



## Planning Committee

Report of Head of Planning and Building Control, Regeneration Directorate on 20<sup>th</sup> September 2012

### Contents Sheet

Item No	Page No	Application Number	Site Address	Proposal	Recommendation
1	1	12/0867/FL	PROMAT B D LTD, WALSALL ENTERPRISE PARK, UNIT 20, REGAL DRIVE, WALSALL, WS2 9HQ	Extension to left hand side elevation of existing warehouse including construction of two storey office block within. Construction of tar macadam car park to front and concrete hard standing to the rear yard area.	Grant Permission Subject to Conditions
2	9	12/0365/FL	Units 1-3 Bloxwich Lane Industrial Estate, Bloxwich Lane, Walsall, WS2 8TF	Change of use from industrial units to car showroom/warehouse with external alterations to units.	Grant Permission Subject to Conditions
3	17	12/0555/FL	CALDMORE J.M.I. SCHOOL, CARLESS STREET, WALSALL, WS1 3BH	Proposed two storey building as an extension to Caldmore Primary School (designed to house Key Stage 2 pupils) together with associated landscaping works.	Grant Permission Subject to Conditions

4	27	12/0764/FL	SHELFIELD COMMUNITY ACADEMY, BROAD WAY, PELSALL, WALSALL, WS4 1BW	Material amendments to permission 10/0350/FL to substitute revised drawings showing retention of the caretakers house, revisions to parking, access and landscaping, inclusion of a covered storage facility in the service yard and removal of retained structure for cycle parking.	Grant Permission Subject to Conditions
5	39	12/0597/FL	LAND OFF CURTIN DRIVE, MOXLEY, WALSALL, WS10 8RJ	Erection of 20 no. dwellings (12, two- bed houses and 8, two-bed flats) with associated external works, car parking, landscaping and garden areas.	Grant Permission Subject to Conditions
6	53	12/0868/FL	FORMER BLOXWICH ENGINEERING LTD, BELL LANE, BLOXWICH, WALSALL	Variation of planning condition 17 of permission 09/1695/FL to amend house types on plots 31-35, 38 and 40-43, additional parking spaces for plots 31-35 and 38 and re-siting garage for plot 33.	Grant Permission Subject to Conditions

7	65	12/1044/FL	Land to rear of and including 15 & 17 Romney Way, Great Barr, Birmingham	Variation of condition 8 of 08/1841/FL to amend plots 7-12	Grant Permission Subject to conditions, unless additional information is received which raises material considerations
8	77	11/1231/FL	UNIT 2, CROXSTALLS PLACE, WALSALL, WS3 2PP	Change of use to taxi base (retrospective)	Grant Permission Subject to Conditions
9	89	12/0732/FL	HIGH HEATH WORKING MENS CLUB, CORONATION ROAD, PELSALL, WS4 1BA	Residential development - two detached dwellings.	Refuse
10	101	12/0865/FL	124 WILLENHALL STREET, WILLENHALL, WS10 8HW	Proposed rear single storey detached store, bin store and replacement sliding gate to side.	Grant Permission Subject to Conditions



## Planning Committee

Report of Head of Planning and Building Control, Regeneration Directorate on 20/09/2012

### Reason for bringing to committee: Major Application

**Application Number:** 12/0867/FL

**Application Type:** Full application

**Case Officer:** Andrew Thompson

**Telephone Number:** 01922 652403

**Email:** [planningservices@walsall.gov.uk](mailto:planningservices@walsall.gov.uk)

**Agent:** Edgeworth Street

**Applicant:** Promat B D Ltd

**Proposal:** Extension to left hand side elevation of existing warehouse including construction of two storey office block within. Construction of tar macadam car park to front and concrete hard standing to the rear yard area.

**Location:** PROMAT B D LTD, WALSALL ENTERPRISE PARK, UNIT 20, REGAL DRIVE, WALSALL, WS2 9HQ

**Ward:** Pleck

**Expired Date:** 22/10/2012

**Recommendation Summary:** Grant Permission Subject to Conditions

Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office.  
© Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.  
© Crown copyright and database rights 2012 Ordnance Survey 100019529



## **Application and Site Details**

The application proposes an extension of 43.5m by 37.7m by 9.1m high to left hand side elevation of existing warehouse including construction of a two storey office block within the proposed floor space to form a new laboratory and extended sales office. The proposed ancillary floor space would measure 15.5m by 6m over two floors. The total floor space proposed would be approximately 1,740sqm.

PromatBD design, manufacture and supply this comprehensive range of precision forged steel products in a wide range of materials. They specialize in supply to the energy, (oil & gas), petrochemical and utilities sectors worldwide

The proposals include an extension to the existing car park to create an additional 25 spaces and would allow for an in and out access arrangement to be formed. Additional servicing would be created at the rear.

Walsall Enterprise Park, on Regal Drive, is an established industrial park with ancillary parking and service areas. Unit 20 is located at the northern end of the principal route into the Enterprise Park. The Enterprise Park is close to Pleck Local Centre which is to the south.

The application is supported by a Design and Access Statement which sets out the design ethos is to extend the existing commercial building in a similar manner and provide the same level of ancillary accommodation.

## **Relevant Planning History**

Walsall Enterprise Park was commenced in the early 1990s under the City Challenge initiative. The development has been built in a phased manner over time. The application site represents one of the last plots on the Park. The most recent application in proximity to the application site was:

04/0411/FL/W5 – Construction of 5,120sqm of B1/B2/B8 light industrial/warehouse units in 4 blocks divisible into 13units. Granted 16/06/04

## **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](http://www.walsall.gov.uk/planning)).*

### **National Planning Policy Framework (NPPF)**

The NPPF was published on 27<sup>th</sup> March 2012 setting out the Government's position on the role of the planning system in both plan-making and decision-taking. It states that the purpose of the planning system is to contribute to the achievement of sustainable development, in economic, social and environmental terms, and it emphasises a *"presumption in favour of sustainable development"*.

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

- Always seek to secure high quality design and good standards of amenity for all existing and future occupants
- Reuse land that has been previously developed

**Key provisions** of the NPPF relevant in this case:

Paragraphs 18-21 encourage Planning Authorities to support and put significant weight on economic growth and to proactively to meet the development needs of business whilst protecting strategically important economic areas from encroachment.

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

On planning conditions the NPPF says:

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

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

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

### **The Development Plan**

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

### **Regional Strategy (RS)**

The NPPF confirms that the Regional Strategy remains part of the development plan, until / unless it is abolished by order of the Secretary of State.

A major challenge for the Region is to counter the unsustainable outward movement from the Major Urban Areas of people and jobs (3.4(a)). Relevant policies include:

Policies UR1, UR1b, UR1c and UR3 which seek to regenerate urban areas and in particular the major urban areas whilst policies PA5 and PA6 seek to enhance the quality of Employment Areas and the portfolio of employment land.

### **The Black Country Core Strategy (BCCS)**

This was adopted in February 2011 under the current Local Development Framework system, and the NPPF says that for 12 months from the publication of the national framework "*decision-takers may continue to give full weight to relevant policies ... even if there is a limited degree of conflict with this Framework*".

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

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

**The Spatial Objectives** include

1. Focussed investment and development in comparison shopping, office employment, leisure, tourism and culture within Walsall, to retain and increase their share of economic activity and meet the increasing aspirations of their catchment areas.
2. A restructured sub-regional economy which provides sufficient strategic high quality employment land in the best locations within Regeneration Corridors to attract new high technology and logistics businesses and also recognises the value of local employment land.

The above are supported by the following policies which have superseded UDP Waste Management Policies:

CSP3 – Seeks to improve environmental infrastructure

EMP1-4 – Seeks to secure, safeguard and provide appropriate levels of employment land to aid sustainable economic growth

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

ENV 3 sets out the criteria for design quality.

**Saved Policies of Walsall Unitary Development Plan March 2005**

GP2 expects development to make a positive contribution to the environment and considers (II) the susceptibility to pollution of any kind as an adverse impact which would not be permitted, and VII. Adequacy of access will be taken into account.

ENV10 states that development which may give rise to pollution such as noise and smell will only be permitted where it would not have an adverse effect on adjoining uses/potential uses.

ENV32 states that poorly designed proposals which fail to take account of the context or surroundings will not be permitted.

JP5 – seeks to protect land allocated for the purposes of Core Employment uses.

T7 and T13 seeks to ensure that car parking and servicing is well laid out and car parking is provided for at an appropriate level.

**Supplementary Planning Documents (SPD)**

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

The relevant SPDs are:

## **Designing Walsall SPD**

Aims to achieve high quality development that reflects the Borough's local distinctiveness and character, through key design principles

## **Consultations**

**Transportation** – No objection

## **Pollution Control**

*Contaminated Land Team* – No objection - The site was formerly a town gas plant that was investigated and received significant remediation. Further remedial works were undertaken as part of the redevelopment of the site for its current use, but does not guarantee that hotspots of localised contamination do not still remain on site. It is therefore considered that an appropriate conditions and notes to applicant should form part of any approval granted.

*Scientific Team* recommend that any existing environmental control measures implemented through planning conditions are extended to the proposed development.

## **Public Participation Responses**

None

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

## **Determining Issues**

- Principle of the development
- Relationship to Walsall Enterprise Park and operations
- Car parking and servicing

## **Observations**

### **Principle of the development**

The proposals are for the development of one of the last vacant plots on Walsall Enterprise Park which was built under the City Challenge project in the early 1990s. The estate is well established and the principle of industrial and employment development is considered acceptable and in accordance with the aims of the Development Plan and is supported by Core Employment Land principles. The application is supported in principle.

### **Relationship to Walsall Enterprise Park and operations**

The proposals would be an extension to the existing industrial unit and would effectively double the size of the existing unit. The land on which the extension is to be built is one of the few remaining vacant plots in Walsall Enterprise Zone. The applicant, by mirroring the existing building, would build upon the existing character of the area. The size of the unit would not be out of keeping with the range of industrial and warehouse units on the existing industrial estate.

The operation of the proposed unit would be a 24hour operation (as existing) and the development would have a positive impact on the continued viability of the Estate.



The proposals would be acceptable.

### **Car parking and servicing**

The proposed addition of 25 car parking spaces would be identical to the existing car parking provision on the site. The proposed ratio of 1 space per 62 square metres has been shown to be an appropriate level of car parking on the Estate with no known parking issues and availability of parking on the estate. The location of the site close to Pleck Local Centre and established bus routes to Walsall Town Centre would also allow for sustainable modes of transport to be progressed.

### **Summary of Reasons for Granting Planning Permission**

The proposals are for the development of a vacant site in Walsall Enterprise Park which has been in existence for over 20 years. The site is well established and the principle of development is considered acceptable and in accordance with the aims of the Development Plan.

The size of the unit would not be out of keeping with the range of industrial and warehouse units on the existing industrial estate. The proposed designs would be in keeping with the scale, mass and appearance of existing buildings. The level of car parking, especially as the site is close to Pleck Local Centre and established bus routes to Walsall Town Centre is considered to be appropriate.

As such, the proposed development, having considered all relevant public participation responses and consultation comments is considered to comply with the relevant policies including CSP3, EMP1, EMP2, EMP3, EMP4, TRAN1, TRAN2, TRAN3, TRAN5, ENV 1, ENV 3, ENV5 and ENV7 of the Black Country Core Strategy and saved policies GP2, ENV10, ENV14, ENV32, ENV33, JP1, JP5, T7 and T13 of Walsall Unitary Development Plan, Designing Walsall Supplementary Planning Document, and national planning policy guidance, is considered 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. Details of ground gas ingress protection measures to be installed in the proposed structure shall be provided to and agreed in writing with the Local Planning Authority prior to development commencing.

*Reason:* In order to ensure satisfactory development of the application site and to protect human health.

3. 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 C)

*Reason:* In order to ensure satisfactory development of the application site and to protect human health.

4. This development shall be surface-treated to match the existing building on the site before the development is brought into use.

*Reason:* To ensure the satisfactory appearance of the development.

5. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987, and the Town and Country Planning (General Permitted Development) Order 1995, or succeeding Orders, the premises shall not be used for any purposes other than Use Classes B1(b), B1(c), B2 and B8. Any office accommodation (Use Class B1(a)) shall be ancillary to the primary use of the building.

*Reason:* The site is not necessarily suitable for other uses.

6. The development hereby permitted shall not be carried out except in accordance with the details shown on the submitted plans and information detailed as follows:

Plan numbers: 014A (Elevations); 014B (Plan View); 014C (Location and Block Plan View); 014D (Roof Plan and Car Park Layout) and Design and Access Statement Prepared by Promat BD

*Reason:* To define the permission

Notes for Applicant:

A) Advice on basic ground gas ingress protection requirements can be found by reference to the following publication; "Protective measures for housing on gas-contaminated land", BRE Report 414, ISBN 1 86081460 3 (contact CRC Ltd 020 7505 6622 for order information).

B) The area of this proposed development has a history of being utilised manufacture and distribution of Town Gas which may have resulted in localised contaminated soils that may present Health and Safety implications. This information should be brought to the attention of the builder or contractor undertaking the development in order that they may implement any Health and Safety at Work precautions they feel appropriate when undertaking construction work at the site of the proposed development.

C) 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 20/09/2012

## **Reason for bringing to committee: Major Application**

**Application Number:** 12/0365/FL

**Application Type:** Full application

**Case Officer:** Andrew Thompson

**Telephone Number:** 01922 652403

**Email:** [planningservices@walsall.gov.uk](mailto:planningservices@walsall.gov.uk)

**Agent:** Advance Land & Planning Ltd

**Applicant:** Motorhouse (Cannock) Ltd

**Proposal:** Change of use from industrial units to car showroom/warehouse with external alterations to units.

**Location:** Units 1-3 Bloxwich Lane Industrial Estate, Bloxwich Lane, Walsall, WS2 8TF

**Ward:** Birchills Leamore

**Expired Date:** 20/06/2012

**Recommendation Summary:** Grant Permission Subject to Conditions

Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office.  
© Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.  
© Crown copyright and database rights 2012 Ordnance Survey 100019529



## **Application and Site Details**

The application relates to Bloxwich Industrial Estate which is a large, purpose built industrial estate on the eastern side of Bloxwich Lane, in close proximity to Junction 10 of the M6. The total industrial estate is approximately 9,600sqm.

The application proposes to convert Units 1-3 of the Industrial Estate which comprises approximately 5,750sqm for the purposes of storage and display for sale of used cars. The applicant, Motorhouse, intends to use this site as one of its sales outlets that will complement its existing operations and principal site in Cannock.

In addition to the change of use, the proposals include changes to the front elevation to create display fascia and re-coating of the cladding to match the silver/grey livery of the applicant.

The proposals would create approximately 20 new jobs.

The application is supported by the following documents:

### *Planning Statement*

Addressing the planning policy assessment and development the Statement indicates that:

- The proposed use will be confined to within the buildings and no vehicles will be stored or displayed for sale outside.
- Vehicle deliveries will use existing service access roads
- The proposals proposed valeting and preparation workshop would be a final preparation and inspection area – all servicing, repairs and maintenance will be carried out at the larger Cannock premises.
- Opening hours would be 0800-2000 Monday to Friday, 0800-1700 Saturdays and 10.30-1700 Sundays and Bank Holidays although given the lack of housing and commercial location it is requested that no condition is imposed on operating hours.
- It is proposed to hold between 150 and 200 cars in the unit, selling approximately 50-70 per week
- The existing car park for Units 1-3 comprises 120 spaces and is considered to be more than enough for the applicant's needs.

### *Transport Statement*

In considering the impact of the proposals the key concern was the difference in traffic generation that would occur at the site if the change of use were to be allowed, and consequent impact on the adjacent highway network. Assessments have been presented which has shown that the proposed motor car showroom would not generate any increase in vehicular traffic generation during the weekday AM or PM peak hours. Whilst a modest increase in traffic generation is predicted across a typical weekday, this would not be significant and would give rise to no perceptible impact on the adjacent highway network.

Based upon the established pattern of business at the applicant's main premises (which also provide for much more extensive range of services) the vast majority of movements will occur at weekends. However, traffic generation during these times would remain relatively modest and is not expected to give rise to any significant highway impacts.

The existing site accesses provide adequate width for the movement of large vehicles and visibility splays which exceed the normal requirements for the prevailing speed limit. They

are therefore considered suitable to serve the proposed car showroom without the need for modification.

The site would provide over 120 car parking spaces, which is forecast to be more than sufficient for the anticipated levels of parking demand on all days of the week.

### **Relevant Planning History**

Units 1-3, 6&7

BC51962P - Change of use to B1, B2 and B8 (Business, General Industry and Storage/Distribution respectively) Granted – 28 July 1998

Unit 1

BC50406P – Change of Use to Business (B1), Financial and Professional Services (A2) and Storage (B8) Granted – 14 January 1998

Unit 3

091296/FL – Alterations to elevations and change of use to B1, B2 and B8 (Business, General Industry and Storage/Distribution respectively) Granted - 3 December 2009

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

### **National Planning Policy**

(*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](http://www.walsall.gov.uk/planning)*).

### **National Planning Policy Framework (NPPF)**

The NPPF was published on 27<sup>th</sup> March 2012 setting out the Government's position on the role of the planning system in both plan-making and decision-taking. It states that the purpose of the planning system is to contribute to the achievement of sustainable development, in economic, social and environmental terms, and it emphasises a "*presumption in favour of sustainable development*".

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

- Always seek to secure high quality design and good standards of amenity for all existing and future occupants
- Reuse land that has been previously developed

**Key provisions** of the NPPF relevant in this case:

Paragraphs 18-21 encourage Planning Authorities to support and put significant weight on economic growth and to proactively to meet the development needs of business whilst protecting strategically important economic areas from encroachment.

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

On planning conditions the NPPF says:

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

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

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

### **The Development Plan**

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

### **Regional Strategy (RS)**

The NPPF confirms that the Regional Strategy remains part of the development plan, until / unless it is abolished by order of the Secretary of State.

A major challenge for the Region is to counter the unsustainable outward movement from the Major Urban Areas of people and jobs (3.4(a)). Relevant policies include:

Policies UR1, UR1b, UR1c and UR3 which seek to regenerate urban areas and in particular the major urban areas whilst policies PA5 and PA6 seek to enhance the quality of Employment Areas and the portfolio of employment land.

### **The Black Country Core Strategy (BCCS)**

This was adopted in February 2011 under the current Local Development Framework system, and the NPPF says that for 12 months from the publication of the national framework "*decision-takers may continue to give full weight to relevant policies ... even if there is a limited degree of conflict with this Framework*".

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

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

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

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

**The Spatial Objectives** include

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

2. A restructured sub-regional economy which provides sufficient strategic high quality employment land in the best locations within Regeneration Corridors to attract new high technology and logistics businesses and also recognises the value of local employment land.

The above are supported by the following policies which have superseded UDP Waste Management Policies:

CSP3 – Seeks to improve environmental infrastructure

EMP1-4 – Seeks to secure, safeguard and provide appropriate levels of employment land to aid sustainable economic growth

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

ENV 3 sets out the criteria for design quality.

### **Saved Policies of Walsall Unitary Development Plan March 2005**

GP2 expects development to make a positive contribution to the environment and considers (II) the susceptibility to pollution of any kind as an adverse impact which would not be permitted, and VII. Adequacy of access will be taken into account.

ENV10 states that development which may give rise to pollution such as noise and smell will only be permitted where it would not have an adverse effect on adjoining uses/potential uses.

ENV32 states that poorly designed proposals which fail to take account of the context or surroundings will not be permitted.

JP7 – Uses that will normally be permitted in these areas include:-

I. Core Employment Uses.

II. Car showrooms. Conditions will be attached to planning permissions to prohibit change of use to, for example, class A1 retail.

T7 and T13 seeks to ensure that car parking and servicing is well laid out and car parking is provided for at an appropriate level.

### **Supplementary Planning Documents (SPD)**

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

The relevant SPDs are:

#### **Designing Walsall SPD**

Aims to achieve high quality development that reflects the Borough's local distinctiveness and character, through key design principles

#### **Consultations**

**Transportation** – No objection

**Highways Agency** – No objection

#### **Pollution Control**

*Scientific Team* – No objection

*Contaminated Land Team* – No objection. As the site was formerly utilised for factory/works that may have resulted in localised ground contamination that may present Health and Safety implications for persons undertaking ground works. A note is attached.



