



Plans List Item No: 1.

Planning Committee

Report of Head of Planning and Building Control, Regeneration Directorate on 29/03/2012

Reason for bringing to committee: EIA development

Application Number: 11/0943/FL

Application Type: Full application

Applicant: Bliss Sand and Gravel Company Ltd

Proposal: New access road to quarry off Chester Road and relocated recycling centre, including associated buildings.

Ward: Aldridge Central & South

Case Officer: Alison Ives

Telephone Number: 01922 652492

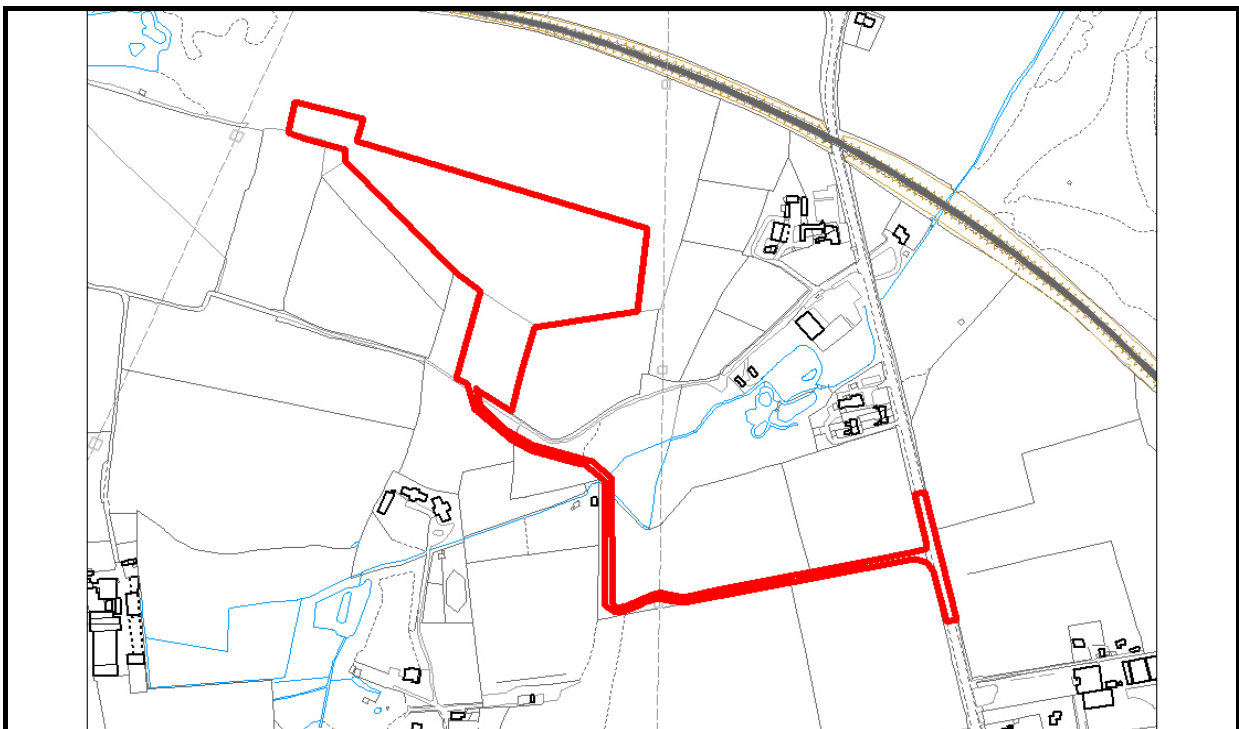
Email:planningservices@walsall.gov.uk

Agent: Enviroarm Ltd

Location: 30A Branton Hill Lane, Aldridge, Walsall, WS9 0NS

Expired Date: 12/10/2011

Recommendation Summary: Subject to resolving the English Heritage objection - Grant permission subject to conditions and a S106 Agreement, relating to the enabling development and quarry access arrangements, and subject to referral to the National Planning Casework Unit under the Departure Regulations.



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Application and Site Details

The existing access to Branton Hill Quarry is via Branton Hill Lane, past residential properties to the north of the railway, over a narrow bridge and via right angled turns down a steep slope towards the site offices and haul road which leads into the quarry operational area. The proposal seeks to change this access by constructing a new access off Chester Road with a ghost island (right turn lane).

The proposed new access would serve Branton Hill Quarry from the A452 Chester Road and would replace the existing quarry access off Branton Hill Lane. The current permitted landfill and quarry operations comprise an area of 17 hectares. The proposed new access is located approximately midway between residential properties at 470 Chester Road and Waterworks Farm, in open farmland. The proposed access road covers 12,498m² with a total road length of 732 metres.

The quarry access would utilise an existing farm access point from Chester Road and follows an existing track, after which it would run along field boundaries (with a slight diversion around an electricity pylon) and then continue north, crossing Bourne Brook, through a proposed cutting where it would join the relocated recycling area within the quarry. The proposal includes provision of a landscaped bund along the edge of the new access track that is to be planted with shrubs and trees to provide screening.

The first 30 metres of the access will be constructed to full carriageway standard with tarmac surface and the remainder of the haul road is to be constructed of surface top of road planings over a crushed stone layer lying directly on a geotextile separator. There would be passing places every 100 metres.

The proposals include creation of a footpath crossing point where footpath Aldridge 37 crosses the new quarry access road. Later phases would include fencing the entire route, installation of kissing gates and surface dressing to prevent build up of mud. Other public rights of way affected by the quarry extension proposals would be dealt with at a later date and subject to statutory processes.

The proposed relocation of the recycling area and associated buildings to the south eastern corner of the quarry is necessary so that it is nearer to the proposed new access. It is proposed to locate a wheel wash and weighbridge within the cutting on the exit from the quarry with tree planting on both sides of the cutting. The cutting varies in depth of between 3m-8m. The recycling area is to be organised with areas for crushing and screening of materials, secondary aggregate stockpiles, storage bays and buildings for canteen/showers/offices, archives, plant stores and a garage. There are also 25 car parking spaces proposed, 20 light goods vehicles spaces, 3 motorcycle spaces, 1 disabled space and 2 cycle spaces located in the recycling area.

The application is linked to a current application (11/1033/TE, which also appears on this agenda) for a time extension to a planning permission (06/0169/OL/E4) which allows for a new quarry access road further to the north adjacent Wheat's Garden centre. That permission also allows for up to 14 houses to be built helping cover the cost of the new road as an 'enabling development'.

