas shall be maintained in a tidy condition;

(c) any tree, shrub or plant which dies, becomes seriously diseased, damaged or is removed shall be replaced with a tree, shrub or plant of the same or greater size and the same species as that originally required to be planted;

(d) any damage to protective fences shall be made good.

Reason: To ensure the satisfactory appearance of the development.

24. Levels of ground and/or structure-borne vibration transmitted to occupied buildings emanating from the railway shall not exceed specified criteria for '*low probability of adverse comment*' with reference to British Standard BS 6472: 1992 '*Guide to Evaluation of human exposure to vibration in buildings*.'

Reason: To ensure the satisfactory development of the site.

25. No built development shall take place until suitable noise mitigation measures as recommended in the report on this site from Hoare Lea Acoustics Revision 3 dated 28th June 2010 to protect internal and external areas have been agreed in writing with the local planning authority, and the development shall not be occupied until such measures have been fully implemented and retained.

Reason: To ensure the satisfactory development of the site.

26. The development shall not be brought into use until it is verified or demonstrated that the electromagnetic fields arising from the adjacent electricity sub-station plant all within current guidelines published by the International Commission for Non-Ionising Radiation Protection (ICNIRP).

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

27. Prior to the development being brought into use, it shall be verified or demonstrated that noise arising from the adjacent electricity sub-station plant does not exceed "Good" design range criteria stated for indoor ambient noise levels in British Standard BS 8233 "Sound Insulation and Noise Reduction for Buildings – Code of Practice (1999)" in regard to living rooms and bedrooms, together with a Noise Rating (NR) that does not exceed 24 dB.

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

28. Prior to the first occupation of the development hereby approved, a draft/framework Travel Plan shall be submitted to and agreed in writing by the Local Planning 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 final revision of the Travel Plan, including survey results, targets and measures, shall be submitted to the Local Planning Authority for approval, no later than 6 months after first occupation and the approved measures shall thereafter be implemented in accordance with the plan.

Reason: To encourage sustainable travel and reduce reliance on the private car.

Notes to applicant regarding S106 Agreement

You are advised to refer to the agreement under Section 106 of the Town & Country Planning Act 1990, which has been completed in conjunction with the development.

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

Website: www.walsall.gov.uk/planning, Email planningservices@walsall.gov.uk, Telephone (01922) 652452,

Textphone 0845 111 2910, Translation Line (01922) 652426, Fax (01922) 623234

Note for applicant regarding footbridge

The proposed cycle/foot bridge crossing the Ford Brook shall not be adopted.

Note to the applicant regarding street lighting

This permission does not authorise the resiting or installation of any street lighting columns or illuminated road traffic sign(s) affected by the proposed development. Precise details of all works within the public highway shall be agreed prior to any works carried out, and the applicant shall contact Walsall Council's Street Lighting Department for the necessary approval.

Note to applicant in relation to contamination

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 to applicant in relation to vibration

The magnitudes at which the probability of 'adverse comment' arises shall be assessed with reference to British Standard BS 6472: 2008 "Guide to Evaluation of human exposure to vibration in buildings."

Note to applicant in relation to noise mitigation

With regard to suitable noise mitigation measures to protect internal and/or external residential areas, reference should be made to guidance and criteria contained in British Standard BS 8233, 1999 and World Health Organisation Guidelines for Community Noise 2000 and the following are relevant:

- a) *internal noise levels within bedrooms of residential development shall not exceed a Continuous Equivalent Noise Level, $L_{Aeq(8 \text{ hours})}$, of either 30 dB (good standard) or 35 dB (reasonable standard) together with a maximum instantaneous level of 45 dB L_{AFmax} , between the hours 23.00 to 07.00;*
- b) *internal noise levels within living rooms of residential development shall not exceed a Continuous Equivalent Noise Level, $L_{Aeq(16 \text{ hours})}$, of 40 dB (reasonable standard) between the hours 07.00 to 23.00*

Note for applicant in relation to electro-magnetic fields

Pollution Control – Scientific Team has previously issued comments on planning

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applications where electro-magnetic fields have raised potential concerns. These have been based on information made available by Central Networks and the Health Protection Agency, referring to correspondence from Stephen Hennell, Central Networks Senior Operational Safety Advisor and guidelines published by the Health Protection Agency (formerly published on their webpage) which is summarised for convenience in the paragraph below:

“A National Grid Company survey¹ of suburban substations, with measurements taken at 0.5 m above ground level within 1 m of enclosures, revealed mean magnetic flux densities of about 1.9 microteslas falling by a half over an average distance of 1.3 m, and in the vicinity of housing becoming indistinguishable from the background due to other domestic sources within 5 m.”

This extract from Walsall Council’s Unitary Development Plan explains policy background to this matter:

Policy ENV13: Development near Power Lines, Substations and Transformers

- a) In order to protect the general amenity of occupiers and users, development for uses other than industry and warehousing will not normally be permitted in close proximity to high voltage electricity transmission lines, substations or transformers.
- b) The Council will also apply the appropriate operational safe clearances as published by the electricity supply industry when considering applications near overhead electricity supply lines.

Justification ENV13: Development near Power Lines, Substations and Transformers

3.52 The Council considers that there are strong amenity grounds for avoiding development in close proximity to power lines and substations. Pylons and overhead cables have a significant adverse impact on visual amenity and substations can also be unsightly and/or a source of noise nuisance. It will normally be appropriate to seek a zone of separation of at least 50 metres, but this may vary with local circumstances.

Account of evidence from the study by an international group led by Professor Anders Ahlbom from Sweden in 2000 is relevant in this context. This study found that there was a direct statistical link between magnetic fields of only 0.4 microteslas and a two fold increased risk of childhood leukaemia. The source of this information is www.energynetworks.org.

To summarise, as the HPA stated that magnetic fields become “indistinguishable from the background due to other domestic sources within 5 m.” and the UDP states “will not normally be permitted in close proximity to high voltage electricity transmission lines, substations or transformers”, it may assumed close proximity to be less than 5m. It is important to stress that this 5m exclusion zone is offered using the Precautionary Principle referred to, for example, in Planning Policy Statement 23 “Planning and Pollution Control”.

Note to applicant in relation to protected species

This permission does not absolve the applicant/developer from complying with the relevant law protecting species, including obtaining and complying with the terms and conditions of any licences required, as described in Part IV B of Circular 06/2005.



Plans List Item No: 3.

Planning Committee

Report of Head of Planning and Building Control, Regeneration Directorate on
06/01/2011

Reason for bringing to committee: Major application

Application Number: 08/1537/FL

Application Type: Full application

Applicant: Mr Affy Qadeer

Proposal: Erection of new industrial units
(B2 use)

Ward: Rushall-Shelfield

Case Officer: Paul Hinton

Telephone Number: 01922 652486

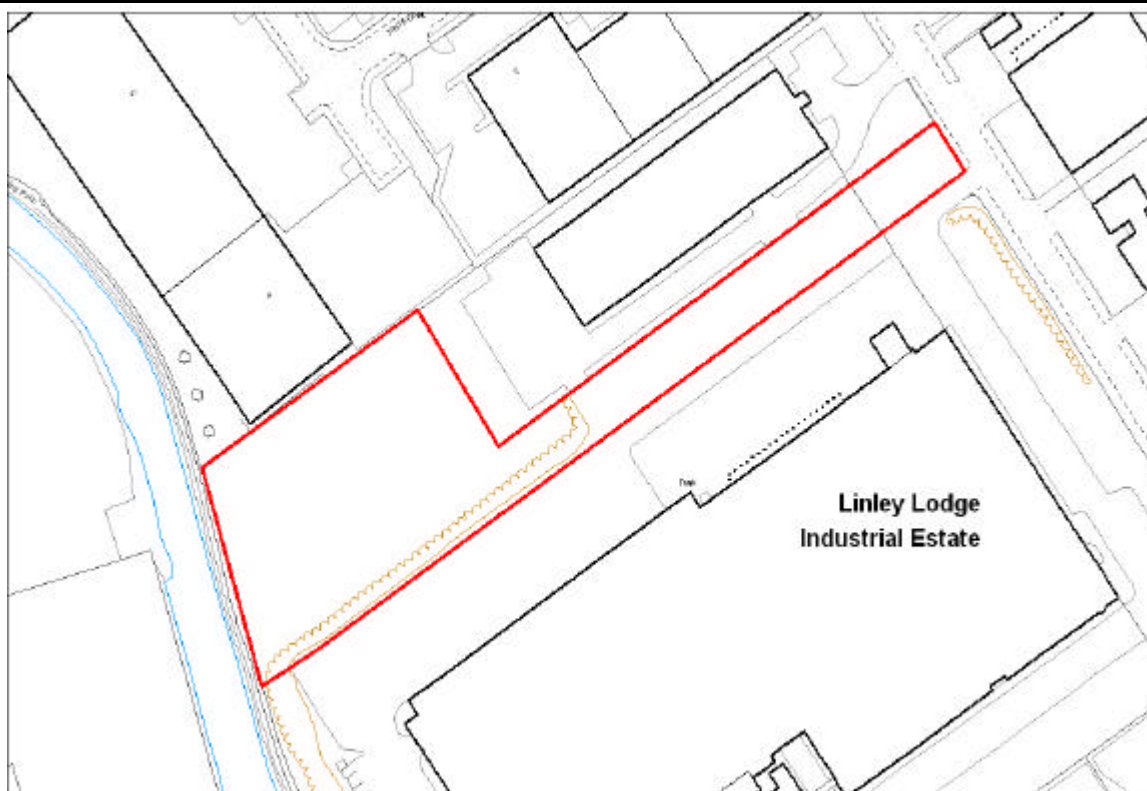
Email: planningservices@walsall.gov.uk

Agent: Mr Derek Saunders

Location: REAR OF LINLEY LODGE
WORKS INDUSTRIAL ESTATE,
WESTGATE, ALDRIDGE

Expired Date: 25/12/2008

Recommendation Summary: Grant Permission Subject to Conditions



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Current Status

Committee resolved to grant planning permission subject to conditions and a section 106 agreement in regard to public art at its meeting of 18th November 2008. The section 106 agreement was never completed and therefore the planning decision could not be issued.

Amended plans have been received raising the height of the building from 7.8m to 11.6m. The sale of the site has been secured with the purchaser requiring a higher building to ensure they can expand their business and locate within Walsall. The layout plan has been amended by providing public art on site at the entrance to the site, with details subject to agreement by the Local Planning Authority making the S106 unnecessary. The rest of the proposal remains unaltered.

Re-consultation has taken place and the report has been updated in *italics* in regard to the changes, consultation replies and additional observations.

Application and Site Details

This application seeks planning permission for industrial development providing around 2210m² of gross floorspace for four General Industrial Units within Class B2 of the Use Classes Order.

The 6940m² site lies within the heart of Linley Lodge Industrial Estate and would be set back along its own access 173m from Westgate. The site is surrounded by a variety of different sized and designed industrial buildings to the north, east and south, with industrial uses also to the west across the Daw End Branch Canal. The proposed building incorporates a pitched roof disguised by parapet walls (*11.6m in height*) to emphasis the horizontal and vertical banding.

The footprint would measure 34.5m long by 53m wide and would accommodate four units within the same building, each having a mezzanine floor proposed for offices. Each unit would have a high rise roller shutter door.

Thirty-six car parking spaces, eight of which would be disabled spaces would be provided within the site along with parking and manoeuvring areas for HGV's. Eight cycle racks would be provided with two parking bays for pantechinicans and three taxi waiting areas. The site would be accessed from Westgate, with security gates provided 31m from Westgate.

The site is an unkept vacant piece of land hidden behind the existing industrial units; there are a number of trees across the site, particularly to the rear boundary shared with the canal. Twenty-two trees are proposed to be removed to accommodate the building, parking area and adequate visibility splays.

There is scope for landscaping to the rear of site where there is a shared boundary with the canal towpath. The applicants have stated that the existing well developed landscaping to the rear will be enhanced.

The application is supported by the following documents:

Design and Access Statement

This supports the application highlighting design principles of the proposed development in regard to its industrial neighbours and proximity to the canal and consideration to access requirements.

Arboricultural Report

States that a small number of low quality trees are to be removed, no good or moderate quality trees will be lost, there will be no significant impact on the amenity contribution and biodiversity of the site as a result of the proposal. The contributions currently in place will be enhanced by the proposed tree planting. Adequate provisions must be implemented to protect retained trees to the fullest standard throughout the development process.

Relevant Planning History

07/1731/FL/E6 - Property at rear of Linley Lodge Industrial Estate, Westgate, Walsall.
Erection of industrial building for B1 use. Refused 28/9/2007 for the following reason:

The proposal fails to provide enough parking spaces to adequately serve the proposed development. The application proposes 36 parking spaces, where under policy T13 of Walsall Unitary Development Plan 72 spaces would be required. The application fails to demonstrate that the roller shutter doors of each unit are accessible to pantechnicians and articulated vehicles. As such the proposed development would be contrary to policies GP2, T7 and T13 of Walsall Unitary Development Plan and Planning Policy Guidance Note 13.

Relevant Planning Policy Summary (Note the full text version of the UDP is available from the First Stop Shop in the Civic Centre, and on the Planning Services Website www.walsall.gov.uk/planning).

Unitary Development Plan

GP1: Encourages sustainable development, minimising need to travel by car, maximising the re-use of vacant land and buildings without prejudice of beneficial use of adjoining land or buildings.

2.2, 3.6, 3.7, & GP2: seek to make a positive contribution to the quality of the environment, whilst protecting people and ensuring adequate and safe access is provided.

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

GP4 and ENV14: seek to bring forward derelict, vacant or underused land and buildings for new uses.

GP7: Development is expected to design out crime, through maximising surveillance of public areas and the need to maintain good urban design.

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

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

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

ENV32, ENV33, 3.113, 3.114 & 3.115: Encourage good design and layout as an integral part of urban design and good landscape design.

3.16: Development is considered in relation to its setting.

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

ENV34: Requires the provision of public art to enhance the quality and individuality of existing buildings, spaces or new development especially in public spaces, public buildings, important and prominent locations.

ENV35: The design of commercial premises should be appropriate to their setting.

ENV40: Seeks conservation and protection of all water resources.

JP5: Core Employment Areas will be safeguarded for core employment uses.

LC9: The Council will expect all development alongside and near to canals to positively relate to the opportunity presented by the waterway, to achieve high standards of design, and to be sensitively integrated with the canal and any associated features.

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

T1-T7: Advises on accessibility standards for bus, rail and road networks, car parking and provision for walking and cycling.

T13: Use Class B2 – 1 car park space per 50m² up to 250m², then 1 space for every additional 100m² of gross floorspace. 1 bike locker for every 10 car parking spaces, taxi facilities.

Supplementary Planning Document “Designing Walsall” (February 2008) Aims to promote a high quality environment and high standards of urban and landscape design throughout the Borough and identifies the basis on which the design of buildings and spaces will be considered during the development control process. It identifies eight key urban design principles for consideration including sustainability, safe and welcoming places, character, continuity, ease of movement, legibility, diversity and adaptability. . Local Character Guidance is also included, plus Public Art Guidelines.

Conserving Walsall’s Natural Environment SPD

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

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

Local Development Framework (LDF)

The Black Country Joint Core Strategy (JCS) has now been through its Examination in Public. It is on course for adoption early in 2011. The broad principles of the UDP – e.g. the appropriate reuse of previously developed land, need to promote the town and district centres and high quality design are further advanced in the document taking account of the latest national policy and available evidence. However, the plan is not generally site-specific and it will carry little weight until it is adopted.

Regional Strategy for the West Midlands

Members should note that the revocation of Regional Spatial Strategies by the Secretary of State, on 6 July 2010, has been reversed by the High Court. This means that RSS's, including the West Midlands RSS, have been reinstated as of 10 November 2010. The Government has responded to the judgement by advising its proposed abolition of the RSS system should be a ‘material consideration’ in planning decisions. Abolition will, however, require the enacting of primary legislation and this is likely to take a year. Therefore, the legal position (under Section 38 of the Planning & Compulsory Purchase Act 2004) is that the West Midlands RSS is again a part of the statutory development plan for the Borough, with the saved policies of Walsall’s UDP, and decisions should be made in accordance with it unless material considerations indicate otherwise.

National Policy

PPS1 Delivering Sustainable Development: Emphasises the need to reject poor design and the need for sustainable development.

PPS4: Local planning authorities should adopt a positive and constructive approach towards planning applications for economic development.

PPG13 Transport: Promotes sustainable patterns of development which reduce the need to travel, especially by car.

PPS23 Planning and Pollution Control: Seeks to control the effects of pollution.

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

Website: www.walsall.gov.uk/planning, Email planningservices@walsall.gov.uk, Telephone (01922) 652452,

Textphone 0845 111 2910, Translation Line (01922) 652426, Fax (01922) 623234

PPS24 Planning and Noise: Seeks to minimise the adverse impact of noise.

Regional Policy

The Regional Spatial Strategy for the West Midlands promotes the regeneration of the metropolitan area and sustainable development in accordance with national government guidance.

Consultations

Transportation – no objection subject to the use of recommended conditions. The parking requirement for the proposed development should be 32 parking spaces in accordance with UDP standards. The actual parking provision provided is 36. The proposed level is considered acceptable in view of the sites sustainable location, and transport links.

Pollution Control (Scientific Team) – *no objection to this proposal with the proviso that measures are put in place to address noise issues arising. Conditions have been recommended.*

Pollution Control (Contaminated Land) – *no objection subject to works being implemented to investigate and remediate any localised ground contamination and ground gas issues associated with the factory/works. Conditions are recommended.*

Urban Designer – *no objection.*

Natural Environment – no objection subject to the provision of a landscape scheme to provide wildlife habitat and to enhance the canal as a wildlife corridor.

Environment Agency – no objection subject to the use of a recommended condition.

Environmental Health – no objection.

Landscape – no objection subject to the use of a condition to secure a detailed landscape plan.

Trees – no objection as long as the recommendations and guidelines as detailed in the arboricultural report and tree protection plan are adhered to.

British Waterways – no objection subject to the use of recommended conditions in regards to landscape management plan, surface run off, and the method of handling, storage and disposal of waste generated from the development.

Inland Waterways – *no objection subject to the use of a condition to enhance the tree planting area between the unit and the canal.*

Severn Trent Water – *no objection subject to the inclusion of a condition in regard to drainage details.*

Fire Services – *no objection.*

Public Participation Responses

None received.

Determining Issues

- Principle of development
- Whether the scheme overcomes previous reasons for refusal in respect of:
 - Car parking, manoeuvring and access arrangements
- Impact on the visual amenities of the area and on the canal corridor.
- Risk of pollution to controlled waters
- Provision of public art

Observations

Principle of development

The site falls within a Core Employment Area that supports development proposals for core employment uses defined as Classes B1(b), B1(c), B2 and B8. As the proposals are to construct units to be used for B2 General Industrial Use the principle of development is considered acceptable and accords with UDP policy JP5. The increase in investment and employment provision is welcomed.

Car parking, manoeuvring and access arrangements

The only changes from the previous refusal and this application is the proposal now being for general industrial (B2) rather than light industrial (B1c) use and a revised car parking layout.

The previous application was refused as the proposed light industrial units would have resulted in a short fall of parking provision. General industrial uses require fewer parking spaces than light industrial uses as set out in UDP policy T13. The proposal includes 36 car parking spaces (8 of which are disabled) 8 secure bicycle stands, taxi waiting areas and two parking bays for pantechnicians. This provision meets the policy requirement.

The previous application was also refused as it was not demonstrated that the roller shutter doors of each unit would be accessible to pantechnicians and articulated vehicles. The application has been supported by a tracking diagram showing access to the roller shutter doors by commercial vehicles. Transportation do not object to the application subject to the use of recommended conditions. Therefore it is considered that the application overcomes the previous reason for refusal.

Impact on the visual amenities of the area and on the canal corridor.