**WM Police** – No objection

**Seven Trent** – No objection subject to a condition

### **Representations**

*None received*

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

### **Determining Issues**

The key determining issues are:

- Principle of the use
- Impact on neighbouring industrial users.
- Impact on the strategic and local highway networks

### **Observations**

#### **Principle of the use**

The proposals would bring a major element of an existing industrial estate to active use and create employment of approximately 20 jobs. Car showrooms can have the benefit of permitted development to change to retail and given the out-of-centre nature of the application site a condition prohibiting change of use to A1 retail is added. Should this proposed use cease operation on the site, the aspiration is that the units are returned to employment uses under Use Classes B1, B2 and B8 and a condition is imposed so that a change of use to industrial uses would not need permission.

In order to ensure that the site continues to meet larger employment needs a condition control is also sought by preventing sub-division.

In principle the proposals are considered to be acceptable in principle.

#### **Impact on neighbouring industrial users**

The application site benefits from a significant level of car parking of over 120 spaces and in addition would be served by established servicing and access arrangements.

All servicing and maintenance of vehicles and display of vehicles would take place inside the existing units and therefore there would be minimal disruption for existing industrial occupiers with a maximum level of car parking being provided for customers.

The proposed external appearance of the buildings and external changes would not affect the industrial appearance of the buildings and the character of the area and would be considered to be acceptable.

#### **Impact on the strategic and local highway networks**

The submitted Transport Statement provides sufficient evidence to demonstrate that the proposed Motor Car Showroom should have a lower trip generation than that of the current industrial use. As such, with adequate car parking and servicing arrangements, the proposals are considered to be acceptable.

### **Summary of Reasons for Granting Planning Permission**

Regeneration, Planning and Building Control, Civic Centre, Darwall Street, Walsall, WS1 1DG  
Website: [www.walsall.gov.uk/planning](http://www.walsall.gov.uk/planning), Email [planningservices@walsall.gov.uk](mailto:planningservices@walsall.gov.uk), Telephone (01922) 652452,  
Textphone 0845 111 2910, Fax (01922) 623234

The proposals are for the reuse of vacant industrial units. The site is well established and the principle of development is considered acceptable and in accordance with the aims of the Development Plan.

The size of the unit would be in keeping with the range of industrial and warehouse units on the existing industrial estate. The proposed alterations to the units would not be significant and designs would be in keeping with the scale, mass and appearance of existing buildings. The level of car parking is considered to be appropriate and the proposals would not have an impact on the local or strategic highway network.

As such, the proposed development, having considered all relevant public participation responses and consultation comments is considered to comply with the relevant policies including CSP3, EMP1, EMP2, EMP3, EMP4, TRAN1, TRAN2, TRAN3, TRAN5 and ENV 3 of the Black Country Core Strategy and saved policies GP2, ENV10, ENV14, ENV32, ENV33, JP1, JP7, T7 and T13 of Walsall Unitary Development Plan, Designing Walsall Supplementary Planning Document, and national planning policy guidance, is considered 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.

2a) Prior to the commencement of development a schedule of facing materials shall be submitted to and agreed in writing by the Local Planning Authority.

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

*Reason:* In order to ensure satisfactory development of the application site.

3a) Prior to the commencement of development drainage plans for the disposal of surface water and foul sewage shall be submitted to and agreed in writing by the Local Planning Authority.

b) The scheme shall be implemented in accordance with the approved details prior to the development being brought into use.

*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.

4. All vehicles displayed for sale and maintenance operations shall be carried out inside the building.

*Reason:* In order to ensure satisfactory functioning of the development.

5. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended) or any subsequent revoking or replacement Order, statutory instrument or legalisation, the units hereby approved shall be used only as a car

showroom (Use Class Sui Generis) and shall not be used for retail purposes (within Use Class A1).

*Reason:* The application site is in an out of centre location and not suitable for town centre uses.

6. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended) or any subsequent revoking or replacement Order, statutory instrument or legalisation, should the use hereby approved cease, the units the subject of this permission shall be used for either for research and development (Use Class B1(b)), light industry (Use Class B1(c)), general industry (Use Class B2) or storage or distribution (Use Class B8) or a combination of the above.

*Reason:* To promote the site for high quality employment.

7. The unit the subject of this permission shall not be subdivided without prior written approval of the Local Planning Authority.

*Reason:* To promote the site for high quality employment and larger employment needs.

8. The development shall be carried out in accordance with the following plans and documents:

1567/S1 (Survey Floor Plans)

1567/S2 (Survey Elevations)

1567/P1 Rev A (Proposed Floor Plans)

1567/P2 Rev A (Proposed Elevations)

Location Plan (Scale 1:1250) – Received 21 March 2012

Block Plan (Scale 1:500) – Received 21 March 2012

Planning Statement prepared by Advance Land Planning

Transport Statement prepared by Travis Baker (ref: 12064)

*Reason:* In order to define the permission

#### NOTE FOR APPLICANT:

- A) The area of this proposed development was formerly utilised for factory/works that may have resulted in localised ground contamination that may present Health and Safety implications for persons undertaking ground works. No specific detail of ground conditions in the area is available other than that obtained from previous land use data and historic mapping. This information should be brought to the attention of the builder or contractor undertaking the development in order that they may implement any Health and Safety at Work precautions they feel appropriate when undertaking construction work at the site of the proposed development.
- B) There is a pumping station within the planning application site. Furthermore, any new development must not restrict Severn Trent access to the sewerage pumping station. Please note, due to the close proximity of the proposed new development, the occupant may experience noise/smell pollution. Further information can be obtained from Severn Trent on 01902 793883



## Planning Committee

Report of Head of Planning and Building Control, Regeneration Directorate on 20/09/2012

### Reason for bringing to committee: Major Application

**Application Number:** 12/0555/FL

**Application Type:** Full application

**Case Officer:** Andrew Thompson

**Telephone Number:** 01922 652403

**Email:** [planningservices@walsall.gov.uk](mailto:planningservices@walsall.gov.uk)

**Agent:** Walsall Council - Regeneration

**Applicant:** Walsall Childrens Services

**Proposal:** Proposed two storey building as an extension to Caldmore Primary School (designed to house Key Stage 2 pupils) together with associated landscaping works.

**Location:** CALDMORE J.M.I. SCHOOL, CARLESS STREET, WALSALL, WS1 3BH

**Ward:** St. Matthews

**Expired Date:** 18/09/2012

**Recommendation Summary:** Grant Permission Subject to Conditions

Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office.  
© Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.  
© Crown copyright and database rights 2012 Ordnance Survey 100019529



## **Application and Site Details**

The application proposes a two storey extension to the existing Caldmore Community Primary School which is located on Carless Street to the east of Caldmore local centre between Bath Road and Caldmore Green. Site levels rise by approximately 3m from the Caldmore Green boundary of the site to the front of the school with the site rising further to Bath Road.

The purpose of the extension is to extend the school from a 1 Form of Entry Primary school to a 2 Form of Entry Primary School raising the number of pupils from 30 to 60 per year group. The increase in numbers will be increased incrementally so that in September 2013 (subject to the completion of the project) the school will have 60 pupils in reception, the year after 60 children in reception and Year 1, and so on until every year group has 60 pupils. Playing fields would continue to be provided by the existing Multi Use Games Area (MUGA)

The proposed new extension would comprise 1,019sqm which includes 50sqm of a link corridor on an existing embankment. The proposed classroom is set into the ground due to the changing levels. The classroom design is a modern design, which would allow for natural light and ventilation.

The proposals include the use of the shared car park which would generate an additional 14 car parking spaces and landscaping to enhance the setting of the building.

The application is supported by the following documents:

*Design and Access Statement* – shows that the proposals have taken into account the local area and the surroundings and would have a positive impact on school provision in the area.

The submitted *Transport Statement* highlights that the school currently has no on-site parking for staff or pupils but does have access to an area of parking suitable for some 15-18 cars within a nearby off-road Council-owned car park. The proposed redevelopment includes the provision of a 14 space car park on-site, including two disabled spaces. This facility will approximately double the existing off-site provision and is considered to provide sufficient off-road parking for increased staff numbers associated with the proposed school enlargement.

An assessment of access by sustainable modes has been undertaken. This has demonstrated that the school benefits from a very permeable local road and footpath network providing good pedestrian access. The school lies within walking distance of a significant proportion of the school catchment area. The school is within easy walking distance of local bus stops. The existing Travel Plan is in the process of being updated to reflect the proposed two-form entry.

It is concluded that there are no transportation reasons why this proposed significant enlargement proposal should not proceed.

The submitted *Acoustic Survey Report* recommends that the proposed glazing combined with an absorptive ceiling can provide an increased level of sound insulation. The doors and effective seals will also assist in sound reduction from the building.

A *Ground Investigation Assessment* has been carried out and has not identified any contaminants of concern that would constrain the use of the site as a primary school. Measures such as dust suppression are recommended to be employed.

### **Relevant Planning History**

BC54438P - Infill of existing internal courtyard to provide replacement classroom accommodation. Granted 06/07/1999

04/0482/FL/W4 - Floodlighting of sports pitch (10 metre columns) – Granted 19/05/2004

08/1300/FL – Extensions to Caldmore Primary School – Granted 26/09/2008

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

### **National Planning Policy**

#### **National Planning Policy Framework (NPPF)**

The NPPF was published on 27<sup>th</sup> March 2012 setting out the Government's position on the role of the planning system in both plan-making and decision-taking. It states that the purpose of the planning system is to contribute to the achievement of sustainable development, in economic, social and environmental terms, and it emphasises a *"presumption in favour of sustainable development"*

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

- Always seek to secure high quality design and good standards of amenity for all existing and future occupants
- Take account of the different roles and character of different areas
- Reuse land that has been previously developed

**Key provisions** of the NPPF relevant in this case:

58. Planning policies and decisions should aim to ensure that developments meet criteria that include:

- Function well and add to the overall quality of the area
- Establish a strong sense of place
- Respond to local character and history and reflect the identity of local surroundings and materials

On planning conditions the NPPF says:

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

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

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



### **The Development Plan**

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

### **Regional Strategy (RS)**

The NPPF confirms that the Regional Strategy remains part of the development plan, until / unless it is abolished by order of the Secretary of State.

It is considered there are no relevant RS policies in this case.

### **The Black Country Core Strategy (BCCS)**

This was adopted in February 2011 under the current Local Development Framework system, and the NPPF says that for 12 months from the publication of the national framework "*decision-takers may continue to give full weight to relevant policies ... even if there is a limited degree of conflict with this Framework*".

The relevant key policies are:

CSP4 – seeks to ensure that high quality places will result in environmental, economic and social benefits, including community safety, health and well-being, and inclusive communities.

HOU5 – states that school and further and higher education facilities should be well designed and well related to neighbourhood services and amenities

ENV3 – seeks to deliver high quality design

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

### **Walsall's Unitary Development Plan (UDP)**

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

The relevant policies are:

GP2 indicates that the creation of, or susceptibility to, pollution of any kind will be taken into account in the assessment of development proposals

ENV10 – indicates that development will not be permitted where pollution will cause and adverse effect on nearby land uses.

ENV18 – seeks to protect existing trees

ENV32 – seeks to ensure that development is delivered in a high quality design

ENV33 – seeks to ensure that high quality landscape design is incorporated into proposals.

LC8 – seeks to enhance and community facilities.

T7 and T13 seeks to ensure that car parking is adequately provided but to ensure that it is well laid out and provided in such a way as to promote sustainable travel choices.

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

Circular 11/95 which deals with conditions and the application of conditions is also relevant to this application.

### **Consultations**

#### **Transportation**

#### **Pollution Control**

*Contaminated Land Team* – No objection subject to conditions relating to ground gas protection.

*Scientific Team* - No objection subject to conditions relating to working hours.

**Built Environment Team (Conservation)** – No objection

**Natural Environment Team (Ecology)** – No objection

**Natural Environment Team (Landscape)** – No objection although some concern over the detail of mound and the use of bark to surround the car parking areas.

**WM Police** – No objection

**Local Access Forum (including Ramblers Association)** – No objection

**Fire Service** – No objection but strongly recommend the building is fitted with a sprinkler system

### **Representations**

None received

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

### **Determining Issues**

- Principle of the use
- Design and impact of the proposals to neighbouring residents and commercial occupiers
- Car parking provision

### **Observations**

#### **Principle of the use**

The principle of adding to a school would be compliant with the aims of enhancing school provision both in the Development Plan and the National Planning Policy Framework, particularly given the well-located position of the school to public transport and the Caldmore area.

The school has good sports pitch provision with the MUGA and the area of the proposed extension would utilise an area incapable of being used for formal sports provision.

Overall the proposals are supported.



## **Design and impact of the proposals to neighbouring residents and commercial occupiers**

The new classrooms have been designed to minimise the visual impact from outside the school boundaries. Whilst acknowledging the design of the existing school buildings, the proposed school building seeks to use a contemporary design and use white render which will be cut into the existing embankment.

The proposed building will be an interesting and well thought out design and would not result in the loss of amenity to neighbouring residents or adversely affect the nearby commercial operators on Caldmore Green.

The building would incorporate noise attenuation and insulation, as recommended in the Acoustic Survey which will deliver the proposals in accordance with BB93 which sets national standards for building design of school buildings.

The proposals would result in the loss of a green embankment and the enhanced landscape treatment would be of benefit to the setting of the area. The precise detail, to address the concerns of landscape officers about the mound detail and bank surfacing are addressed by condition.

Overall the design of the proposals and the impact would be acceptable.

## **Car parking provision**

The school is well located in terms of the catchment and the surrounding residential community. In addition it is on the edge of Caldmore Green local centre which also makes the school convenient for linked trips. The school is also near and well located for public transport provision. It is considered that the existing school parking provision together with the shared additional parking area would be adequate parking provision for the schools needs.

## **Summary of Reasons for Granting Planning Permission**

The proposals are for a two storey extension to the existing Caldmore Community Primary School which is located on Carless Street to the east of Caldmore local centre between Bath Road and Caldmore Green. Site levels rise by approximately 3m from the Caldmore Green boundary of the site to the front of the school with the site rising further to Bath Road. The purpose of the extension is to extend the school from a 1 Form of Entry Primary school to a 2 Form of Entry Primary School raising the number of pupils from 30 to 60 per year group.

The principle of extending a school would be compliant with the aims of enhancing school provision both in the Development Plan and the National Planning Policy Framework, particularly given the well-located position of the school to public transport and the Caldmore area. It is considered that the existing school parking provision together with the shared additional parking area would be adequate parking provision for the schools needs.

The school would continue to have good sports pitch provision with the MUGA and the area of the proposed extension would utilise an area incapable of being used for formal sports provision.

The new proposals have been designed to minimise the visual impact from outside the school boundaries and would not result in the loss of amenity to neighbouring residents or adversely affect the nearby commercial operators on Caldmore Green.

The proposals would result in the loss of a green embankment and the enhanced landscape treatment would be of benefit to the setting of the area. Overall the design of the proposals and the impact would be acceptable.

In light of the above the proposals are considered to accord with the aims of policies CSP4, ENV3 and HOU5 of The Black Country Core Strategy and saved policies GP2, ENV10, ENV32, ENV33, T7, T13 and LC8 of Walsall Unitary Development Plan and the aims and objectives of national planning policy which sets out the principles of sustainable development.

**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.

2a) Prior to the commencement of development details of ground gas ingress protection measures to be installed in the proposed structure shall be submitted to and agreed in writing by the Local Planning Authority.

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

*Reason:* In the interests of protecting human health and future users of the site.

3. Prior to the commencement of development an updated Travel Plan shall be submitted to and agreed in writing by the Local Planning Authority. The Travel Plan shall detail sustainable modes of transport employed, school travel co-ordination for staff and pupils and mechanisms for review and updating the Plan.

*Reason:* Having regard to the site's sustainable location, availability of car parking and the need to promote alternative modes of travel for staff and pupils.

4a) Prior to the commencement of development a detailed landscape scheme (including hard and soft landscape details, management regime, species and specification detail) shall be submitted to and agreed in writing by the Local Planning Authority.

b) The scheme shall be implemented in accordance with the approved details.

*Reason:* To ensure the satisfactory appearance of the development.

5. Any excavated material from the development, once screened to remove foreign material, may only be used within the sub base Geocell structure of the landscaped mound.

*Reason:* In the interests of protecting human health and future users of the site.

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

*Reason:* To safeguard the amenities of neighbouring residents

7. The new classrooms shall be compliant with the requirements of BB93.

*Reason:* To ensure satisfactory development of the site

8. The materials used shall be those indicated on the approved plans.

*Reason:* To ensure the satisfactory appearance of the development.

9. The development hereby permitted shall not be carried out except in accordance with the details shown on the submitted plans and information detailed as follows:

Plan numbers:

H/113 (Proposed Terrace Mound Detail)

H113/500 (Location Plan)

H113/510 (existing site survey)

H113/511 (existing site plan)

H113/512 (proposed site plan – upper ground floor)

H113/512 (proposed site plan – lower ground floor)

H113/514 (proposed lower ground floor plan)

H113/515 (proposed upper ground floor plan)

H113/516 (proposed roof plan)

H113/517 (existing elevations 1 of 2)

H113/518 (existing elevations 2 of 2)

H113/519 (proposed elevations 1 of 2)

H113/520 (proposed elevations 2 of 2)

H113/521 (proposed sections)

H113/522 (proposed detailed sections)

Design and Access Statement (prepared by Walsall Children Services)

Acoustic survey report (prepared by BDP (reference LNU2002925/MS/R001) dated Sept 2008)

Ground Investigation (prepared by Baker Hall Ltd (reference 1120) dated March 2012)

Transport Statement (prepared by Phil Jones Associates (reference 1008) dated August 2012)

*Reason:* To define the permission

#### NOTES FOR APPLICANT:

A) Advice on basic ground gas ingress protection requirements can be found by reference to the following publication; “Protective measures for housing on gas-contaminated land”, BRE Report 414, ISBN 1 86081460 3 (contact CRC Ltd 020 7505 6622 for order information).

B) Although no bat survey has been required in support of this application, there is still a risk that bats may be using the building for roosting. It is therefore important that you are satisfied that there are no bats using the buildings affected by the development before work is carried out. Any damage, destruction or disturbance to bats roosts is a criminal offence. Care should be taken during building works. Stripping of some parts of the building should be carried out carefully by hand. If any bats or evidence of bats are discovered work should stop and advice should be sought from Natural England. They can be contacted on Tel: 0845 6014523 or e-mail: [wildlife@naturalengland.org.uk](mailto:wildlife@naturalengland.org.uk)

C) Bank and Public holidays for the purpose of Condition 4 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.





## Planning Committee

Report of Head of Planning and Building Control, Regeneration Directorate on 20/09/2012

### Reason for bringing to committee: Major application

**Application Number:** 12/0764/FL

**Application Type:** Full application

**Case Officer:** Alison Ives

**Telephone Number:** 01922 652492

**Email:** [planningservices@walsall.gov.uk](mailto:planningservices@walsall.gov.uk)

**Agent:** James Flynn

**Applicant:** Mr Kevin Kendall

**Proposal:** Material amendments to permission 10/0350/FL to substitute revised drawings showing retention of the caretakers house, revisions to parking, access and landscaping, inclusion of a covered storage facility in the service yard and removal of retained structure for cycle parking.

**Location:** SHELFIELD COMMUNITY ACADEMY, BROAD WAY, PELSALL, WALSALL, WS4 1BW

**Ward:** Rushall-Shelfield

**Expired Date:** 17/10/2012

**Recommendation Summary:** Grant Permission Subject to Conditions

Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office.  
© Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.  
© Crown copyright and database rights 2012 Ordnance Survey 100019529





## **Application and Site Details**

The proposal is for material amendments to permission 10/0350/FL to amend the layout by retaining the caretaker's house, revisions to the parking, access and landscaping, inclusion of a covered storage facility in the service yard and removal of a previously proposed structure to be retained for cycle parking.

Shelfield Community Academy is a large school site located within a predominantly residential area. The main access to the site is in Broad Way but there is a secondary access off Mob Lane used primarily for service deliveries. The school buildings are concentrated on the western half of the site with playing fields to the east adjoining Green Lane and gardens of dwellings in Holmbridge Grove. The ground slopes into the site from Broad Way to a flat plateau where the buildings are and then slopes down towards the eastern boundary with Green Lane. There are significant belts of tree planting around the edges of the sports pitches along the Mob Lane and Green Lane boundaries and also newer planting along the boundary with Holmbridge Grove properties.

The original permission to redevelop the school site included demolishing the caretaker's house on Broad Way, relocating the parking area in front of the building to the opposite side of the site (at the rear of dwellings in Broad Way and Mob Lane) and creating a new landscaped approach to the school. The existing vehicle access adjacent to 25 Broad Way would be utilised as a single point of access for vehicles with a segregated pedestrian access adjacent leading through the landscaped approach to the school buildings. The new car park would create 176 car parking spaces. An existing building was to have been retained adjacent the proposed car park to provide 140 covered cycle spaces. Motor cycle spaces were included and disabled parking near the entrance to the school.