The developer states that the new road alignment has been sought to reduce the impact of proposed development on other residential and commercial operations. They also state that it is anticipated that if permission is granted construction of the road would take place quickly: the recycling activities would be relocated within the quarry; the existing quarry access off Branton Hill Lane would be closed and existing buildings removed, all within 2 years.

Allowing the new access would allow the pending application BC64995P for the quarry extension to be determined and an appeal against the imposition of modern planning conditions over old areas of the quarry to be withdrawn.

The Design & Access Statement – explains the site context, planning history, current operations and proposals. It explains the proposed new access road makes improvements on the approved access under 06/0169/OL/E4 as it reduces the impact on footpaths, reduces the impact on the approved enabling residential development, farm and restaurant, assists in noise and dust reduction, moves the access away from an identified badger sett and makes a commitment to close the Branton Hill Lane access. The layout and appearance of the proposals are considered plus access arrangements.

The Environmental Statement – Explains relevant policies, a summary of material considerations and very special circumstances, the scoping process, prediction and evaluation of impacts and individual studies in relation to specific issues. It assesses all direct and indirect impacts of the proposed new alignment of the quarry access, processing of inert waste and site restoration at the quarry site and landfill and concludes all likely impacts are within recognised standards. Evidence based mitigation is proposed where applicable.

The Statement describes the proposals and a summary of the environmental impacts. It explains the planning history and current operation of the site, proposals for the new access and relocation of the recycling activities. The summary highlights that there would be no long term significant impact on landscape and visual amenity, ecology, highways, geology, hydrogeology, flood risk, agricultural land classification and soils. It states a positive impact on landscape and visual amenity due to hedgerow planting and additional screen bunds, reduced impact on ecology as the road is moved away from an identified badger sett, reduced risk to health in terms of dust and air quality, net benefits to the amenity for local residents in Branton Hill Lane in terms of highways issues, no impact on Loaches Bank in terms of archaeology and a positive impact on the local and wider socio-economic benefits.

The Landscape & Visual Impact Assessment – States there would be no long term significant adverse impact, rather there would be a positive impact by inclusion of hedgerow planting.

The Ecology & Nature Conservation Assessment – States there would be no long term significant adverse impact and as the road is moved away from the badger sett there would be a reduced impact.

The Noise Assessment – Concludes there would be no adverse impact on the amenity of the nearest residential properties. Given the large distance separation between the proposed access and surrounding dwellings it is not anticipated that any noise monitoring of compliance would normally be required, unless there was a justifiable complaint.

The Dust Assessment/Air Quality Assessment – States there would be a reduced impact and reduced impact to health. Ambient air quality at all local receptors has low pollution potential. Dust potential from the new road would be monitored quarterly at two locations (Bourne Farm Nursery and Cottage Mews) and reviewed annually in association with the Environment Agency.

The Transport Statement/Travel Plan/Access Design – States there will be no long term significant impact. The net benefits of the proposals in terms of amenity for local residents will be positive. The predicted traffic movements relating to site operations is 132 vehicles per day, 264 trips at an average of 26 trips per hour. This is 16 additional vehicles per day related to the infilling operations.

The Hydrogeology Assessment – Concludes there will be no long term significant impact.

The Archaeological Assessment – A desk based assessment of features from the Sites and Monuments Records. The report recommends a watching brief whilst constructing the new haul road to ensure opportunities for investigation, observation and collection of archaeological artefacts during the works.

The Project Design for a Programme of Archaeological Work – Explains that the proposed new access road runs through two areas of significant archaeological interest including a Prehistoric triple-ditched enclosure and flint scatter. A number of other heritage assets are located in the immediate vicinity. The archaeological work highlighted aims to meet the requirements of the Council's archaeological advisor's brief which recommends evaluation work prior to, and mitigation measures during the proposed development. The evaluation phase includes a desk based assessment, field walking and test-pitting, geophysical survey. The mitigation phase includes strip, map and sample excavation and recording, publication and archiving findings.

The Revised Flood Risk Assessment – Investigates sources of flooding, assessment and control of flood risk, flood risk policy and the box culvert design. The report concludes that the access road lies outside the indicative flood plain Flood Zone 1 for 98% of its length, the site is well above the flood risk zone with no actual risk of flooding, the level of the box culvert is above the maximum extreme Flood Zone 2 and is constructed to prevent blockage, surface run-off does not impact on third party land, the development is less vulnerable, above the groundwater table and development is appropriate.

The Agricultural Land & Soils Assessment – Confirms the majority of the agricultural part of the site has been assessed as grade 2 quality and a substantial part of grade 3b near the brook which is marshy and has little agricultural use. The soils were recorded as 0.3m thickness of material across the whole area of the agricultural and non agricultural land.

Financial viability statement – Explains that since the viability report to justify the enabling residential development was first considered in 2009 the value of the proposed housing has reduced from between £800-900,000 to between £650-750,000. There is also an additional cost of purchasing the farm land and the cost of the road itself. The applicant confirms that there is still a need for the enabling residential development to support the new access road. The access road scheme would be linked to the residential enabling development (covered by a separate application) by a planning agreement.

Relevant Planning History

Quarry site

IDO1144 : Old mineral permission granted in 1945 related to area to the west of Branton Hill Lane Quarry. Mineral extraction ceased in 1964.

EA3966: Permission granted in 1962 for extraction of sand and gravel at land north of Branton Hill Lane, Aldridge. This permission covers the former quarry and Site of Importance for Nature Conservation. Extraction ceased some years ago and the site is now partly restored and managed for nature conservation.

EAB2352: Permission granted in 1972 for extension of the existing quarry. Conditions require restoration to agriculture. The conditions do not specify the method of restoration or an end date for workings.

BC9335P: Permission granted retrospectively in 1985 for extension to existing mineral workings. This permission relates to a relatively small extension to the area covered by permission EAB2352.

BC21813P: Permission refused in 1989 for working of sand and gravel, infilling with waste and restoration to agricultural land. Reasons for refusal: long-term use of Branton Hill Lane by heavy goods vehicles considered unacceptable due to adverse impact on environment and amenity; applicant had not demonstrated there were any overriding reasons to justify release of further mineral reserves; applicant had not demonstrated that the site could be satisfactorily worked and restored within a reasonable timescale without undue environmental impact on amenity and character of surrounding area.