The site is characterised by commercial development, with mainly flat roofed buildings *with the adjacent buildings 8m and 18.5m in height*. The building proposed is of a modern industrial design with clean lines and a simple form which would not appear out of place in this industrial context. *The amended height of 11.6m sits comfortably between its neighbouring buildings, showing a progressive increase in height. The height of the building would be appropriate to its surroundings. The height of the building would allow flexibility for end users ensuring the building meets the needs of modern industry.*

The canal forms a natural boundary separating the industrial area. The building would be 20m at its closest point to the canal towpath, with the landscape screen proposed to be enhanced, which could be secured by condition. The horizontal cladding to the rear elevation would not be out of context and this would be softened by the landscape buffer. The building would be set back from the streetscene and viewed in the context of the existing industrial units, the design and use of materials would be satisfactory in this location.

British Waterways have requested a condition about the handling, storage and disposal of

waste generated by the construction and operations of the development to be carried out in accordance with the relevant legislation and regulatory requirements to ensure no contamination of the waterway. This condition is not recommended as it would be for the relevant regulatory bodies to enforce and not the planning authority in this instance. British Waterways also raise concern about trees overhanging or sited close to the canal which have the potential to obstruct the canal if they were to fall. Their concern is appreciated however the overhang onto British Waterways land or the risk of branches falling is an issue between the relevant landowners and not a reason to require a landscape management plan. Any such condition would not be valid under the tests of Circular 11/1995.

The area at the rear of the site is proposed to be landscaped, which would need to demonstrate how the strip along the canal frontage is landscaped to provide wildlife habitat and to enhance the canal as a wildlife corridor. Information on the management of this area is also required. This can be achieved as part of a landscape condition.

Impact upon residential amenity

Residential properties along Chatsworth Crescent are 200m from the application site. Pollution Control do not object to the application on grounds of noise and disturbance to these properties subject to satisfactory noise mitigation measures being implemented within the development. An appropriate condition has been recommended alongside other safeguarding conditions which would address the potential for noise disturbance. *The increase in building height would have no significant impact on the visual amenity of the area.*

Provision of public art

The application now proposes on site public art, in accordance with the requirement of policies GP3, ENV34 and DW9 of Designing Walsall. Details of the public art are to be secured through planning condition. There is no longer a requirement to enter into a S106 agreement.

Summary of reasons for granting planning permission

The proposal would bring forward a vacant piece of land within a core employment area for a core employment use. It has been demonstrated that it would have an appropriate relationship with the canal by enhancing the existing landscaped boundary with the proposed building by virtue of its size and appearance appropriately integrating into its setting.

The proposal provides an appropriate number of car parking spaces to serve the development, with adequate manoeuvring space and access. Public Art provision can be secured by condition and safeguarding conditions are used to mitigate against the potential for noise.

In light of the above the proposals are considered to accord with the aims and objectives of saved policies GP1, 3.6 GP2, GP3, GP4, ENV14, ENV17, ENV18, 3.16, 3.64, ENV23, ENV24, ENV32, ENV33, ENV34, ENV35, JP5, LC9, T13 of Walsall Unitary Development Plan and Supplementary Planning Documents Designing Walsall and Conserving Walsall's Natural Environment.

Summary of Reasons for Granting Planning Permission

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. No development shall be carried out until a schedule of facing materials to be used in the external walls, roofs, windows, doors and rainwater goods have been submitted to and approved in writing by the Local Planning Authority and the works shall only be carried out in accordance with those details so approved.

Reason: To ensure the satisfactory appearance of the development.

3. No development shall be carried out until full details of the proposed boundary treatment of the site have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented before the development is brought into use and shall thereafter be retained.

Reason: To ensure the satisfactory appearance of the development.

4. No development shall be carried out until a detailed landscaping scheme for the site (including any necessary phasing of implementation) has been submitted to and approved in writing by the Local Planning Authority. The landscape scheme shall provide a wildlife habitat with the canal frontage and should be supported by a long-term management plan for this area. The approved scheme and management plan shall be implemented 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. The area shall be maintained as agreed in the approved management plan.

Reason: To ensure the satisfactory appearance of the development and in the interests of nature conservation.

5. All planted and grassed areas and associated protective fencing shall be maintained for a period of 5 years from the full completion of the approved scheme. Within this period:

- (a) grassed and planted areas shall be maintained and any areas that fail to establish shall be reinstated;
- (b) any tree, shrub or plant which dies, becomes seriously diseased, damaged or is removed shall be replaced with a tree, shrub or plant of the same or greater size and the same species as that originally required to be planted;
- (c) any damage to protective fences shall be made good.

Reason: To ensure the satisfactory appearance of the development.

6. No development shall commence until details for a secure covered and illuminated bicycle store(s) has been submitted to and approved in writing by the Local Planning Authority. The bicycle store shall be built in accordance with the approved details and retained thereafter.

Reason: To encourage sustainable travel choices.

7. No development shall commence until details and colour of the access gates have been submitted to and approved in writing by the Local Planning Authority. The gates shall be installed in accordance with the approved details and shall thereafter be retained.

Reason: In the interests of visual amenity.

8. No development shall commence until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

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

9. No development shall commence until details confirming measures used to ensure that the development shall be constructed to meet Building for Life 12 points out of 20 and BREEAM standards, or equivalent relating to energy efficiency / CO₂, water efficiency, surface water management, site waste management and use of materials, has been submitted to and approved in writing by the Local Planning Authority.

Reason: In order to provide high performance sustainable homes/buildings and to protect the environment in accordance with strategic policy aims 2.1, 2.2, 3.17 and 3.18 and policies GP2 and ENV39 of the Walsall Unitary Development Plan and policies DW1 and DW10 of Designing Walsall Supplementary Planning Document.

10. 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.

11. Noise from fixed plant and machinery associated with this industrial development shall not give rise to a Rating Level exceeding 0 dB as determined in accordance with the methodologies contained in British Standard BS 4142: 1997 'Method for Rating industrial noise affecting mixed residential and industrial areas'.

Reason: To safeguard the amenity of occupiers of premises within the vicinity.

12. Before this development is brought into use, the accessways, vehicle parking and manoeuvring areas shown on the approved plans shall be hardsurfaced in tarmac, or other impervious material to be agreed in writing by the Local Planning Authority and appropriately drained. The parking spaces shall have been clearly marked out and used for no other purpose. The parking areas shall not be allocated to individual units unless otherwise agreed in writing by the Local Planning Authority.

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

13. There shall be no additional mezzanine floors other than those approved by this permission without the submission and approval of a separate planning application.

Reason: To enable the Local Planning Authority to retain effective control over the site and in the interests of highway safety.

14. No materials, goods or refuse shall be stored or deposited in the open on any part of the site.

Reason: To ensure the satisfactory appearance of the development

15. The development hereby approved shall at no time be subdivided to form separate unit(s) other than those approved unless otherwise agreed by the submission and approval of a separate planning application.

Reason: To define the permission and for the Local Planning Authority to retain effective control over the development.

16. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, or subsequent amendments thereto, the development hereby approved shall not be used for Class B1 purposes without the prior approval in writing of the Local Planning Authority.

Reason: To ensure an appropriate level of parking provision is maintained in accordance with the Unitary Development Plan.

17. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local

Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

Reason: For the protection of Controlled Waters.

18. The approved tree protection measures detailed in the Arboricultural Impact Assessment by Arbtech Consulting Ltd and Tree Protection Plan TTP-01 received by the Local Planning Authority on 24th September 2008 shall be fully implemented prior to the commencement of any works on site and shall be retained until the completion of the development. The land so enclosed shall be kept clear of all contractors' materials and machinery at all times, as laid out in British Standard 5837:2005

Reason: To safeguard the retained trees on the site.

19. No surface or underground water run-off into the canal shall be permitted.

Reason: Given the proposed use for B2 purposes the escape of pollutants into the waterway from runoff must be prevented.

20. No development shall commence until a revised plan showing the details of a visibility splay to serve the proposed development of 2.4m x 43m. Nothing shall be planted, erected or allowed to grow within the splayed area described above, over a height of 600mm that would obstruct intervisibility

Reason: In the interest of highway safety.

21. No development shall commence until a revised plan has been submitted to and approved in writing by the Local Planning Authority showing details of a revised parking layout to include motor cycle parking. Each bay shall be 2.0m x 0.8m, with a security bar at the front of each bay.

Reason: To encourage alternative modes of transport.

22. The vehicular access shall be constructed to a specification to be submitted to and approved in writing by the Local Planning Authority, and any works shall meet all statutory requirements. The access road will need to be properly consolidated surfaced and drained to accommodate commercial vehicle movements. Any drainage shall be accommodated within the site.

Reason: To define the permission.

23. Plant and equipment used for the purpose of heating, ventilation, air conditioning, refrigeration and/or freezing shall be situated within building structures, or acoustically designed enclosures, or at suitable locations approved in writing by the local planning authority.

Reason: To safeguard the amenities of the adjacent occupiers.

24. Within 6 months of the grant of planning permission, a public art statement shall be submitted that demonstrates the following:

- A description of the relationship between the Public Art Statement and the Local Authorities' public art policies and/or strategies

- Details of the appointed artist(s) contribution to defining the development's Masterplan at inception stage
- Description(s) of work that will be realised through the collaboration between the appointed artist, other artists, architects and/or other design professionals, including public art consultant(s)
- Timescales for the development and implementation of all the public art
- Details of ownership, maintenance and de-commissioning of public art
- Budgets relating to all of the above criteria

The artwork shall be carried out in accordance with the public art statement.

Reason: To comply with policy ENV34 of the UDP and Policy DW9 of Designing Walsall SPD.

25. The development hereby permitted shall be carried out in accordance with the following approved plans and specifications except insofar as may be otherwise required by other conditions to which the permission is subject:

- Survey plan (Drawing no. 1323/001) received by the Local Planning Authority on 24th September 2008.
- Detailed site plan (Drawing no. 1323/002 Rev C) received by the Local Planning Authority on 24th November 2010.
- Detailed ground floor plan (Drawing no. 1323/003 Rev A) received by the Local Planning Authority on 25th September 2008.
- Detailed first floor plan (Drawing no. 1323/004 Rev A) received by the Local Planning Authority on 24th September 2008.
- Detailed elevations and section units 3 and 4 plan (Drawing no. 1323/005 Rev B) received by the Local Planning Authority on 24th November 2010.
- Detailed sections plan (Drawing no. 1323/006 Rev A) received by the Local Planning Authority on 24th November 2010.
- Detailed sections plan (Drawing no. 1323/007) received by the Local Planning Authority on 24th November 2010.
- Pantechon tracking diagram received by the Local Planning Authority on 24th September 2008.
- Tree protection plan (Drawing no. TPP-01) received by the Local Planning Authority on 24th September 2008.
- Tree constraints plan (Drawing no. TCP-01 Rev A) received by the Local Planning Authority on 24th September 2008.
- Incursion plan (Drawing no. IP-01) received by the Local Planning Authority on 24th September 2008.
- Trees and Development report by Arbtech Consulting Ltd received by the Local Planning Authority on 24th September 2008.
- Design and Access Statement by Derek Saunders received by the Local Planning Authority on 7th December 2010.

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

Note for applicant

Pollution Control Contaminated Land

CL1

Ground investigation surveys should have regard to current “Best Practice” and the advice and guidance contained in Planning Policy Statement 23 – Planning and Pollution Control; British Standard BS10175: 2001 “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.

Pollution Control Scientific Team

With regard to suitable noise mitigation measures to protect internal and/or external residential areas, reference should be made to guidance and criteria contained in British Standard BS 8233, 1999 and World Health Organisation Guidelines for Community Noise 2000 and the following are relevant:

- a). internal noise levels within bedrooms of residential development shall not exceed a Continuous Equivalent Noise Level, $L_{Aeq(8 \text{ hours})}$, of 35 dB together with a maximum instantaneous level of 45 dB L_{AFmax} , between the hours 23.00 to 07.00;
- b). internal noise levels within living rooms of residential development shall not exceed a Continuous Equivalent Noise Level, $L_{Aeq(16 \text{ hour})}$, of 45 dB between the hours 07.00 to 23.00.

Sound level measuring instrumentation shall conform to either ‘Type 1’ of British Standards BS EN 60651: 1994 ‘Specification for sound level meters’ and/or BS EN 60804: 1994 ‘Specification for integrating-averaging sound level meters’ and/or Class 2 of BS EN 61672: 2003 ‘Electroacoustics- Sound Level Meters - Part 1: Specifications (or any superseding standards as applicable) which shall have been verified in accordance with British Standard BS 7580 ‘Specification for the verification of sound level meters’ Part 1: 1996 ‘Comprehensive procedure’ within a preceding 2 year period.

Current guidance, procedures, recommendations and information to assist in the completion of a suitable noise survey may be found in:

Planning Policy Guidance Note PPG 24 'Planning and Noise'. 1994;
Minerals Policy Statement 2: Controlling and Mitigating the Environmental Effects of Minerals Extraction in England. 2005
British Standard BS 7445: 2003 "Description and Measurement of Environmental Noise".
British Standard BS 7445-1: 2003 - Description and measurement of environmental noise - Part 1: Guide to Quantities and Procedures;
British Standard BS 7445-2: 1991 - Description and measurement of environmental noise - Part 1: Guide to the acquisition of data pertinent to land use
British Standard BS 7445-3: 1991 - Description and measurement of environmental noise - Part 3: Guide to application to noise limits.
British Standard BS 4142: 1997 – Method for Rating industrial noise affecting mixed residential and industrial areas
Calculation of Road Traffic Noise, 1988
Calculation of Railway Noise, 1995

This is not an exhaustive list.

Noise surveys should adequately establish the spatial variation of noise across a proposed development site using one or more measurement and/or calculation points, and may also need to take account of changes in noise levels on account of height above ground floor level. Additionally, a noise survey may have to take into consideration changes in a noise climate between normal weekdays and weekends, and require continued monitoring over a 24 hour period or longer. Secondary 'spot check' surveys will be required by the local planning authority in some instances to corroborate a continuous single noise survey.

Submitted noise measurement data must include details of all instrumentation used (microphones, sound level meters, data loggers, acoustic calibrators) inclusive of verification checks pursuant to British Standard BS 7580 Part 1: 1997 Specification for The verification of sound level meters Part 1 Comprehensive procedure conducted within the previous 12 month period, and recordings of prevailing climatic conditions on site of the course of noise measurements incorporating air temperature, wind speeds and direction as a minimum.

British Waterways

The applicant/developer is advised to contact Mr Des Harris, Senior Third Party Works Engineer on 01827 252038 in order to ensure that any necessary consents are obtained and that the works comply with British Waterways' "Code of Practice for Works affecting British Waterways".

British Waterways 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 wall at this location.

Transportation

In regards to condition 21 (motorcycle bays) four bays can be provided from conversion of existing parking allocation. The disabled parking provision submitted with the original planning application shows eight spaces, this may be reduced to four to provide flexibility to the frontages of the units.



Plans List Item No: 4.

Planning Committee

Report of Head of Planning and Building Control, Regeneration Directorate on
06/01/2011

Reason for bringing to committee: Financial betterment to the Council

Application Number: 10/1606/FL

Application Type: Full application

Applicant: Accord Housing Association

Proposal: Proposed extension to existing factory unit.

Ward: Birchills Leamore

Case Officer: Andrew White

Telephone Number: 01922 652429

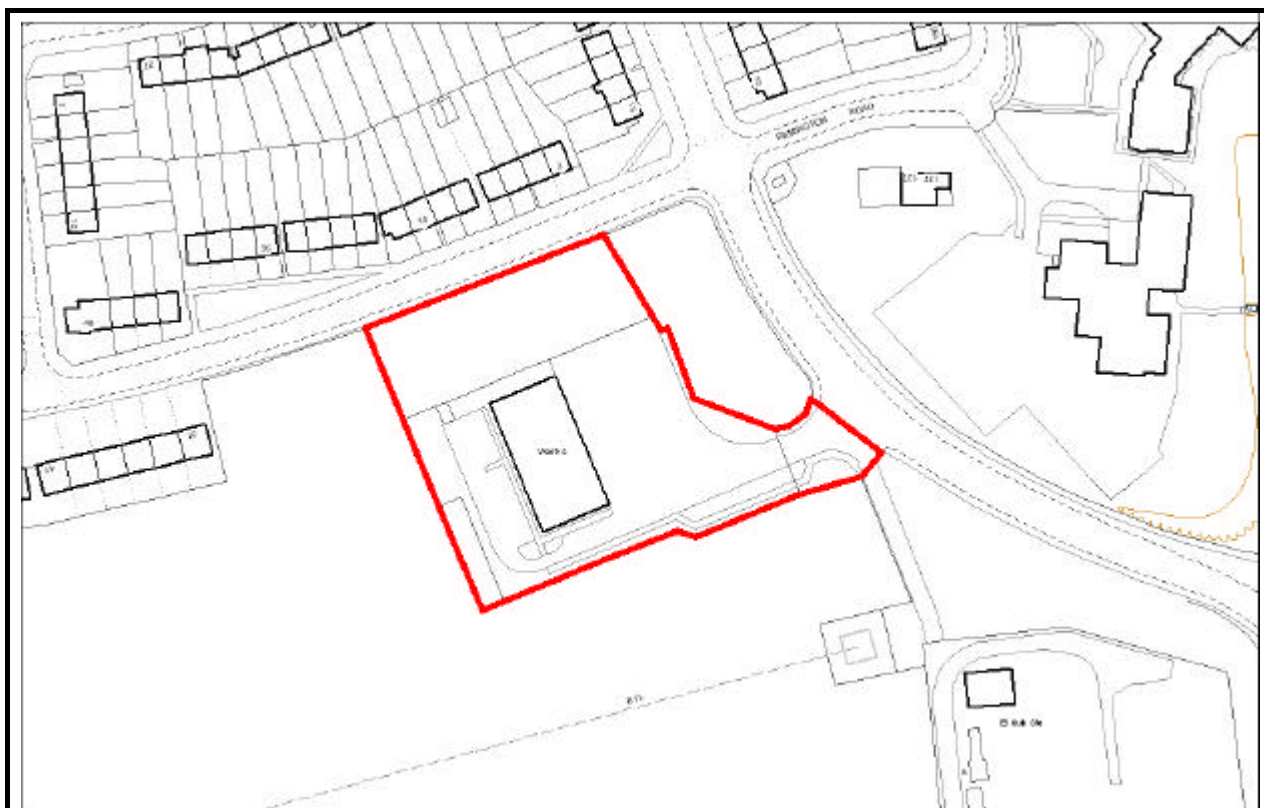
Email: planningservices@walsall.gov.uk

Agent: Accord Indesign

Location: FORMER REEDSWOOD
ENGINEERING, STEPHENSON AVENUE,
WALSALL, WS2 7HF

Expired Date: 26/01/2011

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



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Application and Site Details

Accord Homes are seeking a location in the Black Country, to establish a new business manufacturing timber framed houses bringing the following benefits;

- Between 20 to 30 jobs for local people, dependant on production levels
- Potential to be a national supplier,
- Potential to train local people to work at the facility
- Provision of new affordable homes in Walsall built to either CSH 3 or 4

The application would extend the currently vacant Reedswood engineering industrial unit unrestricted B1/B2 industrial use, which closed in September and which is located at the corner of Stephenson Avenue and Cavendish Road, Beechdale, Reedswood.

The proposal includes;

- 15 metre deep by 36 metre wide and 4.5 metre high extension clad to match the existing building
- 5 metres of the bund along the northern boundary to be levelled allowing 10 metre wide clearance between the building and the bund for circulation and loading
- 10 metre wide by 10 metre deep by 3 metre tall canopy on the northern elevation of the building for loading of finished units
- Creation of a clockwise circulation route around the application site for vehicles
- Creation of 10 additional parking spaces along the western boundary of the site
- Create a cycle store

The application site is surrounded by Urban Open Space, with the northern, eastern, southern and western boundaries benefiting from earth bunds and dense tree and bush landscaping. The access to the site is via the western boundary from Stephenson Avenue and it is proposed to create a clockwise circulation route around the application site. The industrial unit is approximately 1.5 metres below Stephenson Avenue.