The current proposal is to retain the caretaker's house and reconfigure the plot curtilage to narrow yet lengthen the garden. The existing parking for the school would be retained in addition to the new car parking area, providing a further 30 spaces plus 1 disabled space in addition to 177 spaces (1 more than previously approved) and 4 motorcycle bays on the new car park. Access to the retained car park would be as existing between the caretaker's house and 39 Broad Way retaining the existing gates, incorporating a new passing bay so that the access becomes two-way rather than one-way and provision of weldmesh fencing partitioning it from the remainder of the site to allow access control. This car park will be maintained for staff members.

The vehicle access to the new car park remains as approved but the pedestrian/cycle access route is amended to a straight line with landscaping on both sides. Vehicle turning and drop off remains similar to that already approved but repositioned further north as the building that was to have been retained for cycle parking is now proposed to be removed. Three existing cycle stores plus one uncovered area for cycle storage are relocated next to the pupil entrance adjacent the drop-off zone.

Reconfiguration of the storage yard layout and provision of a further storage facility is included. This comprises a series of three new metal pre-fabricated garage storage buildings having a total footprint of 11.1m long and 7.3m wide. Each garage has a pitched roof 2.7m high. These are positioned adjacent to an existing electricity substation.

## **Relevant Planning History**

10/0350/FL - Part demolition and redevelopment of Shelfield Community Academy to provide 76% new build accommodation and 24% refurbished accommodation – Granted subject to conditions – June 2010

10/1194/FL - Variation of Condition 2 of approval 10/0350/FL to substitute plans showing amended existing and proposed ground levels raised by 210mm – elsewhere on committee agenda.

10/1119/FL - Variation of condition 2 of permission 10/0350/FL to substitute plans to show amended parapet and increased roof height to dance studio – Currently undetermined.

## **Relevant Planning Policy Summary**

### **National Planning Policy Framework (NPPF)**

The NPPF was published on 27<sup>th</sup> March 2012 setting out the Government's position on the role of the planning system in both plan-making and decision-taking. It states that the purpose of the planning system is to contribute to the achievement of sustainable development, in economic, social and environmental terms, and it emphasises a *"presumption in favour of sustainable development"*.

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

- Always seek to secure high quality design and good standard of amenity for all existing and future occupants of land and buildings
- Take account of the different roles and character of different areas, promoting the vitality of our main urban areas
- Contribute towards conserving and enhancing the natural environment
- Manage patterns of growth to make fullest possible use of public transport, walking and cycling

**Key provisions** of the NPPF relevant in this case:

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

Paragraph 21 states that in drawing up Local Plans, local planning authorities should:

- *set out a clear economic vision and strategy for their area which positively and proactively encourages sustainable economic growth;*
- *set criteria, or identify strategic sites, for local and inward investment to match the strategy and to meet anticipated needs over the plan period;*
- *identify priority areas for economic regeneration, infrastructure provision and environmental enhancement.*

Paragraph 34 advises decision should ensure developments that generate significant movement are located where the need to travel will be minimised and use of sustainable transport can be maximised.

Paragraph 35 plans should protect and exploit opportunities for the use of sustainable transport modes including giving priority to pedestrian and cycle movements, creating safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians.



Paragraph 39 in setting parking standards local planning authorities should take into account –

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

Paragraph 58 supports high quality design and highlights several criteria including the need for development that will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit; optimise the potential of the site to accommodate development, and are visually attractive as a result of good architecture and appropriate landscaping.

Paragraph 72 seeks to ensure sufficient choice of school places is available. Local planning authorities should give great weight to the need to create, expand or alter schools and work with schools to identify and resolve key planning issues.

Paragraph 74 states existing open space, sports and recreational buildings and land, including playing fields, should not be built upon unless fully assessed to determine whether the facility is surplus to requirements, a replacement facility is provided or alternative provision is available that would outweigh the loss.

On **planning conditions** the NPPF says:

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

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

### **The Development Plan**

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

### **Regional Strategy (RS)**

The NPPF confirms that the Regional Strategy remains part of the development plan, until/unless it is abolished by order of the Secretary of State.

Relevant RS policies are:

QE1: Supports regeneration and creation of new high quality built and natural environments.

QE3: Promotes high quality design.

## **The Black Country Core Strategy (BCCS)**

This was adopted in February 2011 under the current Local Development Framework system, and the NPPF says that for 12 months from the publication of the national framework “*decision-takers may continue to give full weight to relevant policies ... even if there is a limited degree of conflict with this Framework*”.

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

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

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

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

## **The Spatial Objectives** include

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

The above are supported by the following policies:

CSP1: A network of Regeneration Corridors linking the Strategic Centres will provide high quality employment land and other uses.

CSP4: A high quality of design of the built and natural environment is required. Design of spaces and buildings will be influenced by their context.

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

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

TRAN5: Seeks to manage demand for road space and car parking, together with influencing travel choices fundamental to achieving the vision for sustainable communities, environmental transformation and economic prosperity.

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

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

## **Walsall's Unitary Development Plan (UDP)**

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

The relevant policies are:

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

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

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

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

ENV32, 3.115 & 3.116: new development should be considered in relation to its setting and should create high quality of built and landscape design, well integrated with surrounding land uses and local character. Designing out crime' through design, layout, landscaping and boundary treatments is encouraged.

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

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

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

T10, T11 & T12 – Specifies accessibility standards for new developments for all transport modes including pedestrians, cyclists, wheelchair users and public transport.

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

Schools: 2 car park spaces per classroom, 4 bike lockers for every parking space plus taxi facilities.

8.7: Encourages enhancement of existing and provision of new facilities for education, health and other community needs.

LC6: Proposals resulting in loss or reduction of sports pitches will only be permitted if an assessment of current and future needs demonstrates an excess of sports provision on the site or at least equal compensatory provision is made.

## **Supplementary Planning Documents (SPD)**

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

The relevant SPD's are:

## **Designing Walsall SPD**

Aims to achieve high quality development that reflects the borough's local distinctiveness and character

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

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

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

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

## **Conserving Walsall's Natural Environment SPD**

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

### **Consultations**

**Transportation** – No objections. The proposal increases the parking from 190 spaces to 216 including disabled spaces. Although this is above the level usually required by policy T13 (maximum 203 spaces) it is noted that on-street parking is frequently prevalent outside the school and the school has concerns about the level of parking currently approved and requests additional provision. On this basis the proposal is acceptable. The proposal to re-use three cycle stands plus additional provision in line with the School Travel Plan. The retained car park will become a two-way access with new passing place.

**Pollution Control (Scientific Team)** – No objections.

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

**Environmental Health** – No adverse comments.

**Ecology** – No objections subject to there being no adverse impacts on trees due to relocation of the main car park closer to existing trees on the boundaries.

**Tree Officer** – No objections.

**Landscape** – No objections. A minor criticism is the use of Olive plants as they may not survive a bad winter.

**Severn Trent Water** – No objections subject to provision of drainage details.

**Children's Services** – No objections.

**Sport England** – No objections. The proposed amendments would not have any detrimental impact on the ability to provide for the same sporting and recreation activity at the site.

**Fire Service** – No objections.

**Environment Agency** – No comments as the application has low environmental risks.

**Natural England** – No objections. The site is close to the Jockey Fields Site of Special Scientific Interest but given the nature and scale of the proposal Natural England is satisfied there is not likely to be any adverse effect on the site as a result of the proposals if carried out in accordance with the submitted details.

### **Public Participation Response**

None received.

## **Determining Issues**

- Impact on the appearance and operation of the development
- Relationship to neighbouring properties
- Access and parking
- Sports provision

## **Observations**

### **Impact on the appearance and operation of the development**

The proposal to retain the caretaker's house, the existing parking and access alongside the caretaker's house does not significantly affect the appearance of the site. The reconfiguration of the site frontage to provide a clearer segregated access for pedestrians/cycles and vehicles with enhanced landscaping and a more direct route for pedestrians and cycles is considered an improvement to the appearance of the site. It also would be safer in terms of operation.

Demolition of the large building that was to have been retained for cycle storage frees up space to allow a more open site frontage and clearer views of the new school buildings. The existing covered cycle storage units are relocated adjacent to the pupil entrance where they are well observed thus encouraging their continued use. As these are smaller than the building that was to have been retained they do not obscure views of the new school buildings thus enhancing the setting. The changes to the pedestrian/cycle and vehicle routes will improve safety and offer improved operation of the site.

Despite the ecologist's comments regarding proximity to trees around the perimeter of the site the parking areas are no nearer than both existing or approved layouts and the tree officer is satisfied the proposals will not significantly affect trees. A condition to secure implementation of the landscaping is recommended.

### **Relationship to neighbouring properties**

The changes to the curtilage of the caretaker's house still retain ample garden space for the occupier the relationship to the boundaries are not dissimilar to the existing situation. The retention and use of the existing car park as overspill parking is not materially different to the existing relationship between the nearest housing and the parking area. The proposed enhancements to control access to this overspill parking area by segregating it from the remainder of the site and providing a passing place for vehicles will also improve the operation of the car park. The potential for noise and disturbance from vehicles using this access is no different to existing. In the circumstances there are no significant impacts on the amenities of nearby occupiers in this respect.

The proposed demolition of the building that was to have been used for cycle parking has no significant impact on neighbours and alternative provision for cycling is provided in a similar location. This is a significant distance away from residential properties and is considered not to adversely affect the outlook for neighbouring properties.

The reconfiguration of the service yard and provision of the pre-fabricated garage type storage buildings is at least 30m away from the nearest housing in Mob Lane and is set away from the boundary of the service yard. Given they are single storey buildings set at a distance from the nearest housing they will not have any significant impact on the outlook or amenities of occupiers.



A similar condition to that on the original permission is recommended to restrict construction hours in order to protect neighbour's amenities.

In light of the above comments the proposed changes are considered to have a satisfactory relationship to neighbouring properties.

### **Access and parking**

The main vehicle access to the school remains as approved. The retention of the access and overspill parking is also an existing arrangement and offers increased parking on the school site. Although the combined parking provision is above the level required by policy T13 it is only 13 spaces above the requirement and is welcomed as there are frequently times when overspill parking from the school is prevalent in the surrounding streets. The extra parking would reduce the likelihood of overspill parking occurring on-street to benefit the neighbourhood. On balance the proposal is considered to have no significant impact on the highway network.

The creation of the new segregated pedestrian/cycle access provides a safe direct access for pupils, staff and visitors to the school buildings. The revised layout still provides disabled parking, cycle parking, motor cycle parking, bus and taxi drop off and turning the same as previously approved. The re-use of the cycle shelters accords with the School Travel Plan.

The use of the existing access for the overspill parking for two-way traffic is acceptable as a new passing place is incorporated in the design for safety purposes. As this car park will be used by (senior) staff only it is unlikely to cause increased disturbance to neighbours from vehicles.

In light of the above comments the proposals are acceptable in terms of access and parking.

### **Sports provision**

The proposals do not alter the ability of the site to provide for sports provision or playing pitches. Although the overall play area on the revised plans is reduced by 29m<sup>2</sup> the run off space around it has been improved by more space around the edges and is now more than that recommended for mini soccer pitches. On this basis Sport England do not object to the amendments.

### **Summary of Reasons for Granting Planning Permission**

Retention of the caretaker's house and existing parking and access alongside the caretaker's house does not significantly affect the appearance of the site. The reconfiguration of the site frontage to provide a clearer segregated access for pedestrians/cycles and vehicles with enhanced landscaping and a more direct route for pedestrians and cycles is considered an improvement to the appearance of the site. Demolition of the large building that was to have been retained for cycle storage also improves the appearance of the site.

The proposals will not significantly affect trees on the perimeter of the site and a condition is recommended to secure implementation of the landscaping.

The caretaker's house still has ample garden space and the relationship to the boundaries is not dissimilar to the existing situation. The retention of the existing car has no significant impacts on the amenities of nearby occupiers.

The proposed demolition of the building that was to have been used for cycle parking has no significant impact on neighbours as it is a distance away from residential properties.

The reconfiguration of the service yard and provision of the pre-fabricated garage type storage buildings are set at a distance from the nearest housing and will not have any significant impact on the outlook or amenities of occupiers. A condition to restrict construction hours in order to protect neighbour's amenities is recommended.

The main vehicle access to the school remains as approved. The retention of the access and overspill parking offers increased parking on the school site. Despite parking levels being above that required by policy T13 it is considered to be appropriate as the extra parking would reduce the likelihood of overspill parking occurring on-street to benefit the neighbourhood and has no significant impact on the highway network. As this car park will be used by staff only it is unlikely to cause increased disturbance to neighbours from vehicles.

The revised layout provides disabled parking, cycle parking, motor cycle parking, bus and taxi drop off and turning the same as previously approved. The re-use of the cycle shelters accords with the School Travel Plan.

The proposals do not alter the ability of the site to provide for sports provision or playing pitches despite a slightly reduced overall play area and Sport England do not object to the amendments.

In light of the above the proposals are considered to accord with the aims and objectives of the National Planning Policy Framework and sustainable development, the aims and objectives of the Black Country Core Strategy policies in particular CSP1, CSP4, TRAN1, TRAN2, TRAN5, ENV2 and ENV3, the aims and objectives of the Walsall Unitary Development Plan saved policies 3.6, 3.7, GP2, ENV14, ENV18, ENV23, ENV32, 3.115, 3.116, 3.117, ENV33, ENV40, T7, T10, T11, 12, T13, 8.7 and LC6 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 92 of the Town and Country Planning Act, 1990.

2. Prior to the development first coming into operation, all car parking areas, access ways and manoeuvring areas shown on the approved plan shall be fully consolidated, surfaced and drained and the parking bays and other road markings shall be clearly demarcated on the ground.

*Reason:* To ensure the satisfactory completion and operation of the development and to minimise vehicle/pedestrian conflicts near the school entrance.

3a) Prior to the commencement of the development full details of the proposed additional cycle storage facility shown on drawing PL1057.036 Rev A, dated 20/3/12, shall be fully covered and illuminated, shall be submitted to and approved by the Local Planning Authority. The additional provision shall initially accommodate 20 cycles with scope to increase capacity to 40 additional cycles.

3b) The approved details shall be fully implemented prior to the completion of the proposed development.

*Reason:* To encourage sustainable modes of travel and to implement the schools' 2012 travel plan commitment to provide 'secure' cycle storage and to accord within the school's action plan to provide 40 additional cycle storage spaces.

4. The existing bellmouth access to the retained parking area to the south of the Caretaker's house, shall be redesigned including a reduction in width to more appropriate for a 5 metre wide cars only access and shall be replaced with a dropped kerb footway crossing in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. All works shall be constructed to a specification to be approved and agreed in writing by the Local Planning Authority. Any works shall meet all statutory requirements.

*Reason:* To give precedence to pedestrians over vehicles at the access point on a main pedestrian route to the school entrance and to provide a safer crossing point at the access, in the interests of highway safety.

5a. The landscaping shown on the Softworks Proposals plan (PL1057.016E) and Shrub Setting Out plan (PL1057.035A) shall be carried out in accordance with approved scheme and implemented within 12 months of the development being completed.

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

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

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

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

*Reason:* To protect the amenities of surrounding occupiers.

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

- School Masterplan (PL1057.002H) received 15/6/12



- School Approach 2 (PL1057.004D) received 15/6/12
- Softworks Proposals (PL1057.016E) received 15/6/12
- Shrub Setting Out (PL1057.035A) received 15/6/12
- Hardworks Layout – Phase 3 (PL1057.036A) received 15/6/12
- Hardworks Detail Areas – Phase 3 (PL1057.042A) received 15/6/12
- External Storage Housings (4058-SK-90-003) received 18/7/12

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



## Planning Committee

Report of Head of Planning and Building Control, Regeneration Directorate on 20/09/2012

### Reason for bringing to committee: Major Application

**Application Number:** 12/0597/FL

**Application Type:** Full application

**Case Officer:** Andrew Thompson

**Telephone Number:** 01922 652403

**Email:** [planningservices@walsall.gov.uk](mailto:planningservices@walsall.gov.uk)

**Agent:** Walker Troup Architects Limited

**Applicant:** Walsall Housing Group

**Proposal:** Erection of 20 no. dwellings (12, two-bed houses and 8, two-bed flats) with associated external works, car parking, landscaping and garden areas.

**Location:** LAND OFF CURTIN DRIVE, MOXLEY, WALSALL, WS10 8RJ

**Ward:** Darlaston South

**Expired Date:** 13/08/2012

**Recommendation Summary:** Grant Permission Subject to Conditions

Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office.  
© Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.  
© Crown copyright and database rights 2012 Ordnance Survey 100019529



## **Application and Site Details**

The application site is bounded by Curtin Drive to the south; the rear of existing residential properties fronting Queen Street to the west; public open space and play area to the north-west; a waste metal recycling depot to the north-east and a stub of Curtin Drive beyond which is a large electricity pylon to the east. The application site is a cleared site of 68 3-storey maisonettes in three terraced blocks, with landscaping to the front and gardens to the rear.

The proposals are for the erection of 20 no. dwellings, comprising 12, two-bed houses and 8, two-bed flats. The proposals would be two storeys and of a traditional construction methods using brick, tile and render.

The application is supported by the following documents:

### *Design and Access Statement*

Highlights that the intention is to create a very high-quality residential development on this site, which will be delivered to provide for the provision of affordable residential accommodation at Code for Sustainable Homes - Level 3 standard, ensuring the achievement of high levels of long-term sustainability. The development has been designed to sensitively respond to the surrounding context, creating a modern residential development, directly responding to the site conditions and the opportunities that the site provides

### *Extended Phase I Habitat Survey and Code for Sustainable Homes Assessment*

The Survey and Report makes the following recommendations are made regarding the habitats present on site:

A habitat/species enhancement scheme should be incorporated into the landscaping scheme of any proposed works to maximise the ecological value of the site. This will involve, for example, the planting of native seed/fruit bearing species which will be of value to wildlife.

With regard to Protected Species the report recommends that vegetation clearance should be undertaken outside the nesting bird season; during construction any holes or trenches are covered overnight and a precautionary approach is recommended with regard to Great Crested Newts and Grass Snakes.

### *Environmental Noise Assessment*

This report indicates that noise needs to be taken into consideration to ensure a commensurate level of noise protection for future residents. The noise from the nearby scrap yard was assessed against national standards and guidance and was determined to be "likely to cause complaints".

Suitable mitigation, including glazing, boundary treatment and ventilation has been specified to allow even the worst affected properties to achieve the "reasonable" criteria as defined by national standards.

### *Geo-Environmental Assessment*

Notes that there could be contamination and ground gas issues with the site and that further investigation work is required to remediate the land to an appropriate standard.

## **Relevant Planning History**

06/1682/PD/W6 – Prior notification of the demolition of residential units. Approved  
23/10/2006

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

### **National Planning Policy**

#### **National Planning Policy Framework (NPPF)**

The NPPF was published on 27<sup>th</sup> March 2012 setting out the Government's position on the role of the planning system in both plan-making and decision-taking. It states that the purpose of the planning system is to contribute to the achievement of sustainable development, in economic, social and environmental terms, and it emphasises a *"presumption in favour of sustainable development"*

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

- Always seek to secure high quality design and good standards of amenity for all existing and future occupants
- Take account of the different roles and character of different areas
- Reuse land that has been previously developed

**Key provisions** of the NPPF relevant in this case:

49 and 50 seeks to deliver appropriate housing provision and a positive approach to deliver a wide choice of high quality homes.

58. Planning policies and decisions should aim to ensure that developments meet criteria that include:

- Function well and add to the overall quality of the area
- Establish a strong sense of place
- Respond to local character and history and reflect the identity of local surroundings and materials

On planning conditions the NPPF says:

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

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

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

### **The Development Plan**

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

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

### **Regional Strategy (RS)**

The NPPF confirms that the Regional Strategy remains part of the development plan, until / unless it is abolished by order of the Secretary of State.

It is considered the following RS policies are relevant in this case:

UR1, UR1A and UR1B – Seeks to deliver the regeneration of the Black Country through the provision of housing and employment land.

CF1 – Seeks to provide housing within the major urban areas

CF4 – Aims to put new housing on previously developed land

CF5 – Seeks to deliver an appropriate level of affordable housing

QE3 – Aims to deliver a high quality environment

### **The Black Country Core Strategy (BCCS)**

This was adopted in February 2011 under the current Local Development Framework system, and the NPPF says that for 12 months from the publication of the national framework “*decision-takers may continue to give full weight to relevant policies ... even if there is a limited degree of conflict with this Framework*”.