BC52105P: Permission granted in 1999 for a schedule of modern conditions to be applied to existing mineral workings permissions EA3966 and EAB2352. These conditions sought to control dust, vehicle movements, noise and importation of materials and end of working by 2042. An appeal was lodged against these conditions and has been held in abeyance ever since pending the determination of applications BC61721P and BC64995P.

BC61721P : Certificate of Lawfulness of Existing Use granted in 2000 for the storage, sale and distribution of imported sand, soils, gravels, stones, broken tarmac, hardcore, concrete etc. and various other inert wastes from the construction industry.

BC64995P Current application submitted in 2001 for extension of the operational area and quarry and proposed new conditions covering the existing quarry and the proposed extension.

06/0169/OL/E4 – Outline permission granted in March 2009 for a new access road to the quarry and a housing development, following the application being called before a public inquiry. All matters except for the means of access are reserved for subsequent approval. The new access road off Chester Road was to replace the existing quarry access off Branton Hill Lane. The proposed housing was to provide an enabling development to cover the cost of constructing the new quarry access road. The Secretary of State recognised that the proposals constituted inappropriate development in the Green Belt by the reduction in the openness and encroachment into the countryside, and harm to the character and appearance of the area. The Secretary of State concluded that in this particular case, the beneficial effects of the proposal amount to very special circumstances of sufficient weight to clearly outweigh the harm to the Green Belt.

11/1033/TE – Time extension for implementing the residential development for permission 06/0169/OL/E4 - No decision as yet. The outline permission expires in March 2012 so the applicant has applied to extend the time for implementing the permission, essentially for the enabling housing development, for another two years.

Bourne Farm

BC63675P - OUTLINE: Six new dwellings as footprint replacement of existing redundant farm buildings – Refused 26/10/01 inappropriate development in the green belt harmful to the openness and character of the Green Belt, loss of trees. No very special circumstances were submitted by the applicant to justify inappropriate development. Also, the proposed development of housing at the site would result in an intensification of the use of the existing site access to the detriment of highway safety.

BC43883P - Redevelopment of Bourne Farm to Comprise Restaurant, Tea Room, Managers/Staff Accommodation and Associated Access and Parking – Grant subject to conditions 12/09/95. There were also several applications to extend opening hours at the premises all refused in 2001 plus an application to alter the exterior of the building that was granted subject to conditions on 03/08/01

Shire Oak Quarry

BC63179P Permission granted subject to conditions 08/04/02 for the construction of new access to Shire Oak Quarry. This application is highlighted as, although it relates to a different Quarry site, it proposed a new access road in the Green Belt to remove nuisance from housing adjacent the original access for the quarry. The principal difference between this and the current application at Chester Road is that this was purely an access point and no enabling residential development was proposed to fund the works.

Tree Preservation Order 9/1964

Relevant Planning Policy Summary

Black Country Core Strategy & UDP Policies

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

The current version of the Black Country Core Strategy and associated appendices can be accessed at;

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

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

Black Country Core Strategy 2011-2026

The JCS was adopted by the Council on 3rd February 2011 and now forms part of the statutory development plan. It replaces certain “saved” policies in the UDP.”

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

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

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

CSP4: A high quality of design of the built and natural environment is required. DEL1: All new developments should be supported by the necessary on and off-site infrastructure to serve the development, mitigate its impacts on the environment, and ensure that the development is sustainable and contributes to the proper planning of the wider area.

ENV1: Development within the Black Country will safeguard nature conservation, inside and outside its boundaries

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

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

MIN1: Sustainable management of the Black Country’s mineral resources is encouraged and they will be protected by being included within the Mineral Safeguarding Area (MSA) shown on the Minerals Key Diagram.

MIN2: The Black Country will continue to produce primary land-won sand and gravel, and will aim to produce a minimum of 50,000 tonnes per annum throughout the plan period.

During the plan period the primary sand and gravel extraction will be concentrated at two sites including MA2: Branton Hill. Extension to Branton Hill Quarry will be subject to implementation of the proposed access road (approved in March 2009).

MIN5: All new development proposals involving mineral working or mineral related developments should demonstrate how they will contribute towards Spatial Objective 10 and the strategic objectives of Policy MIN1. Proposals should minimise waste as far as possible and where feasible, provision should be made for the extraction, re-use or recycling of potentially useable materials produced as a by-product of the operation.

Saved Policies of Walsall’s Unitary Development Plan (2005)

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.

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

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

ENV2: Highlights considerations of proposals within or adjacent to the Green Belt and states development is inappropriate if it conflicts with the openness and purposes of the green belt.

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

ENV10: Development of an industry or facility should not cause pollution that has unacceptable adverse effects on health or the natural environment.

ENV13: Development will not normally be permitted in close proximity to high voltage electricity transmission lines. Appropriate operation safe clearances will be considered.

ENV17: Planting will be promoted at minerals and waste management sites.

ENV18: Where developments are permitted which involve the loss of trees developers will be required to minimise the loss and to provide appropriate planting of commensurate value.

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

ENV24: New development should not sever or unacceptably harm the integrity of a wildlife corridor.

ENV25: Proposals for development which affect archaeological sites normally need evaluation of the archaeological resource

ENV32: Development proposals which fail to take account of the context or surroundings will not be permitted, particularly in the Green Belt. The visual relationship to the adjacent areas and the character of the surroundings is a key criterion.

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

ENV40: Developments near to rivers, canals, lakes or ponds should make a positive contribution to nature conservation, landscape, heritage etc making particular attention to safeguarding the biodiversity and ecology of the area.

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.

Conserving Walsall's Natural Environment SPD

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

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

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

Regional Strategy for the West Midlands

On 6 July 2010 the Secretary of State issued a direction to revoke Regional Spatial Strategies. Following a legal challenge this was reversed by the High Court on 10 November 2010.

The Government responded by advising its proposed abolition of the RSS system (abolition will require legislation, through the Localism Act and will take time) should be a material

consideration in decisions. On 7 February 2011 the High Court published its judgement that the proposed abolition can be a material consideration. The Localism Act has now received Royal Assent and is moving towards Enactment. Further consultation has been undertaken regarding the Strategic Environmental Assessment of the proposed abolition of the RSS. The Localism Act and the abolition of the RSS continue to be capable of legal challenge.