The factory is side on to Cavendish Road to the north, with 1960's houses facing the application site and bungalows to the west of the application site. Cavendish Road falls, 5 to 6 metres in a westerly direction from Stephenson Avenue to the bungalows on Cavendish Road and the houses step down the slope. There is a 47metre separation to the application building with a mix of landscaping between. The existing building is only visible from Stephenson Avenue, from the east via the vehicular access. To the south of the site, beyond the existing landscaping, is urban open space and a large electrical substation.

The extension would be 540 square metres and added to the existing building would create a total gross floor-space of 1191.6 square metres, plus 100 square metres of canopy on a site of 0.42ha. The development includes 18 parking spaces and a cycle store.

The applicants have submitted a Design and Access Statement commenting that the existing use has failed and that the design approach is to provide a revitalised sustainable business appropriate to the site and neighbouring properties, providing sufficient space around the building to allow delivery and transport of raw materials too and finished panels from the building.

Relevant Planning History

BC37150P- A- reclamation of site (including mineral extraction), B- outline development for retail, industrial, leisure, residential, sports, open space and nature conservation uses.

Grant subject to conditions 8/2/93

BC39319P- Reserved matters to BC37150P- workshop and office building, car park, access and landscaping (conditions B1, B12, B15, B16, B30, B34, B41, B44) approved 7/10/93.

Relevant Planning Policy Summary

(Note the full text version of the UDP is available from the First Stop Shop in the Civic Centre, and on the Planning Services Website www.walsall.gov.uk/planning).

Saved Policies of Walsall's Unitary Development Plan (UDP) 2005

GP1: Supports the sustainable location of development.

2.2, 3.6, 3.7, & GP2: seek to make a positive contribution to the quality of the environment, whilst protecting people and ensuring adequate and safe access is provided.

GP4: local area regeneration by helping to bring forward derelict, vacant or underused land and buildings for new uses.

3.16: The Council will consider 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.

ENV10: deals with Pollution effects from developments including ground contamination and noise.

ENV13: The Council will apply appropriate operational safe clearances.

ENV14: The Council will encourage the reclamation and development of derelict and previously developed land.

3.16, GP7, ENV32 & 3.116: seeks the design of developments to create high quality environments, well integrated with surrounding land uses and local character. Poorly designed development which fails to properly take account of the context or surroundings will not be permitted. Designing out crime' through design, layout, landscaping and boundary treatments is encouraged.

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

ENV35: Design of commercial premises should be appropriate to their setting and sympathetic to the building.

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

4.2 to promote investment in and diversification of, manufacturing industry and distribution, a supply of employment land and buildings will be maintained meeting the needs of both inward investors and existing firms.

4.5 other employment areas should retain their overall industrial character.

JP7: land and buildings in other employment areas- Windfall sites or buildings come forward for re-use will normally be safeguarded for appropriate employment uses.

7.1: Seeks to promote an efficient highway network;

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

T13: 1 car space per 50m² up to 250m²; then 1 space per 100m² up to 2500m²

LC1: The Council will seek to retain and enhance existing urban open spaces. Proposals which result in that adversely affect urban open space, the Council will take into account any improvement of existing open spaces. There are 11 functions of urban open space;

IV. Buffering incompatible land uses

X. Contributing to visual amenity

Supplementary Planning Documents (SPD)

Designing Walsall SPD

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

Natural Environment SPD

Policies N8, N9 & N10 deal with the need to fully assess, protect and secure compensatory planting for trees. Protection is proposed for protected species, and important wildlife, flora and fauna habitats.

Local Development Framework (LDF)

The Black Country Joint Core Strategy (JCS) has now been through its Examination in Public. It is on course for adoption early in 2011. The broad principles of the UDP – e.g. the appropriate reuse of previously developed land, need to promote the town and district centres and high quality design are further advanced in the document taking account of the latest national policy and available evidence. However, the plan is not generally site-specific and it will carry little weight until it is adopted.

Regional Spatial Strategy (RSS)

The revocation of Regional Spatial Strategies by the Secretary of State, on 6 July 2010, has been reversed by the High Court.

The Government responded by advising its proposed abolition of the RSS system (abolition will require legislation and will take time) should be a material consideration in decisions.

There has been a legal challenge to that position

The Government have responded and now advise that in relation to the challenge:-
“ The Secretary of State is defending the challenge and believes and is advised that it is ill founded. Nevertheless, pending determination of the challenge, decision makers in local planning authorities and at the Planning Inspectorate will in their determination of planning applications and appeals need to consider whether the existence of the challenge and the basis of it, affects the significance and weight which they judge may be given to the Secretary of State's statements and to the letter of the Chief Planner.”

Officer's advice is that the RSS is again part of the statutory development plan for the Borough, with the saved policies of Walsall's UDP, and decisions should be made in accordance with it unless material considerations indicate otherwise. Clearly, the situation is in flux and whilst reliance can be placed on the RSS the degree to which that can be maintained against a challenge is uncertain. Each case must be considered on its merits in this context and a balanced view achieved.

National Policy

Planning Policy Statement (PPS) 1: Sets out the overarching planning policies on the delivery of sustainable development through the planning system. PPS1 indicates that planning policies should promote high quality inclusive design in the layout of new developments and individual buildings and that design which fails to take the opportunities available for improving the character and quality of an area should not be accepted.

PPS4 seeks flexible and high quality industrial and commercial development and provide modern industrial and commercial environments to boost sustainable economic growth.

PPG13 on transportation seeks to minimise the use of the car by the sustainable location of development.

PPS23 and PPS24 consider the requirements of development to take account of pollution, contamination and noise.

Consultations

Transportation – No objections subject to safeguarding conditions

Sport England- No objections

Housing Strategy- No objections as this is to enable energy efficient timber framed houses to be constructed in this unit.

Pollution Control (Scientific Team) – No objection to the extension of the the existing unrestricted B2 use building subject to safeguarding conditions relating to noise from servicing the new extension..

Pollution Control (Contaminated Land Team) – No objections subject ground contamination survey and site investigation being carried out to identify risk to future occupants or structure on the site from the former use of the site.

Severn Trent- *To be updated at committee*

Green Spaces- No objections

Ecology- No objections

Tree officer- No objections subject to additional tree planting

Fire Service – No objection

Landscape – No objection subject to provision of planting details.

Public Footpath Officer – No objection

Central Networks- *To be updated at committee*

Public Participation Responses

None

Determining Issues

- Principle of the use
- Visual impact of the development
- Noise and disturbance
- Land Contamination
- Car parking and servicing
- Ecology

Observations

Principle of the use

The principle of the application site being used for industrial was approved in 1993 as part of the power station reclamation project. The principle of extending the current building to expand the employment use is supported by policy JP7 and accords with the aims and objectives of the UDP. The proposal includes the loss of part of the inner edge of the northern bund is considered acceptable as this would only be visible from within the application site. The 5 metre wide strip is designated as urban open space in the UDP and covered with landscaping. It is considered the loss of this 5 metre strip of urban open space, none of the criteria in LC1 would be prejudiced. The proposal may lead to enhancement of

some of the criteria included in policy LC1. For example, the proposed landscaping to the north of the factory may improve the current situation with respect to LC1 (IV.) *Buffering incompatible land uses* and LC1 (X) *Contributing to visual amenity*. On balance the principle of the extension to the industrial building and the loss of the inner edge of the bund and the urban open space is acceptable in this instance.

Visual impact of the development

The proposals are to extend the existing industrial building with the design and materials matching the existing building. The building is surrounded by a large bund and dense landscaping screening the building from wider view. A condition to further bolster the existing landscaping would contribute to the proposal not having any additional impact on the visual amenity of the adjacent open space and nearby houses or the character of the wider location.

Noise and disturbance

The nearest houses are 47 m to the north and west of the application site. The existing site has an unrestricted B1/B2 industrial use and could have operated 24 hours a day. The applicants have indicated that if the proposal is successful, they may extend the operation to 24 hours. The potential impacts from vehicles servicing the site as well as the fixed plant and machinery is considered would be mitigated by the existing large earth bunds around the site. As the servicing bays form part of the extension, a condition controlling the hours of collection, delivery and dispatch can be imposed for the hours between 7am and 7pm weekdays, 8am to 1pm Saturdays and no bank holidays, public holidays or Sundays further mitigating noise and disturbance concerns.

Land Contamination

There may be ground gas and contamination issues. In order to identify the risk to future occupants all the structure, a suitably worded safeguarding condition requiring a ground contamination survey to be carried out can be imposed.

Car parking and servicing

The proposed extension would increase the floor area of the existing industrial unit from about 650 square metres to 1190 square metres. Policy T13 car parking of the UDP, requires a B2 use, to have 5 spaces up to 250sqm of floor space plus 1 space per additional 100 sqm of floor space meaning the development requires 15 spaces + 2 disabled bays. The applicant would provide 18 spaces meeting the policy requirement.

Access to the site is from Stephenson Avenue which is considered adequate to serve the development. Internal alterations are proposed to the existing boundary and parking areas allowing service vehicles to circulate one-way around the building which has been demonstrated by an Auto-track swept path analysis and considered acceptable.

Ecology

There is a low risk of bats roosting in the existing building. There are few, if any gaps, behind the steel cladding and the roof is of a solid construction which would provide little access opportunities for bats. It is considered in this instance that a bat survey would not be required to support the planning application. There are no other protected species issues on site.

Some planting to the north of the existing factory unit would be lost. This loss could be made good through additional tree planting or refurbishment of existing landscaping and would not have a significant impact on the local ecological resource.

Summary of Reasons for Granting Planning Permission

The principle of the site for industrial purposes was approved in 1993 as part of the power station reclamation and extending the industrial building accords with the aims and objectives of the UDP. The proposal includes loss of the inner edge of the northern bund and urban open space by 5 m. As none of the urban open space criteria would be prejudiced, the area of the bund lost is only visible from within the site and the proposed landscaping to the northern bund may improve the current situation, it is considered the proposal would not adversely affect the integrity of the wider urban open space.

The existing building and the extension is surrounded by a bund and dense landscaping, screening the site from wider view. Bolstering the existing landscaping would further contribute to the proposal not having any additional impact on the visual amenity of the adjacent open space and nearby houses or the character of the wider mixed-use location.

The existing site has an unrestricted B1/B2 use with the nearest houses 47 m to the north and west of the application site. Because the extension includes service access to the building via the extension, it is considered the hours of deliveries and dispatch could be controlled as well as the fixed plant and machinery within the site further mitigating any noise and disturbance over and above what the existing large earth bunds around the site are likely to mitigate.

There may be ground gas and contamination issues. In order to identify the risk to future occupants and the structure, a ground contamination survey should be carried out.

Access from Stephenson Avenue to serve the development and internal alterations of the site providing 18 parking spaces, plus servicing are considered acceptable.

There are no protected species issues on site. Some planting to the north of the existing unit to be lost would not have a significant impact on the local ecological resource and can be made good through additional tree planting or refurbishing the existing landscaping under the conditions.

Having reviewed all material considerations, consultation and public participation responses it is considered that the proposals are in accordance with the aims and objectives of relevant policies within the Development Plan, in particular policies GP1, GP2, 2.2, 3.6, 3.7, GP4, 3.16, ENV10, ENV13, ENV14, GP7, ENV32, 3.116, 3.117, ENV33, ENV35, ENV40, 4.2, 4.5, JP7, 7.1, T7, T13 and LC1 of Walsall Unitary Development Plan (March 2005), and the aims and objectives of national and local supplementary planning policy.

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

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

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

2. Prior to the commencement of development a landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following;

- all hard and soft landscaping, including additional tree planting,
- a tree protection scheme for existing trees within the earth bunds that are to be retained,

-any retaining structures required,
-remodelling of the affected section of the bund including existing and proposed levels.
The agreed hard-surfacing/retaining structures shall be fully implemented prior to first occupation of the extension. The tree protection measures shall be fully implemented prior to the commencement of development and retained throughout construction of the extension. The agreed soft landscaping scheme shall be fully implemented in the first available planting season following the development being brought into use.

Reason: In order to maintain a satisfactory visual relationship to the surrounding residential properties, urban open space and the appearance of the development.

3. Prior to commencement, full details of the proposed cycle store (which should be covered, secure and illuminated) shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be fully implemented prior to first occupation.

Reason: To ensure the satisfactory completion of the development.

4. (i) No development shall take place until suitable noise mitigation measures to protect internal and external areas of nearby residential development have been agreed in writing with the local planning authority, and the development shall not be occupied until such measures have been fully completed.

(ii) Plant and equipment used for the purpose of heating, ventilation, air conditioning, refrigeration and/or freezing shall be situated within building structure(s), or acoustically designed enclosures, or at suitable locations approved in writing by the local planning authority, and thereafter retained in accordance with any approval for the period of their use.

(iii) Noise from fixed plant and machinery associated with this industrial development shall not give rise to a Rating Level exceeding 5 dB as determined in accordance with the methodologies contained in British Standard BS 4142: 1997 'Method for Rating industrial noise affecting mixed residential and industrial areas'.

(iv) Collections, deliveries and despatches to and from the development shall only take place between the hours: 07.00 to 19.00 weekdays, excluding specified Bank and Public Holidays; 08.00 to 13.00 Saturdays; and at no time on any Sunday, Bank Holiday or Public Holiday unless otherwise permitted in writing by the Local Planning Authority. (** 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 ensure safe development of the site and to protect human health and the environment.

5. 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.

6. Prior to the development first coming into use, all vehicle hard-standing and parking areas shown on the approved plan shall be fully consolidated, hard-surfaced and drained and the parking bays shall be clearly demarcated on the ground to the satisfaction of the Local Planning Authority. Two bays shall be dedicated for disabled users. These areas shall thereafter be retained and used for no other purpose.

Reason: To ensure the satisfactory completion and operation of the development.

7: The external walls and roof of the extension shall comprise facing materials including colour that match those 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, unless otherwise previously agreed in writing by the local planning authority.

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

Notes for Applicant, Condition 5 – Contaminated Land

CL1 Ground investigation surveys should have regard to current “Best Practice” and the advice and guidance contained in Planning Policy Statement 23 – Planning and Pollution Control; British Standard BS10175: 2001 “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.



Planning Committee

Report of Head of Planning and Building Control, Regeneration Directorate on
06/01/2011

Reason for bringing to committee: Departure from the development plan and Major planning application

Application Number: 10/0349/FL

Application Type: Full application

Applicant: West Bromwich Albion Football Club Ltd

Proposal: Proposed training ground facilities including extension to existing pavilion, indoor pitch, floodlit artificial pitch, gatehouse, security fencing and associated parking.

Ward: Paddock

Case Officer: Andrew White

Telephone Number: 01922 652429

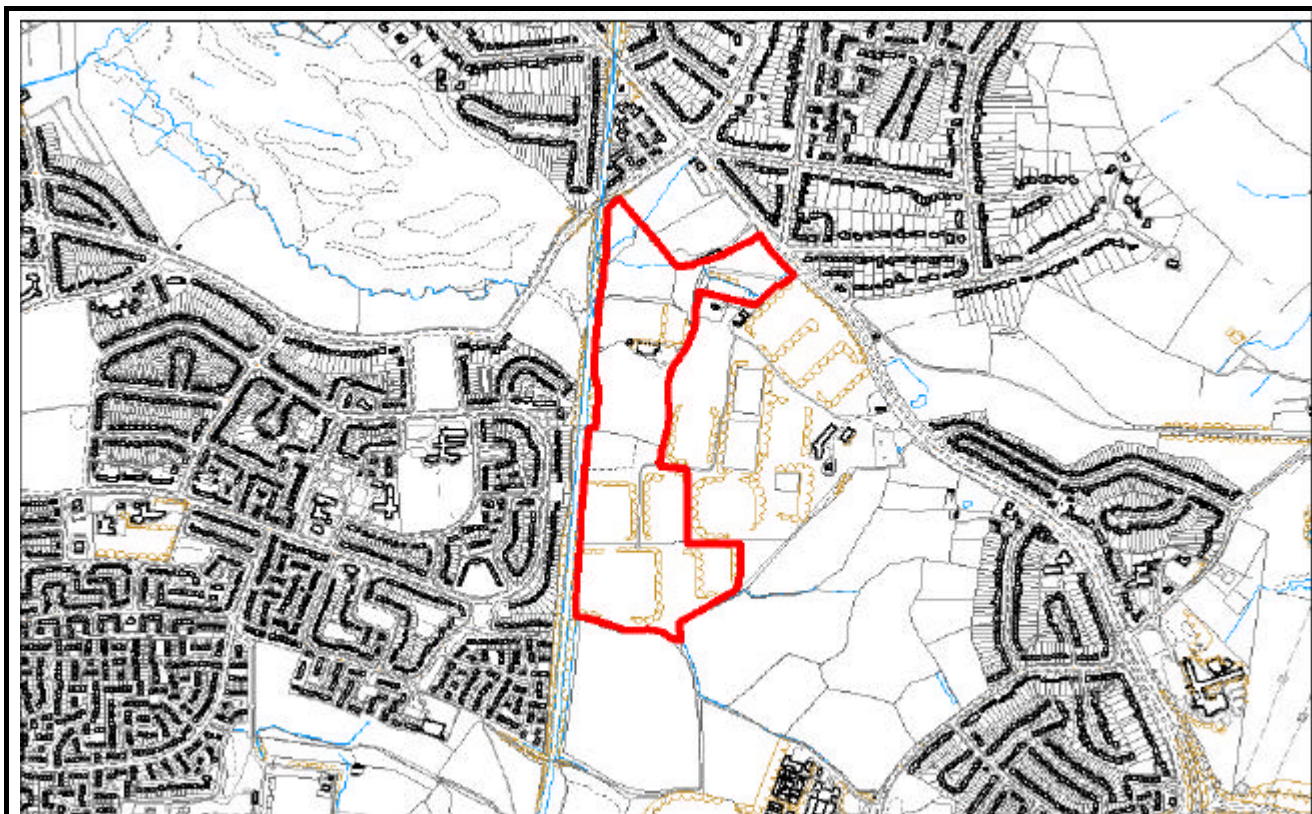
Email: planningservices@walsall.gov.uk

Agent: Hawley Associates

Location: WEST BROMWICH ALBION FC TRAINING GROUND, BIRMINGHAM ROAD, WALSALL, WS5 3LX

Expired Date: 08/07/2010

Recommendation Summary: Grant Permission Subject to Conditions, the signing of a Section 106 and no other material comments received from neighbours or consultees.



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

Website: www.walsall.gov.uk/planning, Email planningservices@walsall.gov.uk, Telephone (01922) 652452,

Textphone 0845 111 2910, Translation Line (01922) 652426, Fax (01922) 623234

Current Status

Committee resolved to grant planning permission subject to conditions and a section 106 agreement in regard to public art at its meeting of 17th June 2010. Following the committee's resolution, the application was referred to the Government Office and the Secretary of State concluded intervention would not be justified. Negotiations over the section 106 agreement have continued slowly due to several land owners having to sign the agreement, consequently the planning decision has not been issued.

The applicants have submitted amended drawings reducing the pavilion extension by 60.24 square metres, the basement by 331.36 square metres and adding a small hydrotherapy suite extension of 139.8 square metres to the western elevation facing the canal. The reduced size of the pavilion extension and the location of the hydrotherapy pool, which would be seen against the existing building and are considered to not impact on the openness and character of the green belt beyond the extension presented to committee on the 17th June 2010. The rest of the proposal remains unaltered.

Re-consultation has taken place and the consultee responses within the report have been updated in *italics*. In addition the conditions have also been updated in *italics* and items reported in the original supplementary report carried forward in to the report below. The rest of the report remains unchanged

Application and Site Details

This application is for the expansion of training ground facilities including an extension to the existing pavilion, indoor pitch, floodlit artificial pitch, gatehouse, security fencing and associated fencing at an existing 18.36 hectare training ground south west of Birmingham Road used by West Bromwich Albion Football Club since the year 2000. The site slopes east to west from Birmingham Road to the canal by approximately 15 metres in height. There is a continuous belt of mature trees and hedgerow along the canal corridor. The training ground site includes 9 outdoor grass pitches, an existing single storey pavilion building (containing changing rooms, canteen, administration and physiotherapy), a ground man's store to the east of the pavilion, a water storage tank north-west of the pavilion and the car park lies to the west of the pavilion. The site is bounded with green coloured mesh security fencing. The existing pavilion building is approximately 300 metres from Birmingham Road, approximately 290 metres from Walstead Road and 80 metres from the canal. The access route into the training ground from Birmingham Road extends approximately 360 metres through a mix of mown grassland, semi mature grassland and groups of mature trees. There are several small watercourses that cross the site generally in an east to west direction. The majority of the site is formally mown grass pitches, with some terracing of the original profile of the site to accommodate the various elements of the training ground. There is a triangle of semi improved grassland used to graze horses in the north-west corner of the site, bounded by Handsworth Rugby Football Club, the canal and Walstead Road and sits at the lowest part of the site.