The Vision consists of three major directions of change and underpins the approach to the whole strategy which includes the delivery of Sustainable Communities, Environmental Transformation and Economic Prosperity which are supported by the following policies:

The relevant key policies are:

CSP1 – sets out the targets for sustainable regeneration of the Black Country.

CSP2 additional windfall housing developments (on sites outside the Growth Network) will also occur in the following areas shown on the Key Diagrams will be supported in Housing Market Intervention Areas and Housing Renewal Hubs.

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

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

DEL1 – sets out to seek appropriate developer contributions and infrastructure improvements from development.

HOU2 – Sets criteria for Housing Density, Type and Accessibility

HOU3 – Seeks to deliver affordable housing

HOU5 – Education and healthcare – seeks well design facilities providing a range of community services and community use.

TRAN4 – creating coherent networks for cycling and walking – seeks to maximise the potential for this in new development. Cycle parking provision should be made.

ENV3 – Design Quality – seeks to promote this aspect of developments

ENV5 – Sets out criteria for Flood Risk, Sustainable Drainage Systems and Urban Heat Island

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

### **Walsall's Unitary Development Plan (UDP)**

Policies that have been saved and not replaced by the BCCS remain part of the development plan. However, in such cases the NPPF says “*due weight should be given to*



*relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)”.*

The relevant policies are:

GP2 indicates that the creation of, or susceptibility to, pollution of any kind will be taken into account in the assessment of development proposals

GP3 – seeks to deliver appropriate planning contributions

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

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

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

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

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

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.

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

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

### **Supplementary Planning Documents (SPD)**

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

The relevant SPDs are:

#### *Designing Walsall SPD*

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

#### *Urban Open Space SPD*

Sets out the thresholds and contributions sought towards urban open space from residential developments.

#### *Affordable Housing SPD*

Sets out the thresholds, tenure, mix and type of affordable housing sought from residential developments.

Circular 11/95 which deals with conditions and the application of conditions is also relevant to this application.

### **Consultations**

**Transportation** – No objection

## **Pollution Control**

*Scientific Team* – No Objection however reservations due to potential noise impacts stemming from a nearby scrap yard, which may result in future residents being adversely affected. It should be noted that Pollution Control – Regulation Team often receive noise complaints from residents living near to scrap yards and have noted that over the years a number have intensified their activities, resulting in increased complaints.

Furthermore the proposed construction works are likely to have an adverse environmental impact on surrounding residential development in terms of noise and normal restrictions are recommended.

*Contaminated Land Team* – No objection subject to works being implemented to investigate and remediate any localised ground contamination and ground gas issues associated with the site.

**Coal Authority** - The Coal Authority therefore has no objection to the proposed development subject to the imposition of a condition to ensure that the remedial measures in respect of shallow coal mine workings and mine entries (as set out within sections 7.3 and 7.4 of the submitted Ground Investigation Report) are implemented prior to commencement of the development

**Natural Environment Team (Ecology)** – No objection subject to recommendations in ecological report being included as planning conditions.

**Fire Service** – No objection

**Housing Standards and Improvements Team** – No objection

**Canal and River Trust (formerly British Waterways)** – No objection subject to informative notes relating to the protection of the canal infrastructure.

## **Representations**

One letter of support from a local resident stating that the proposals are excellent plans for regeneration, as a home owner its all for the better, look forward to further phases.

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

## **Determining Issues**

The key determining issues are:

- The principle of the development
- The design and layout
- Impact on the character of the area
- Relationship to neighbouring scrapyard
- Car parking and servicing
- Contributions towards Urban Open Space and Affordable Housing
- Local Finance Considerations

## **Observations**

### **The principle of the development**

The application site was cleared of housing previously due to anti-social problems and the type and layout of the buildings. The site was cleared following prior approval in late 2006. The site is therefore considered to be previously developed land and appropriate for housing. The proposals are acceptable in principle.

### **The design and layout**

The new layouts and the design are traditional construction with the housing positioned on the frontage of Curtin Drive with the proposed flats being positioned in a separate courtyard on northwest corner and overlooking the Queen Street playing field.

The proposed designs and layout will be in character with the area and an enhancement to the quality of housing in the area.

The principles of Secured By Design in the layout and particular consideration of the boundary treatment has taken place which incorporate the requirements of West Midlands Police during the design stage.

### **Impact on the character of the area**

The proposals would be in keeping with the area and would provide appropriate housing provision. Bringing this vacant site back into use will be a positive impact on the area and also bring activity to the playing fields to the north which would be overlooked and improved by the added activity.

Overall, taking into account the former use of the site and overall development the proposals would have a positive impact on the character of the area.

### **Relationship to neighbouring scrapyard**

A 2.4 metre high brick wall runs to the rear of Plots 13-20 to provide environment and visual protection from the waste metal recycling depot to the north-east (on Bull Lane). This feature would also act as a noise buffer to the scrapyard. In addition it is also noted that the scrapyard is significantly (approximately 4m) lower than the application site which further reduces the impact on the proposed properties.

The submitted noise assessment makes recommendations of glazing and ventilation within the housing and can be incorporated within the development and these should allow for an adequate noise environment. It is noted that the proposals are located in a residential area and the site was previously used for residential purposes.

Therefore whilst the concerns of Pollution Control Officers are noted, it is considered that the proposals, supported by the submitted noise assessment will bring forward a satisfactory residential environment.

### **Car parking and servicing**

All the houses benefit from 200% car parking with the flats having 150% provision. In addition the flats will have cycle stores and the area is well located for local facilities and the neighbouring playing fields are noted. Taking account of the site's location and the character of the area, the car parking provision and servicing is considered acceptable.



### **Contributions towards Urban Open Space and Affordable Housing**

The proposals would deliver 100% affordable housing towards social rented accommodation with WHG the applicant for the application. Based on the Urban Open Space Supplementary Planning Document a contribution of £27,720 would be sought towards Urban Open Space enhancement in the area.

Officers balance the delivery of the site entirely for affordable housing which is over and above the Council's policy of 25%, against the loss of financial contributions and the enhanced value this has for the delivery of housing needs in the Borough, in particular housing. The higher level of affordable housing would mean that other contributions would not be viable.

Taking into account the value of affordable housing being proposed on the site, in this instance it is considered appropriate to take into account the higher level of affordable housing and set aside the contribution for Urban Open Space. An assessment has been submitted and the Council's estates department has considered this in terms of the costs and income generated by the scheme.

In summary, whilst there are discrepancies between the appraisal costs and which do have exclusions – e.g. the costs of removal of contaminated material and utilities connections. When additional S106 costs are introduced, the development would not be considered as reasonably viable in the short and medium term.

Members are invited to subscribe to this view.

### **Local Finance Considerations**

Section 143 of the Localism Act requires the local planning authority to have regard to 'local finance considerations' when determining planning applications. In Walsall at the present time this means there is need to take account of New Homes Bonus monies that might be received as a result of the construction of new housing.

This application proposes 20 new homes.

The New Homes Bonus award to Walsall for 2012-2013, and for each of the 4 years after that, was published in December 2011. Future awards would be for 4 years, then 3 years, then 2 years and finally for 1 year. Based on the provision of 792 new homes during 2010-2011 the award of £1,095,219 (which included a premium for affordable housing but also a deduction for an increase in vacancies) meant that – as a rough average - each additional home generated an annual grant to the council of approximately £1,380. In future New Homes Bonus awards might be offset against reductions in the 'formula grant' the Council will receive from Government.

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

### **Summary of Reasons for Granting Planning Permission**

The application site was cleared late 2006. The site is therefore considered to be previously developed land and appropriate for housing. The new layouts and design are traditional construction with the housing will be in character with the area and an enhancement to the quality of housing in the area.

The principles of Secured By Design are incorporated in the layout and particular consideration of the boundary treatment has taken place which incorporate the requirements of West Midlands Police during the design stage. Bringing this vacant site back into use will be a positive impact on the area and also bring activity to the playing fields to the north which would be overlooked and improved by the added activity.

Boundary treatment to provide environment and visual protection from the waste metal recycling depot to the north-east (on Bull Lane) has been incorporated. It is also noted that the scrapyard is significantly lower than the application site.

The submitted noise assessment makes recommendations of glazing and ventilation within the housing and can be incorporated within the development. All the houses benefit from 200% car parking with the flats having 150% provision. In addition the flats will have cycle stores and the area is well located for local facilities and the neighbouring playing fields are noted. Taking account of the site's location and the character of the area, the car parking provision and servicing is considered acceptable.

The proposals would deliver 100% affordable housing towards social rented accommodation with WHG the applicant for the application. Officers balance the delivery of the site entirely for affordable housing which is over and above the Council's policy, against the loss of financial contributions and the enhanced value this has for the delivery of housing needs in the Borough, in particular housing. The higher level of affordable housing would mean that other contributions would not be viable.

Section 143 of the Localism Act requires the local planning authority to have regard to 'local finance considerations' when determining planning applications, including the New Homes Bonus, the weight that should be given to this, including in relation to other issues, is a matter that is noted but not determinative to the already acceptable scheme.

The proposed development is considered to comply with the relevant policies of the development plan, in particular policies UR1, UR1A, UR1B, CF1, CF4, CF5 and QE3 of the Regional Strategy, policies CSP1, CSP2, CSP4, CSP5, DEL1, HOU2, HOU3, HOU5, TRAN4, ENV3 and ENV5 of the Black Country Core Strategy; saved policies GP2, GP3, ENV10, ENV32, ENV33, ENV40, T7, and T13 of Walsall Unitary Development Plan, and the Council's Supplementary Planning Documents. On balance, having taken into account all material planning considerations, including the aims and objectives of the NPPF and sustainable development, 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. Survey work has found a risk that protected species may be present within the site (as identified in the ecological report by Middlemarch Environmental Ltd dated February 2012) and the following precautions shall be taken when implementing the planning permission:

- i) All grassland areas shall be strimmed back to not less than 50 mm in height to encourage reptiles and amphibians to move elsewhere immediately prior to works site clearance works commencing under the supervision of a suitably qualified ecologist.
- ii) Any trench which is left open overnight shall be provided with escape routes for wildlife which may become trapped. Such measures may include timber ramps placed at an angle no steeper than 45 degrees, gently sloping ends to trenches or other similar features. All features shall remain in place until the trench is backfilled.
- iii) All site clearance shall take place outside the bird nesting season (the bird nesting season is March to September inclusive). Where this is unavoidable a breeding birds survey shall be undertaken by a suitably qualified and experienced ecologist prior to any works commencing. If breeding birds are discovered site clearance and other operations should be delayed until young birds have fledged. All wild birds, their nests and eggs are protected by the Wildlife and Countryside Act 1981 and subsequent amending legislation. It is an offence to damage or destroy a nest of a wild bird. If nesting birds are discovered clearance works should be delayed and advice sought from the ecologist or Natural England.

*Reason:* To protect local wildlife.

- 3i) Prior to built development commencing a “Remediation Statement” setting out details of remedial measures to deal with the identified and potential hazards of any shallow mine workings, mine shafts, 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)
- ii) The remedial measures as set out in the “Remediation Statement” required by part i) of this condition shall be implemented in accordance with the agreed timetable.
- iii) If during the undertaking of remedial works or the construction of the approved development unexpected ground contamination not identified by the site investigation is encountered development shall cease until the “Remediation Statement” required by part i) of this condition has been amended to address any additional remedial or mitigation works required and agreed in writing by the Local Planning Authority.
- 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.

- 4a) No development shall be commenced until a schedule of facing materials to be used in external walls and roofs has been submitted to and approved in writing by the Local Planning Authority.
- b) The approved scheme shall be implemented in accordance with the submitted details.

*Reason:* To ensure the satisfactory appearance of the development.

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

- (a) grassed areas will be maintained in a tidy condition;
- (b) planted areas will be maintained in a tidy condition;
- (c) any tree, shrub or plant which dies, becomes seriously diseased, damaged or is removed will 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 will be made good.

*Reason:* To ensure the success of the landscaping and planting scheme, and the establishment of the plants.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) (or any order revoking, re-enacting or modifying that Order), no additional extensions, outbuildings, structures or means of enclosure (e.g. walls, gates, or fences) shall be erected without prior written permission of the Local Planning Authority.

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

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

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

8. No development shall be occupied until the noise mitigation measures to protect internal and external areas, as detailed by recommendations contained in Environmental Noise Assessment prepared by Noise.co.uk. (Ref: 10303-1 dated 7 March 2012) have been agreed in writing and fully implemented.

*Reason:* To safeguard the amenities of the occupants.

9. The entire development shall be brought forward for affordable housing for social rent shall be delivered in accordance with the size, location and tenure as set out in the application submission. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex 2 of the National Planning Policy Framework or any future guidance that replaces it. The development shall be carried out in accordance with the following agreed details:

- i) the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
- ii) the arrangements for the transfer of the affordable housing to an affordable housing provider[or the management of the affordable housing] (if no RSL involved)

iii) the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and

iv) the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

*Reason:* To secure delivery of Affordable Housing in compliance with the Development Plan policies, and the adopted Supplementary Planning Document and Housing Needs Study.

10. The development shall be carried out in accordance with the following plans and documents

1005-01 Rev N (Site Layout)

1005-02 (Site Location)

1005-03 Rev A (2B3P Walk-up Flat)

1005-04 Rev A (2B4P Chamfered House)

1005-05 Rev A (2B4P Square House)

1005-06 Rev B (2B4P Corner House Plans)

1005-07 Rev A (2B4P Corner House Elevations)

1005-08 Rev B (Street Scenes)

10713/01A – Topographical Survey

12141-D01 Rev B – External Levels

12141-D02 Rev B – Drainage Details

ALD548\_PL4-1 Rev P01 – Landscape Planting Plan

And the following documents:

Design and Access Statement prepared by Walker Troup Architects (ref: 1005, dated March 2012)

Code for Sustainable Homes Ecological Assessment prepared by Middlemarch Environmental Limited (Ref: RT-MME-111289-10-01 dated February 2012)

Extended Phase I Habitat Survey prepared by Middlemarch Environmental Limited (Ref: RT-MME-111289-10-02 dated February 2012)

Environmental Noise Assessment prepared by Noise.co.uk. (Ref: 10303-1 dated 7 March 2012)

Geo-Environmental Assessment prepared by Hydrock (Ref: R/11125/001 dated May 2011)

*Reason:* To define the permission

#### NOTES FOR APPLICANT:

A) The applicant/developer is advised to contact the Works Engineering Team on 01827 252000 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".

B) 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.

C) Under the Coal Industry Act 1994 any intrusive activities, including initial site investigation boreholes, and/or any subsequent treatment of coal mine workings/coal mine entries for ground stability purposes require the prior written permission of The Coal Authority, since such activities can have serious public health and safety implications.

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

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

Textphone 0845 111 2910, Fax (01922) 623234

Failure to obtain permission will result in trespass, with the potential for court action. Application forms for Coal Authority permission and further guidance can be obtained from The Coal Authority's website at:

<http://coal.decc.gov.uk/en/coal/cms/services/permits/permits.aspx>

### **Contaminated Land**

CL1) 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.

CL2) 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 20/09/2012

### Reason for bringing to committee: Major application

**Application Number:** 12/0868/FL

**Application Type:** Full application

**Case Officer:** Alison Ives

**Telephone Number:** 01922 652492

**Email:** [planningservices@walsall.gov.uk](mailto:planningservices@walsall.gov.uk)

**Agent:** RPS Planning & Design

**Applicant:** Barratt West Midlands

**Proposal:** Variation of planning condition 17 of permission 09/1695/FL to amend house types on plots 31-35, 38 and 40-43, additional parking spaces for plots 31-35 and 38 and re-siting garage for plot 33.

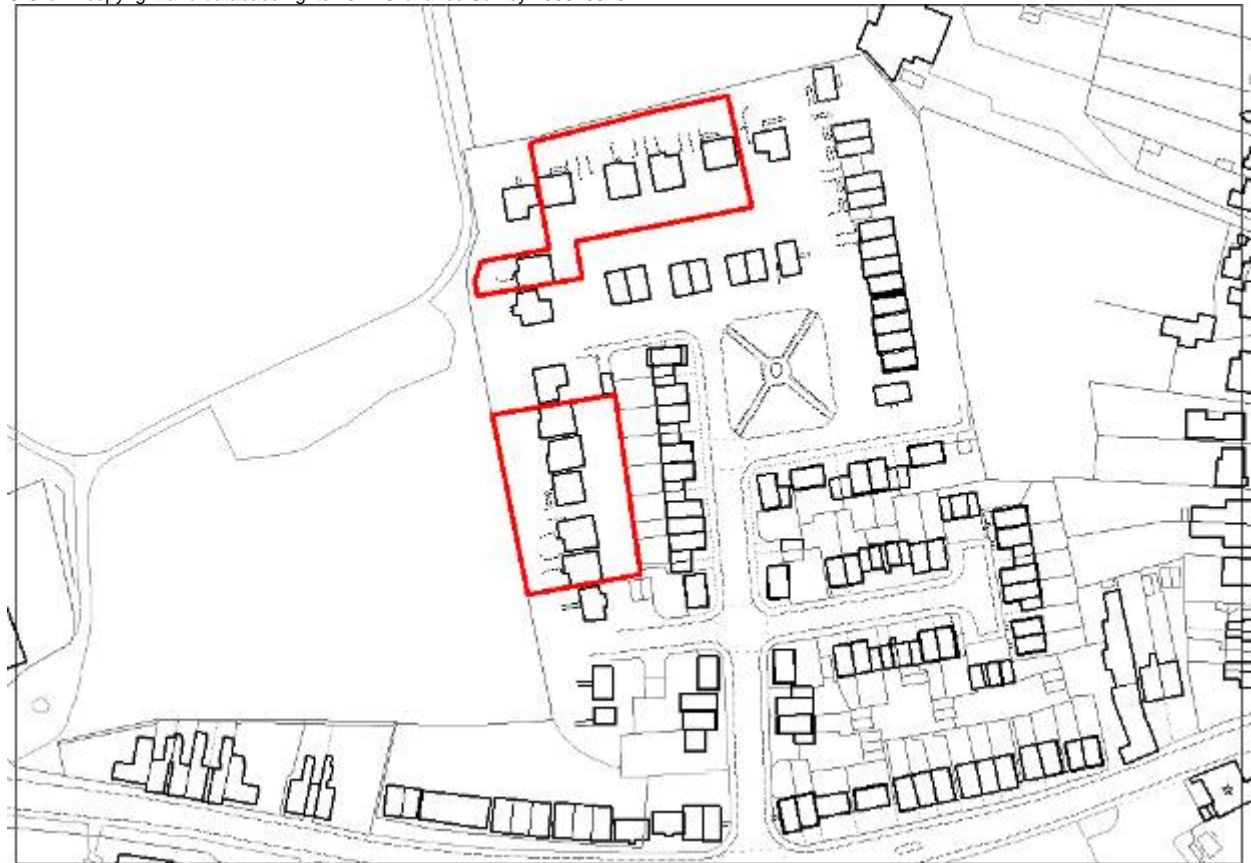
**Location:** FORMER BLOXWICH ENGINEERING LTD, BELL LANE, BLOXWICH, WALSALL

**Ward:** Bloxwich West

**Expired Date:** 09/10/2012

**Recommendation Summary:** Grant Permission Subject to Conditions

Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office.  
© Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.  
© Crown copyright and database rights 2012 Ordnance Survey 100019529





## **Application and Site Details**

The proposal seeks material amendments to permission 09/1695/FL by varying the approved plans to amend the house types on plots 31-35, 38 and 40-43 and to provide additional parking spaces for plots 31-35 and 38 and re-siting the garage for plot 33.

The front window of the Willerby house type (plots 31, 32, 34, 35, 38, 41 and 42) has been widened from 1200mm to 1800mm wide. The second floor bedroom has also been re-planned to provide a second floor Juliette balcony to the front elevation. French doors have also been moved from bedroom 4 and a pitched roof reinstated over the projecting garage area and porch.

The Rillington house type on plots 33 and 40 have been amended to include dormer windows to the front elevation of bedroom 1 and associated en-suite bathroom. Plot 43 has a larger roof light to bedroom 1 rather than a dormer window as the build programme is too far advanced to include this.

The housing is currently being developed on the site of the former Bloxwich Engineering, located immediately to the north of Bloxwich Town Centre just beyond the junction of Bell Lane and High Street. Bloxwich Park lies opposite the site on Bell Lane, King George V Playing Fields adjoin the site to the west and Stafford Road Sport Club and playing fields (including cricket ground) to the north. The eastern boundary adjoins garden land and existing premises fronting Bell Lane. There is a belt of trees around the north, east and western boundaries of the site within the adjacent playing fields and gardens. The Bell Lane frontage is partly within the Bloxwich Park Conservation Area.