Officer's advice is that the RSS remains part of the statutory development plan for the Borough (with the saved policies of Walsall's UDP and the Black Country Core Strategy), and decisions should be made in accordance with it unless material considerations indicate otherwise.

National Policy

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

PPG2: Seeks to protect against inappropriate development that is harmful to the Green Belt.

PPS4: Encourages sustainable economic growth.

PPS5: The historic environment and its heritage assets should be conserved and enjoyed for the quality of life they bring to this and future generations.

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

PPS10: Seeks to help deliver sustainable development through driving waste management up the waste hierarchy and ensure the design and layout of new development supports sustainable waste management.

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

PPS23: Seeks to control and minimise pollution.

PPG24: Seeks to minimise the adverse impact of noise

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

Minerals Policy Statement 1 (MPS1): Advises that minerals can only be worked where they are found and that mineral planning authorities should safeguard known mineral resources from needless sterilisation by other development by defining mineral safeguarding areas (MSAs). MPS1 does not include guidance on improving access to existing quarries.

Minerals Policy Statement 2 (MPS2): Applications in accordance with the development plan should be allowed unless material considerations indicate otherwise. Developers should demonstrate any potential adverse impacts have been properly and completely considered.

Other Legislation

Environmental Impact Regulations 2011

Came into force from 24 August 2011 and require consideration of all the environmental impacts of proposals as a whole rather than the impact of modifications in isolation.

The Localism Act 2011

The Localism Act 2011 is now in force in part having come on to the statute book on 15th November 2011. Regulations to implement neighbourhood planning however are not in force at the present time.

The Act itself sets out a range of powers and duties given to Local Planning Authorities in connection with neighbourhood planning but does not provide any powers for neighbourhood forums which might become designated under the Act to veto development or types of development. The Department for Communities and Local Government has issued a plain English guide to the Localism Act.

That guide says that “Neighbourhood planning will allow communities, both residents, employees and business to come together through a local parish council or neighbourhood forum and say where they think new houses, businesses and shops should go and what they should look like“. It does not refer to neighbourhood development orders or plans saying what development should not be allowed. The guide also confirms that the Localism Act 2011 requires any neighbourhood orders or plans to be in line with national planning policy and the strategic vision for the wider area set by the local authority.

In the case of this Local Planning Authority the strategic vision would be the Black Country Core Strategy which is an up to date strategy with aims for growth and regeneration. Any neighbourhood plans would have to show that they were in accordance with an overarching Core Strategy and housing targets.

Consultations

Transportation – No objections subject to conditions relating to access, implementation, highway layout and public rights of way.

Access - One of the requirements of the presently undetermined application for the quarry extensions and internal reorganisation is that a new access to the quarry from Chester Road is secured and implemented to allow the complete cessation of quarry traffic from using Branton Hill Lane which is considered unsuitable for commercial traffic. The proposed access road utilises and improves an existing agricultural access point onto Chester Road by creating a new priority junction including a ghost right turn lane on the Chester Road to minimise the impact on traffic flows on the strategic highway. The new access will have visibility splays in excess of accepted minimum highway standards in either direction for an access of this nature onto a strategic road.

The majority of the proposed haul road will be constructed of consolidated stone or hardcore material with the exception of at least the final 30 metres approaching Chester Road which will be hard surfaced to minimise any unbound material being deposited onto Chester Road. The proposed haul road will be mostly 3 metres in width with regular passing places which is generally in accordance with the previous design approved under Outline application 06/0169/OL/E4. This previous application approved a similar priority junction approximately 370 metres to the north of the current application proposed to serve the quarry traffic and

traffic to Wheat's Garden Centre, Bourne Farm and the approved enabling residential development to finance the new quarry haul road.

Traffic impact – The Transport Statement states it is expected that the proposed quarry extension and reorganisation will result in an average of approximately 16 HGV trips per day over and above existing movements. Of these it is predicted that there will be a 50/50 split in each direction along Chester Road, which equates to one additional vehicle per direction per day during operating hours. These additional HGV movements are unlikely to have any significant detrimental impact on the local highway network. The new junction has also been tested and it is shown that there will be no queuing into the site from either direction.

The proposed quarry access road delivers a number of significant benefits over the previously approved 06/0169/OL scheme, in that;

- i) it removes the potential conflict between quarry traffic, the garden centre, farm and residential traffic.
- ii) it provides improved visibility along Chester Road over an above minimum highway design standards
- iii) it provides a better junction spacing and layout in terms of horizontal and vertical alignments on the existing highway
- iv) it reduces the impact on the existing public rights of way

It is therefore considered acceptable on highway safety grounds.

Pollution Control (Scientific Team) – No objections. Provided the noise and dust management control measures are undertaken as stated in the application then noise and dust impacts will not be significant. The waste activities will be controlled by a permit regulated by the Environment Agency.

Pollution Control (Contaminated Land) – No objections.

Environmental Health – No adverse comments.

Rights of Way – There are three public rights of way crossing the site that will need to be addressed to ensure at least one pedestrian route is available across the site at any one time. Footpath 38 Aldridge requires diversion before the enabling development can be implemented (application 11/1033/TE) and will also require diversion during restoration of the quarry. The footpath is currently obstructed by current mineral extractions. Footpath 37 Aldridge requires a safe crossing point over the haul road, and may require temporary closure during its construction and should be safeguarded during the mineral extraction period as it lies on the edge of the extraction area. Footpath 36 Aldridge will require diversion to allow mineral extraction of the area and then further diversion during restoration.

Ecology – No objection in principle but improvements should be sought. There will be limited impacts on local ecology and moving the haul road away from the badger sett is desirable but there are concerns and it is recommended that opportunities for improvements including the following are considered:

- The narrow planning application boundary precludes landscape treatment to enhance the area ecologically. For example; hedges along the southern boundary of the application site could be allowed to grow higher. This would not cause shading of crops and the hedge could be allowed to grow to 3-4 metres to screen vehicles driving across the landscape. There are also areas between the proposed road and field boundaries where little useful farming could take place. In these locations native shrub or tree planting could take place.
- The existing hedgerows which will screen vehicles crossing the landscape are outside the applicant's control and the landowner could cut them back severely.
- The applicant's ecologist proposes a bund with planting which is not shown on any plan and is likely to be outside the application boundary.
- It is unclear how the road will be drained or where any surface water will be discharged to or whether fencing is proposed to keep vehicles separate from agricultural uses. Details are required.
- There is reference to the landscaping proposed being confined to advanced works already agreed as part of an earlier permission. I can see no evidence that these works relate to the proposed haul road.
- Higher environmental standards are required.