The site is part of a larger area of Green Belt used for sport and recreation and laid out with playing fields between Birmingham Road and Rushall Canal, including Handsworth Rugby Club and the larger Aston University sports ground that includes grass pitches including floodlit pitches. The University site rises south easterly towards the boundary with Sandwell Council.

The *original* planning application proposal includes; a 1374sqm floor space extension and basement of 1361.92 square metre to the existing pavilion part located on an existing

adjacent grass pitch. *The revised planning application breaks the overall extension into two parts with a total floor space of 2493.12 square metres including the hydrotherapy pool, pavilion extension and basement creating an overall reduction of 243.24 square metres. The revised internal layout includes the same items below just reducing some of the required floor space.* The internal alteration to the existing pavilion and the extension will include;

- separate entrances for the first team, youth academy, parents of the youth academy players,
- expansion of the existing kitchen and dining room to accommodate the first team, youth academy, parents and support staff,
- expansion of the physiotherapy area including treatment space, expanded gymnasium, sports science facilities, new wet recovery, treatment facilities, 15 metre pool, hydrotherapy treadmill pool, sauna, steam room, hot and cold plunge pools, rehabilitation/relaxation space,
- the extension accommodates displaced facilities from the existing pavilion, including first team changing, first team lounge/briefing room, coaches changing rooms and football team administration, .
- The pavilion extension utilises the ground level differences between the existing pavilion and the adjacent pitch to allow for a lower floor to accommodate the pool and plant room. The lower floor also includes; laundry, boot room, kit storage room, storage areas, filing room, memorabilia and archives rooms.
- The lower level of the pavilion extension also includes green walling to soften the elevation of the building
- The main car park is proposed to be expanded by 14 spaces.

A new artificial floodlit pitch is proposed to be located north of the pavilion and the proposed indoor training pitch to replace the existing grass pitch which is located where the pavilion extension is proposed. The pitch would be 105 metres x 68 metres with three metre high security mesh fencing surrounding it and eight 15 metre high 500 lux lighting columns that include shields to minimise light spillage.

An indoor artificial training pitch in a metal framed building, skinned by fabric and timber, measuring 74 metres x 43 metres and 12 metres high located to the west of the pavilion extension and south of the new artificial pitch. Between the indoor facility and the outdoor artificial pitch there would be a green wall and hedgerow some 74 metres in length and approximately 3 metres in height. The indoor facility is for the youth academy for all weather training.

The proposal includes a new gatehouse sited along the vehicular access route and additional security fencing to better control access to the site. The fencing will also be used to define the closely mown training areas from the natural grassland to prevent damage from over mowing. Near to the gatehouse there is also some an additional 42 parking spaces for visitors and parents of academy players.

Relevant Planning History

BC62029P Proposed new training ground for West Bromwich Football Club involving the upgrading of existing access of Birmingham Road, levelling out of existing football pitches, building changing pavilion with car parking area. GSC 22/11/00

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BC62883P Re-routing of access road to new training ground for West Bromwich Albion Football Club (Amendment to Planning Approval BC62029P) GSC 01/05/01
02/1679/FL/E3 Extension to existing training ground pavilion GSC 25/10/02
03/1259/FL/E7 New overflow car park and height restricting barrier GSC 15/09/03
03/2088/FL/E5 Extension of existing car park GSC 18/12/03
05/1467/FL/E7 Extension to pavilion to provide additional changing rooms and associated accommodation GSC 16/09/05
07/0106/FL/E7 Retrospective: Erection of grounds man's equipment store GSC 16/03/07
07/2696/FL/E6 Extension and alteration to pavilion and outdoor walled training area. GSC 20/02/08

Relevant Planning Policy Summary

(Note the full text version of the UDP is available from the First Stop Shop in the Civic Centre, and on the Planning Services Website www.walsall.gov.uk/planning).

Unitary Development Plan (UDP)

GP1; Development will be guided by principles of sustainability, minimising need to travel by car.

GP2; Expect all developments to make a positive contribution to the quality of the environment and the principles of sustainable development, and will not permit development which would have an adverse impact. Consideration will be taken into account in assessing the development;

- I. visual appearance
- VII. accessibility by a choice of means of transport
- VIII. the effect on the countryside and Green Belt
- XIV. the effect on outdoor recreation facilities.

GP3; Planning obligations to secure the provision of any on or off-site infrastructure, facilities, services or mitigating measures

ENV2; (a) there will be a presumption against new buildings except for; II. Facilities essential for outdoor sport and leisure (e) where development is consistent with the purposes of Green Belt, the council will require its siting, design, form, scale and appearance is compatible with the character of the surrounding area.

ENV3; where development is acceptable in principle in the Green Belt the Council will also assess the proposals in terms of; layout, siting, design, grouping, height, scale, structures, associated outdoor equipment, colour, materials, landscape and views.

ENV11; Applications involving external lighting will not be permitted unless they propose the minimum amount of lighting to achieve its purpose and minimise glare and light spillage. Consideration must be given to the effect of lighting on neighbouring land, premises, vehicle users, pedestrians and wildlife.

ENV18; The Council will ensure the positive management and enhancement of existing trees and hedgerows. Where developments are permitted which involve the loss of trees or hedgerows will be required to minimise the loss and provide appropriate planting of commensurate value.

ENV22; Development on sites used by protected species by European law and/or British legislation will not be permitted unless it can be demonstrated that the proposed development will not have an adverse impact.

ENV23; The Council require habitat creation, enhancement and implementation of appropriate measures encouraging the conservation of wildlife, in proximity to a SSSI, LNR, SINC & SLINC

ENV24; New development which would sever, or unacceptably harm the integrity of linear features such as rivers, streams, canals, field boundaries, tree belts, green lanes, road verges, lakes, reservoir, ponds and small woodlands will not be permitted.

ENV32; Poorly designed development which fails to take account of the context or surroundings will not be permitted. Especially visually prominent, adjacent to canals. The

quality of the proposal will assess appearance, height, proportion, scale, mass, materials, external space, safety, security and local character.

3.16 The Council will consider 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.

3.113 New development provides opportunities for high quality architectural and landscape design to contribute to the environmental and economic well-being of the Borough for the benefit of residents and visitors, alike. Good design responds positively and imaginatively to the context in which development takes place.

ENV33; Good landscape design is an integral part of urban design and the Council will require, planning applications proposing development in locations described in ENV32 to be supported by full details of external layout and landscape proposals.

ENV34; The Council will require the provision of public art to enhance the quality and individuality of existing buildings, spaces or new development especially in important, prominent locations, larger scale developments or refurbishments.

ENV40; Proposals for development will be encouraged to incorporate measures for the conservation of water resources such as; water efficient devices, on-site recycling & minimising watering for landscaping. The environment of rivers, canals, lakes and ponds will be protected and enhanced. Developments affecting or near to water spaces should make a positive contribution.

T7; All parking provision should be well designed and sensitively integrated into the townscape or landscape, respecting the character of the local area, and with appropriate use of materials and landscape treatment

T12; Walking distance from the entrance of the building to a bus stop should be no more than 400 metres

T13; All development should provide an adequate level of car parking to meet operational needs whilst not exceeding any maximum parking standards that are specified. Relevant considerations to be taken into account are set out in Policy T7

LC6; Proposals resulting in the loss or reduction of sports pitches, public or private, will only be permitted if... compensatory provision will be made in respect of quality, quantity, suitability of location, and equivalent or better management arrangements.

LC9; The Council will expect all development alongside and near canals to positively relate to the waterway, achieving high standards of design and sensitively integrated with the canal.

Supplementary Planning Documents (SPD)

Designing Walsall SPD

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

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

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

DW6- Legibility- New development should contribute to creating a place that has a clear image and identity and is easy to understand

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

DW9b Contributions towards Public Art for Non Residential (commercial, leisure, industrial) 1000sqm and above

DW10- Well designed sustainable buildings- New development should make a positive contribution to creating a comfortable, adaptable and sustainable built environment

Natural Environment SPD

To fully assess, protect and secure compensatory planting for trees and for protected animals, plants etc.

Local Development Framework (LDF)

The Black Country Joint Core Strategy (JCS) has now been through its Examination in Public. It is on course for adoption early in 2011. The broad principles of the UDP – e.g. the appropriate reuse of previously developed land, need to promote the town and district centres and high quality design are further advanced in the document taking account of the latest national policy and available evidence. However, the plan is not generally site-specific and it will carry little weight until it is adopted.

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“... The Secretary of State is defending the challenge and believes and is advised that it is ill founded. Nevertheless, pending determination of the challenge, decision makers in local planning authorities and at the Planning Inspectorate will in their determination of planning applications and appeals need to consider whether the existence of the challenge and the basis of it, affects the significance and weight which they judge may be given to the Secretary of State's statements and to the letter of the Chief Planner.”*

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National Policy

PPG2: The most important attribute of Green Belts is their openness.

There are five purposes of including land in Green Belts:

- to check the unrestricted sprawl of large built-up areas;
- to prevent neighbouring towns from merging into one another;
- to assist in safeguarding the countryside from encroachment;
- to preserve the setting and special character of historic towns; and
- to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

-Once Green Belts have been defined, the use of land in them has a positive role to play in fulfilling the following objectives:

- to provide opportunities for access to the open countryside for the urban population;
- to provide opportunities for outdoor sport and outdoor recreation near urban areas;
- to retain attractive landscapes, and enhance landscapes, near to where people live;
- to secure nature conservation interest; and

There is a general presumption against inappropriate development within them. Such development should not be approved, except in very special circumstances.

Inappropriate development is, by definition, harmful to the Green Belt. It is for the applicant to show why permission should be granted. Very special circumstances to justify inappropriate development will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. The construction of new buildings inside a Green Belt is inappropriate unless it is for... essential facilities for outdoor sport and outdoor recreation... and for other uses of land which preserve the openness of the Green Belt and which do not conflict with the purposes of including land in it. Essential facilities should be genuinely required for uses of land which preserve the openness of the Green Belt and do not conflict with the purposes of including land in it. Examples of such facilities include small changing rooms or unobtrusive spectator accommodation for outdoor sport, or small stables for outdoor sport and outdoor recreation. The visual amenities of the Green Belt should not be injured by proposals for development within or conspicuous from the Green Belt which, although they would not prejudice the purposes of including land in Green Belts, might be visually detrimental by reason of their siting, materials or design.

PPG17: Open spaces, sport and recreation all underpin people's quality of life. Well designed and implemented planning policies for open space, sport and recreation are therefore fundamental to delivering broader Government objectives. These include: **supporting an urban renaissance** - local networks of high quality and well managed and maintained open spaces, sports and recreational facilities help create urban environments that are attractive, clean and safe.

supporting a rural renewal - the countryside can provide opportunities for recreation and visitors can play an important role in the regeneration of the economies.

promotion of social inclusion and community cohesion - well planned and maintained open spaces and good quality sports and recreational facilities can play a major part in improving people's sense of well being in the place they live.

health and well being - open spaces, sports and recreational facilities have a vital role to play in promoting healthy living and preventing illness, and in the social development of children of all ages through play, sporting activities and interaction with others.

promoting more sustainable development - by ensuring that open space, sports and recreational facilities are easily accessible by walking and cycling and well served by public transport.

The recreational quality of open spaces can be eroded by insensitive development or incremental loss of the site. In considering planning applications ... local authorities should weigh any benefits being offered to the community against the loss of open space that will occur. Planning authorities may wish to allow small-scale structures where these would support the existing recreational uses or would provide facilities for new recreational uses. In considering applications for floodlighting, local authorities should ensure that local amenity is protected. The impact on the openness of the Green Belt or on the character of the countryside, of floodlight towers or pylons should be a key factor in determining whether planning permission should be granted. Planning permission should be granted in Green Belts for proposals to ... modernise essential facilities for outdoor sport and recreation where the openness of the Green Belt is maintained. Development should be the minimum necessary and nonessential facilities should be treated as inappropriate development. Very special circumstances which outweigh the harm to the Green Belt will need to be demonstrated if inappropriate development is to be permitted.

The following typology illustrates the broad range of open spaces that may be of public value:

- ii. natural and semi-natural urban green spaces -
- iii. green corridors
- iv. outdoor sports facilities (with natural or artificial surfaces and either publicly or privately owned)

Local authorities should recognise that open space can perform multiple functions including:

- i. strategic functions;
- ii. urban quality;
- iii. promoting health and well-being;
- iv. havens and habitats for flora and fauna;
- v. as a community resource; and,
- vi. as a visual amenity.

PPG13 to integrate planning and transport at the national, regional, strategic and local level and to promote more sustainable transport choices

PPS25 flood risk management is to avoid, reduce and manage flood risk

Consultations

Planning Policy- Due to the nature of the proposed development including the pavilion extension, artificial floodlit pitch, the indoor pitch, the gatehouse and security fencing, I consider the proposed development to be appropriate in the green belt and therefore acceptable in planning policy terms. *To be updated at committee.*

Sport England- *No objections to the revised scheme*

Transportation – No objections subject to safeguarding conditions. *To be updated at committee.*

Ecology- *No objections to the revised scheme.*

Landscape- *No objections to the revised scheme.*

Arboriculturists- No objections to this application due to the lack of arboricultural implications and subject to safeguarding conditions regarding tree protection and planting. *To be updated at committee.*

Environment Agency- *No objections to the revised scheme.*

Pollution Control (Scientific Team) –*No objections to the revised scheme.*

Pollution Control (Contaminated Land) - *No objections to the revised scheme.*

British Waterways- *No objections to the revised scheme.*

Inland Waterways- Object to the location of the indoor pitch building in this location as it would damage the visual amenity of the canal corridor and diminish its leisure recreation and tourism value by urbanising the appearance of this precious rural corridor. IWA would suggest that it should be relocated within the site so as to be less intrusive to the canal corridor. We have no objection in principle to the further improvement of the training ground facilities including the proposed extension to the existing pavilion, the artificial pitch, gatehouse, fencing or parking. *No objections to the revised scheme.*

Fire Officer- *No objections to the revised scheme.*

Access Officer- No objections subject to the development meeting the Disability Discrimination Act, though this is not specific in requirements, Building Regulations Part M, Regeneration, Planning and Building Control, Civic Centre, Darwall Street, Walsall, WS1 1DG
Website: www.walsall.gov.uk/planning, Email planningservices@walsall.gov.uk, Telephone (01922) 652452, Textphone 0845 111 2910, Translation Line (01922) 652426, Fax (01922) 623234

Sport England's guidance and the Football Licensing Authority guidance etc). *To be updated at committee.*

Public Lighting- No objections. The overall lighting is not uniform for the roadway. It is recommended to be lit to the British standards.

Regarding the spill light onto the canal, the applicant should tell us what measures they are going to put in place to reduce the spill including what hours of use, if there will be glare on the canal and will they install some special shields to reduce glare. *To be updated at committee.*

Centro- No objections subject to travel plan. *To be updated at committee.*

Urban Design- *No objections to the revised scheme.*

Public Rights of Way- *No objections to the revised scheme.*

Sandwell Council- Concern at the public route across Shustoke Bridge being blocked. *Reiterate their previous comments.*

Severn Trent- No objections subject to safeguarding conditions. *To be updated at committee.*

Environmental Health- No adverse comments. *To be updated at committee.*

Public Participation Responses

Nine letters of objection and two petitions with a total of 23 signatures received raising the following issues;

- Proposal conflicts with the 5 purposes of including land in the Green Belt
- Proposals do not accord with the development plan
- Shustoke farm is designated as SLINC and has been used as a Council depot and private riding school, its not derelict land
- WBA facilities are solely used for commercial/financial advantage of the club and future academy players not for wider public recreational, exercise or sports use and facilities do not benefit local people
- Existing structures visible all year, further development exacerbates encroachment on natural area
- Excessive light pollution from existing outdoor floodlit sports facilities of the University why bring it closer to residents
- Do not use existing facilities as a precedent for new facilities
- Residents do not receive relief from outdoor floodlighting turning night to day reducing the enjoyment of the night sky
- Disturbance of natural cycles of wildlife
- Extended opening hours and extra parking significantly increases traffic and pollution on the roads
- Residents want an impact assessment measuring light pollution, disturbance to wildlife habitat, litter and traffic flow in the local area
- Noise and disturbance during the construction and earth moving of the development
- No justification for the impact on the untouched, established and natural habitat of the green belt between Walsall and Birmingham
- WBA have added extensions since 2000 eroding the Green Belt
- Area gradually taken over by sports facilities for select professional sports people
- Green belt land should be protected from invasive 24 hour security fencing/lights

- Indoor pitch is just an enormous industrial building changing the rural aspect forever and WBA already have an indoor training facility in West Bromwich
 - Already noise/nuisance from existing football/rugby ground
 - Drawings not a true account of distances to residential properties (The drawings reflect the Ordnance Survey plans the Council hold)
 - WBA already blocked historic rights of way from Shustoke Bridge to Birmingham Road forcing walkers to use muddy ground and cross water courses
 - Respect the clubs need for privacy but they must maintain historic rights of way
 - Devalue property (not a material planning consideration)
 - Visual impact of the development on the natural beauty of the area
 - Area adjacent to the canal should be green belt maintained for the community
 - Preserve natural habitat of unspoilt wild grassland adjacent to the canal
- One letter received relating to the amended application commenting;*
- lots of cars coming and going very fast (Highway safety discussed in the body of the report)
 - because they live close, worried about break-ins and robberies

Determining Issues

- Are there any very special circumstances to justify inappropriate development in the Green Belt?
- Impact on the character and amenity of the vicinity
- Ecology
- Transport/Access

Observations

Are there any very special circumstances to justify inappropriate development in the Green Belt?

The main function of the extended pavilion building would be to accommodate 'wet recovery and treatment facilities' including a 15 metre pool and 'hydrotherapy treadmill pool'. In addition, facilities within the existing pavilion would be moved to the new building, including first team and coaches' changing rooms and an area for 'football administration'.

The use of this building is acceptable within the Green Belt because the provision of changing rooms within the proposed extension accords with PPG2 which states, 'essential facilities should be genuinely required for uses of land which preserve the openness of the Green Belt and do not conflict with the purposes of including land in it. The wet recovery and treatment facilities, while not part of an outdoor sport or recreational facility when considered in isolation, are considered genuinely required (PPG2) for the continued operation of the wider outdoor sport function of the site when taking into account the elite and professional levels of fitness and skills engaged in by the applicant's organisation as a Premiership football team resulting in the different sporting requirements necessary to enable participation at this level in comparison to amateur level sport or recreation.

The proposed full-size floodlit synthetic turf pitch replaces an existing grass pitch, immediately to the north of the existing pavilion building, which would be lost if permission is granted for construction of the pavilion extension.

There is a general presumption to avoid the loss or reduction of sports pitches within the Borough, whether public or private. The loss of a sports pitch should only be allowed where equal compensatory provision is made in respect of quality, quantity, suitability of location and management arrangements. The proposed artificial pitch is considered to provide equal compensatory provision in terms of quantity (1 full-size pitch replacing another). The suitability of location and management arrangements are unaffected by the proposal compared to the previous grass pitch. The pitch surface will be different to the grass pitch being replaced, and it is considered there are a sufficient number of grass pitches within the

application site and the adjacent Aston University site to meet requirements for grass pitch sports (both in terms of quantity and quality). The provision of an artificial pitch will improve quality in relation to pitch condition during times of adverse weather. In terms of its acceptability within the Green Belt, the artificial pitch is a facility essential for outdoor sport or recreation and the use is in accordance with PPG2 and UDP Policy ENV2.