There is a mix of housing in the area including three storey and high rise flats, terraced housing and larger detached houses. There is a cluster of commercial premises located around the junction of Bell Lane, Stafford Road and High Street that includes The Bell Public House, vacant office premises and graphic design and dental practices.

The plots affected are all detached houses on the northern and western edges of the site facing the King George V Memorial Park. The developer states the changes respond to market demand for the Willerby and Rillington House types and will permit extended views over the cricket pitch and King George V Memorial Park playing fields. The additional parking spaces for plots 31-35 are for the 4 bedroom properties.

**The Design & Access Statement Supplement** – Explains the amended design endeavours to improve the built form to reduce dominance of the car and improve the outlook to respond to market demand for the Willerby and Rillington house types.

**The Report on the Existing Noise Climate** – assesses the noise climate from road traffic movement on Bell Lane and nearby roads. It also identifies no significant noise from the adjacent social club premises. The Bell Lane frontage falls within category “C” and the rear of the site in category “A” in terms of noise climate. With the exception of dwellings fronting Bell Lane, the windows should be fitted with standard thermal double glazing.

**The Flood Risk Assessment** – concludes that the development areas lie wholly outside Flood Zones 2 and 3 on the indicative Environment Agency maps. No part of the site is subject to flooding during a 0.1% flood event. There is no increase in flooding threat as a result of the development.

The Archaeological Desk-Based Assessment – confirms there are no archaeological sites within the site or locally listed or listed buildings.

The Arboricultural Appraisal states any work within the root protection area of protected beech trees on the western side of the site perimeter must be carried out by hand and protective fencing erected before any tree works begin. Other measures to protect trees growing off site are recommended.

The Air Quality Assessment – reviews the air quality impacts associated with the operation of the proposed housing and notes operational impacts are primarily those associated with road traffic emissions. Air quality for future residents has been assessed. It is concluded that concentrations of nitrogen dioxide and PM<sub>10</sub> would be small and the impact is judged to be negligible and is acceptable at worst case scenarios alongside Bell Lane.

The Ecological Assessment - There are no statutory or non-statutory designated sites of nature conservation interest within the application site boundary. The main habitats are trees and amenity grassland and any loss to these habitats are compensated for by new landscaping.

### **Relevant Planning History**

09/1695/FL – Erection of 108 dwellings, garages and associated parking, construction of access roads, landscaping and associated works – Granted subject to conditions and a S106 Agreement 10/3/10. The S106 Agreement was to secure provision for education, healthcare, public art and urban open space. Reduced contributions and fewer affordable units were approved.

10/0674/FL – Substitution of house type to replace an Emerald 2.5 storey 4 bed house with Sapphire 3 storey 4 bed house on plots 12, 13, 18, 21, 66, 69, 71, 92, 97 and 98 (10 plots in total) – Granted subject to conditions 30/7/10.

11/0863/MA – Non-material amendment to 09/1695/FL for removal of chimneys from plots 29, 30, 36, 37, 39, 44, 45, 52 and 65 – Approved 2/9/11.

11/1401/FL – Amendments to approval 09/1695/FL to substitute house types on plot 5 from a single house to 2 houses, amended house type on plot 20, reconfiguration of car parking areas and alterations to gardens of plots 8, 9, 10 and 11 – Granted subject to conditions 2/2/12. A Deed of Variation to the S106 Agreement was also completed to tie the amended permission to the new amended application.

### **Relevant Planning Policy Summary**

#### **National Planning Policy Framework (NPPF)**

The NPPF was published on 27<sup>th</sup> March 2012 setting out the Government's position on the role of the planning system in both plan-making and decision-taking. It states that the purpose of the planning system is to contribute to the achievement of sustainable development, in economic, social and environmental terms, and it emphasises a *"presumption in favour of sustainable development"*.

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

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

**Key provisions** of the NPPF relevant in this case:

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

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

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

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

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

- Function well and add to the overall quality of the area
- Establish a strong sense of place
- Respond to local character and history and reflect the identity of local surroundings and materials

Paragraph 63 attaches great weight to outstanding or innovative design which helps raise the standard of design more generally in the area.

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

On **planning conditions** the NPPF says:

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

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

### **The Development Plan**

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

## Regional Strategy (RS)

The NPPF confirms that the Regional Strategy remains part of the development plan, until/unless it is abolished by order of the Secretary of State.

Relevant RS policies are:

CF1: Seeks to significantly improve the quality of existing housing stock, increase the scale and range of new housing development opportunities in appropriate locations and create attractive urban communities and living environments.

QE1: Supports regeneration and creation of new high quality built and natural environments. Also supports protection and enhancement of irreplaceable assets such as specific wildlife habitats.

QE3: Promotes high quality design.

## The Black Country Core Strategy (BCCS)

This was adopted in February 2011 under the current Local Development Framework system, and the NPPF says that for 12 months from the publication of the national framework “*decision-takers may continue to give full weight to relevant policies ... even if there is a limited degree of conflict with this Framework*”.

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

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

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

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

**The Spatial Objectives** include

6. A high quality environment

The above are supported by the following policies:

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

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

CSP4: A high quality of design of the built and natural environment is required. Design of spaces and buildings will be influenced by their context.

HOU2: Density and type of new housing will be informed by:

- The need for a range of types and sizes of accommodation to meet sub regional and local needs
- The level of accessibility

- The need to achieve high quality design and minimise amenity impacts

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

ENV2: Development should preserve and enhance local character.

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

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

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

### **Walsall's Unitary Development Plan (UDP)**

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

The relevant policies are:

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

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

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

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

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

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

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

#### **T7 – Car Parking**

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

#### **T13: Parking Provision**

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

4 bedroom houses and above 3 spaces per unit



## **Supplementary Planning Documents (SPD)**

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

The relevant SPD's are:

### **Designing Walsall SPD**

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

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

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

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

Annexe E: Numerical Guidelines for Residential Development identifies privacy and aspect distances between dwellings. 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.

### **Affordable Housing (SPD) (April 2008)**

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

### **Urban Open Space (SPD) (April 2006)**

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

## **Consultations**

**Transport** – No objections.

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

**Pollution Control (Scientific Team)** – No objections but recommend noise mitigation measures are implemented as previously identified.

**Ecology** – No objections subject to the substituted house types having bat boxes built in to provide bat mitigation as before.

**Severn Trent Water** – No objections subject to provision of drainage details.

**Fire Service** – No objections.

**Police Architectural Liaison Officer** – No comments.

## **Public Participation Response**

None received.

## **Determining Issues**

- Impact on design
- Relationship to surrounding properties
- Access and parking
- Provision for education, healthcare, open space and public art
- Provision for affordable housing

## **Observations**

### **Impact on design**

The street pattern and proposed layout of the development is largely unaffected by the proposals. The changes to the elevations of the Willerby and Rillington house types to include wider windows, Juliette balconies, larger roof lights and dormer windows to the front elevations facing towards King George V Park have no significant impact on the appearance of the development and as they are facing outwards from the site. They also provide improved views across the public space and allow more light in to the properties.

The additional parking for plots 31-35 and 38 is created by widening the driveways to create two spaces (plus the garage space = 3 spaces per dwelling). This results in reduced soft landscaping to the front gardens but still allows for provision of tree planting and is considered acceptable. The garage on plot 33 has been moved further back into the plot to allow for two tandem spaces on the driveway in front. Although the garage now projects beyond the rear elevation of the house it does not adversely affect the appearance within the street.

The requirement for provision of bat boxes in the new dwellings is recommended as on the earlier permission and a condition included to secure this.

Noise mitigation measures are recommended by condition as for the earlier permission to protect residential amenities of existing and proposed occupiers.

### **Relationship to surrounding properties**

The provision of the wider windows, Juliette balconies and dormer windows to the front elevation of the plots has no direct impact on surrounding properties as the elevations are facing King George V Memorial Playing fields and the cricket ground rather than other housing. The buildings are no closer to the playing fields or cricket ground so are no more likely to cause an adverse impact for users of the facilities than the approved layout. The ball stop fence to the cricket ground required under the original permission has already been installed so the properties on this boundary are protected from stray balls.

### **Access and parking**

The provision of additional parking for the 4 bedroom properties is welcomed as it provides convenient parking for larger families. The access to the driveways is unchanged. The additional parking has no significant impact on the amount of traffic visiting the site.

### **Provision for education, healthcare, open space and public art**

Provision for education, healthcare, open space and public art were secured under the S106 Agreement attached to the original permission 09/1695/FL and monies have now been paid. The substitution of house types and additional parking do not alter the required provision so no further Deed of Variation is required.

### **Provision for affordable housing**

The affordable housing provision and mix for the site as a whole remains unaltered and is unaffected by the current proposals.

### **Recommendation**

Grant permission subject to conditions.

### **Summary of Reasons for Granting Planning Permission**

The proposed layout of the development is largely the same and the changes to the elevations of the Willerby and Rillington house types to include larger windows, Juliette balconies and dormer windows facing the park and cricket ground has no significant impact on the appearance of the development. The requirement for provision of bat boxes in the new dwellings is recommended as on the earlier permission and a condition included to secure this.

The widening of drives to provide additional parking for still allows for provision of tree planting and some soft landscaping and is considered acceptable.

The proposed amended house types have no direct impact on surrounding properties and as the buildings are no closer to the playing fields or cricket ground are unlikely to cause an adverse impact for users of the facilities than the approved layout. Noise mitigation measures are recommended by condition as for the earlier permission to protect residential amenities of existing and proposed occupiers.

The provision of additional parking for the 4 bedroom properties is welcomed as it provides additional parking for larger families and has no significant impact on the amount of traffic visiting the site.

The substitution of house types and additional parking do not alter the required provision for education, healthcare, open space or public art which has already been secured by a S106 Agreement attached to the original permission 09/1695/FL.

The affordable housing provision and mix for the site as a whole remains unaltered and is unaffected by the current proposals.

In light of the above the proposals are considered to accord with the aims and objectives of the National Planning Policy Framework and sustainable development, the aims and objectives of the Black Country Core Strategy policies in particular CSP1, CSP2, CSP4, HOU2, HOU3, ENV2, ENV3, DEL1 and TRAN1, the aims and objectives of the Walsall Unitary Development Plan saved policies GP2, GP3, H3, ENV32, 3.116, 8.8, 8.9, LC1, T7 and T13 and Supplementary Planning Document: Designing Walsall.

### **Recommendation: Grant Permission Subject to Conditions**

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

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

2a. No development shall take place until full details of a scheme to incorporate bat roosts within the proposed development have been submitted to and approved in writing by the



Local Planning Authority. Details shall include full construction details and the precise location of all such features and whether a license is required from the Department for Environment, Food and Rural Affairs.

2b. The approved details shall be fully implemented prior to the first occupation.

*Reason:* In order to safeguard the habitat of protected species.

3a. No development shall take place until suitable noise mitigation measures to protect internal areas of dwellings fronting onto Bell Lane, as detailed by recommendations contained in the amended report on the existing noise climate dated 12/01/07 (no reference) from Hoare Lea Acoustics, have been agreed in writing with the local planning authority.

3b. The development shall not be occupied until such measures have been fully implemented and they shall be maintained thereafter.

*Reason:* To protect residential amenities.

4. 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 of 07.00 to 18.00 weekdays and 08.00 to 14.00 on Saturdays. No plant, machinery or equipment associated with such works shall be started up or operational on the development site outside of these permitted hours.

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

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

- Site location plan (AAH4902/120) received 10/7/12
- Site Layout (AAH4902/07P) received 10/7/12
- Materials Layout (AAH4902/103D) received 12/7/12
- House Type Willerby (AAH4902/16A) received 12/7/12
- House Type Willerby Plots 41 & 32 only (AAH4902/133) received 10/7/12
- House Type Rillington (AAH4902/19/33.40A) received 10/7/12
- House Type Rillington Plot 43 only (AAH4902/19/43A) received 10/7/12
- Street Scenes (AAH4902/129) received 10/7/12
- Garage Plan Drawing (AAH/4902/134) received 10/7/12
- Drainage Strategy (8129/1) received 10/7/12
- Design & Access Statement Supplement received 10/7/12
- Report on Existing Noise Climate prepared by Hoare Lea (Revision P2) received 10/7/12
- Flood Risk Assessment prepared by Travis Baker Associates Ltd (8129) received 10/7/12
- Archaeological Desk-Based Assessment prepared by Cotswold Archaeology (2263) received 10/7/12
- Arboricultural Appraisal prepared by Pegasus Environmental (Bir.2330) received 10/7/12
- Air Quality Assessment prepared by Air Quality Consultants (February 2007) received 10/7/12

- Ecological Assessment prepared by Pegasus Planning Group Limited (February 2007) received 10/7/12

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





## Planning Committee

Report of Head of Planning and Building Control, Regeneration Directorate on 20/09/2012

### Reason for bringing to committee: Major Application

**Application Number:** 12/1044/FL

**Application Type:** Full application

**Case Officer:** Barbara Toy

**Telephone Number:** 01922 652487

**Email:** [planningservices@walsall.gov.uk](mailto:planningservices@walsall.gov.uk)

**Agent:** ADC LTD

**Applicant:** BT Felton & Sons

**Proposal:** Variation of condition 8 of 08/1841/FL to amend plots 7-12

**Location:** Land to rear of and including 15 & 17 Romney Way, Great Barr, Birmingham

**Ward:** Pheasey Park Farm

**Expired Date:** 22/11/2012

**Recommendation Summary:** Grant Permission Subject to conditions, unless additional information is received which raises material considerations

Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office.  
© Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.  
© Crown copyright and database rights 2012 Ordnance Survey 100019529



## **Application and Site Details**

The site is situated on the eastern side of Romney Way and comprises the site of former semi detached houses (15 and 17 now demolished) and land set to the rear of 9 – 41 Romney Way which formerly comprised of 58 lock up garages in a poor state of repair.

The site is surrounded by two storey residential houses in Romney Way, Queslett Rd to the south, Allingham Grove to the east and Chantry Crescent to the north, situated within a predominantly residential area.

The site slopes from north to south and is at a higher level than the existing houses within Queslett Rd, which have steep tiered rear gardens. The land falls approx 6m from Chantry Crescent to the north down to Queslett Rd to the south.

Under planning application 08/1841/FL consent was granted on 18<sup>th</sup> February 2009 for the erection of 12 dwellings, 8 x 3 bed and 4 x 4 bed two storey houses. The layout includes a block of 6 three bed houses (plots 7 – 12) across the northern end of the site with 8 communal parking spaces to the frontage and 2 parking spaces for plot 7 to the rear within an access drive to an electricity sub station accessed directly off Romney Way. The development is now under construction.

This application seeks to vary condition 8 attached to permission 08/1841/FL to amend the position of plots 7 - 12, a row of 6 three bed terraced houses set across the northern end of the site. The proposals would move the whole block 1m to the east to allow for two parking spaces to the western side of plot 7 adjacent to the house rather than set within the vehicle access drive to the rear.

The amendments also include minor revisions to the ground levels across the site so that the level changes in the roof-scape would be reduced. The footprint and design of the houses would remain unaltered, as would the position of the front elevations across the site. The layout and position of plots 1 – 6 would remain unchanged.

The footings for plots 7 – 12 have already been constructed in the revised position and the developer has been advised that they continue work at their own risk prior to the determination of this application.

A Design and Access Statement has been submitted in support of the proposals. This discusses benefits of the revisions, in improving highway safety, creating parking spaces that would have more appropriate surveillance and improved security of the existing access drive to the electricity sub station. The minor revisions to the levels would improve the façade.

## **Relevant Planning History**

06/1116/FL/E9, erection of 11 apartments and 5 detached houses, granted subject to conditions and S106 Agreement 26-09-06.

07/0294/FL/E9, substitution of house types on previous approval 06/1116/FL/E9, granted subject to conditions 04-04-07.

08/1841/FL, erection of 12 dwellings, granted subject to conditions 18-02-09.

## **Relevant Planning Policy Summary**

### **National Planning Policy Framework (NPPF)**

The NPPF was published on 27<sup>th</sup> March 2012 setting out the Government's position on the role of the planning system in both plan-making and decision-taking. It states that the purpose of the planning system is to contribute to the achievement of sustainable development, in economic, social and environmental terms, and it emphasises a *"presumption in favour of sustainable development"*.

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

- Seek to secure high quality design and good standards of amenity for all existing and future occupants
- Take account of the different roles and character of different areas
- Proactively drive and support sustainable economic development to deliver the homes that the country needs.

**Key provisions** of the NPPF relevant in this case:

#### **4: Promoting Sustainable Transport**

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

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

#### **6: Delivering a Wide Choice of High Quality Homes**

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

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

#### **7: Requiring Good Design**

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

58. Policies should set out the quality of development that will be expected of an area, including:

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

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

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



On **planning obligations and conditions** the NPPF says:

Planning obligations should only be sought where they meet all of the following tests:

- necessary to make the development acceptable in planning terms;
- directly related to the development; and
- fairly and reasonably related in scale and kind to the development.

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

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

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

### **The Development Plan**

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

### **Regional Strategy (RS)**

The NPPF confirms that the Regional Strategy remains part of the development plan, until / unless it is abolished by order of the Secretary of State.

It is considered that the relevant RS policy is;

CF1: Seeks to significantly improve the quality of existing housing stock, increase the scale and range of new housing development opportunities in appropriate locations and create attractive urban communities and living environments.

QE1: Supports regeneration and creation of new high quality built and natural environments. Also supports protection and enhancement of irreplaceable assets such as specific wildlife habitats.

QE3: Creating a High Quality Built Environment for All

Creation of high quality built environment through use of architecture, urban design and landscape design which respects local character.

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

### **Local**

#### **The Black Country Core Strategy (BCCS) (2011)**

[http://www.walsall.gov.uk/index/environment/planning/local\\_development\\_framework/ldf\\_core\\_strategy.htm](http://www.walsall.gov.uk/index/environment/planning/local_development_framework/ldf_core_strategy.htm)

This was adopted in February 2011 under the current Local Development Framework system, and the NPPF says that for 12 months from the publication of the national framework "*decision-takers may continue to give full weight to relevant policies ... even if there is a limited degree of conflict with this Framework*".



It states that the councils will create cohesive, healthy and prosperous communities with equal access to a mix of affordable and aspirational housing.

The relevant policies are:

HOU2: Housing Density, Type and Accessibility

States that the density and type of new housing provided on each site will be informed by, amongst other factors, the need to achieve high quality design and minimise amenity impacts, taking into account the characteristics in the area where the proposal is located. All developments will aim to achieve a minimum net density of 35 dph except where higher densities would prejudice historic character and local distinctiveness.

ENV3: Design Quality

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

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

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

[www.walsall.gov.uk/index/environment/planning/unitary\\_development\\_plan.htm](http://www.walsall.gov.uk/index/environment/planning/unitary_development_plan.htm)

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

The relevant policies are:

GP2: Environmental Protection

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

I. Visual appearance.

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

VII. The adequacy of the access, and parking.

ENV32: Design and Development Proposals.

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

(b) When assessing the quality of design of any development proposal the Council will use some or all of the following criteria:-

- The appearance of the proposed development
- The height, proportion, scale, and mass of proposed buildings/structures.
- The materials proposed for buildings, external spaces and means of enclosure.
- The integration and co-ordination of buildings and external space.
- The visual relationship of the proposed development with adjacent areas, the street and the character of the surrounding neighbourhood.
- The effect on the local character of the area.

T7: Car Parking

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

### T13: Parking Provision

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

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

### **Supplementary Planning Documents (SPD)**

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

#### **Designing Walsall (Feb 2008)**

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

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

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

The Vision: Homes, provides guidance on designing homes in Walsall.

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 68m<sup>2</sup> for housing and 20m<sup>2</sup> 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.

### **Consultations**

**Transportation** – No objections, the proposals would remove the remoteness of the parking spaces for plot 7.

### **Public Participation Responses**

None

The public consultation period expires on 20<sup>th</sup> September 2012, any comments received following the publication of this report will be reported in the supplementary paper at Committee.

### **Determining Issues**

- Design, Layout and Parking
- Impact on the Amenities of Surrounding Occupiers
- Conditions

## **Observations**

### **Design, layout and parking**

The proposed revised layout would make minor changes to the overall development, moving the block 1m to the east, this would allow for two tandem parking spaces for plot 7 to sit immediately to the side of the house accessed off the new highway rather than set to the rear with separate access off Romney Way. This would improve the parking facilities for the plot, making the parking more accessible and improving surveillance and security. This would allow for better security of the access drive to the substation. Transportation have raised no objections to the proposals.

The front elevation of the block and the communal parking area would remain in the same position within the site.

The minor revisions to the site levels allows for only two roof level changes within the block of houses rather than the five changes previously approved. This would make no difference to the overall height of the houses, but improve the general appearance and is considered acceptable in this instance.