In respect of geology the exposure of Triassic sandstones in the proposed cutting at the entrance to the quarry should be recorded by a geologist as it is exposed. The eastern embankment could be retained in the longer term if the exposure reveals features of interest. This could be secured through a planning condition.

Natural England – No objections. Natural England welcomes the applicant's intentions to review the badger mitigation every 12 months prior to workings across the whole site which should be conditioned.

Arboricultural Officer – No objections.

Archaeologist – No objections subject to archaeological work being undertaken ahead of and during the development work in accordance with the Benchmark Archaeology's written scheme of investigation and the Brief for Archaeological Work. The proposed new road cuts through possibly the most important archaeological deposits in Walsall, particularly the remains of a prehistoric triple-ditched enclosure (Loaches Bank).

Landscape – No objections in principle but the lack of a landscape proposals scheme to mitigate against the visual impact of vehicles on the new haulage road is disappointing. Details of shrub and tree planting along the road and details of proposed fencing should be required.

Environment Agency – No objections subject to conditions relating to provision of drainage details and a working method statement to cover the box culvert over the nearby watercourse.

The activities at the waste recycling facility are exempt from the Environmental Permit but advice to the applicant is recommended regarding the operation of this element which will be monitored by the Environment Agency. The construction of the road and operation of inert material recycling within the groundwater protection Source Protection Zone should not pose an unacceptable risk to controlled waters provided the construction and operation are

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managed accordingly. Notes to applicant are proposed regarding Environmental Management of the site.

Local Access Forum – There is insufficient detail to determine how the existing rights of way will be preserved and protected during the works and thereafter. The proposed new access road would be in close proximity to public right of way Ald 38 (Chester Road to Daniels Lane) which suggests pedestrians will be sharing a path with heavy lorries. Pedestrian safety is a concern.

Walsall Ramblers Association - Concerned that the proposals do not take into account the increased traffic using Daniels Lane to access the weighbridge and wheel wash and therefore increased danger to walkers. The status of footpaths already diverted and those that may be in future as a result of quarry activity needs clarification.

English Heritage – Objects. The archaeological report is limited in its scope and makes conclusions that do not lead from the data presented. The proposals show a disregard for sites potentially of national importance and so is contrary to PPS5. An alternative route should be sought. English Heritage has been notified of the programme of archaeological work submitted to address these concerns. Their amended comments will be reported at Committee.

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

Fire Service – No objections but consideration should be given to emergency access, turning circle and water supply for fire service use relevant to the risks within the quarry boundary.

Police Architectural Liaison Officer – No objections. The applicant is encouraged to design and build to Secured by Design standards. Due to the isolation of the site any buildings should be of robust construction to prevent forced entry. CCTV should also be considered and illumination of the site.

Public Participation Response

There are 36 letters of objection including the Staffordshire Archaeological and Historical Society and 16 letters of support which are summarised as follows: -

Objections

- it is unclear what is involved in the relocation of the recycling area of the site
- potential impact of other recycling opportunities on residential properties
- damages important archaeological sites of regional importance
- irrevocably compromises the archaeology and may not be mitigated successfully
- loss of open views
- infringes and spoils the openness and character of the Green Belt
- the height of the proposed embankment is inadequate to afford protection to nearby houses and gardens
- adverse impact on residential amenities during hours of operation
- spoils peace and quiet for nearby residents
- environmental impact on Bourne Wood/Bourne Pool and surrounding area

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- loss of wildlife, flora and fauna and affect ecological resources
- sets a precedent for residential or commercial development in the Green Belt
- increased dust, dirt and pollution may affect health and damage property
- increased traffic, noise and vibration, particularly from lorries
- Excessive mud and debris may accumulate on Chester Road creating a traffic hazard on the trunk road
- the number of lorries permitted relates to the CLEUD not quarrying aspect
- increased lorry movements above the number approved by earlier permissions
- safety concerns due to increased traffic on Chester Road which is already busy
- lorries turning when traffic is speeding causes concern
- traffic congestion may back up to the traffic lights with lorries turning
- the quarry already has a functional access – why is another needed?
- potential problem of overnight and weekend storage of lorries near the present entrance
- turning right out of the site will be difficult at peak times
- increased numbers of slower vehicles increases the potential for accident
- increased traffic in Green Lane where there is no footpath or lighting which creates additional hazards for pedestrians
- increased traffic in Green Lane where there is poor visibility for vehicles merging from driveways
- increased traffic to the recycling centre
- residents in Chester Road already have to contend with noise from planes
- loss of property value
- residents in Branton Hill Lane bought their houses knowing it was a quarry access so why shift the inconvenience to Chester Road
- Houses in the vicinity of the access have been invested in due to their Green Belt setting which will be spoiled
- the road could be located closer to Waterworks Farm as they are selling the land and will benefit financially
- Other options should be considered for an alternative quarry access
- reference to quarry access off the alternative route where the housing development is proposed should be removed as this is not now proposed
- lack of consultation with neighbours
- no objection to extension of time for implementing the housing
- the master plan shows a larger area of enabling development and includes land in the ownership of Simon's Restaurant
- the plan shows access to the quarry and housing which is not acceptable as access only to the housing is proposed
- there is no agreement for the developer to access the housing development over the shared right of access

Support

- resolves noise and road safety issues in Branton Hill Lane
- resolves disturbance from vibration of heavy vehicles in Branton Hill Lane
- resolves frequency of traffic, early morning disturbance, sand and mud on road and debris in Branton Hill Lane and on individual properties
- removes potential for sand, dust and mud to cover the road, drives and windows of housing in Branton Hill Lane and Little Aston Road
- Potential to improve the state of the road
- improves health and safety for residents
- returns Branton Hill Lane to residential character
- Improves the local environment and reduces the level of pollution and disturbance
- Branton Hill Lane is not suitable for the size, type and frequency of vehicles presently endured

- Reduces congestion in Branton Hill Lane
- Moving the access provides respite for residents in Branton Hill Lane – particularly bedrooms facing the road
- Chester Road will be a safer route for the quarry
- Access off Chester Road will have minimal effect on residents and business
- Support closure of Branton Hill Lane to quarry traffic
- Support segregation of the quarry access from the adjacent garden centre

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

Determining Issues

- Whether very special circumstances exist to outweigh the harm from inappropriate development in the Green Belt
- Environmental Impact Assessment
- Relationship to surrounding residential properties
- Archaeology
- Landscape & Ecology
- Access
- Rights of Way
- Planning Agreement

Observations

Whether very special circumstances exist to outweigh the harm from inappropriate development in the Green Belt

The proposal is for a new access to serve the quarry, landfill and recycling operations at Branton Hill. The road, which would also serve the recycling operations, would be inappropriate development in the Green Belt. The developer must demonstrate very special circumstances sufficient to outweigh the harm before the proposals can be supported.