It is considered that the indoor training pitch improves and compliments the existing outdoor sports provision at the site contributing to the extended requirements for the technological, progressive training, fitness and extended skills required for a premiere league football team. The wider facilities including the indoor training pitch contribute to attracting, nurturing and retaining talented young players. The indoor training pitch is also required to exceed the minimum requirements for the premiere league academy status. The youth academy draws children in from the wider locality (Two thirds are from Walsall and the Black Country) to train, educate and develop home grown players that eventually feed into the first team. It is considered that the use of the indoor training pitch used by the football club youth academy helps deliver significant improvements in fitness, skill and training to young people feeding back into the local, regional and national game and likely to have a long term benefit to the local economy. The provision of this and the wider training facilities at this club are highly unlikely to be replicated elsewhere in the borough's Green Belt because of the unique training and fitness levels that a premiere league football club and its youth academy require. It is considered these reasons amount to very special circumstances that outweigh any harm to the Green Belt in this instance and the indoor training pitch is considered a facility essential for outdoor sport or recreation and the use is in accordance with PPG2 and UDP Policy ENV2.

With regard to the proposed Gatehouse building, I consider that the scale and mass of the building would have little or no impact on the openness of the Green Belt and would be well screened from external viewpoints by existing and proposed tree cover.

Residents concerns that the proposals impact on the untouched, natural beauty of unspoilt grassland encroaching on the last stretch of Green Belt and its ecology between Walsall and Birmingham have been considered. The application site is adjacent to a rugby club and the larger Aston University sports grounds which are all part of the Green Belt. It is considered that this part of the Green Belt is managed and maintained in varying degrees of human intervention. It is difficult to subscribe to residents views that the local Green Belt is unspoilt grassland as the majority of the area is laid out as close mown sports pitches. Even the triangle of land at the corner of Birmingham Road and Walstead Road, may look unspoilt, but also benefits from a degree of management in order to graze horses. The proposal includes details to upgrade this part of the site and develop and improve its ecological value which is considered would benefit the wider community.

Whilst the current built element of the proposal may appear large in isolation, it forms 2.7 percent of the whole of the 18.36 hectare site and coupled to the use and high degree of management of the sports pitches and sports training facilities, is considered to maintain and protect the overall openness of the Green Belt in this location, thereby protecting the visual appearance and amenity of the vicinity for the wider community.

The proposal was referred to Secretary of State because it is a departure from the development plan, in appropriate development in the Green Belt and affects a sports pitch. However, proposal has demonstrated very special circumstances to outweigh the technical harm to the green belt. *The Secretary of State concluding intervention would not be justified in this instance. It is considered that the reduced foot print has no greater impact on the openness and character of the Green Belt.*

Impact on the character and amenity of the vicinity

The proposal includes four distinct parts, pavilion extension, artificial floodlit pitch, indoor training and gatehouse and security fencing.

The pavilion extension is considered to have limited impacts on the visual amenity of the wider area. There are limited views of the existing pavilion from outside the site due to the topography and landscaping of the site coupled to the relatively low height of the building. The extension reflects the existing pavilion design and although it is proposed to include a lower floor to accommodate the pool and plant room, this maximises the use of the existing topography and it is also proposed to include green walling to soften the massing of the elevation that faces the canal. Overall, it is considered the pavilion extension would not impact on the visual amenity of the location any further. *The reduction in footprint and splitting the extension into two separate parts is considered has no greater impact on the character and amenity of the area than what has previously been resolved to approve.*

The creation of an artificial pitch in the Green Belt is considered to have no visual amenity impacts on the location. The pitch includes green mesh security fencing around its perimeter. Allowing for the design of the fencing and its colouring and that it is only likely to be visible from limited public vantage points and then seen against the existing pavilion or the proposed indoor pitch, that there would be no further visual amenity impacts for the fencing.

The artificial pitch includes the installation of 8 fifteen metre high floodlights. Whilst it is considered there may be some visual amenity impacts from the lighting, the proposal includes cowls to limit light spillage from the pitch location. Light pollution in urban areas is an issue generally. The proliferation of street lights, lights from motor vehicles and at residential and commercial properties contribute significantly to this issue. It is considered that the floodlit pitch would not have a significant impact over and above the existing issues of light pollution in the locality. However, notwithstanding the lighting plots, visuals and details of the cowls provided, suitable safeguarding conditions requiring details of lighting levels and cowls to minimise unnecessary light spillage plus a condition controlling hours of use can be imposed to further protect visual amenity of the locality.

It is accepted that the indoor training pitch would have an impact on canal corridor and vicinity being visible from the canal corridor and Bell Bridge Walstead Road. It is considered that the location of the indoor training pitch, tightly grouped with the existing and proposed buildings and occupying a relatively small part of the overall 18.36 hectare site minimises the impact on the locality. The provision of a 3 metre high 76 metre high hedge along the side of the building facing Walstead Road also softens the buildings appearance and contributes to minimising the visual amenity impacts to the location without further eroding the openness and character of the green belt. A safeguarding condition to deal with the colour and type of materials used is suggested to further deal with the mitigation of the building. Spreading the structures across the site is considered to have a greater impact on the openness and character of the green belt and further injure the visual amenity of the location.

The gatehouse and additional security fencing has little impact on the openness of the Green Belt and considered to have no impact on the visual amenity of the location. The position of the fencing helps define the areas of grassland between that which is closely mown and that which semi natural grassland. This has a contribution in protecting the overall visual amenity.

One resident has raised the potential for break-ins and robbery due to the close proximity of their property. It is considered that the alterations to the training ground would not result in

increased security risks to neighbours property. The proposal continues to include security fencing that would protect the site from unwanted trespassers which in turn could protect nearby neighbours indirectly as well.

Ecology

The proposed development would not encroach onto the Shustoke Farm Site of Local Importance for Nature Conservation (SLINC) within the application site. It is considered that the development would result in the loss of some habitats of value but habitat creation and enhancement measures proposed for the wider site should adequately mitigate against any loss or injury to local habitat.

In addition, it is considered that safeguarding conditions relating to the provision and implementation of a management plan for the proper management of the SLINC. This should also include provision for the management of other ecological areas within the application site.

The landscape scheme should be implemented before any part of the development is brought into use to ensure the replacement habitats are provided as soon as possible after existing habitats of value are destroyed during the construction period in order to minimise the overall impact to local natural habitats.

The reduction in footprint and splitting the extension into two separate parts is considered, has no greater impact on ecology than what has previously been resolved to approve.

Highways and Access

The existing and proposed use of a private sports training facility does not fit into a specific category in terms of the required maximum parking provision and could be considered to be in a 'class of its own' in this respect. The applicant has stated that the development is unlikely to result in an intensification of the number of vehicle trips to the site or any impact on traffic generation for the neighbouring highway network whilst looking to improve accessibility for pedestrians and cyclists. The proposals improve and increase the on-site parking provision from around 100 spaces to 150 spaces increasing the number of spaces available for visitors to avoid the need and reduce the possibility of parking on Birmingham Road. This 50% increase in the on-site parking provision is considered acceptable in this instance subject to suitable safeguarding conditions relating to materials and drainage.

The proposal utilises the existing access point from Birmingham Road and also provides a vehicular turning area at the gatehouse plus improved pedestrian/cycle links from the development to Birmingham Road, including a new cycle shelter, plus there is a bus stop outside the Birmingham Road entrance. All of these measures encourage the use of sustainable modes of transport. This can be supported by the applicant providing a sustainable travel plan for the application site.

Overall, the Highway Authority considers the application acceptable subject to a safeguarding condition providing the car park and cycle storage prior to the new facilities being brought into use.

The reduction in footprint and splitting the extension into two separate parts, it is considered to have no greater impact on highway safety of the area than what has previously been resolved to approve.

Sandwell Council and residents have raised concerns about the pedestrian route across Shustoke Bridge through the training ground being blocked by security fencing. My officers

have visited the location and the route was likely blocked at the time the football club took over the site as the boundary fence appears to have been in place some considerable time. The current proposal is some 150 metres away from the Shustoke Bridge and it is considered that the current proposals do not have any further impact on the pedestrian route. At the request of officers, the applicants have opened discussions with Sandwell Council in order to find a suitable resolution to the issue. The Council's Public Rights of Way officer has commented that there are no recorded public rights of way across the application site or shown on either the definitive map, statement or list of streets. *There could potentially be unrecorded rights in existence too, which are not mentioned. The presence of potential unrecorded rights is reflected by some worn tracks present, which cross the area of the proposed extension to the training ground and security fencing. The presence of unrecorded public rights of way across the area of the development does not warrant the refusal of the application, but the implications of this could be that a claim is received and that the routes are added to the Definitive Map and Statement becoming recorded highway. This may mean that the development cannot be fully implemented, or modified to allow access along the public rights of way.*

The site has attracted the attention of the Local Access Forum's in both Sandwell and Walsall, along with the Ramblers Association and they may wish to pursue actions to secure public rights across the site. In light of the separation distance to Shustoke Bridge and that this route may have been blocked for 10 years, the comments of our public rights of way officer, no claim has come forward in the intervening time to claim for any unrecorded rights of way, the applicants are talking to Sandwell to find a solution, it is considered that the development does not affect a public right of way defined on the definitive map and consequently, this issue does not constitute a reason for refusal.

Summary of Reasons for Granting Planning Permission

The use of the pavilion extension is acceptable within the Green Belt because the provision of changing rooms are 'essential facilities which preserve the openness of the Green Belt, wet recovery and treatment facilities, while not part of an outdoor sport or recreational facility when considered in isolation, are considered *genuinely required* (PPG2) for the continued operation of the wider outdoor sport function of the site when taking into account the elite and professional levels of fitness and skills as a premier league football team.

There is a presumption to avoid the loss or reduction of sports pitches within the Borough, whether public or private. The proposed artificial pitch is considered to provide equal compensatory provision in terms of quantity and will improve quality in relation to pitch condition during times of adverse weather. In terms of its acceptability within the Green Belt, the artificial pitch is a facility essential for outdoor sport or recreation.

The indoor training pitch improves and compliments the existing outdoor sports provision at the site contributing to the extended requirements for the technological, progressive training, fitness and extended skills required for a premier league football team. The facilities contribute too attracting, nurturing and retaining young players and required to exceed the minimum requirements for the premier league academy status. The academy draws children in from the wider locality (Two thirds are from Walsall and the Black Country) to train, educate and develop home grown players that helping deliver significant improvements in fitness, skill and training to young people feeding back into the local, regional and national game and likely to have a long term benefit to the local economy. The wider training facilities at this club are unlikely to be replicated elsewhere in the borough's Green Belt because of the unique requirements that a premier league football club and its youth academy require. It is considered this is very special circumstances that outweigh any

harm to the Green Belt and the indoor training pitch is considered a facility essential for outdoor sport or recreation.

The Gatehouse would have little or no impact on the openness of the Green Belt, well screened from external viewpoints by existing and proposed tree cover.

Residents concerns about the impact on the untouched, natural beauty of unspoilt grassland, encroaching on the Green Belt and its ecology have been considered. The application site is adjacent to a rugby club and the larger Aston University sports grounds it is difficult to subscribe to residents views that the local Green Belt is unspoilt grassland as the majority of the land is laid out as close mown sports pitches. Even the triangle of land at the corner of Birmingham Road and Walstead Road, also benefits from a degree of management in order to graze horses. The proposal includes details to upgrade the site developing and improving its ecological value to the benefit of the wider community.

The current built element of the proposal appears large in isolation, but only forms 2.7 percent of the 18.36 hectare site. The use and management of the sports pitches and facilities, is considered to maintain and protect the openness of the Green Belt in this location.

The pavilion extension has limited impacts on the visual amenity of the area. Because of limited views from outside the site due to topography, landscaping and the relatively low height of the building. The lower floor accommodates the pool and plant room, maximising the use of the existing topography coupled with the green walling, softens the massing of the elevation.

The creation of an artificial pitch in the Green Belt is considered to have no visual and noise amenity impacts on the location. The pitch includes green mesh security fencing around its perimeter. Allowing for the design of the fencing and its colouring and that it is only visible from limited public vantages points and seen against the existing pavilion or the proposed indoor pitch, that there would be no further visual amenity impacts for the fencing.

The installation of 8 fifteen metre high floodlights includes cowls to limit light spillage from the pitch location. There may be some visual amenity impacts from the lighting. Light pollution in urban areas is an issue generally. The proliferation of street lights, lights from motor vehicles and at residential and commercial properties contribute significantly to this issue. The floodlit pitch would not have a significant impact to amenity over and above the existing issues of light pollution in the locality. Notwithstanding the details provided, further details of lighting levels and cowls to minimise unnecessary light spillage plus controlling hours of use further protects visual amenity of the locality.

The indoor training pitch has a visual impact on canal corridor and vicinity. The location of the indoor training pitch, tightly grouped with the existing and extensions occupy a small part of the overall 18.36 hectare site minimises the impact. The visual amenity impacts to the location moving the indoor facility to a different position within the site, spreading the built form, which would have a greater impact on the amenity and openness of the green belt than the existing proposal. Notwithstanding the details provided regarding the colour and materials of the building further details are requested relating to the colour, texture and type of materials to further deal with the mitigation of the building.

It is considered, the alterations to the training ground would not be a determining factor whether neighbours suffer from burglary. The proposal includes security fencing to protect the site from unwanted trespassers which in turn may also protect neighbours.

The gatehouse and additional security fencing has little impact on the openness of the Green Belt and visual amenity of the location. The position of the fencing defines grassland between that closely mown and semi natural grassland. This contributes in protecting the overall visual amenity.

The development does not encroach onto the Shustoke Farm Site of Local Importance for Nature Conservation (SLINC) and it is accepted that there is loss of some habitats of value but habitat creation and enhancement measures proposed for the wider site adequately mitigate any loss or injury to local habitat.

Notwithstanding the information provided further details relating to the implementation of a management plan for the proper management of the SLINC and other ecological areas within the application site should be provided plus the landscape scheme should be implemented as soon as possible after the construction period in order to minimise the overall impact to local natural habitats.

The proposals improve and increase the on-site parking provision from 100 spaces to 150 spaces reducing the possibility of parking on Birmingham Road. The proposal utilises the existing access point from Birmingham Road and provides a vehicular turning area at the gatehouse plus improved pedestrian/cycle links to Birmingham Road, includes a new cycle shelter, plus there is a bus stop outside the Birmingham Road entrance. All of these measures encourage the use of sustainable modes of transport. This can be supported by the applicant providing a sustainable travel plan for the application site. Overall, the development is acceptable from a highways consideration

The pedestrian route across Shustoke Bridge through the training ground was likely blocked by the boundary fence at the time the football club first occupied the site in 2000. The current proposal is 150 metres away from Shustoke Bridge and considered that the current proposals do not impact on the pedestrian route. The applicants are in discussions with Sandwell Council in order to resolve the issue. The Council's Public Rights of Way officer comments, that there are no recorded public rights of way across the application site or shown on either the definitive map, statement or list of streets. *Potential unrecorded rights may exist and are reflected by worn tracks, crossing the area of the proposed extension to the training ground and security fencing. Unrecorded public rights of way across the area of the development do not warrant the refusal of the application. Claims may be received and the routes added to the Definitive Map and Statement resulting in them becoming recorded highway. This may mean the development cannot be fully implemented, or may need modifying to allow access along the public rights of way.* The separation distance between the proposals and Shustoke Bridge, the access may have been blocked for 10 years, the comments of our public rights of way officer, *no claim has come forward in the intervening time to claim for any unrecorded rights of way*, the applicants are talking to Sandwell Council, it is considered that on this basis the development does not affect a recorded public right of way and that this issue does not constitute a reason for refusal.

The proposed development is considered to accord with the aims and objectives of Green Belt policy and objectives of the development plan, in particular policies GP1, GP2, GP3, ENV2, ENV3, ENV11, ENV18, ENV22, ENV23, ENV24, ENV32, 3.16, 3.113, ENV33, ENV34, ENV40, T7, T12, T13, LC6 and LC9 of Walsall's Unitary Development Plan (2005), Designing Walsall and Natural Environment Supplementary Planning Guidance, Regional Spatial Strategy for the West Midlands policies QE4, QE7, QE9, T3 and T5 and National Planning Guidance PPG2: Green Belts, PPG17 Planning for open space, sport and recreation, PPG13 Transport, PPS25 Development and Flood Risk

Recommendation: Grant Permission Subject to Conditions, the signing of a Section 106 and no other material comments received from neighbours or consultees

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

vii) Prior to built development commencing investigation of ground gas, having regard to current best practice shall be undertaken. (see Note for Applicant CL1)

viii) Prior to built development commencing a copy of the findings of the ground gas assessment together with an assessment of the hazards arising from ground gas shall be forwarded to the Local Planning Authority. (see Note for Applicant CL2).

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

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

xi) If during the undertaking of remedial works or the construction of the approved development unexpected ground contamination is encountered development shall cease until the "Remediation Statement" required by part iii) of this condition has been amended to address any additional remedial or mitigation works required and agreed in writing by the Local Planning Authority.

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

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

3. Notwithstanding the plans submitted prior to the commencement of development, a robust bat survey shall be submitted to and approved in writing by the Local Planning Authority and mitigation measures thereafter implemented in accordance with the approved details unless otherwise agreed in writing.

Reason: The ecological environment in this location is sensitive and should be protected from light pollution impacting on the bio-diverse environment in accordance with saved policies Canals and Waterways (8.6) and LC9 Canals of the Walsall Unitary Development Plan 2005.

4. Notwithstanding the plans submitted prior to the commencement of development details of the proposed lighting for the development including details of foundations, luminance in candelas, hours of operation etc. shall be submitted to and approved in writing by the Local

Planning Authority and thereafter implemented in accordance with the agreed details unless otherwise agreed in writing.

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 protect the integrity of the waterway infrastructure in accordance with saved policies Canals and Waterways (8.6) and LC9 Canals of the Walsall Unitary Development Plan 2005.

5. Prior to the commencement of development and to secure the provision and implementation of a management plan for the proper management of the SLINC. This should also include provision for the management of other ecological areas within the application site.

Reason: In order to safeguard important local habitats

6. Prior to the development first coming into use, the improved car parking, cycling, pedestrian and access road infrastructure, shown on drawings 090315-01 & (PL)201, shall be fully implemented and brought into use, including the clear demarcation of the parking bays which shall be thereafter retained and used for no other purpose.

Reason: In order to maintain highway safety

7. Prior to commencement of any development, if surface water run-off and ground water is proposed to drain into the waterway details shall be submitted for consideration.

Reason: To determine the potential for pollution of the waterway and likely volume of water. Potential contamination of the waterway and ground water from wind blow, seepage or spillage at the site, and high volumes of water should be avoided to safeguard the canal environment and integrity of the canal infrastructure in accordance with saved policies Canals and Waterways (8.6) and LC9 Canals of the Walsall Unitary Development Plan 2005.

8. Prior to commencement of the development/use a scheme setting out the type, design, lux levels and measures to control glare and overspill light from floodlighting and measures to ensure lights are switched off when not in use shall be submitted to and approved in writing by the Local Planning Authority after consultation with Sport England. Thereafter the floodlighting shall be operated in accordance with the approved scheme and maintained in accordance with manufacture's instructions.

Reason: To minimise light pollution in the interests of amenity.

9. The floodlighting shall not be operated on the outdoor artificial pitch after 22.00 hours on weekdays and 18.00 hours on [Saturdays, Sundays and/or Public/Bank holidays] and not before 09.00 weekdays, weekends and bank holidays.

Reason: To minimise light pollution in the interests of amenity

10. Development shall not begin until a surface water/foul drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with *West Bromwich Albion Football Club Proposed Training Ground Development Flooding*

& Drainage Planning Statement, Structural Design Associates, March 2010 before the development is completed.

The scheme shall also include:

- *A sustainable surface water drainage strategy in line with West Bromwich Albion Football Club Proposed Training Ground Development Flooding & Drainage Planning Statement, Structural Design Associates, March 2010*
- *A surface water outfall rate no greater than that which exists for the current site.*
- *Details of how the scheme shall be maintained and managed after completion*

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

11. No development shall be carried out until a schedule of facing materials (including colour and texture) have been submitted to and approved in writing by the Local planning Authority for the following;

- Pavilion extension,
- Indoor pitch building,
- Gatehouse,
- All hard surfacing materials and drainage for car parks and paths,

The approved details shall be fully implemented (including fully consolidating vehicular surfaces) prior to the first occupation of any part of the development hereby approved and retained there after unless otherwise agreed in writing with the local planning authority.