### **Impact on the amenities of surrounding occupiers**

Whilst the block would be 1m closer to 10 and 12 Allingham Grove a separation distance of at least 14m would be maintained between the blank gable of plot 12 and the main rear elevation of No 10 Allingham Grove, ensuring continued compliance with the 13m separation distance outlined in Appendix E of Designing Walsall.

It is considered that the proposals would have no adverse impact on the amenities of the surrounding residential occupiers.

### **Conditions**

All of the pre-commencement conditions for planning approval 08/1841/FL have already been discharged. As this is a Section 73 variation of condition application, which re-issues the whole decision, the conditions attached to this decision have been amended appropriately to take this into consideration. In addition, any tail pieces to the conditions have also been removed.

## **Summary of Reasons for Granting Planning Permission**

The proposals make only minor changes to the previous approval and would improve the accessibility, surveillance and security of the parking facilities for plot 7.

The revised position of the building would continue to comply with separation distances and would have adverse impact on the amenities of the surrounding residential occupiers.

The minor changes to the site levels would have no adverse impact on the overall height of the development or the appearance of the properties.

The attached planning conditions have been amended from the original consent (08/1841/FL) to take into consideration those that have already been discharged.

The proposal is consistent with the NPPF and is considered to accord with the aims and objectives of the Regional Strategy (2008) in particular policies CF1, QE1 and QE3, the Black Country Core Strategy (2011), in particular policies HOU2 and ENV3 Walsall Unitary

Regeneration, Planning and Building Control, Civic Centre, Darwall Street, Walsall, WS1 1DG  
Website: [www.walsall.gov.uk/planning](http://www.walsall.gov.uk/planning), Email [planningservices@walsall.gov.uk](mailto:planningservices@walsall.gov.uk), Telephone (01922) 652452,  
Textphone 0845 111 2910, Fax (01922) 623234

Development Plan (2005), in particular saved policies GP2, ENV32, T7 and T13 and Supplementary Planning Documents – Designing Walsall (2008).

**Recommendation: Grant Permission Subject to conditions, unless additional information is received which raises material considerations**

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 scheme shall be implemented using the following materials approved on 9<sup>th</sup> January 2012 under Discharge of Conditions Application 11/0723/DOC:

Bricks for detached units – Ibstock Priory Weathered Red  
Bricks for the terraced houses – Ibstock Stoneleigh Light Red  
Roof Tiles – Forticrete Gemini, Slate colour  
Brick cills and heads to match facing bricks for each house  
Render – white

*Reason:* To ensure the facing and roofing materials harmonise with those in the surrounding vicinity.

3. The scheme shall be implemented in accordance with the level details contained within drawing Nos 298/01 Rev C and 298/02 Rev F submitted on 24<sup>th</sup> August 2012.

*Reason:* In the interests of the amenity of the area and to ensure satisfactory development of the site.

4. No external lighting shall be installed on the site until details have been submitted to and approved in writing by the Local Planning Authority and the lights shall be installed in accordance with the approved details and retained as such.

*Reason:* To safeguard the visual amenities of the area.

5. The pedestrian access gate to the rear garden of plot 6 shall be provided in line with the front elevation of the house and thereafter retained in this position and lockable.

*Reason:* In order to comply with the objectives of Designing Out Crime and guidance contained within Policy GP7 of Walsall's Unitary Development Plan (2005).

6. Landscaping of the site shall be implemented in accordance with drawing BIR3002-01 approved on 9<sup>th</sup> January 2012 under Discharge of Conditions Application 11/0723/DOC. The development shall be completed in accordance with the approved details before the development is occupied and retained as such. All planted areas shall be maintained for a period of 5 years from the full completion of the scheme. Within this period any tree(s), shrubs or plant which dies, becomes seriously diseased, damaged or is removed shall be replaced with a tree, shrub or plant of the same or greater size and same species as that originally required to be planted.

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

7. No demolition, construction or engineering works, (including land reclamation, stabilization, 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 0700 – 1800 weekdays and 0800 – 1400 Saturdays. No plant, machinery or equipment associated with such works shall be started up or operational on the development site outside of these permitted hours.

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

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

Proposed Site Plan 298/02 Rev F submitted on 24<sup>th</sup> August 2012  
Proposed Terraced Houses 298/01 Rev C submitted on 24<sup>th</sup> August 2012  
House Type A 298/04 submitted on 28<sup>th</sup> November 2008  
House Type B 298/05 submitted on 28<sup>th</sup> November 2008  
Roof Plan 298/06 submitted on 10<sup>th</sup> December 2008  
Location Plan 298/07 submitted on 10<sup>th</sup> December 2008  
Existing & Proposed Site Sections 298/08 submitted on 10<sup>th</sup> December 2008  
Retaining Wall 298/09 Rev A submitted on 19<sup>th</sup> December 2008  
General Arrangement Drainage Plan 10410/20A submitted on 10<sup>th</sup> December 2008  
Topographical Survey 030908/01 submitted 28<sup>th</sup> November 2008  
Design & Access Statement submitted on 24<sup>th</sup> August 2012.

*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).

9. The scheme shall be implemented in accordance with boundary treatment details contained within drawing Nos 298/02 Rev D approved on 27<sup>th</sup> February 2012 under Discharge of Conditions Application 11/0723/DOC prior to the first occupation of any part of the development and thereafter retained.

*Reason:* To ensure the satisfactory appearance of the development.

10. The scheme shall be implemented in accordance with Code for Sustainable Homes details submitted on 19<sup>th</sup> December 2011 approved on 9<sup>th</sup> January 2012 under Discharge of Conditions Application 11/0723/DOC.

*Reason:* In order to define the permission.

11. The land to the east of the rear car parking space to Plot 1 shall be kept clear of any planting or structures, including boundary treatments, exceeding 600mm in height for the purposes of visibility and thereafter retained.

*Reason:* In the interests of inter-visibility and highway safety

12. The rear garden boundary to Plot 1, between the building and the rear parking space, shall be set back to achieve a 2.0m x 15.0m visibility splay and the splay shall

be kept clear of planting or structures exceeding 600mm in height and thereafter retained for the purposes of visibility.

*Reason:* In the interests of inter-visibility and highway safety

13. The scheme shall be implemented in accordance with the refuse hard-standing details contained within drawing No 298/02 Rev C approved on 9<sup>th</sup> January 2012 under Discharge of Conditions Application 11/0723/DOC prior to the first occupation of any part of the development and thereafter retained.

*Reason:* To ensure the satisfactory operation of the development and to minimise the likelihood of obstruction of the highway.

14 Prior to the first occupation of the proposed development all parking areas shown on the approved plan shall be fully consolidated surfaced and drained and the bays clearly demarcated on the ground. These areas shall thereafter be retained for this purpose.

*Reason:* To minimise the likelihood of indiscriminate parking and in the interests of highway safety

15. The road works scheme shall be implemented in accordance with details contained within drawing No 298/03 approved on 5<sup>th</sup> July 2012 under Discharge of Conditions Application 11/0723/DOC prior to the first occupation of any part of the development and thereafter retained.

*Reason:* To clarify the proposed highway boundary prior to the entering of an agreement under Section 38 of the Highways Act 1980.

16. The scheme shall be implemented in accordance with parking and turning facilities for site operatives details contained within drawing No 298/02 Rev C approved on 9<sup>th</sup> January 2012 under Discharge of Conditions Application 11/0723/DOC.

*Reason:* To ensure the satisfactory operation of the development and to minimise the likelihood of indiscriminate parking and in the interests of highway safety during the period of construction

17. Site drainage shall be implemented in accordance with details contained within drawing No10410/20A approved on 9th January 2012 under Discharge of Conditions Application 11/0723/DOC thereafter retained.

*Reason:* To safeguard the trees and or hedges on the site.

18. The scheme shall be implemented in accordance with details contained within Parsons Brinckerhoff Review and Update of Preliminary Risk Assessment and Environmental Ground Investigation of Land (Ref FSE96852A.2482) and foundation detail showing membrane installation (submitted on 4<sup>th</sup> July 2012) approved on 5<sup>th</sup> July 2012 under Discharge of Conditions Application 11/0723/DOC.

*Reason:* To prevent the possibility of surface and/or groundwater pollution.



19. Agreed remedial measures shall be implemented to the satisfaction of the Local Planning Authority in accordance with the agreed timetable. 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.

*Reason:* To prevent the possibility of surface and/or groundwater pollution.

20. The scheme shall be implemented in accordance with details of an autotrack analysis for a refuse vehicle contained within drawing No 298/02 Rev D approved on 27<sup>th</sup> February 2012 under Discharge of Conditions Application 11/0723/DOC.

*Reason:* In order to ensure satisfactory access for a refuse vehicle.

### **Notes for Applicant**

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 20/09/2012

**Reason for bringing to committee: Significant community interest**

**Application Number:** 11/1231/FL

**Application Type:** Full application

**Case Officer:** Alison Ives

**Telephone Number:** 01922 652492

**Email:** [planningservices@walsall.gov.uk](mailto:planningservices@walsall.gov.uk)

**Agent:** Anthony Spruce Design

**Applicant:** A.I Village Cars

**Proposal:** Change of use to taxi base (retrospective)

**Location:** UNIT 2, CROXSTALLS PLACE, WALSALL, WS3 2PP

**Ward:** Bloxwich West

**Expired Date:** 31/01/2012

**Recommendation Summary:** Grant Permission Subject to Conditions

Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office.  
© Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.  
© Crown copyright and database rights 2012 Ordnance Survey 100019529



### **Application and Site Details**

The proposal is for change the use of this vacant light industrial unit to a taxi base. The premises are located in on an established industrial estate but there are flats and housing adjacent in Croxstalls Avenue. The flats in Croxstalls Avenue have boundaries facing Croxstalls Place opposite the site.

The requested operating hours are between 08.00 – 03.00 am Mondays to Thursdays 24 hours on Fridays and Saturdays and 06.00 – 03.00 am on Sundays and Bank Holidays. The plan shows 5 parking spaces inside the unit and 2 parking spaces on the front of the site. As the floor level of the building is higher than the ground level on the front of the site it is proposed to construct a ramp in front of the existing roller shutter to allow vehicular access into the building. An office, toilets and staff room are also available within the unit. The proposal includes provision of a 5m high aerial mast on the front corner of the building.

The proposals are retrospective.

The unit is at the junction of Croxstalls Place and Croxstalls Avenue and there are two storey offices at the corner of the building.

### **Relevant Planning History**

03/0605/FL/E4 – Replacement light industrial unit – granted subject to conditions October 2003.

#### **Unit 1 Croxstalls Road**

11/0455/FL – Mixed use: Garage to repair cars and light commercial vehicles and to retain taxi base – refused June 2011. The reason for refusal was failure to provide adequate on site parking to meet the needs of the development that may result in vehicles parking on the public highway to the detriment of highway safety and the free flow of traffic.

#### **Unit 2 Croxstalls Avenue**

04/0109/FL/E4 – change of use to taxi base – granted subject to conditions August 2004. Conditions to prevent more than 6 cars to be controlled or operated from the site at any one time and to prevent use of a public address/tannoy system were included.

### **Relevant Planning Policy Summary**

#### **National Planning Policy Framework (NPPF)**

The NPPF was published on 27<sup>th</sup> March 2012 setting out the Government's position on the role of the planning system in both plan-making and decision-taking. It states that the purpose of the planning system is to contribute to the achievement of sustainable development, in economic, social and environmental terms, and it emphasises a *"presumption in favour of sustainable development"*.

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

- meet the business and development needs of the area
- secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings

**Key provisions** of the NPPF relevant in this case:

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

Paragraph 21 states that in drawing up Local Plans, local planning authorities should include support for existing business sectors.

Paragraph 58 supports high quality design and highlights several criteria including the need for development that will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development.

On **planning conditions** the NPPF says:

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

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

### **The Development Plan**

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

### **Regional Strategy (RS)**

The NPPF confirms that the Regional Strategy remains part of the development plan, until/unless it is abolished by order of the Secretary of State.

Relevant RS policies are:

QE3: Promotes high quality design and assessment and minimisation of the impacts of noise and light pollution as a result of development.

### **The Black Country Core Strategy (BCCS)**

This was adopted in February 2011 under the current Local Development Framework system, and the NPPF says that for 12 months from the publication of the national framework "*decision-takers may continue to give full weight to relevant policies ... even if there is a limited degree of conflict with this Framework*".

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

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

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

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

**The Spatial Objectives** include

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

The above are supported by the following policies:

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

EMP3: Seeks to provide a portfolio of local quality employment land for those types of industrial, logistics and commercial activity that do not require strategic high quality employment areas and are not appropriate for town centres or residential locations.

TRAN2: Requires development proposals to manage transport impacts of new development

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

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

### **Walsall's Unitary Development Plan (UDP)**

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

The relevant policies are:

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

ENV10: Development of an industry or facility which may cause pollution will only be permitted if it would not cause unacceptable adverse effects in terms of smoke, fumes, gases, dust, steam, heat, light, vibration, smell, noise or other polluting emissions.

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

ENV32 & 3.116: new development should be considered in relation to its setting and should create high quality of built and landscape design, well integrated with surrounding land uses and local character.

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

ENV38: Telecommunications equipment such as masts can have a detrimental impact on the visual amenity of the area and measures should be taken to screen the mast where necessary.

JP7: States core employment uses are normally permitted on land and buildings in other employment areas.

#### **T7 – Car Parking**

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

T10 (a): Refers to accessibility standards.

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

### **Supplementary Planning Documents (SPD)**

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

The relevant SPD's are:

#### **Designing Walsall SPD**

Aims to 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.

DW3; Development should be designed to respect and enhance local identity;

DW10: New development should make a positive contribution to creating a sustainable environment.

### **Consultations**

**Transportation** – No objections in principle. There are concerns as to what impact the ramp will have on the appearance of the frontage and on frontage parking and what drainage will be provided to ensure no surface water from the proposed development would discharge onto the public highway.

**Environmental Health** – No objections. There is potential for night time noise from the comings and goings of taxis, particularly as the site is near to residential properties. Whilst noise from car engines cannot be mitigated it is possible to use conditions to reduce potential noise disturbance such as preventing installation of external public address/tannoy systems or telephone ringers, car radios or power equipment to clean cars.

### **Public Participation Response**

There are 7 letters of objection and a petition of 22 signatures objecting to the proposals. The objections are summarised as follows: -

- There is already a taxi base in the area that causes lots of disturbance and allowing another will increase disturbance to residents
- Residents in the vicinity are elderly and another taxi base would cause constant noise through the day and night
- Nearby residents are only 10m away and cannot have windows open due to the constant noise, dust and odour from petrol and diesel fumes



- There are already problems of noise and anti-social behaviour from taxi drivers in the vicinity
- Noise disturbance from the radio communications throughout the night
- Increased traffic, parking and congestion in the street
- Inconsiderate parking on the pavement already occurs
- Conflict between existing and proposed taxi bases in terms of parking problems in the street
- Taxis turn round in Croxstalls Place which is annoying
- Opening/closing roller shutters to park vehicles inside is noisy and close to residents houses
- Noise and disturbance from taxis and staff operating from the 24 hour business close to residents
- Problems include engines running, car alarms, horns, littering etc
- A taxi firm has moved from Croxstalls Avenue to Unit 1 Croxstalls Place next door to the site without permission (since April 2012)

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

### **Determining Issues**

- Principle of a taxi base at the site
- Access and parking
- Relationship to neighbouring properties

### **Observations**

#### **Principle of a taxi base at the site**

The proposal is to occupy a vacant industrial building as a taxi base with parking for 5 vehicles inside the building and 2 vehicles outside the building on the forecourt facing Croxstalls Place. Policy JP7 states when windfall buildings in other employment areas come forward for reuse they will normally be safeguarded for appropriate employment uses. Service uses that are complementary to the functioning of a local industry or distribution and would meet a purely local need are also considered appropriate. In this case the unit is considered appropriate for a taxi base use in principle, because these aims would be met.

Residents have complained that there is already an unauthorised taxi firm next door to the site and that the proposed use at this site has already been implemented. However, the adjacent premises has consent to operate a taxi base. Despite the retrospective nature of the application proposals the use is considered appropriate and granting permission will secure control over the use. On balance the proposals are considered appropriate.

#### **Access and parking**

The proposals show parking for up to 5 vehicles within the building and a further two spaces on the forecourt. As the floor level of the building is higher than the ground level on the forecourt a ramp is required up to the existing roller shutter door to allow vehicular access. The ramp will also assist disabled access to the premises. A drainage channel to collect surface water and prevent this flowing onto the highway is included.

The Transportation officer is satisfied with parking and access subject to details of the ramp and drainage which have been provided. As the proposal is to accommodate parking inside the building and on the forecourt this reduces potential for on street parking. A condition restricting the number of taxis parked at any one time is recommended.

Neighbours are concerned about increased traffic, inconsiderate parking and congestion in the street. Given that there is off street parking provision on site, the proposals do not significantly increase potential for on street parking. The majority of taxis should be working off site collecting passengers during business hours. There is evidence of cars parking on the footway and on street in the vicinity which can not be attributed to the taxi business alone. There is adequate off street parking available at the site this should not exacerbate the problem.

As far as vehicles turning in Croxstalls Place this is an adopted road so anyone is entitled to turn in the cul-de-sac regardless of whether they are a taxi or private individual. A competitor taxi business is concerned about potential parking conflict between their existing taxi business and the proposed business but as there is adequate off street parking for the proposal this will not have a significant impact.

### **Relationship to neighbouring properties**

The nearest residential neighbours are the flats in Croxstalls Avenue which also have a boundary to Croxstalls Place. The gable of the flats is 18m away from the forecourt of the application premises and windows do not directly overlook the site. The premises could continue to be occupied for industrial purposes where heavy machinery could be operated at all hours of the day and night with no planning control over hours of use or operation of the site. In the circumstances the occupation for a taxi base is considered acceptable and conditions are included to control the use to limit noise potential to protect neighbouring properties.

Despite the change in occupation from industrial to a taxi base it is considered that there is adequate parking and the potential for noise and disturbance is not significantly different from when the premises were occupied for unrestricted industrial uses.

The proposed taxi base is closer to these flats than other industrial premises surrounding the site and neighbours have objected as their experience of the existing taxi base in the vicinity is that it causes noise, dust, odour and disturbance to elderly residents throughout the day and night to such an extent that they choose not to open their windows. The Environmental Health officer is satisfied that potential for noise disturbance can be mitigated by use of appropriate conditions.

Residents state the use of the shutter doors to allow vehicles inside will be noisy and the comings and goings of staff 24 hours will be disturbing. The likelihood is that the roller shutter door will remain open when the premises are in use as there would be no reason to require this to be shut when vehicles are expected to park inside the building. Leaving the door open will also enable vehicles to park more easily. Effective site management and control is recommended by conditional permission to restrict the hours of operation, number of vehicles at the site, use of horns, repair work, power washing, installation of a tannoy system etc. Whilst the potential for engines to be kept running cannot be directly mitigated the other measures should reduce the risk. Potential for noise disturbance from the radio communications at the taxi base throughout the night is limited given the building

does not immediately adjoin any residential properties but conditions are recommended to restrict installation of amplification equipment.

Neighbours have also asserted that there are noise, litter and anti-social behaviour problems caused by taxi drivers in the vicinity but officers consider that as the premises includes facilities for drivers this should address potential problems.

The provision of the mast does not have a significant impact on the visual amenities of the premises from surrounding occupiers.

On balance it is considered that the potential impact on neighbours is not significant compared to the potential for an unrestricted industrial use.

### **Summary of Reasons for Granting Planning Permission**

The proposal is to occupy a vacant industrial building as a taxi base. The proposal is retrospective. Policy JP7 states when windfall buildings in other employment areas come forward for reuse they will normally be safeguarded for appropriate employment uses. Service uses that are complementary to the functioning of a local industry or distribution and would meet a purely local need are also considered appropriate. In this case the unit is considered appropriate for a taxi base use in principle.

The parking and access is satisfactory subject to details of the ramp and drainage which have been provided. As the proposal is to accommodate parking inside the building and on the forecourt this reduces potential for on street parking to partly address neighbours concerns about inadequate parking. There is adequate off street parking available at the site so the proposals should not exacerbate congestion in the area. A condition restricting the number of taxis operated from the premises at any one time is recommended.

With regard to the neighbour concern regarding vehicles turning in Croxstalls Place this is an adopted road so anyone is entitled to turn in the cul-de-sac regardless of whether they are a taxi or private individual. Potential conflict of parking with a competitor taxi business has been addressed by provision of adequate on site parking so there will be no significant impact.