Policy MIN2 of the BCCS specifies Branton Hill as one of two quarries in the Black Country where primary sand and gravel extraction will be concentrated. It further states, that an extension to Branton Hill Quarry will be subject to implementation of the proposed access road approved in March 2009, referenced 06/0169/OL/E4.

In order to achieve the full extraction potential of the mineral resources at the site an extension to the quarry would be required. An undetermined application BC64995P submitted in 2001 proposes an extension. It has been held in abeyance pending the provision of a new access to alleviate traffic and environmental problems in Branton Hill Lane and allow traffic to access the strategic highway network more safely. Whilst a new access was approved under the earlier application 06/0169/OL/E4 the developer has been unable to reach an agreement with third party landowners to assemble the land. The extension application has not been reactivated and an alternative access is now proposed.

The very special circumstances for allowing a proposed new access to serve Branton Hill Quarry are broadly similar to those previously considered. The developer has provided an Environmental Statement which includes various assessments relating to the application site that demonstrate how the proposals will affect the surrounding area. The benefits of this alternative route are that it will reduce the impact on the public rights of way, reduce the

conflict between current and future residential development reduce noise and dust and reduce the ecological impact by moving the road away from the badgers sett.

The closure of Branton Hill Lane to quarry traffic is also supported by many residents as is the segregation of the quarry access from the garden centre as previously approved. Residents in Branton Hill Lane state that relocation of the quarry access to Chester Road will resolve problems presently experienced in the land such as noise, disturbance, vibration, traffic, dust, mud on the highway and pot holes and will vastly improve their wellbeing. This is one of the very special circumstances considered by the Secretary of State as outweighing the impact on the Green Belt.

Residents in Chester Road consider the Green Belt setting in the vicinity will be spoiled by the proposed new quarry access. The proposals seek to minimise the impact of the haul road by narrowing its width, use of appropriate surface materials and incorporation of landscaping to reduce the potential impact. It also follows the field boundary in part so would not necessarily affect the openness of the Green Belt in this respect. The proposals would not set a precedent for other residential or commercial development in the Green Belt as the very special circumstances are particular to this case.

As the proposal is for a significant development in the Green Belt the application should be referred to the National Planning Casework Unit under the Departure Regulations.

Environmental Impact Assessment

Legislation (as confirmed by the High Court and subsequently embodied in regulations brought into force on the 24 August 2011) requires the consideration of the environmental impacts of proposals as a whole. As indicated earlier in this report, assessments have been provided that consider the environmental impacts of the whole quarry site rather than the impact of the new road in isolation. Details have been provided on specific impacts and those key to the concerns raised by the proposal are addressed in more detail below.

Relationship to surrounding residential properties

The proposed access is approximately 165m south of the nearest residential property at 1 Cottage Mews, Chester Road and 250m north of Waterworks Farm. It is also 200m away from 415 Chester Road, the nearest house on the opposite side of Chester Road. These are significant distances which reduce the potential impacts the alternative quarry access road may have on residential amenities of nearby occupiers. The noise and dust assessments supplied demonstrate there will be no significant impact on the amenity of the nearest residential properties and there will be a reduced impact to health compared to the impact presently experienced in Branton Hill Lane. In the circumstances, despite residents on Chester Road objecting to the potential noise and dust and other impacts on residential amenities adding to existing disturbances, it is considered that these will be limited and implementation of measures to control noise and dust and to protect residential amenities are recommended on any conditional approval (see conditions 12-16 and 20)

Residents in Chester Road contend that the proposals will result in loss of property value but this is not a material planning consideration. They also consider the inconvenience will be shifted from Branton Hill Lane to Chester Road residents. The two situations are not directly

comparable as at Branton Hill Lane the quarry traffic and residents share the same street. The proposed new quarry access road is completely segregated and lies a significant distance away from the nearest houses on Chester Road. This coupled with measures to control noise and dust will minimise any potential impact. The provision of a new upgraded wheel washing facilities, should ensure that no mud is tracked out of the quarry and deposited on the Chester Road via the new access road as Chester Road is 732 metres away. Maintaining a clean and even surface to the access road should avoid dust being raised by quarry vehicles during dry weather. The line of the new access has been chosen as it utilises an existing field entrance and follows a field boundary along part of its length to lessen the visual impact. In the circumstances, although some neighbours suggest it could be relocated further away from them i.e. closer to other properties (Waterworks Farm) this would not offer these benefits and may be more obtrusive in the Green Belt.

Chester Road residents have also objected to loss of open views, infringement of the Green Belt and inadequacy of bunds and planting to protect residential amenities. The loss of a distant view is not a material planning consideration and although the access does introduce a road that dissects the land to some extent the measures introduced to help screen and prevent noise and disturbance will protect the amenities of surrounding residents. The housing at Cottage Mews has main elevations facing east/west and the nearest part of the proposed access lies to the south of the houses. In the circumstances the proposals will not significantly affect the outlook from these houses. Although there is an outlook across open fields, and there may be limited views of the access from the gardens, the proposed bund and landscaping should reduce any potential impact on outlook.

Aldridge RFC clubhouse is 160m away. The proposed new access road would not have any significant impact on these business and recreational premises.

Details of the approved access to the north of the current site have been included in the application documents for information purposes. The current proposals offer an alternative route for the quarry access but still require the residential enabling development previously approved as this will cover the costs of developing the new quarry access. Despite reference on the earlier approved plans to a quarry access it is only intended to develop a residential access to the new housing as part of the existing permission 06/0169/OL/E4 as the new quarry access will be from the alternative location now proposed. A conditional permission would confirm this position and ensure that a single access for the quarry is provided.

Objectors state that the developer does not have the agreement of the adjacent land owners for development of the approved access to the north. The applicant has explained that it is due to this reason that the alternative route for the new access is now proposed.