Reason: To ensure the satisfactory appearance of the development.

12. The approved landscaping scheme shall be carried out prior to the first occupation of any building or completion of the development whichever is the sooner unless otherwise agreed in writing by the Local Planning Authority to ensure the replacement habitats are provided as soon as possible after existing habitats of value are destroyed. Any trees or plants, or grassed areas which within a period of 5 years from the date of planting dies, is removed or becomes seriously damaged or diseased shall be replaced in the next planting season with others of a similar size, species or quality, unless the Local Planning Authority gives written consent to the variation.

Reason: To ensure that the proposed development contributes to the preservation and enhancement of the local character and distinctiveness of the waterway corridor in accordance with saved policies Canals and Waterways (8.6) and LC9 Canals of the Walsall Unitary Development Plan 2005.

13. No development shall commence until a Transport Statement and a draft Travel Plan that promotes sustainable methods of travel for trips to and from the site by visitors and staff, are submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented in accordance with the approved Travel Plan.

Reason: To promote sustainable travel.

14. A review of the Travel Plan shall be submitted to, and agreed in writing by the Local Planning Authority every 6 months, with an update of the Travel Plan undertaken every 12 months. The updated revisions shall be implemented in accordance with an agreed timescale.

Reason: To promote sustainable travel.

15. Proposed security fencing should closely match in design, colour and texture the existing security fencing on site and be retained and maintained thereafter unless otherwise agreed in writing with the local planning authority.

Reason: To ensure the satisfactory appearance of the development.

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

- Location Plan W42(PL)200 received 26/03/10
- Site Plan W42(PL)201 received 26/03/10
- Site Plan Lighting Plot W42(PL)207 received 26/03/10
- Proposed car park arrangements and details 090315-01 received 26/03/10
- Drainage concept 090315-02 received 26/03/10
- Gatehouse & Fencing plan and Elevations W42(PL)205 received 26/03/10
- *Hydrotherapy Suite- Training Grounds, Floor Plans amended WBA-10-PL-01 received 23/11/10*
- *Hydrotherapy Suite- Training Grounds, elevations amended WBA-10-PL-02 received 23/11/10*
- Site sections artificial pitch W42(PL)206 received 26/03/10
- Landscape proposals sheet 1- 2733-L-01 received 26/03/10
- Landscape proposals sheet 2- 2733-L-02 received 26/03/10
- Indoor pitch plan and elevations W42(PL)204 received 26/03/10
- Design and access statement W42/24 March 2010 received 26/03/10
- *Supplementary design and access statement (Hawley Associates) received 23/11/10*

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).

17) No demolition, engineering, or construction works, (including land reclamation, stabilisation, preparation, remediation or investigation), 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 14.00 Saturdays unless otherwise permitted in writing by the Local Planning Authority. No plant, machinery or equipment associated with such works shall be started up or operational on the development site outside of these permitted hours.

Reason: To protect the amenity of neighbouring occupiers.

NOTES for the Applicant Contaminated Land

CL1 Ground investigation surveys should have regard to current “Best Practice” and the advice and guidance contained in Planning Policy Statement 23 – Planning and Pollution Control; British Standard BS10175: 2001 “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.

British Waterways Notes

- i. 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 British Waterways’ “Code of Practice for Works affecting British Waterways”.*
- ii. British Waterways 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.*

Environment Agency

There is a connection to public foul sewer available on the site and there is a presumption that this should be used for the discharge of the filter backwash effluent to accommodate the Biological Oxygen Demand (BOD) and greases etc that will be present.

The Water Company should be consulted by the applicant in this respect. The use of dechlorination chemicals should also be discussed with the Water Company.

There is no mention of the discharge of the occasional pool drain down in the Statement and any proposal needs to be discussed with the Environment Agency and we advise the Applicant to contact Dave Whitford on 01543 405080 to discuss our concerns.

Severn Trent Water

Severn Trent Water advise that there are public sewers located within the application site. Public sewers have statutory protection and may not be built close to, directly over or diverted without consent. You are advised to contact Severn Trent Water to discuss your proposals. Severn Trent will seek to assist you obtaining a solution which protects both the public sewer and the building. Please note, when submitting a Building Regulations application, the building control officer is required to check the sewer maps supplied by

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Severn Trent and advise them of any proposals located over or within 3 metres of a public sewer. In many cases under the provision of Building Regulations 2000 Part H4, Severn Trent can direct the building control officer to refuse building regulations approval.



Planning Committee

*Report of Head of Planning and Building Control, Regeneration Directorate on
06/01/2011*

Reason for bringing to committee: Called in by Councillor Sanders

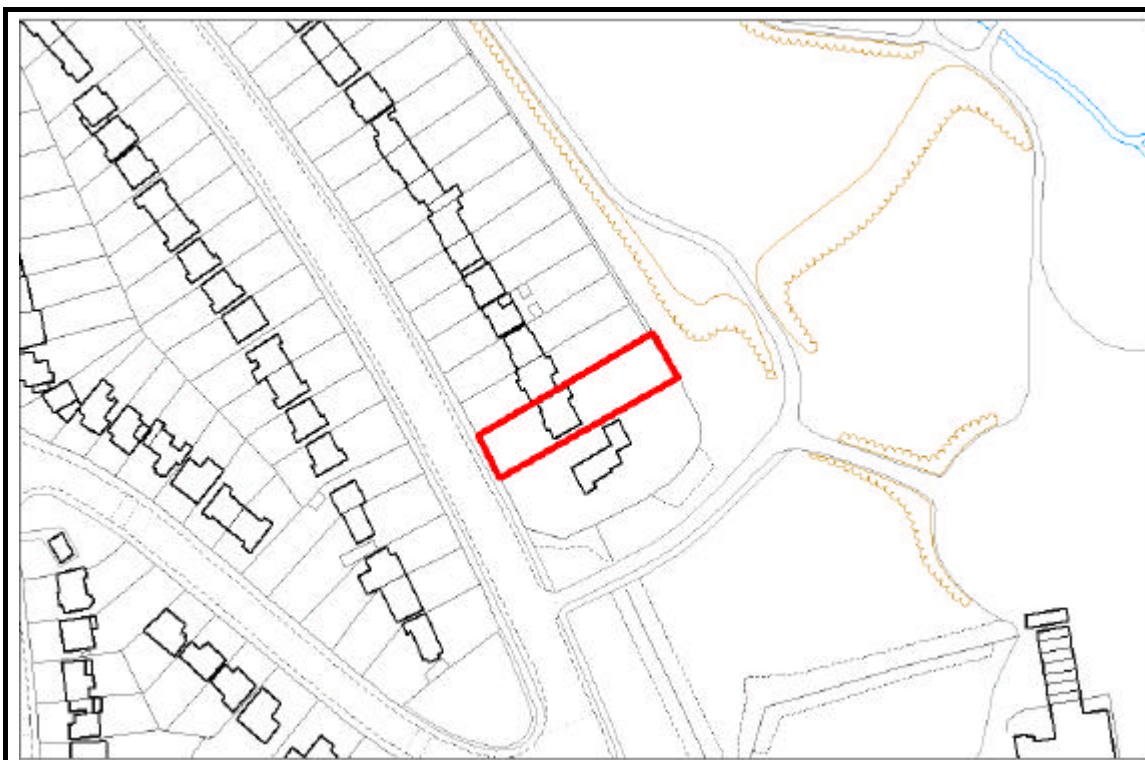
Application Number: 10/1347/FL
Application Type: Full application

Applicant: Mr Karl Delmas
Proposal: Proposed double garage

Ward: Paddock

Case Officer: Claire Murphy
Telephone Number: 01922 652403
Email: planningservices@walsall.gov.uk
Agent:
Location: 107 BROADWAY NORTH,
WALSALL, WS1 2QD
Expired Date: 17/12/2010

Recommendation Summary: Refuse



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Status

Councillor Sanders considers that the proposal would be mainly hidden from view by an already well established hedge and by the ground sloping down towards the house and therefore is an acceptable development.

Application and Site Details

This application has been submitted following the refusal of an essentially similar application (09/0262/L) in April 2009.

It is for the erection of a detached garage at the front of a detached house. The house is on Broadway North, in a row of similarly sized detached houses, close to the Grange entrance to the Arboretum extension. The houses are all on large plots set back from the road. The garage will be in a prominent position forward of anything else in this row of houses. Currently the area for the garage is used for parking.

The garage will be 10.5 metres from the front of the house and 3.9 metres from the road, side on in relation to the dwelling. It will measure 5.6 by 5.6 metres, with a hipped roof 4.5 metres high.

The highway boundary of the property is defined by a 1.0 metre high wall with a tall mature hedge behind the wall (shown at over 3.0 metres high). The front garden slopes downwards towards the house from the road, with the garage approximately 0.7 metres lower than the pavement.

The garage will back onto the boundary to number 109 which is built in line with the application house, but is 7.0 metres away from the party boundary. The boundary to 109 is an established 2 metre hedge and the front boundary of 109 is a 600mm wall, again with a mature hedge (over 2.0 metres) behind.

A 1 metre wall defines the boundary to number 105, and this sort of low boundary treatment is repeated along the neighbouring houses and boundaries.

Relevant Planning History

On the site

09/0262/FL: Proposed double garage to front. Refused permission April 2009 for the following reason:

'The proposed detached garage due to its positioning to the front of the application dwelling and the line of adjoining houses would appear over dominant and incongruous within the street scene to the detriment of the character of the area and contrary to Walsall's Unitary Development Plan, in particular policies GP2, ENV32 and H10, and the Supplementary Planning Document "Designing Walsall".'

288 Broadway North (close to the junction with Birmingham Road)

09/0751/FL: Ground and first floor rear extension with loft conversion and detached garage to front. Granted permission subject to conditions August 2009

64 Highgate Road (similar garage, in less prominent position on plot and in street)

BC07695P: Erection of garage. Granted permission subject to conditions June 1983

Relevant Policies

(Note the full text version of the UDP is available from First Stop Shop in the Civic Centre and on the Council's web site)

Unitary Development Plan Policies

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.

ENV32: Design and Development Proposals.

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.

H10: Layout, Design and Dwelling Mix.

(a) The Council will expect the design of residential developments, including residential extensions, to:-

I. Create a high quality living environment, well integrated with surrounding land uses and local character (natural and built) and in accordance with the principles of good design set out in Policy ENV32.

(c) All proposals for residential development will be considered against the detailed standards and guidelines set out in the Council's Supplementary Planning Guidance and Supplementary Planning Documents relating to residential design.

T7 – Car Parking

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

T13: Parking Provision

1, 2 and 3 bedroom houses	2 spaces per unit
4 bedroom houses and above	3 spaces per unit

Designing a Better Walsall – Supplementary Planning Document

Provides guidance on how to achieve good urban design within Walsall, including a range of key issues that developers must address. For residential developments, Privacy and aspect distances between dwellings must ensure that all occupants have a satisfactory level of amenity, whilst reflecting the existing and emerging character of the area. This will normally mean designing developments that, as a minimum, meet the numerical guidelines contained in Appendix E although distances greater than these guidelines state will be applicable where it is appropriate to the character of the area. It may be possible to achieve shorter distances through creative design or in order to protect an area's character.

National Policies

Planning Policy Statement 1

Encourages good design. Paragraph 34 states that design which is inappropriate in its context should not be accepted.

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Consultation Replies

Pollution Control – No Objections

Public Participation Responses

None received.

Determining Issues

- Whether the proposal overcomes the previous refusal in terms of the street scene
- Impact on Amenity of Nearby Residents and Parking

Observations

Design of Building and Impact on Character of Area

Considered simply as a building, the garage roof will have a similar shape to the existing house, which is desirable.

However, in the proposed position in front of the house, when viewed from the road, it would be a very prominent and overbearing feature which would impact on the appearance of the dwelling, and would look out of place in the street.

This area is generally characterised by large open frontages with a consistent building line. This house has high hedges to the front and one side which would offer some screening to the garage, but the height of the garage (at 4.5 metres) would still be visible over the hedge, from the south. From the north, the front boundary of number 105 is low, and the proposal would be especially prominent when approaching from that direction.

The applicant points to other existing garages in front gardens, which he considers are comparable. These have been examined (and others that officers are aware of).

A detached garage at number 288 Broadway North (close to Birmingham Road) is 5.5 metres from the road, but is different as it is alongside an access-way to the Birmingham Road houses, and is set against a backdrop of garages / back gardens / houses: it is a very different situation due to these factors. (Landscaping is also required by condition due to be installed early in 2011.)

There is a detached double garage within the front garden of 64 Highgate Road, which is has in place for approximately 25 years, however, the bulk and position of the garage is closer to the houses, again considered to be in a different position. This is also not in an area of open frontages.

There are detached double garages in some front garden areas of the modern detached houses off Crabtree Mews. However, these were included in the design of the estate, fitting the rhythm of space and layout.

The introduction of the proposed detached garage to the front of the application house is considered to detract from the open frontages, it would introduce a dominant feature alien to the street scene which would appear incongruous and out of keeping with the line of neighbouring buildings, and would have a detrimental impact on the character of the area, and has not overcome the previous reasons for refusal.

Impact on Amenity of Nearby Residents

The proposed garage to the front of the house is to be located 8 metres away from the boundary with the neighbouring house number 105 and would have little impact in relation to this property.

In relation to number 109, the high boundary treatment and the 7 metre distance number 109 is set away from this boundary, would ensure that there would be little impact on the amenity of residents at this property.

Parking

The number of bedrooms to the property would require 3 parking spaces to be provided. The proposed garage would provide two spaces with space for up to 2 cars parked on the driveway, with a further space in the existing garage should it be retained. The proposal would comply with the requirements of the UDP and is considered acceptable in this respect.

Recommendation: Refuse

1. The proposed detached garage due to its positioning to the front of the application dwelling and the line of adjoining houses would appear over dominant and incongruous within the street scene to the detriment of the character of the area and contrary to Walsall's Unitary Development Plan, in particular policies GP2, ENV32 and H10, and the Supplementary Planning Document "Designing Walsall".
-



Planning Committee

*Report of Head of Planning and Building Control, Regeneration Directorate on
06/01/2011*

Reason for bringing to committee: Delicate Judgement

Application Number: 10/1584/FL

Application Type: Full application

Applicant: Parkhall Estates

Proposal: Redevelopment of public realm
area to provide a new commercial unit,
Restaurant/Cafe A3 use classification and
improved external works and access ways.

Ward: Paddock

Case Officer: Karon Hulse

Telephone Number: 01922 652492

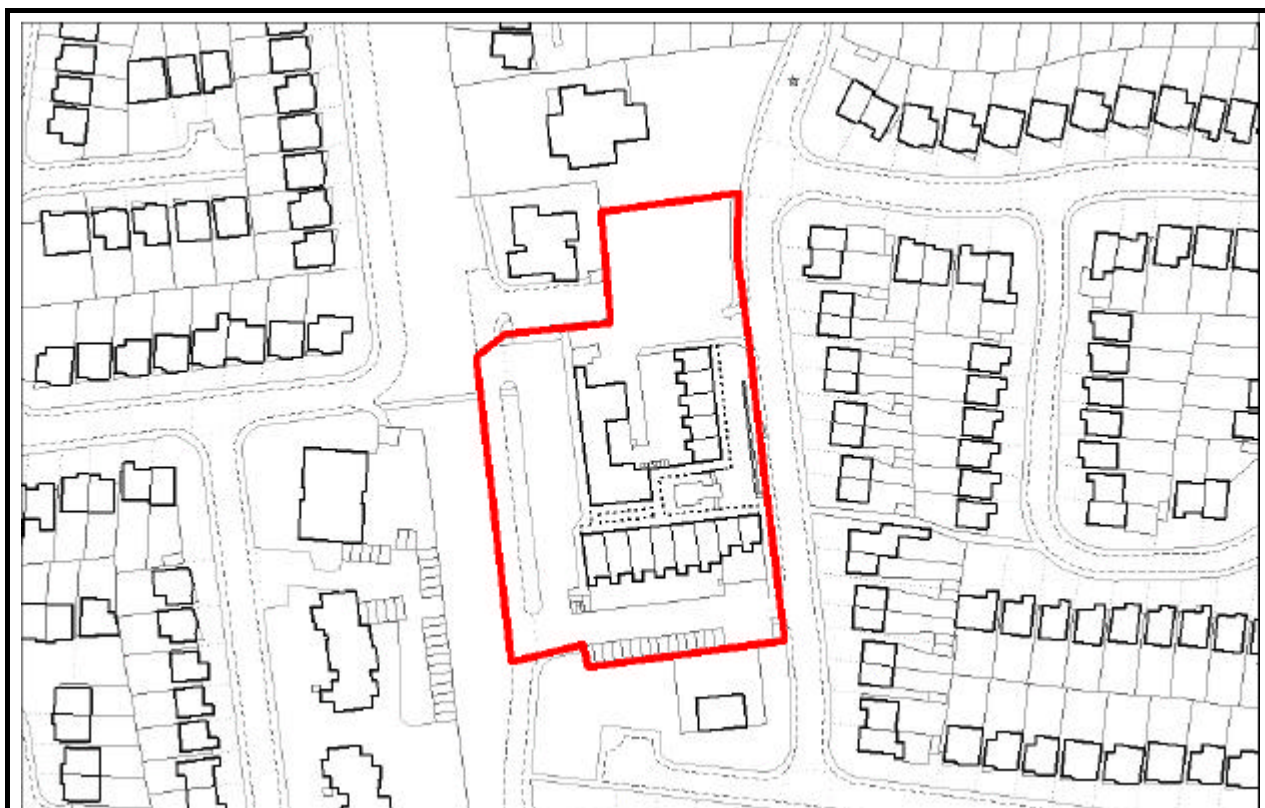
Email: planningservices@walsall.gov.uk

Agent: Pryor Project Management

Location: GILITY SHOPPING VILLAGE,
LISKEARD ROAD, WALSALL, WS5 3EY

Expired Date: 20/01/2011

Recommendation Summary: Grant Permission Subject to Conditions



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Application and Site Details

This application seeks consent to construct a stand alone unit on an area of the hard and soft landscaping around the local centre at Park Hall, Walsall which is commonly known as Gillity Shopping Village.

The proposed unit comprises 216m² of commercial space to be used as a café (which falls within the A3 use class). There are existing changes of level in this area.

It would be a two storey construction with the lower ground floor approximately 1.5 metres below the surrounding ground level of the forecourt. This lower ground floor space would provide an indoor area as well as an outside seating area within a walled courtyard. The upper floor is the entrance area, and an upper seating area. A platform lift and stairs connect the levels. There would be a level access from Liskeard Road into the new unit.

The upper floor is proposed to be rendered, the lower is brick with a flat V-shaped metal roof.

There is no additional parking being proposed as a result of this planning application however there is a large existing car park off Treyamon Road (to the rear of the shops).

The proposed hours of opening for this café are 0730 – 2200 Monday to Saturday and 0800 to 2200 on Sundays.

Relevant Planning History

10/0402/FL – (Gillity Village) Alteration of existing flat roof to mono-pitched roof to upper storeys of development. Grant Subject to Conditions 25th May, 2010

07/2667/FL/E7 – (17 Liskeard Road) Installation of an Automated Teller Machine Grant Subject to Conditions 2008

BC64861P – (17 Liskeard Road) Installation of an Automated Teller Machine. Refused 2002. Allowed on appeal 2002

BC64009P – (33 Liskeard Road) Variation of Condition 1 of Planning Permission P28976 to allow Sunday opening between 5pm - 11pm. Refused and dismissed at appeal 2002.

02/2312/FL/E5 – (37 Liskeard Road) Installation of an ATM. Grant Subject to Conditions 2003.