There is adequate distance between the taxi base and nearest residential neighbours to protect residential amenities in terms of outlook and privacy. Potential for noise, disturbance, odour etc is not significantly different from when the premises were occupied for unrestricted industrial uses. The use of the site will be controlled by appropriate conditions to protect residential amenities.

Residents concerns relating to noise and disturbance can be mitigated by use of conditions on any permission. Potential for noise disturbance from the radio communications at the taxi base throughout the night is limited given the building does not immediately adjoin any residential properties. The provision of the mast does not have a significant impact on the visual amenities of the premises from surrounding occupiers.

On balance it is considered that the potential impact on neighbours is not significant compared to the potential for an unrestricted industrial use and neighbours concerns have been addressed.

In light of the above the proposals are considered to accord with the aims and objectives of the National Planning Policy Framework and sustainable development, the aims and objectives of the Black Country Core Strategy policies in particular CSP4, EMP3, TRAN2, ENV2 and ENV3, the aims and objectives of the Walsall Unitary Development Plan saved policies GP2, ENV10, ENV14, ENV32, ENV35, ENV38, 3.116, JP7, T7, T10 and T13 and Supplementary Planning Document: Designing Walsall.

**Recommendation: Grant Permission Subject to Conditions**

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

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

2. There shall be no more than seven cars parked on site at any one time.

*Reason:* In the interests of highway safety.

3. Notwithstanding the submitted plans no drainage from the site shall discharge into the public highway drain or over any part of the public highway.

*Reason:* To ensure adequate on site drainage and prevent flooding on the public highway.

4. The premises shall not operate outside the hours of 08.00 – 03.00 am Mondays to Thursdays 24 hours on Fridays and Saturdays and 06.00 – 03.00 am on Sundays and Bank Holidays.

*Reason:* In the interests of the amenity of nearby residents.

5. No public address facility, radio, electrical or electronic sound production or amplification system or similar device shall be installed internal or external to any building or structure.

*Reason:* To protect the amenities of nearby occupiers.

6. Vehicles on the site shall not sound their horns except for emergency purposes.

*Reason:* To protect the amenities of nearby occupiers.

7. No vehicle repairs other than minor routine maintenance or checks for safety purposes shall be carried out on any taxis or private hire cars on the site.

*Reason:* To protect the amenities of nearby occupiers..

8. No use of electrically powered equipment to clean vehicles (including jet washers, steam cleaners and vacuum cleaners) shall be carried out on the site and no vehicles shall be stored in the area allocated for car parking on the submitted plans.

*Reason:* In the interests of residential amenity and highway safety.

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

- Site Plan, Block Plan and Ground Floor Plan (Rev. No.2) received 17/8/12
- Front Elevation and Section Drawing received 17/8/12

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





## Planning Committee

Report of Head of Planning and Building Control, Regeneration Directorate on 20/09/2012

### **Reason for bringing to committee: Significant Community Interest**

**Application Number:** 12/0732/FL

**Application Type:** Full application

**Case Officer:** Barbara Toy

**Telephone Number:** 01922 652487

**Email:** [planningservices@walsall.gov.uk](mailto:planningservices@walsall.gov.uk)

**Agent:** John Reynolds and Associates Ltd

**Applicant:** Mr & Mrs Keith Male

**Proposal:** Residential development - two detached dwellings.

**Location:** HIGH HEATH WORKING MENS CLUB, CORONATION ROAD, PELSALL, WS4 1BA

**Ward:** Pelsall

**Expired Date:** 14/08/2012

**Recommendation Summary:** Refuse

Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office.  
© Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.  
© Crown copyright and database rights 2012 Ordnance Survey 100019529





## **Application and Site Details**

The site is situated on the southern side of Coronation Road just to the west of the junction with Field Lane. The site is now vacant but formerly occupied by a single storey members club building with parking on the frontage and to the side and rear. The site includes land to the rear of No 26 Coronation Road. The site has an existing footway crossing set to the western side of the frontage and a bus stop pole situated to its east.

The site is situated in a predominantly residential area characterised by detached and semi detached two storey houses. Immediately to the east of the site is a detached two storey house (no 26) with a pair of modern semi detached houses beyond. To the south are the rear gardens of 26 and 28 Field Lane, with detached houses in Daisy Bank Close beyond. To the west are three detached houses, No 22 immediately adjacent to the site. To the north on the opposite side of Coronation Road are traditional two storey semi detached houses.

The site sits within a predominantly residential area characterised in the main by semi detached and detached two storey houses of varying ages and size. Spring Road Sheffield local centre is situated approx 550m to the south east of the site. A regular bus service operates along Coronation Road with a bus stop immediately outside the site.

This application proposes the erection of two detached three storey four bedroom houses with private rear gardens and front driveway parking. Both houses would have the same design and layout and would be stepped from each other and the existing house at No 26, to continue the existing building line.

The layout includes a single storey rear element across the width of each house and accommodation within the roofspace, incorporating three dormer windows to the rear and five rooflights to the frontage. The design includes bay windows and gable features to the frontage and a front to back gable roof to each house. The following accommodation would be provided in each house:

Ground Floor – sitting room, dining room, hall, shower room, utility, lounge, kitchen

First Floor – 3 bedrooms, 3 en-suites and 1 dressing room

Roof Space – 1 bedroom, en-suite and dressing room

Following an expression of concern regarding the height, massing and roof design of each house amended proposals have been submitted. These reduce the ridge height of each house by 0.5m and lower the ground level by 0.35m to reflect the site levels following the demolition of the club building. The design of the roof remains unchanged.

A Design and Access Statement has been submitted in support of the proposals. This discusses the site history, the quantum of development, the layout, scale and appearance, landscaping, access arrangements for the proposals.

## **Relevant Planning History**

07/2346/OL/E9, outline for the erection of 8 x 2 bed apartments, layout, scale, external appearance and means of access for consideration, granted subject to conditions 25-04-08.

This consent has now expired and has not been implemented.

12/0604/PD, prior notification of demolition of single storey private members club, approved 13-06-12.

## **Relevant Planning Policy Summary**

### **National Planning Policy Framework (NPPF)**

The NPPF was published on 27<sup>th</sup> March 2012 setting out the Government's position on the role of the planning system in both plan-making and decision-taking. It states that the purpose of the planning system is to contribute to the achievement of sustainable development, in economic, social and environmental terms, and it emphasises a *"presumption in favour of sustainable development"*.

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

- Seek to secure high quality design and good standards of amenity for all existing and future occupants
- Take account of the different roles and character of different areas
- Proactively drive and support sustainable economic development to deliver the homes that the country needs.

**Key provisions** of the NPPF relevant in this case:

#### 4: Promoting Sustainable Transport

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

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

#### 6: Delivering a Wide Choice of High Quality Homes

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

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

#### 7: Requiring Good Design

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

58. Policies should set out the quality of development that will be expected of an area, including:

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

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

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

On **planning obligations and conditions** the NPPF says:

Planning obligations should only be sought where they meet all of the following tests:

- necessary to make the development acceptable in planning terms;
- directly related to the development; and
- fairly and reasonably related in scale and kind to the development.

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

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

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

### **The Development Plan**

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

### **Other Relevant National Policy**

The Planning System: General Principles

This has not been superseded by the NPPF. Paragraph 15 indicates that a planning application should be determined on its merits in light of all material considerations.

### **Regional Strategy (RS)**

The NPPF confirms that the Regional Strategy remains part of the development plan, until / unless it is abolished by order of the Secretary of State.

It is considered that the relevant RS policy is;

QE3: Creating a High Quality Built Environment for All

Creation of high quality built environment through use of architecture, urban design and landscape design which respects local character.

QE5: Protection and enhancement of the Historic Environment

A - Conserve and enhance the Region's diverse historic environment and manage change in such a way that respects local character and distinctiveness.

B – Particular attention to:

1 Securing high quality townscape, urban form, building design and urban space

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

### **Local**

#### **The Black Country Core Strategy (BCCS) (2011)**

[http://www.walsall.gov.uk/index/environment/planning/local\\_development\\_framework/ldf\\_core\\_strategy.htm](http://www.walsall.gov.uk/index/environment/planning/local_development_framework/ldf_core_strategy.htm)

This was adopted in February 2011 under the current Local Development Framework system, and the NPPF says that for 12 months from the publication of the national framework *“decision-takers may continue to give full weight to relevant policies ... even if there is a limited degree of conflict with this Framework”*.

It states that the councils will create cohesive, healthy and prosperous communities with equal access to a mix of affordable and aspirational housing.

The relevant policies are:

HOU2: Housing Density, Type and Accessibility

States that the density and type of new housing provided on each site will be informed by, amongst other factors, the need to achieve high quality design and minimise amenity impacts, taking into account the characteristics in the area where the proposal is located. All developments will aim to achieve a minimum net density of 35 dph except where higher densities would prejudice historic character and local distinctiveness.

ENV2: Historic Character and Local Distinctiveness

States that development proposals will be expected to preserve and, where appropriate, enhance local character and distinctiveness.

ENV3: Design Quality

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

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

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

[www.walsall.gov.uk/index/environment/planning/unitary\\_development\\_plan.htm](http://www.walsall.gov.uk/index/environment/planning/unitary_development_plan.htm)

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

The relevant policies are:

GP2: Environmental Protection

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

I. Visual appearance.

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

VII. The adequacy of the access, and parking.

ENV32: Design and Development Proposals.

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

(b) When assessing the quality of design of any development proposal the Council will use some or all of the following criteria:-

- The appearance of the proposed development
- The height, proportion, scale, and mass of proposed buildings/structures.

- The materials proposed for buildings, external spaces and means of enclosure.
- The integration and co-ordination of buildings and external space.
- The visual relationship of the proposed development with adjacent areas, the street and the character of the surrounding neighbourhood.
- The effect on the local character of the area.

#### T7: Car Parking

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

#### T10: Accessibility Standards – General

(b) Standards will apply to all development proposals with the exception of:

i small residential developments within existing residential areas including infill plots

7.51: Easy walking/cycling distance will depend on local circumstances but the maximum will normally be regarded as 1000m.

#### T13: Parking Provision

4 bedroom houses and above – 3 spaces per unit

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

### **Supplementary Planning Documents (SPD)**

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

#### **Designing Walsall (Feb 2008)**

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

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

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

The Vision: Homes, provides guidance on designing homes in Walsall.

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 68m<sup>2</sup> for housing and 20m<sup>2</sup> 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.

### **Consultations**

#### **Transportation – No objections**

**Pollution Control – Scientific Team** – No objections subject to condition to restrict hours of working on site.

**Contaminated Land Team** – No specific contaminated land requirements.

**Severn Trent Water** – No objections subject to a drainage condition

**Fire Officer** – No objections

**Environmental Health** – No adverse comments

**West Midlands Police** – no comments, but the developer should be mindful of Secure By Design specifications for new homes.

**Centro** – there is a bus stop pole located directly adjacent to the site. If the pole requires relocation, the new location must be agreed with Centro, the bus operator and the Highway Authority, all costs must be borne by the developer.

### **Public Participation Responses**

One letter of concern received.

Concerns:

- The height of the proposals in relation to the building removed
- Taller than the neighbouring properties
- Inclusion of roof windows.

A petition submitted by the applicant signed by nineteen residents confirming no objections to the proposals.

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

### **Determining Issues**

- Principle of the Development
- Design and Layout and Impact on the Street Scene
- Impact on the Amenities of Surrounding Occupiers
- Parking and Access
- Local Finance Considerations

### **Observations**

#### **Principle of the development**

The site is situated within a well established residential area within easy walking distance (maximum of 1000m defined in paragraph 7.51 of the UDP) of Spring Road local centre and a regular bus service operates directly outside the site. The site is considered to be in a sustainable location consistent with guidance in the NPPF, BCCS and UDP.

The previous use of the site as a private members club was considered to be a non confirming use in a residential area that in the past has caused a nuisance to the surrounding residents. The principle of the provision of two detached houses on the site is



considered appropriate in this location and the resultant plot widths would reflect other properties within the immediate vicinity.

### **Design and layout and impact on the street scene**

The proposed stepped layout and position of the two houses is considered appropriate to continue the existing building line of Coronation Road, with No 22 to the west set further forward than No 26 to the east. It is considered that the two new houses would sit comfortably between the two existing houses and within the street scene in terms of their positioning. The proposed plot widths (9.5m and 11.5m) reflect the surrounding pattern of development.

The footprint and positioning of the buildings would allow for three off street parking spaces on the frontage of each house in compliance with policy T13 of the UDP. Each house would have a large rear garden far exceeding the 68sqm requirement in Appendix E of Designing Walsall.

Both houses would be the same design and reflect some of the key design characteristics in the area including bay windows, front gable features, facing brickwork and a tiled roof.

Despite the amended scheme reducing the overall height of the houses by 0.5m and the lowering of the ground level by 0.35m, it is considered that the proposed gable roof design is inappropriate and fails to reflect a significant local design characteristic of hipped roofs and houses with gaps. The gable roofs would increase the overall design, bulk and mass of the buildings and would make them dominant within the general street scene.

It is considered that a hipped roof would better reflect the character of the area and reinforce local distinctiveness in compliance with the NPPF and the Councils design guidance.

The majority of the surrounding properties have hipped roofs and the few with gable roofs are more traditional semi detached properties. A hipped roof would reduce the bulk and mass of the buildings within the street scene and create a visual gap between the houses which is required to reflect the local character of the area.

An amended roof design has been requested but the applicant is unwilling to reduce the extent of accommodation within the roof-space which would be the result of a hipped roof. The proposed houses would have a large footprint, larger than the majority of the properties in the immediate area.

### **Impact on the amenities of surrounding occupiers**

The proposed layout would comply with the 45 degree code in relation to both No 22 and No 26 Coronation Road and would meet all the separation distances to surrounding properties in compliance with Appendix E of Designing Walsall.

The buildings would be set further forward than the previous club building on the site increasing the separation distance to the surrounding properties to the south and west, reducing any impact the three storey development may have on the surrounding occupiers.

It is considered that the proposals would have no adverse impact on the amenities of the surrounding residential occupiers.

### **Parking and Access**

The proposals would provide three off street parking spaces for each of the new houses in compliance with policy T13 of the UDP. There are no restrictions to on street parking in the locality. Transportation have raised no objections to the proposals.

### **Local Finance Considerations**

Section 143 of the Localism Act requires the local planning authority to have regard to 'local finance considerations' when determining planning applications. In Walsall at the present time this means there is need to take account of New Homes Bonus monies that might be received as a result of the construction of new housing.

This application proposes two new homes.

The New Homes Bonus award to Walsall for 2012-2013, and for each of the 4 years after that, was published in December 2011. Future awards would be for 4 years, then 3 years, then 2 years and finally for 1 year. Based on the provision of 792 new homes during 2010-2011 the award of £1,095,219 (which included a premium for affordable housing but also a deduction for an increase in vacancies) meant that – as a rough average - each additional home generated an annual grant to the council of approximately £1,380. In future New Homes Bonus awards might be offset against reductions in the 'formula grant' the Council will receive from Government.

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

### **Recommendation: Refuse**

1. The design, bulk and massing of the roofs of the proposed development would have a dominant and adverse impact on the general street scene and would be out of character and fail to reinforce local distinctiveness. As such the proposals would be contrary to the National Planning Policy Framework (2012), policy QE3 of the Regional Strategy (2008), policies ENV2 and ENV3 of the Black Country Core Strategy (2011), saved policies GP2 and ENV32 of Walsall's Unitary Development Plan (2005) and Designing Walsall SPD, in particular policies DW3 and DW9.

RECEIVED

Re: Proposed detached dwellings – 24 Coronation Road, Pelsall, Walsall.  
( previous land belonging to Bayleys social Club)

This is to confirm that we have no objections to the plans relating to the above.  
We acknowledge that we are fully aware of the plans/drawings provided by  
John Reynolds (architect) who acts on behalf of Keith Male.

Name	Address	Signature	Date
[REDACTED]	41, CORONATION RD	[REDACTED]	4/8/12
[REDACTED]	" " "	[REDACTED]	4/8/12
[REDACTED]	43 " "	[REDACTED]	4.8.12
[REDACTED]	26 CORONATION RD	[REDACTED]	4.8.12
[REDACTED]	22 CORONATION	[REDACTED]	4.8.12
[REDACTED]	37 CORONATION RD	[REDACTED]	4.8.12
[REDACTED]	39 CORONATION Rd.	[REDACTED]	4.8.12
[REDACTED]	33 CORONATION	[REDACTED]	4.8.12
[REDACTED]	27 CORONATION RD.	[REDACTED]	4.8.12
[REDACTED]	21 CORONATION RD	[REDACTED]	4.8.12
[REDACTED]	10 Coronation Rd	[REDACTED]	4-8-12
[REDACTED]	10 Coronation Rd	[REDACTED]	4-8-12
[REDACTED]	4 Coronation Rd	[REDACTED]	4-8-12
[REDACTED]	2A CORONATION RD	[REDACTED]	4.8.12
[REDACTED]	2 CORONATION RD	[REDACTED]	4-8-12
[REDACTED]	1 CORONATION RD	[REDACTED]	4.8.12
[REDACTED]	" "	[REDACTED]	4.8.12
[REDACTED]	9 CORONATION	[REDACTED]	4.8.12
[REDACTED]	11 " "	[REDACTED]	4.8.12







## Planning Committee

Report of Head of Planning and Building Control, Regeneration Directorate on 20/09/2012

### Reason for bringing to committee: Significant Community Interest

**Application Number:** 12/0865/FL

**Application Type:** Full application

**Case Officer:** Helen Smith

**Telephone Number:** 01922 652436

**Email:** [planningservices@walsall.gov.uk](mailto:planningservices@walsall.gov.uk)

**Agent:** Lapworth Architects Ltd

**Applicant:** Mr S Koasha

**Proposal:** Proposed rear single storey detached store, bin store and replacement sliding gate to side.

**Location:** 124 WILLENHALL STREET, WILLENHALL, WS10 8HW

**Ward:** Darlaston South

**Expired Date:** 04/09/2012

**Recommendation Summary:** Grant Permission Subject to Conditions

Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office.  
© Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.  
© Crown copyright and database rights 2012 Ordnance Survey 100019529



## **Application and Site Details**

This application is an amendment following the refusal of a previous application. The proposal includes a detached storage building to be positioned next to the rear and side garden boundaries of 122 Willenhall Street and 23 Wesson Road, measuring;

-10.3 metres wide,

-4.8 metres deep,

-2.2 metres high with a mono-pitched roof next to no. 23 Wesson Road increasing to 2.5 metres high.

Access to the service yard would be via an existing vehicle crossover fronting Wesson Road with an adjacent street tree. Pedestrian access to the detached store would be via acoustic doors from within the service yard. A new fence would be re-installed separating the service yard from the amenity space of attached residential part of 124 Willenhall Street, plus two off-road parking spaces would be provided for the shop.

The new 1.8 metres high sliding gate would replace an existing 2.9 metres high metal roller shutter door fronting Wesson Road and provides vehicle access to the service yard. The metal storage container and railings have been removed following enforcement action. A bin store would be erected near to the internal site boundary with the adjacent amenity space and would be 2.3 metres high with space for two euro bins. This structure would be of timber construction.

The site consists of a long established general convenience store/off licence and residential accommodation, at the corner of Willenhall Street and Wesson Road. To the rear is a service yard plus amenity space of approx. 57 m<sup>2</sup>. The site is within a residential area with previous extensions to the side and rear and a street tree on Wesson Road to the side of the application site. Wesson Road has no parking restrictions and Willenhall Street has unrestricted parking bays.

No. 23 Wesson Road is a residential property with a 1 metre wide gap to the side next to the boundary with the application site and a blank side elevation. No. 23 has front and rear habitable room windows. House no. 122 Willenhall Street has an outbuilding to the rear close to the boundary with the application site.

The application includes a Design and Access Statement.

## **Relevant Policies**

### **National Planning Policy Framework (NPPF)**

The NPPF was published on 27<sup>th</sup> March 2012 setting out the Government's position on the role of the planning system in both plan-making and decision-taking. It states that the purpose of the planning system is to contribute to the achievement of sustainable development, in economic, social and environmental terms, and it emphasises a *"presumption in favour of sustainable development"*.

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

- Proactively drive and support sustainable economic development (to deliver business and industrial units) and thriving local places that the country needs.



- Always seek to secure high quality design and good standards of amenity for all existing and future occupants
- Contribute to conserving and enhancing the natural environment

**Key provisions** of the NPPF relevant in this case:

Delivering Sustainable Development

1. Building a strong, competitive economy

Paragraph 21 states investment in business should not be over-burdened by the combined requirements of planning policy expectations. Planning policies should recognise and seek to address potential barriers to investment, including a poor environment or any lack of infrastructure, services or housing.