Representations have been received stating the area of enabling development shown on the Masterplan is larger than that approved under application 06/0169/OL/E4. This is an indicative Masterplan only and would not entitle the developer to build housing beyond the area already approved, or indeed to develop more housing on adjacent sites as suggested by objectors. A legal agreement is proposed to ensure that the developer implements the new quarry access before the housing development and to require closure of Branton Hill Lane to quarry traffic.

Residents in Branton Hill Lane consider that the proposed alternative access off Chester Road will improve the local environment and reduce the level of pollution and disturbance presently encountered to return the lane back to a residential character. For the reasons referred to above the alternative quarry access would offer these improvements which are considered very special circumstances to outweigh potential harm to the Green Belt.

Representations have been made that there has been a lack of consultation regarding the proposals. All necessary publicity has been carried out and notifications to neighbouring properties extended following neighbour concerns.

Archaeology

The proposed access road runs through the remains of a prehistoric triple-ditched enclosure (Loaches Bank) and a scatter of Stone Age (Mesolithic and Neolithic) flints. Residents are also concerned that the proposals would irrevocably damage archaeological sites of regional importance. The original archaeological report was inadequate but further work has been undertaken and a report prepared by Benchmark Archaeology on a Programme of Archaeological Work to be undertaken prior to and during any proposed works. This report is in accordance with the "Brief for Archaeological Work" prepared by the Council's archaeological advisor and is satisfactory. A condition is recommended to ensure the works are carried out in accordance with this agreed programme. At the time of writing the report English Heritage objects to the proposals but further consultation has been sent and a final response is awaited and will be updated at Committee. A favourable outcome is anticipated.

Landscape & Ecology

The proposals offer the opportunity to introduce additional landscaping and shrub and tree planting to help screen vehicles utilising the proposed quarry access. Natural Environment officers are concerned that the narrow application site boundary precludes landscape treatment to enhance the area ecologically. For example there are no details of planting and it is likely that this would need to take place outside the application site boundary and outside the control of the applicant. Nevertheless the application site boundary allows for a 3m wide access with between 2-4m wide margins on either side to allow for planting which would be agreed as part of any conditional permission. This would also allow space for the bund on either side of the new access. The remaining field does provide enough space to be useful to the farm. Natural England does not object to the proposals. Concern about surface water drainage will be addressed by recommended condition 10. Details of any fencing required would also be required as part of any conditional permission. Reference to advanced landscaping works are those within the quarry site itself and not part of the current application. In the circumstances it is considered that there is adequate opportunity for incorporation of landscaping and planting to be of some benefit to the visual amenities of the area and to enhance the ecological benefits.

Residents object to the potential impact on Bourne Wood/Bourne Pool and the surrounding area and the potential loss of wildlife, flora and fauna and affect on ecological resources. Bourne Wood and Bourne Pool lie to the north of the proposed access and it is considered the proposals will not have any significant effects on these sites. The Council's ecology officer acknowledges there will be limited impacts on local ecology and considers that

moving the proposed quarry access away from the badger setts as proposed on the earlier permission 06/0169/OL/E4 will benefit the species. It is recommended that enhanced landscaping along the route of the proposed access will provide opportunity for ecological benefits.

Access

The proposed access off Chester Road utilises an existing field access. The first 30 metres of the access are to be made up to adopted standards with the remainder being a single access track with passing places at intervals. This design has been chosen to have the least visual impact on the surrounding area and allows for incorporation of hedge and screen planting on both sides of the road to provide screening. Transportation officers have no objections to the design or location of the proposed access.

Residents object to the introduction of the quarry access on Chester Road as they consider it will result in increased dust, mud, dirt, vibration and pollution caused by increased traffic, particularly commercial vehicles and lorries. For these reasons they consider the proposals will create a traffic and safety hazard on Chester Road where vehicle speeds are high. Residents are also concerned about potential increased traffic in Green Lane. In terms of mud and debris it is proposed to relocate a wheel wash to prevent drag out onto the highway. The Transport Statement demonstrates that the proposed quarry access will have no long term significant impact on highway safety. In the circumstances the proposed access is satisfactory. It will also offer benefits over the existing quarry access in Branton Hill Lane which runs immediately in front of residential properties, crosses a narrow railway bridge and right of way and has a tight turn into the compound area.

The number of vehicles using the access is not anticipated being significantly different to the number currently utilising Branton Hill Lane and will be controlled by the existing quarry permission determining permitted vehicle movements. The number of lorries allowed to be parked on the site overnight is controlled by license.

Some objectors are concerned about the relocation of the recycling area within the quarry and the potential this may have for increased traffic. The relocation is necessary to locate the permitted operations closer to the proposed new access. In the circumstances the use of the recycling area is not anticipated to be any different than existing and the number of lorry movements is controlled by the Certificate of Lawful Existing Use and minerals permissions. The recycling centre is not open to the public it is for recycling materials within the quarry, as per the existing use, so should have no significant impact on residential properties. The area for the proposed relocation is also over 170m away from the nearest residential properties at Bourne Farm.

Rights of Way

There are three public rights of way crossing the site. Whilst two of the footpaths are indirectly affected by the works within the quarry itself any necessary diversion or reinstatement of footpaths will be determined at a later stage and subject to statutory processes.

The proposed haul road will cross the present line of footpath Aldridge 38. The details of the crossing point will be at surface level or in a slight cutting and subject to approval of details prior to the commencement of the development. The developer has also given an undertaking to improve/replace other stiles along the remaining sections of the footpath to provide a consistent, more accessible route for walkers. The Local Access Forum and Walsall Rambler's concerns regarding the impact of the development on public footpaths will therefore be addressed by the application and statutory processes.

In the circumstances adequate consideration of public rights of way has been made and the proposals offer the opportunity to improve public footpaths. A note to applicant is recommended regarding statutory processes for public rights of way.

Planning Agreement

A planning agreement would be entered into before any planning permission is issued, which would effectively be an amendment to that which exists in relation to the approved alternative access and enabling development. It would ensure that there is only a single access to the quarry, the Branton Hill Lane access is closed off and the enabling development only follows after the completion of the new quarry access road on to Chester Road

Recommendation: Subject to resolving the English Heritage objection - Grant permission subject to conditions and a S106 Agreement, relating to the enabling development and quarry access arrangements, and subject to referral to the National Planning Casework Unit under the Departure Regulations.