BC56553P – (51 Liskeard Road) Proposed extension of opening hrs to midnight on Monday to Saturday & 11.30 pm Sundays, & removal of condition excluding takeaway or delivery service from Bilash Restaurant, Gillity Village. Refused 1998. Dismissed at appeal 1999.

BC55649P – (53 Liskeard Road) Change of use from A1 to A3. Refused 1998.

02/0415/FL/E5 – (35 Liskeard Road) Retention of satellite dish. Grant Subject to Conditions 2002.

Relevant Planning Policy Summary

(Note the full text version of the UDP is available from the First Stop Shop in the Civic Centre, and on the Planning Services Website www.walsall.gov.uk/planning).

Saved Policies of Walsall Unitary Development Plan 2005

GP1 - relates to sustainable development- the location of facilities where they are accessible to everyone and minimise the need to travel.

GP2 - The Council will not permit development which would have an unacceptable adverse impact on the environment and lists the considerations will be taken into account in the assessment.

ENV32 : Design and Development Proposals

ENV35 : Appearance of Commercial Buildings

ENV 37...design of frontages to shops and other commercial premises should be appropriate and sympathetic to their setting and building

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

3.16 The Council will consider 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.

5.1...encourage the growth and development of the retail, service and leisure sectors, both to strengthen and diversify the Borough's economy and to meet the needs and aspirations of all sections of the community.

5.2...sustain and enhance the vitality and viability of the Town, District and Local Centres.

5.4...sequential approach applied to the location of all retailing facilities.

5.8... proposals in edge-of-centre and out-of-centre locations will also be subject to the provisions of Policy S6 ('Meeting Local Needs') and/or Policy S7 ('Out-of-Centre and Edge-of-Centre Developments')

S1 defines retailing as a town centre use.

S3 states that developments should be of a scale and nature appropriate to the size and function of the centre concerned and ensure proper integration of developments in or on the edge of Centres

S4...general principles seek to sustain and enhance range and quality of shopping, leisure and other town centre uses.

S6 & S7 apply tests to developments outside of, not within, centres.

7.1: Seeks to promote an efficient highway network;

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

T13: sets maximum car parking standards, account should be taken of the location of development in relation to local facilities and public transport and unless demonstrated

Supplementary Planning Documents (SPD)

Designing Walsall Supplementary Planning Document - 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;

DW1- Sustainability, DW2- Safe and Welcoming places, DW3 - Character, DW4 - Continuity, DW5 - Ease of movement, DW6 - Legibility, DW9 - High Quality Public Realm, DBW 10 - New development to contribute to creating a sustainable environment.

Local Development Framework (LDF)

The Black Country Joint Core Strategy (JCS) has now been through its Examination in Public. It is on course for adoption early in 2011. The broad principles of the UDP – e.g. the appropriate reuse of previously developed land, need to promote the town and district centres and high quality design are further advanced in the document taking account of the latest national policy and available evidence. However, the plan is not generally site-specific and it will carry little weight until it is adopted.

Regional Strategy for the West Midlands

Due to the High Court decision (Cala Homes vs SOS and Winchester), the Regional Strategy for the West Midlands is a material consideration, however it is the continued stance of the Government that this document will be replaced through mechanisms outlined in the Localism Bill, which following further consideration in the High Court, should be noted.

National Policy

PPS1: Sets out the overarching planning policies on the delivery of sustainable development through the planning system.

PPS4: Planning for sustainable economic growth, reinforces the Government's application of the 'plan-led approach' and 'town centre first' principles to retail and all other developments for town centre uses. It does, however, provide clarification on how such proposals should be considered.

Weight is to be given to the regeneration, social inclusion and mixed use development benefits of retail and town centre use schemes, but only where these also comply with town centre planning policy, rather than being used as a justification for development contrary to policy. The objectives for planning are to:

- build prosperous communities by improving the economic performance of cities, towns, regions, sub-regions and local areas, both urban and rural
- reduce the gap in economic growth rates between regions, promoting regeneration and tackling deprivation
- deliver more sustainable patterns of development, reduce the need to travel, especially by car and respond to climate change
- promote the vitality and viability of town and other centres as important places for communities

PPG13: Seeks to minimise the use of the car by the sustainable location of development.

PPS24: Seeks to minimise the adverse impact of noise.

Consultations

Transportation – no objections

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

Environmental Health – no objection subject to condition

Police Architectural Liaison Officer – no objection

Public rights of way – no objection

Regeneration (landscape) – no objections subject to landscaping conditions

Fire Service - no objections

Public Participation Responses

Three letters of objection (two from the same address but different people) on the following grounds:

- The overbearing nature of the proposed development will make the area appear cramped and have a general adverse effect on the street-scene.
- The creation of alleyways to the detriment of public safety.
- A cafe open into the late evening is likely to attract anti-social behaviour.
- History of a failed cafe as part of a bread shop therefore no local demand for this type of development. There are 13 units of which 4 offer takeaway services (one of which is part of a restaurant) as well as a pub which also provides food.
- There are currently 2 empty units out of the 13.
- The area was provided as part of the original development as an area to be enjoyed by the local community... become dilapidated and run down...should be refurbished as communal space for local residents.
- There has been no consultation with the local community as far as I can tell, and the only public notice is the one appearing in the local paper.
- The applicant appears to have 'padded' his application with reference to 'Travel Plans' and an 'expanding local community' which appear relevant to an application made by the company in respect of a development in Chelmsford (regarding the Broomfield Hospital Campus), and it is difficult to determine which of the points are actually relevant to Park Hall - many are obviously not.

A fourth representation supports the proposal as an opportunity for improvements to the shopping area.

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

Determining Issues

- Principle of café in local centre
- Design/appearance
- Accessibility/security
- Residential Amenity

Observations

Principle of café in local centre

This is a local centre and as such the proposed use is acceptable and in accordance with the policies of the Unitary Development Plan and in particular the criteria of policy S6 which

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encourages the provision of facilities which meet the day to day needs of the local community.

The applicants have in the design and access statement suggested that the concept of the proposal has been developed through meetings held between the applicants, local representatives and the Gillity management team.

The proposal is considered to be acceptable and will form an integral part of the attraction of the Gillity shopping village, and the business will enhance and support the rest of the shops in the centre.

Design/appearance

The shopping centre is currently being considered for some refurbishment to enhance the facilities it offers and improve its appearance. A recent planning approval has been given (but not yet implemented) for the addition of a mono pitched roof to the existing flat roof.

This proposed unit will create a unique feature within the centre which will create a focal point and stand out in the local area. Its design will reflect the character of the existing shopping centre whilst bringing in a modern crisp looking building into the central area.

The proposals also include soft and hard landscaping around the unit, although there is a lack of information regarding the details (this can be satisfactorily achieved by way of condition).

Accessibility/security

This site serves the local community and is centrally positioned in the Park Hall area of Walsall. The provision of a level access to the upper floor gives access to the facilities for disabled persons and those with young children in pushchairs etc.

The siting of the new unit will replace an existing planter bed which is no longer used and provides no real amenity value to the area. At the time of the construction of the shops it was considered that the accessways around the shops and around this planter area were wide for pedestrian manoeuvrability, and this still remains the case.

Views down and through the shopping centre will be restricted by the new unit but this will improve the overall appearance of the centre. The design, reduced height due to the sunken lower ground floor and large windows allows the unit to be well integrated into the existing fabric of the shopping centre and will allow overlooking of those routes through the centre thereby increasing natural surveillance of the centre.

Residential Amenity

A greater number of residents have been consulted on this application due to its nature and site notices were posted at the front and rear entrances to the shopping centre, only one of the objectors is close to this centre others reside in nearby streets not directly adjoining the centre. It is considered that the amenity of nearby residents, particularly of those above in the flats is unlikely to be further impacted upon by the introduction of this unit. There is already an existing number of similar uses which are open beyond the proposed hours of this unit therefore any impact is more likely as a result of others in the centre.

Summary of Reasons for Granting Planning Permission

The proposed development will provide a commercial premises that will offer variety and choice in a well established, well utilised Gilly local centre maintained Crown Wharf Retail Park it is therefore considered to comply with the relevant policies of the development plan, in particular policies GP1, GP2, ENV32, ENV35, ENV 37, 3.6, 3.16, 5.1, 5.2, 5.4, 5.6, 5.8, S1, S3, S4, S6 and S7 of Walsall's Unitary Development Plan and also the Regional Spatial Strategy and National Policy Statement 4 and, on balance, having taken into account all material planning considerations including the proximity of this part of the retail park to the main areas of shopping in the town centre, the proposal is acceptable.

Recommendation: Grant Permission Subject to Conditions

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

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

2. No development shall commence until details of a method to prevent grease entering the drainage system have been submitted to and approved in writing by the Local Planning Authority. The premises shall not be open for business until this approval has been given and the approved details have been fully implemented. The approved equipment shall thereafter be retained and maintained in accordance with manufacturer's or installers requirements.

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

3. No development shall be carried out until a detailed landscaping scheme for the site, (including any necessary phasing of implementation), has been approved in writing by the Local Planning Authority. The approved scheme shall be implemented 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 the satisfactory appearance of the development.

4. All planted and grassed areas and associated protective fencing shall be maintained for a period of 5 years from the full completion of the approved scheme. Within this period:

- (a) grassed areas shall be maintained in a tidy condition by regular cutting and any areas that fail to establish shall be reinstated;
- (b) planted areas shall be maintained in a tidy condition by regular weeding and litter collection;
- (c) any tree, shrub or plant which dies, becomes seriously diseased, damaged or is removed shall be replaced with a tree, shrub or plant of the same or greater size and the same species as that originally required to be planted;
- (d) any damage to protective fences shall be made good.

Reason: To ensure the satisfactory appearance of the development.

5. No development shall be carried out until full details of existing and proposed levels of the site, accessway and floor levels, in relation to land adjoining the site, have been approved in writing by the Local Planning Authority. The submitted details shall include full details of any retaining structures required to ensure the stability of the site or adjoining land.

Reason: To ensure the satisfactory appearance of the development and visual amenity of the area.

6. The materials used shall be those indicated on the approved plans.

Reason: To ensure the satisfactory appearance of the development.

7. No materials, goods or refuse shall be stored or deposited in the open on any part of the site other than refuse in a refuse container which shall be positioned to avoid interference with pedestrian movements around the shopping centre.

Reason: To ensure the satisfactory appearance of the development.

8. All loading and unloading of goods shall take place from the rear car park off Treyamon Road only.

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

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

I. A desk study and site reconnaissance, shall be conducted to identify the potential for contaminants and/or ground gases likely to present a risk to proposed structures or future occupants of the development to be present on site. Results of the desk study and site reconnaissance shall be submitted to and agreed in writing prior to built development commencing. (see Note for Applicant CL 4)

II. In the event that the desk study and site reconnaissance indicates the potential presence of contamination and/or ground gases on site. Prior to built development commencing a site investigation, ground contamination survey and assessment of ground gas, having regard to current best practice shall be undertaken. (see Note for Applicant CL1)

III. Prior to built development commencing a copy of the findings of the site investigation, ground contamination survey and ground gas assessment, together with an assessment of the hazards arising from any land contamination and/or ground gas shall be forwarded to the Local Planning Authority. (see Note for Applicant CL2)

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

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

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

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

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

10. Plant and equipment used for the purpose of heating, ventilation, air conditioning, refrigeration and/or freezing shall be situated within building structure(s), or acoustically designed enclosures, or at suitable locations approved in writing by the local planning authority, and thereafter retained in accordance with any approval for the period of their use.

Reason: To safeguard the amenities of the residential occupants of flats above the shops.

11. The development shall only be open to serve food between the hours of 0730 – 2200 Monday to Saturday and 0800 to 2200 on Sundays and Bank Holiday or Public Holiday only unless otherwise permitted in writing by the Local Planning Authority.

Reason: To safeguard the amenities of the residential occupants of flats above the shops and local area.

12. Collections, deliveries and despatches to and from the development shall only take place between the hours: 07.00 to 19.00 weekdays, excluding specified Bank and Public Holidays; 08.00 to 13.00 Saturdays; and at no time on any Sunday, Bank Holiday or Public Holiday.

Reason: To safeguard the amenities of the residential occupants of flats above the shops.

13. No demolition, construction or engineering works, (including land reclamation, stabilisation, preparation, remediation or investigation), shall take place on any Sunday, Bank Holiday or Public Holiday*, and such works shall only take place between the hours of 07.00 to 18.00 weekdays and 08.00 to 16.00 Saturdays unless otherwise permitted in writing by the Local Planning Authority. No plant, machinery or equipment associated with such works shall be started up or operational on the development site outside of these permitted hours.

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

Reason: To safeguard the amenities of the residential occupants of flats above the shops and local area.

14. No development shall be commenced until full details of the specification and type of any proposed plant and equipment used for the purpose of ventilation and extraction of cooking odours, have been submitted to and approved in writing by the local planning authority. The agreed details shall thereafter be retained and maintained in good working order in accordance with any approval for the period of its use.

Reason: To safeguard the amenities of the residential occupants of flats above the shops.

Note For Applicant

A. Mechanical extract/ventilation systems serving hot food cooking point and/or kitchen areas shall be of a proprietary low-noise design, and typically feature de-coupled ductwork that is vibration isolated from wall and other structures. The flue terminus should be designed to give adequate dispersal of odours having regard to the building height, roof design and surrounding buildings and structures. As a general principle the aim shall be to achieve a vent height that is 1 metre above building ridge or roof level.

External windows and doorways serving kitchen work areas shall remain closed when cooking is taking place, other than for access, egress and emergency purposes. Where general ventilation is required for such areas, this shall be facilitated via intake fan systems

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

C - Contaminated Land

CL1 - Ground investigation surveys should have regard to current "Best Practice" and the advice and guidance contained in Planning Policy Statement 23 – Planning and Pollution Control; British Standard BS10175: 2001

"Investigation of potentially contaminated sites – Code of Practice"; British Standard BS5930: 1999 "Code of practice for site investigations"; Construction Industry Research and Information Association "Assessing risks posed by hazardous ground gasses to buildings (Revised)" (CIRIA C665); or any relevant successors of such guidance. You are strongly advised to consult with the Local Planning Authority on the construction, location and potential retention of any boreholes installed for the purposes of ground gas and or groundwater before installation of same.

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

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

CL4 - The desk study and site reconnaissance shall have regard to the previous unknown filled ground and materials used and processes carried on. Further details on the matters to be addressed is available in “PPS 23 : Planning and Pollution Control”, Annex 2, Development on Land Affected by Contamination”, paragraphs 2.42 to 2.44. and “Model Procedures for the Management of Contamination” (CLR 11, DEFRA/Environment Agency). The results of the desk study and reconnaissance will be used to determine the need for further site investigation and remediation.



Planning Committee

Report of Head of Planning and Building Control, Regeneration Directorate on
06/01/2011

Reason for bringing to committee: Significant Community Interest

Application Number: 10/1122/FL

Application Type: Full application

Applicant: Malvern Estates (New Homes Ltd)

Proposal: Erection of 4 detached houses with garages (increased application site incorporating land at the rear of 7 & 9 Mayfield Road).

Ward: Streetly

Case Officer: Alison Deakin

Telephone Number: 01922 652487

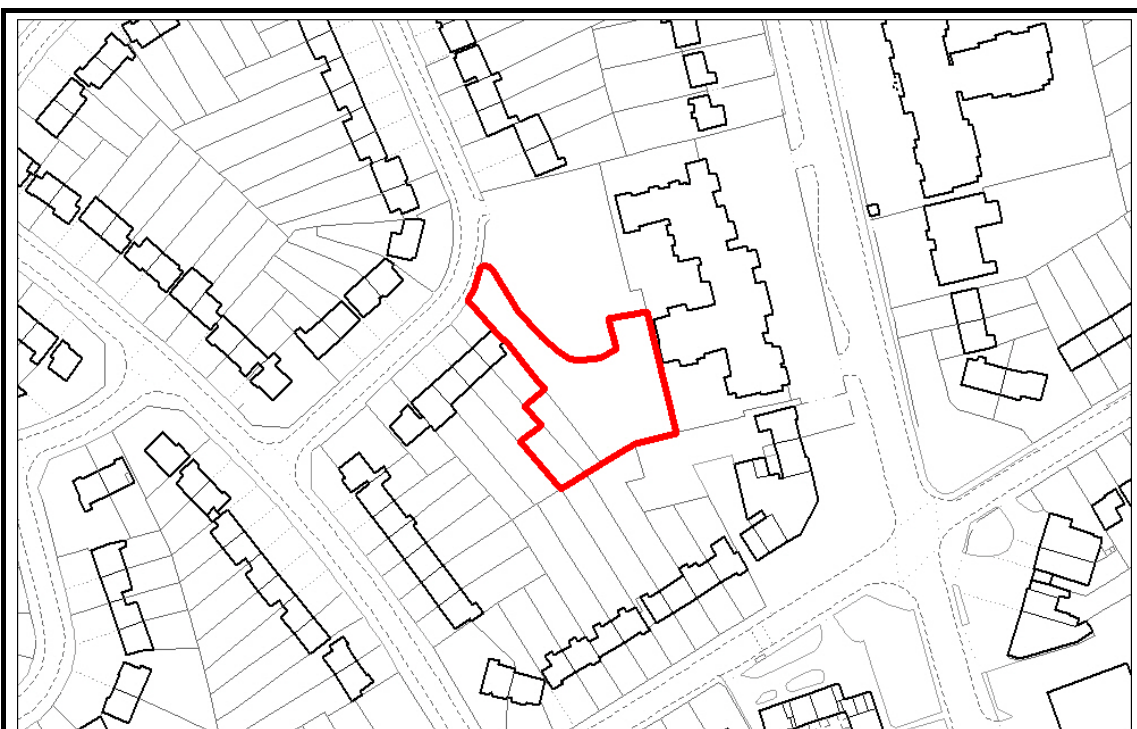
Email: planningservices@walsall.gov.uk

Agent:

Location: LAND BETWEEN 9 & 23
MAYFIELD ROAD, STREETLY, B74 3QY

Expired Date: 05/11/2010

Recommendation Summary: Grant Permission Subject to Conditions



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Application and Site Details

The principle of developing 9 houses on this site in Mayfield Road has been approved and the first five houses constructed under permission 07/2658/FL/E6. The current proposal is a new application for the remaining 4 detached houses (plots 6, 7, 8 and 9) on an increased application site that includes additional garden land to the rear of 7 and 9 Mayfield Road.

The revised application shows the following changes from the original permission 07/2658/FL/E6:

Plot 6 – this is a 4 bed detached house with separate garage rather than an integral garage originally proposed. The size of the house is enlarged to 12.2m in length, 8.5m wide and 9m high (as opposed to 11.3m long, 7.4m wide and 8.5m high previously approved). The increased length includes bay window projections to the front and rear. Additional door and window openings are included in the side elevations for a secondary lounge window, breakfast room window, utility room door and en-suite and bathroom windows.

Plot 7 – the house type is changed from a 4 bed to a 5 bed property with an integral garage. It is decreased to 11m long, and increased to 9.8m wide and 9.1m high (as opposed to 11.4m long, 7.2m wide and 8.7m high). An additional utility room door and en-suite windows are included in the side elevations.

Plot 8 - the house type is changed from a 4 bed to a 5 bed property with a separate detached garage (adjoined to the garage for plot 9) and from a pitched roof to a hipped roof. It is increased in size to 12.5m long, 11.1m wide and 9m high (as opposed to 11.2m long, 7.3m wide and 8.9m high). There are additional secondary lounge and family room windows and a utility room window in the side elevations. Two en-suite windows and a bathroom window in the side elevations replace a bathroom, en-suite and stairway window on the original house type. The single garage is attached to that for plot 9 and the building is 5.6m square and 4.7m high.

Plot 9 – the house type has changed from a pitched roof to a hipped roof and bay windows included to the front and rear. It has a detached garage located at the rear adjoined to the garage for plot 8. The house is 7.3m wide, 12.5m long and 8.5m high (as opposed to 7.3m wide, 11.2m long and 8.9m high). There is a secondary kitchen window in the side elevation plus two en-suite and staircase windows.

The site is on a private drive between numbers 9 and 23 Mayfield Road and was formerly part of a larger site that included the retirement flats (Hunters Court) fronting Chester Road. Apart from the retirement flats the surrounding area is predominantly detached and semi-detached houses.