7: Requiring Good Design

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

57. It is important to plan positively for the achievement of high quality and inclusive design for all development.

58. Planning policies and decisions should aim to ensure that developments meet criteria that include:

- Function well and add to the overall quality of the area
- Respond to local character and history and reflect the identity of local surroundings and materials

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

On **planning conditions** the NPPF says:

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

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

### **The Development Plan**

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

### **Regional Strategy (RS)**

The NPPF confirms that the Regional Strategy remains part of the development plan, until / unless it is abolished by order of the Secretary of State.

### **POLICY QE3: Creating a High Quality Built Environment for all**

A. Development Plans and other strategies should promote the creation of high quality built environments as part of urban and rural renaissance and the regeneration strategies for the Region's cities, towns and villages.

### **The Black Country Core Strategy (BCCS)**

This was adopted in February 2011 under the current Local Development Framework system, and the NPPF says that for 12 months from the publication of the national framework "*decision-takers may continue to give full weight to relevant policies ... even if there is a limited degree of conflict with this Framework*". The relevant policies are:

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

ENV 3 set out the criteria for design quality.

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

### **Walsall's Unitary Development Plan (UDP)**

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

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

ENV10: The development of a facility will only be permitted if it would not;

II. Cause unacceptable adverse effect in terms of (light, noise or other polluting emissions).

3.113, 3.114, 3.115 & ENV32: new development should be considered in relation to its setting and should create high quality of built and landscape design, well integrated with surrounding land uses and local character. Poorly designed development which fails to properly take account of the context or surroundings will not be permitted. Designing out crime' through design, layout, landscaping and boundary treatments is encouraged.

S6: (a) Meeting Local Needs: outside the existing centres, existing local shopping, service, leisure, community and other facilities – in the form of shopping parades, clusters, single shops and other local provision – will be encouraged to continue to meet the day to day needs of their communities

(c) New small scale local facilities, or extensions to existing facilities, will be permitted if it can be shown that all of the following requirements will be met:-

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

VII. There must be no significant loss of amenity for neighbouring homes.

VIII. Servicing and parking associated with the proposed use must not create any significant road safety or traffic problems.

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.

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

### **Supplementary Planning Documents (SPD)**

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

The relevant SPDs are:

## **Designing Walsall**

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

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

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**

Provides guidance on development which may adversely affect trees, important species and habitats. It is considered in this case that the relevant provisions of Designing Walsall and Conserving Walsall's Natural Environment are consistent with the NPPF.

## **Relevant Planning History**

BC21708P – Erection of shop extension, store and W.C. – granted permission subject to conditions on 13/6/88

BC47928P – Extension over existing kitchen/W.C. – granted permission subject to conditions on 14/2/97

10/0863/FL – Proposed single storey rear extension to increase retail floor area and create a store. An existing vehicle access roller shutter to be re-positioned. Refused permission on the 13/9/10 because of a lack of off-road parking; unacceptable impact of the new access on neighbours; pedestrian visibility and street tree plus impact of the extension on the amenity of adjoining residential part of 124 Willenhall Street.

11/0026/FL – Proposed single storey rear extension – refused permission on 11/3/11 on the grounds the extension would prevent use of the existing vehicle access to off-road parking and would have an unacceptable impact on the rear ground floor habitable room window in the adjacent residential part of 124 Willenhall Street.

11/0758/FL – Proposed garage and store extension to rear, single storey kitchen extension and detached storeroom to rear – refused permission 17/5/12 on the grounds that the garage roller shutter would have a detrimental impact on the street scene and the drive-through garage proposal could be used for storage which would prevent vehicle access to the rear parking area. This was considered unlikely to be effectively managed by a condition.

Planning Committee approved enforcement action on 26 May 2011 to remove an unauthorised metal storage container, canopy, roller shutter door and metal railings. An enforcement notice was issued with effect from 8/8/12 requiring compliance within three calendar months of this date.

## **Consultation Replies**

**Transportation** – No objections

**Environmental Health** – No objections

**Pollution Control, Contaminated Land Team** – No objections, subject to the applicant being advised to take precautions during construction, in view of the former mining history of the area.

**Pollution Control, Scientific Team** – No objections

**Natural Environment, Trees** – No objections

**West Midlands Fire Service** – No objections

**West Midlands Police, Crime Prevention Advisor** – No objections and have commented that the gate should be of robust construction and does not provide any climbing aides within the design, the storage building should be alarmed and CCTV with suitable night vision capability installed.

## **Public Participation Responses**

Two letters and a petition including 49 signatures have been received objecting to this proposal on the following grounds;

- Loss of on-site parking facilities with large goods vehicles loading and unloading in the street. Applicant has three vehicles including a van
- Drainage concerns as Wesson Road and Willenhall Street frequently floods
- Incorrect floor area in Design and Access Statement and increased retail area generates more vehicles and customers. Extended and overdeveloped by previous owners
- No scope for further buildings
- Vehicle activities 6am to 10pm
- Storage building will create a narrow and dark access to the side of 23 Wesson Road and a noise impact 1 metre from the side of no. 23.
- Impact on property values (*not material to the determination of the planning application*)
- Damage to street tree and road by vehicles
- Obstruction of residents driveways and road
- Supermarkets available nearby with parking
- Storage extended into the ground floor of the residential property.
- Stress due to noise, cameras overlooking houses, anti-social issues, vehicle damage and intimidation. Resident temporarily moved from their home due to stress and ill health due to these problems (A medical letter has been provided).

## **Determining Issues**

- Whether the earlier reasons for refusal have been overcome
- Impact on amenity of neighbouring residents
- Impact on street tree

- Parking

## **Observations**

### **Previous Reasons for Refusal**

The replacement of the roller shutter door with a sliding 1.8 metre high gate is considered would remove an unattractive and incongruous feature from the residential street, having a positive impact on the appearance of the application site and street scene. The removal of the existing shutter door would address part of the enforcement notice overcoming the previous refusal reason.

Access to the parking area within the service yard would be maintained via the existing vehicle access and a condition can be included requiring no open storage to avoid obstructing off-road parking. It is considered the current proposal could be better managed than within an enclosed garage area as previously proposed. The revised proposal is considered to have overcome the previous second refusal reason.

### **Impact on Amenity of Neighbouring Residents**

The detached storage building would rise from 2.2 metres to 2.5 metres in height from the shared boundary with no. 23 Wesson Road. The low rise roof design, existing 1.8 metre high boundary fencing between the application site and no. 23 and blank side elevation of no. 23 is considered would limit the impact of this proposal on the existing visual amenity, shadowing, daylight and sunlight of the occupiers of no. 23.

The detached storage building would extend 2 metres beyond the rear elevation of no. 23. The rear elevation of no. 23 faces south and it is considered this low rise building would have limited additional impact on the existing daylight and sunlight to no. 23 and complies with the Council's 45 degree code in relation to the rear habitable room windows in no. 23. The new stores would lie alongside the side garden boundary of no. 122 Willenhall Street but as this would be positioned approx. 12 metres from the rear elevation of no. 122. It is considered this low-pitched building would have minimal impact on the existing daylight and sunlight available to the occupiers of no. 122.

The remaining amenity space for the residential occupiers of 124 Willenhall Street would be reduced to 57sqm, 11sqm less than the Designing Walsall guidance. This size is considered appropriate for a mixed use site. A condition can be included requiring the erection of the dividing fence between the service yard and amenity space.

The proposed extensions would not increase the retail floor area of the existing shop. The changes proposed to the shop are to assist with the day to day efficient running of the business whilst addressing the enforcement issue. It is considered the current proposals would have little or no impact on nearby district and local centres as the shop is a long established use. A condition restricting the addition of more retail floor space and preventing access by the public to the storage building can be imposed.

The bin store would be located towards the centre of the rear yard and would be set away from the neighbouring garden boundaries of 23 Wesson Road and 122 Willenhall Street. The construction would timber and this would have limited additional impact on neighbours' amenity.

Litter, noise, vandalism, anti-social behaviour, associated and alleged intimidation are matters for local policing and environmental health legislation. The application site includes an off-licence and some of these problems may be referred to the relevant licensing committee and the police to review any potential licence conditions. Vandalism is a criminal matter outside the scope of this application.

The installation of CCTV cameras can be achieved via permitted development rights. If cameras are being used to overlook neighbours, this would be a matter for the Police to investigate. The Police have asked for the installation of CCTV as part of this proposal.

Neighbour's comment there are existing supermarkets nearby with adequate parking provision is noted. This shop has a long established lawful use and offers a local convenience store for residents.

The neighbour's comments about the floor area are noted and a site visit has been made to assess the proposal. The 2010 planning application indicates that the retail floor area was to be extended by 20.5sqm displacing a rear storage area. A condition can be imposed to prevent any further increase in retail floor area.

The agent has advised that the applicants are using the neighbouring residential property for storage on a temporary basis following removal of the metal storage container. A condition can be imposed requiring the removal of stored items connected to the retail premises from the residential premises.

The proposed planning scheme will not resolve all of the issues experienced by the neighbour but would assist in mitigating some of their concerns whilst improving the day to day operation of the shop with revised storage arrangements, replacement doors to an improved acoustic specification and the retention of off-street parking. All contribute to a reduction of the impacts to the neighbour.

### **Impact on Street Tree**

The existing vehicle access position to the rear yard remains unchanged and it is considered this proposal has no greater impact on the street tree than the existing arrangements. The Council's Tree Officer has no objections to the proposal.

### **Parking**

The retention of the existing vehicle entrance to the site from Wesson Road would enable the applicants to retain off-street parking to the rear of the property. Some loading and unloading from the street and vehicle movements during unsociable hours are likely to continue to take place and cannot be restricted via planning conditions. The location of a long established corner shop in a residential area can result in conflicts of this nature which are difficult to fully resolve through the planning system. Obstruction of the highway and residents drives by delivery vehicles and inconsiderate customers is an issue for the Police. It is considered this current proposal would not worsen the existing situation and does retain off-street parking. The Council's Transportation Officer has raised no objections to the current proposal.

The existing hard surfaced rear yard and amenity area coupled with the proposal is unlikely to have any additional impact on existing drainage provision. It is considered there is sufficient space on site to accommodate parking and the proposed bin store and drainage issues should be referred to Severn Trent Water Authority.

## **Summary of Reasons for Granting Planning Permission**

The amended proposal has overcome the previous reasons for refusal by replacing the 2.9 metres high roller shutter door with a 1.8 metres high sliding gate which is considered appropriate in a mainly residential setting. Vehicle access to the rear off-road parking area would be maintained and a condition would be imposed to ensure this area remains free of obstructions.

The design of the proposed stores with a low pitched roof is considered appropriate for this location and would have a limited impact on neighbours' existing amenity, daylight and sunlight. The proposal would reduce the existing amenity area available to the residential part of the application site but this size is considered appropriate for a mixed use site. A condition can be included requiring the erection of the dividing fence between the service yard and amenity space.

Off-road parking would be maintained by this proposal for two vehicles although there would be sufficient space for a third vehicle. The existing vehicle access point would remain unchanged and there is unlikely to be any greater impact on the adjacent street tree by vehicles than the existing situation. Council Tree Officers have raised no objections to the current proposal.

The neighbour's comments about the floor area are noted and a site visit has been made to assess the proposal. The 2010 planning application indicates that the retail floor area was to be extended by 20.5 sq m displacing a rear storage area. A condition can be imposed to prevent any further increase in retail floor area.

Litter, noise, vandalism, anti-social behaviour, associated and alleged intimidation are matters for local policing and environmental health legislation. Obstruction of the highway and residents drives by delivery vehicles and inconsiderate customers is an issue for the Police.

The installation of CCTV cameras can be achieved via permitted development rights. If cameras are being used to overlook neighbours, this would be a matter for the Police to investigate. The Police have asked for the installation of CCTV as part of this proposal.

Neighbour's comment that there are existing supermarkets nearby with adequate parking provision. This shop has acquired a lawful use over and provides a useful convenience store for residents.

The existing hard surfaced rear yard and amenity area coupled with the proposal is unlikely to have any additional impact on existing drainage provision and any drainage issues should be referred to Severn Trent Water Authority. It is considered there is sufficient space on site to accommodate parking and the proposed bin store.

The agent has advised that the applicants are using the neighbouring residential property for storage on a temporary basis following removal of the metal storage container. A condition can be imposed requiring the removal of stored items connected to the retail premises from the residential premises.



The proposed planning scheme will not resolve all of the issues experienced by the neighbour but would assist with the day to day operation of the shop with revised storage arrangements, replacement doors to an improved acoustic specification and the retention of off-street parking. All contribute to a reduction of the impacts to the neighbour.

The proposed development is considered to be consistent with the National Planning Policy Framework, policy QE3 of the Regional Strategy and meets the aims and objectives of the Black Country Core Strategy policies in particular CSP4 and ENV3; policies 3.6, 3.7 GP2, ENV10, 3.113, 3.114, 3.115, ENV32, S6, T7 and T13 of Walsall's Saved Unitary Development Plan, and Designing Walsall and Conserving Walsall's Natural Environment SPDs, and on balance, having taken into account all material planning considerations, the proposal is considered 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, as amended.

2. (a) No development shall be carried out until details of new service yard access gate and detached store doors with sound reduction specifications to have been submitted to and approved in writing by the Local Planning Authority.

(b) The approved scheme shall be fully implemented before this development is brought into use and retained thereafter.

Reason: To safeguard the amenities of the occupiers of adjoining premises and to comply with policy GP2 of Walsall's Unitary Development Plan.

3. (a) No development shall be carried out until a schedule of facing materials to be used in the external walls and roof of the detached storage building has been submitted to and agreed in writing by the Local Planning Authority.

(b) The approved details shall be implemented and retained thereafter.

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

4. (a) No development shall be carried out until details of CCTV equipment required to be installed to protect the rear yard and detached stores shall be submitted to and approved in writing by the Local Planning Authority.

(b) The approved details shall be implemented, maintained and retained thereafter

Reason: In the interests of security

5. Within 6 months of this decision all stored products related to the retail operation shall be fully removed from the residential part of 124 Willenhall Street and at no time thereafter shall this area be used for storage in connection with the retail use of 124 Willenhall Street.

Reason: To safeguard the amenities of the occupiers of adjoining premises and to comply with policy GP2 of Walsall's Unitary Development Plan.

6. Before the detached storage building is brought into use a 1.8 metre high, close boarded timber fence shall be erected to separate the service yard area and amenity space as detailed on drawing no. 004 Revision F and retained thereafter.

Reason: To safeguard the amenities of the occupiers of adjoining premises and to comply with policy GP2 of Walsall's Unitary Development Plan.

7. (a) Before the detached storage building is brought into use the bin store shall be erected as detailed on drawing no's 004 Rev. F, 005 Rev. D and 006 Rev. F and retained thereafter.

(b) No refuse shall be stored or deposited in the open on any part of the site other than in a refuse container within the bin store to avoid interference with vehicle parking or manoeuvring on the site.

(c) The rear yard shall be kept clear of obstructions at all times to maintain vehicle access and parking at all times

Reason: To ensure the satisfactory functioning of the development.

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, or succeeding Orders, no rear or side facing windows or doors, other than as shown on the deposited plans, shall be installed in any part of this development.

Reason: To ensure the satisfactory functioning of the development.

9. The retail floor area of 90 sqm as detailed on the submitted Proposed Floor Plan Drawing no. 004 Rev. F shall not be extended or enlarged at any time.

Reason: To safeguard the amenities of the occupiers of adjoining premises and to comply with policy GP2 of Walsall's Unitary Development Plan.

10. No part of the premises shall be used for the external sale, storage or display of goods.

Reason: To ensure the satisfactory functioning of the development and to safeguard the amenities of the occupiers of adjoining premises and to comply with policy GP2 of Walsall's Unitary Development Plan

11: The use of the detached storage building shall be for storage ancillary to the existing retail use of 124 Willenhall Street only and there shall be no access to members of the public at all times.

Reason: To safeguard the amenities of the occupiers of adjoining premises and to comply with policy GP2 of Walsall's Unitary Development Plan.

12. There shall be no open fires within the rear yard of the application site.

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

13. No external public address or music equipment shall be installed or used in the open at any time.

Reason: To safeguard the amenities of the occupants

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

- Floor Plans as Existing (excluding superseded location plan) - drawing no. 001 Rev A - deposited 10/07/12.
- Front and Rear Elevations as Existing - drawing no. 002 Rev. A - deposited 10/07/12.
- Side Elevations as Existing - drawing no. 003 Rev. A- deposited 10/07/12.
- Floor Plans as Proposed - drawing no. 004 Rev. F - deposited 07/09/12
- Front and Rear Elevations as Proposed – drawing no. 005 Rev. D -deposited 07/09/12.
- Side Elevations as Proposed - drawing no. 006 Rev. D deposited 07/09/12.
- Design and Access Statement

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

## **NOTES FOR APPLICANT**

1. The area of this proposed development was formerly utilised for mining and quarrying and subsequent infilling that may have resulted in localised ground contamination which may present Health and Safety implications for persons undertaking ground works. No specific detail of ground conditions in the area is available other than that obtained from previous land use data and historic mapping. This information should be brought to the attention of any builder or contractor undertaking the development in order that they may implement any Health and Safety at Work precautions they feel appropriate when undertaking construction work at the site of the proposed development.
2. West Midlands Police Crime Prevention Advisor recommends that the sliding gate should be of robust construction and not provide any climbing aides within the design; the storage building should be alarmed and CCTV with suitable night vision capability.

# PETITION

WE THE UNDERSIGNED URGE WALSALL METROPOLITAN BOROUGH COUNCIL TO REFUSE ANY FURTHER BUILDING DEVELOPMENT OF THIS SITE DUE TO THE PREMISES LOSING VALUABLE ONSITE PARKING FACILITIES RESULTING IN LARGE GOODS VEHICLES LOADING/UNLOADING IN THE STREET TO THE DETRIMENT OF ROAD SAFETY AND THE AMENITIES TO RESIDENTS, PREJUDICIAL TO ROAD SAFETY AND WOULD INCONVENIENCE OTHER ROAD USERS

[illegible]

12/08561A

# PETITION

CONVENIENCE STORE, 124 WILLENHALL STREET, DARLASTON WS108HW

WE THE UNDERSIGNED URGE WALSH METROPOLITAN BOROUGH COUNCIL TO REFUSE ANY FURTHER BUILDING DEVELOPMENT OF THIS SITE DUE TO THE PREMISES LOSING VALUABLE ONSITE PARKING FACILITIES RESULTING IN LARGE GOODS VEHICLES LOADING/UNLOADING IN THE STREET TO THE DETRIMENT OF ROAD SAFETY AND THE AMENITIES TO RESIDENTS, PREJUDICIAL TO ROAD SAFETY AND WOULD INCONVENIENCE OTHER ROAD USERS

NAME	ADDRESS	SIGNATURE	DATE
	23 WESSON ROAD, DARLASTON		7/8/12
	23 Wesson Rd Darlaston		7/8/2012
	23 Wesson Road Darlaston		8/8/2012
	184 WILLENHALL ST Darlaston		10-8-12.
	158 Willenhall St Darlaston		10-8-12
	" " "		10-8-12.
	172 WILLENHALL ST		10-8-12
	154 " "		10-8-12
	150 Willenhall St.		10.8.12
	146 " "		10-8-12
	174 Willenhall st		10.8.12
	" " "		10.8.12
	154 WILLENHALL ST		10.8.12
	160 WILLENHALL ST		10.8.12
	156 Willenhall ST		10.8.12
	156 WILLENHALL ST		10/8/12
	182 Willenhall ST		10/8/12
	173 Willenhall ST		10/8/12
	173 WILLENHALL ST, DARLASTON		10-08-2012
	171 Willenhall St "		10.8.2012
	1 Wesson Road.		10.8.2012
	1 Wesson Road.		10.8.2012
	1 Wesson Road		10.8.2012
	22 Wesson Rd.		10.8.2012
	22 Wesson Rd		10.8.12
	18 WESSON RD		10.8.12
	8 HENNINGGS ST		10.8.12

1210856192

**WE THE UNDERSIGNED URGE WALSALL METROPOLITAN BOROUGH COUNCIL TO REFUSE ANY FURTHER BUILDING DEVELOPMENT OF THIS SITE DUE TO THE PREMISES LOSING VALUABLE ONSITE PARKING FACILITIES RESULTING IN LARGE GOODS VEHICLES LOADING/UNLOADING IN THE STREET TO THE DETRIMENT OF ROAD SAFETY AND THE AMENITIES TO RESIDENTS. PREJUDICIAL TO ROAD SAFETY AND WOULD INCONVENIENCE OTHER ROAD USERS**

[illegible]