The new larger house type on plot 8 requires the removal of a protected Norway Maple tree. The applicant's arboricultural report states that this tree could not survive if the dwelling on plot 8 had been constructed in accordance with the existing permission as the house would have been only 6m away from the tree and required severe pruning of the branches to accommodate the house and its construction. In the event the pruning would have rendered the tree of little amenity value. The report also states it is likely that residents in the situation previously approved would find living conditions intolerable as a consequence of proximity to the tree due to heavy shading, leaf shed and branch debris and apprehension as to the tree's collapse.

The Design & Access Statement states that the proposals will offer a greater mix of house types as two 5 bed houses are included. It also states the design reflects the scale and massing of the surrounding context and the plots designed to achieve recommended separation distances. There are larger gaps between the proposed houses to enhance the

setting. The site is close to schools, shops and local bus networks thus reducing reliance on private cars.

Relevant Planning History

09/1442/TR – Fell 1 Horse Chestnut. Crown lift 1 Maple to 4m, crown lift 2 maples to 5m, crown lift 1 lime to 3m – Granted - November 2009. (The Tree Preservation Order affects 5 trees on site)

09/1567/FL – Removal of condition 12 of permission 07/2658/L/E6 for vehicle access direct from Mayfield Road to Plot 1 – Granted - December 2009.

07/2658/FL/E6 – Erection of 9 no. 4 bed detached houses with new access road and drainage – Granted subject to conditions - January 2008.

Relevant Planning Policy Summary (Note the full text version of the UDP is available from the First Stop Shop in the Civic Centre, and on the Planning Services Website www.walsall.gov.uk/planning).

Saved policies of Walsall Unitary Development Plan (UDP)

GP1: Supports the sustainable location of development.

2.2, 3.6, 3.7, & GP2: seek to make a positive contribution to the quality of the environment, whilst protecting people and ensuring adequate and safe access is provided.

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

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

3.16, GP7, ENV32, H10 and 3.116: seeks the design of residential developments to create high quality living environments, well integrated with surrounding land uses and local character. Poorly designed development which fails to properly take account of the context or surroundings will not be permitted, particularly in locations such as visually prominent sites. Designing out crime' through design, layout, landscaping and boundary treatments is encouraged.

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

ENV40: Proposals for development will be encouraged to incorporate measures for conservation of water resources such as the use of water efficient devices, the on site recycling of water (including grey water systems).

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

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

T13: car parking standards

4 bedroom houses and above 3 spaces per unit

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.

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

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

DW4: Attractive spaces within new development should be defined or enclosed by buildings, structures and/or landscape

DW6: New development should contribute to creating a place that has a clear image and identity and is easy to understand

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

Website: www.walsall.gov.uk/planning, Email planningservices@walsall.gov.uk, Telephone (01922) 652452,

Textphone 0845 111 2910, Translation Line (01922) 652426, Fax (01922) 623234

DW8: New development should contribute to creating flexible and adaptable places that can easily change over time

DW9: New development must seek to ensure it creates places with attractive environmental quality

DW10: New development should make a positive contribution to creating a comfortable, adaptable and sustainable built environment

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

Conserving Walsall's Natural Environment SPD

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

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

Local Development Framework (LDF)

The Black Country Joint Core Strategy (JCS) has now been through its Examination in Public. It is on course for adoption early in 2011. The broad principles of the UDP – e.g. the appropriate reuse of previously developed land, need to promote the town and district centres and high quality design are further advanced in the document taking account of the latest national policy and available evidence. However, the plan is not generally site-specific and it will carry little weight until it is adopted.

Regional Strategy for the West Midlands

The revocation of Regional Spatial Strategies by the Secretary of State, on 6 July 2010, has been reversed by the High Court. The Government responded by advising its proposed abolition of the RSS system (abolition will require legislation and will take time) should be a material consideration in decisions. There has been a legal challenge to that position

The Government have responded and now advise that in relation to the challenge:-

“ The Secretary of State is defending the challenge and believes and is advised that it is ill founded. Nevertheless, pending determination of the challenge, decision makers in local planning authorities and at the Planning Inspectorate will in their determination of planning applications and appeals need to consider whether the existence of the challenge and the basis of it, affects the significance and weight which they judge may be given to the Secretary of State's statements and to the letter of the Chief Planner.”

Officer's advice is that the RSS is again part of the statutory development plan for the Borough, with the saved policies of Walsall's UDP, and decisions should be made in accordance with it unless material considerations indicate otherwise. Clearly, the situation is in flux and whilst reliance can be placed on the RSS the degree to which that can be maintained against a challenge is uncertain. Each case must be considered on its merits in this context and a balanced view achieved.

National Policy

PPS1: Emphasises the need to reject poor design and the need for sustainable development.

PPS3: Promotes sustainable development the need for well designed new housing developments. Consideration of design and layout must be formed by the wider context.

PPS9: Seeks to promote sustainable development, conserve, enhance and restore the diversity of England's wildlife and geology and contribute to rural renewal and urban renaissance.

PPG13: Promotes sustainable patterns of development which reduce the need to travel, especially by car.

Consultations

Transportation – No objections in principle. A bin hardstanding area is required to serve plots 6, 7, 8 & 9. There are at least 2 spaces per dwelling which is acceptable.

Tree Officer – No objections. The existing tree constraints are not significant enough to warrant refusal of permission. The drive to Plot 9 is 0.5m closer to the base of the protected tree at the front of the site than that already approved which is not significantly closer. The access drive and garages between Plot 8 and Plot 9 was originally 4m from the base of the protected tree in the rear of Plot 9. The new layout indicates it to be 2m from the base of the tree, which is significantly closer than would normally be acceptable. However, modern construction methods indicate that the drive could be constructed on the principles of 'no-dig' techniques, the details of which should be submitted, and agreed to, prior to construction. Plot 7 has been altered to give a greater distance between the protected tree to the rear (east) and the rear elevation of the building, which is considered acceptable. No arboricultural objection to the loss of T4 Maple (Plot 8) as its retention in the original scheme was questionable. However, it is expected that compensatory planting will be required to mitigate the loss of amenity and to plan for future amenity.

Fire Service – No objections.

Police Architectural Liaison Officer – No objections. The developer is encouraged to design and build to Secured by Design accreditation.

Public Participation Responses

Four letters of objection have been received, plus letters to the tree officer, and one letter following additional publicity summarised as follows: -

- The first phase of the development dominates the view from the adjacent flats at Hunters Court
- Loss of view
- Loss of privacy with back to back housing overlooking
- Loss of the largest of the 4 remaining protected trees to accommodate the housing
- The replacement tree is not acceptable as a replacement for the Norway Maple
- A smaller dwelling on plot 8 or 1 less house would allow retention of the mature tree
- Mature Horse Chestnut trees have already been felled (*this was approved under TPO application 09/1442/TR*)
- Too many houses crammed on the site
- Occupiers of the retirement homes were not advised of the possibility of a housing development when they purchased their homes
- Adverse effect on residents wellbeing
- Favour is given to developers over the local community.

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

Determining Issues

- Layout and Design
- Relationship with trees
- Relationship with neighbouring properties
- Access and Parking

Observations

Layout and Design

The proposed dwellings are in a similar layout to that previously approved but the inclusion of additional land at the rear of 7 and 9 Mayfield Road allows more space to accommodate larger houses which are spread across a wider part of the site. Nevertheless the layout still respects the relationship to surrounding properties and is considered appropriate to the surrounding context.

The design of the houses reflects the design of the surrounding properties and first 5 plots and is acceptable.

Despite the objectors concern that there are too many houses crammed on to the site it has been increased in size yet the same number of dwellings are proposed. The occupiers of the retirement flats claim they were not made aware of the possibility of a housing development on the adjoining land. However, permission was first granted for sheltered flats and 9 houses in 2003 (permission reference 03/0837/FL/E3) before the flats were built. It is considered that as both uses are residential they are compatible and there should be no adverse impact upon occupiers' wellbeing.

Relationship with trees

The revised house types require removal of a mature Norway Maple tree. The developer states a replacement tree in a position to be agreed can be accommodated on site. Although objectors consider that a smaller dwelling on plot 8 would allow for retention of the Norway Maple it is evident that if the original scheme were implemented severe pruning of the tree would be required to such an extent that it would reduce the visual amenity value. In the circumstances the removal of the tree and replacement with a new replacement tree is of benefit. The Tree Officer has also advised that retention of this tree under the original permission is questionable and he has no objections to its loss and the species of replacement tree is to be agreed at a future point.

Revised plans show plot 7 repositioned 3m further forward away from a retained tree which gives a longer garden length of 14m minimum and so less likelihood that the tree will overshadow the plot and cause problems for residents. Plot 9 has also been revised to replace the integral garage with a detached garage located adjacent to the garage for plot 8. This allows a reduction in the amount of hardstanding at the front of the house to protect the remaining trees which although 0.5m closer than the existing permission is not sufficient to warrant refusal.

The access drive and garages between Plot 8 and Plot 9 was originally 4m from the base of the protected tree in the rear of Plot 9. The new layout indicates it to be 2m from the base of the tree, which is significantly closer than would normally be acceptable. However, modern construction methods indicate that the drive could be constructed on the principles of 'no-dig' techniques, the details of which should be submitted, and agreed to, prior to construction.

The trees which have already been removed were authorised under the TPO consent in 2009. On balance it is considered that the existing tree constraints are not significant to

warrant refusal of permission. There is also the fallback position to continue development on the basis of the previous permission granted for the smaller site.

Relationship with neighbouring properties

There is 13m between the front of plot 7 and gable of plot 5 which accords with policy in Appendix E of SPD: Designing Walsall. There is 18m separation at the closest point between the front of plot 8 and rear of plot 9 which is below the recommended 24m. However, there is an existing tree in the garden of plot 9 that will provide screening. Residential amenities are considered not to be adversely affected.

There is 18m between the gable of plot 6 and rear facing elevations of Hunters Court but given this plot has not moved position significantly and the only habitable room windows facing are a secondary lounge window at ground floor and staircase window at first floor there will not be significant overlooking. Although there is a rear wing at Hunters Court closer to plot 6 the relationship between the two properties is no different than before so the amended proposals will not adversely affect residential amenity or outlook. There is an existing fence with trellis on top along this boundary that also helps screen the ground floor. For these reasons there is considered to be no loss of view or privacy for residents of Hunters Court. A condition is recommended that the first floor gable windows remain obscurely glazed.

There is only a first floor bathroom window and ground floor utility door and window facing the gardens of 5, 7 and 9 Mayfield Road. As these are not habitable rooms there is little opportunity for overlooking and no adverse impact upon residential amenities or privacy. The houses which back on to the site in Bridle Lane have extensive rear gardens and separation between the houses is sufficient to prevent loss of privacy or overlooking.

Consideration of the application has included the effect upon neighbour's amenities and a balanced view taken despite an objection that developers' needs are being favoured over the local community.

Access and Parking

The proposal now includes two 5 bed houses but this makes no difference to the required parking as the maximum parking levels relate to properties with 4 bedrooms and above. Each plot has at least two spaces. Although Transportation have requested a bin hardstanding this would detract from the setting of the development and considering this is a short cull-de-sac it is not unreasonable to expect residents to place their bins on the footway on collection day as other dwellings in the vicinity do.

Summary of Reasons for Granting Planning Permission

The principle of developing 9 plots is already established in granting the earlier permission and the amended application shows the plots are in a similar layout and of a similar design.

Plot 7 has been revised to allow greater separation to retained trees and plot 9 revised to provide a detached garage at the rear and reduce the extent of driveway at the front to protect the retained tree at the site frontage. Despite the loss of the Norway Maple on plot 8 this would have required extensive pruning to accommodate the approved house on this plot that would reduce the amenity value of the tree. The current proposal provides for a replacement tree. Other trees on the site were removed under the TPO consent in 2009.

The separation between the front of plot 8 and rear of plot 9 is below the recommended standard but on balance it is considered that existing screening and the position of the dwellings should prevent overlooking. The position of plot 6 in relation to the rear elevation of flats at Hunters Court is no different to the earlier permission and although additional windows are included in the gable these are non-habitable rooms and can be obscurely glazed. There are no habitable room windows overlooking gardens of Mayfield Road properties and back to back separation to houses in Bridle Lane exceeds the recommended standards. Consideration of the application has included the effect upon neighbour's amenities and a balanced view taken despite an objection that developers' needs are being favoured over the local community.

Each house has at least 2 off-street parking spaces which is acceptable. Bins can be placed on the footway in Mayfield Road as happens for other houses in the street.

In light of the above the proposals are considered to accord with the aims of saved policies GP1, GP2, GP7, 2.2, 3.6, 3.7, 3.16, 3.64, 3.116, 3.117, ENV17, ENV18, ENV32, ENV33, ENV40, 6.3, H3, H10, T7 and T13 of Walsall Unitary Development Plan and Supplementary Planning Documents: Designing Walsall and Conserving Walsall's Natural Environment.

Recommendation: Grant Permission Subject to Conditions

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

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

2. The works hereby approved shall only be carried out in accordance with details contained within the following approved plans and specifications except insofar as may be otherwise required by other conditions to which the permission is subject;

- Location Plan (10373 Rev A) received 19/08/10
- Proposed Site Plan (Dwg. 20 Rev B) received 08/11/10
- Plans & Garage: Plots 6 & 7 (Dwg. 21) received 19/08/10
- Elevations: Plot 6 (Dwg. 22) received 19/08/10
- Elevations: Plot 7 (Dwg. 23) received 19/08/10
- Plans Plot 8; Garage Plots 8 & 9 (Dwg. 24 Rev A) received 08/11/10
- Elevations: Plot 8 (Dwg. 25) received 19/08/10
- Plans & Elevations: Plot 9 (Dwg. 26 Rev A) received 08/11/10
- Topographical Survey (7045-200-001) received 10/09/10
- Design & Access Statement prepared by Vanessa Greenhouse RIBA received 19/08/10
- Schedule of Materials (dated 16/08/10) received 19/08/10
- Letter from Sylvanus Arboricultural Consultants Ltd dated 2 June 2010 received 19/08/10

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

3. This development shall not be carried out until a schedule of facing materials to be used in external walls and roofs has been approved in writing by the Local Planning Authority.

Reason: To ensure the satisfactory appearance of the development.

4. Development shall not begin until drainage details, incorporating sustainable drainage principles and assessment of the hydrological and hydrogeological context of the development, have been submitted to and approved in writing by the Local Planning Authority, and the scheme shall subsequently be implemented in accordance with the approved details before the development is complete.

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

5. No development shall be carried out until full details of the proposed boundary treatment of the site have been approved in writing by the Local Planning Authority. The approved scheme shall be implemented before the development is brought into use and shall be thereafter retained.

Reason: To ensure the satisfactory appearance of the development and to safeguard the amenities of occupants of nearby properties.

6. No development shall be carried out until a detailed landscaping scheme for the site has been approved in writing by the Local Planning Authority. The approved scheme shall be implemented within 12 months of any part of the development being brought into use, or such other period as may be agreed in writing by the Local Planning Authority.

Reason: To ensure the satisfactory appearance of the development and to safeguard the amenities of occupants of nearby properties.

7. All planted and grassed areas and associated protective fencing shall be maintained for a period of 5 years from the full completion of the approved scheme. Within this period:

- (a) grassed areas shall be maintained in a tidy condition and any areas that fail to establish shall be reinstated;
- (b) planted areas shall be maintained in a tidy condition;
- (c) any tree, shrub or plant which dies, becomes seriously diseased, damaged or is removed shall be replaced with a tree, shrub or plant of the same or greater size and the same species as that originally required to be planted;
- (d) any damage to protective fences shall be made good.

Reason: To ensure the satisfactory appearance of the development.

8. No development shall be carried out until a plan indicating the design and location of protective guards or fencing to protect all trees or hedges to be retained has been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented before any site preparation, or construction work is undertaken and shall be retained until the development is finished and all other equipment and installations have been removed from the site, the protection area shall be kept clear of all contractors' materials and machinery at all times.

Reason: To safeguard the trees and trees with protection orders on the site.

9. No development shall be carried out until full details of the driveway construction to Plot 8 and Plot 9 have been submitted to, and agreed in writing by, the Local Planning Authority. The details shall include a Method Statement of Construction for the driveway in accordance with the principles of 'no-dig' construction to ensure the minimal amount of root severance to tree T3 Maple. The details must indicate the amount of ground excavations, the specification of materials for the construction of the 'no-dig' drive, the means of

restricting lateral spread through edge restraints, the existing and proposed ground levels and the means of protecting the tree during these works.

Reason: To preserve and enhance the visual amenities of the locality in accordance with Policies ENV18 of Walsall UDP, and NE8 of the Supplementary Planning Document Conserving Walsall's Natural Environment.

10. This decision to allow the removal of the T4 Maple (Plot 8) is subject to replacement planting of one of the following:- Norway Maple (*Acer platanoides*), Silver Birch (*Betula pendula*). The replacement tree must be a nursery grown standard between 8-10cm in girth at the time of planting and be container grown. It must be planted in the rear garden of Plot 8, towards the south corner unless otherwise agreed in writing by the local planning authority. The tree must be planted in accordance with good horticultural practice, be maintained to ensure establishment, and in accordance with the proposed timing of planting, the details of which shall first be approved in writing by the Council. The replacement tree shall not be planted within 2m of a boundary wall, fence, road, footpath or outbuilding. If within a period of five years from the date of the planting of any tree, that tree, or any planted in replacement for it, is removed, uprooted or destroyed or dies, another tree of the same species and size as that originally planted shall be planted in the same place, unless the local planning authority agrees in writing to any variation.

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

11. In this condition 'retained tree' means an existing tree or hedge which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) below shall have effect until the expiration of 5 years from the first occupation of the development.

- a) No retained tree 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, without the written approval of the local planning authority. Any topping or lopping shall be carried out in accordance with British Standard 3998 (tree work) and in accordance with any supplied arboricultural method statement.
- b) If any retained 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 shall be planted at such time, as may be specified in writing by the Borough Council.
- c) Following the completion of any arboricultural works but before any equipment, materials or machinery are brought onto the site in connection with the development, protective fencing and ground protection such as geomembrane or scaffold boards shall be installed around all retained trees in accordance with details that first shall be submitted to and agreed in writing by the borough council. Such protection 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, without the written consent of the Borough Council
- d) Prior to the commencement of works on site and after the installation of the tree protection in accordance with (c) above the Council's arboricultural officer shall be notified to allow a full inspection of the protection measures.

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

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 07.00 to 18.00 weekdays and 08.00 to 14.00 Saturdays unless otherwise permitted in writing by the Local Planning Authority. No plant, machinery or equipment associated with such works shall be started up or operational on the development site outside of these permitted hours.

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

Reason: In the interests of adjacent residential occupiers.

13. Prior to the first occupation of the dwellings all driveways and vehicle manoeuvring areas shall be fully consolidated, hard surfaced and drained and shall thereafter be retained for this purpose only.

Reason: To ensure the availability of parking and manoeuvring areas.

14. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995 (as amended) all windows in the first floor side elevations of each of the plots shall be obscurely glazed and remain so thereafter unless the Local Planning Authority agrees in writing to any variation.

Reason: To ensure no adverse impact upon the amenity of surrounding occupiers.

15. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, or succeeding Orders, no dwelling hereby permitted shall be altered or enlarged so as to deprive it of an existing garage or its drive or parking area as approved and first constructed, except with the express permission of the Local Planning Authority.

Reason: To ensure the satisfactory provision of off-street parking.

16. 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 without the prior approval of a planning application.

Reason: In the interests of maintaining the amenity of the occupiers of the adjoining dwellings.

17. Notwithstanding the provision of the Town and Country Planning (General Permitted Development) Order 1995, or succeeding Orders, no extensions or alterations to the dwellings hereby permitted or the erection of buildings within the curtilage of the site, as defined in Schedule 2, Part 1, Classes A to E of the Order, shall be constructed without the prior submission and approval of a planning application.

Reason: To ensure the Local Planning Authority has control over the development and in the interests of the occupiers of adjacent dwellings.