Summary of Reasons for Granting Planning Permission

The proposed new access, which would also serve the recycling operations, is inappropriate development in the Green Belt. The applicant has demonstrated very special circumstances to outweigh the harm to the Green Belt. The proposal would enable consideration of an extension to the quarry to extract the mineral resource and would improve the wellbeing of residents in Branton Hill Lane who currently share an access with the quarry. The proposal aims to minimise the visual impact by the design which incorporates landscaping. Environmental Impact Assessments have been provided which consider the environmental impact of the whole site not just the proposed quarry access and find the proposals have no significant environmental impact.

The proposed access is a significant distance away from the nearest residential properties which limits the potential impact in terms of outlook, noise, dust, disturbance and other impacts on the amenities of residents. Residents' objections regarding these issues have been taken into account and measures to control these matters are also recommended by condition to address residents' concerns. The segregation of the access from the residential properties in Branton Hill Lane will be beneficial and coupled with measures referred to above minimise the potential impact on the amenity of nearby residents. With regard to potential loss of views and the impact on the openness of the Green Belt the proposed access follows the field boundaries for the most part and provision of a landscaped bund will

lessen the potential impacts. Despite objectors concerns that the plans still make reference to an alternative access and the extent of enabling development these will be restricted by conditions and the planning agreement.

The archaeological remains in the adjacent field will be recorded in accordance with an agreed programme of works to the satisfaction of the Council's archaeological advisor and English Heritage. This also addresses residents' concerns.

The proposal includes space on both sides of the access road for the bund and landscaping within the application site boundary to enhance the ecological benefits and provide screening. Details of planting and fencing will be provided for consideration at a later stage. There will be limited impacts on local ecology.

The access location and design is acceptable and the Transport Assessment confirms that there will be no adverse impact on the highway as a result of the proposed development in terms of highway safety. The incorporation of a new wheel wash and other measures will ensure appropriate mitigation to address residents concerns. The number of vehicles is not significantly different to that already operated from the quarry. Relocation of the recycling within the quarry is a significant distance from the nearest housing and is not open to the general public so has no greater impact. For these reasons the proposals are considered to address objectors' concerns.

Of the three public rights of way crossing the site only one is directly affected by the proposals. Improvements are proposed and will be subject to the statutory process.

A Planning Agreement is recommended to ensure that only one new quarry access is implemented, the close off Branton Hill Lane to quarry traffic and to ensure the enabling development only follows after completion of the new quarry access. This will address residents' objections regarding the use of Branton Hill Lane by quarry traffic.

In light of the above the proposals are considered to accord with the aims of policies 2a, 2b, CSP3, CSP4, DEL1, ENV1, ENV2, TRAN2, MIN1, MIN2 and MIN5 of The Black Country Core Strategy and saved policies 3.6, 3.7, GP2, GP3, 3.21, ENV1, ENV2, ENV3, ENV10, ENV13, ENV17, ENV18, ENV23, ENV24, ENV25, ENV32, 3.117, ENV33, ENV40,T7 and T13 of Walsall Unitary Development Plan and Supplementary Planning Document: Conserving Walsall's Natural Environment.

Conditions

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

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

2. Prior to the commencement of the development a revised plan shall be submitted for approval in writing by the Local Planning Authority showing the proposed passing point lay-bys along the haul road increased in length to 20 metres.

Reason: To allow sufficient space to enable quarry vehicles to fully enter and exit the lay-by whilst allowing vehicles to pass satisfactorily.

3a. Prior to the commencement of the development, full engineering details of the proposed ghost right turn lane on Chester Road and the new bellmouth priority quarry access road junction shall be submitted to the Local Planning Authority for approval in writing. The ghost right turn lane shall include;

- the provision of 3.25 running lanes and a 3.5m turning lane,
- the hatching along Chester Road extended to the existing hatching north and south of the site access to provide a consistent approach along this section of Chester Road,
- the provision of a traffic islands on both sides of the turning lane to offer protection to oncoming traffic and to minimise over taking.

3b. No works shall commence until all technical details have been approved.

3c. The access road shall not be brought into use until or unless the works approved pursuant to this condition have been implemented in full.

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

4. Upon the proposed haul road coming into full operational use, all vehicular access to the quarry from Branton Hill Lane shall cease with immediate and permanent effect and within 6 months a lockable barrier shall be erected in accordance with a scheme to be submitted for the written approval of the planning authority.

Reason: In accordance with the Unilateral Undertaking dated 2nd December 2008 under Planning Permission 06/0169/OL/E4 and BCCS policy MIN2.

5. Prior to the commencement of any works, full details including design, materials and location of any proposed kissing gates to be installed along any Definitive public footpath affected by the development and, in particular at the point where the public footpath crosses the proposed haul road, including a cross section through the footpath crossing point, shall be submitted to the Local Planning Authority for approval in writing. The proposals shall be implemented in accordance with the agreed details prior to the development coming into operation and thereafter retained and maintained in accordance with the agreed details unless the Local Planning Authority agrees in writing to any variation.

Reason: To ensure the continued safe and satisfactory access for pedestrians along the public footpath network affected by the development.

6. Prior to the commencement of any works, full details of the proposed signage, required at the point where the public right of way crosses the proposed haul road to warn pedestrians of crossing HGV's and likewise to warn HGV drivers of crossing pedestrians, shall be submitted to the Local Planning Authority for approval in writing. The approved details shall

be fully implemented to the satisfaction of the Local Planning Authority prior to the development coming into operation. The signs shall thereafter be retained and maintained in good condition and be visible at all times unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the safe and satisfactory operation of the development and in the interests of highway safety along the public footpath network affected by the development.

7. Prior to the commencement of any works full details including design, location and drainage of the proposed wheel washing facility, shall be submitted to the Local Planning for approval in writing. The facility shall be installed and be fully operational prior to the development first coming into use and shall thereafter be retained in good operational condition and maintained to ensure optimum performance. All heavy goods vehicles and other vehicles that may have accessed the quarry or landfill site shall pass through the approved wheel-wash before entering onto the highway, unless a prior written dispensation is secured from the local planning authority, in circumstances where site and weather conditions may justify alternative consideration.

Reason: To ensure that the wheels of vehicles are cleaned before leaving the site in the interest of highway safety and preserve the residential amenities of nearby occupiers.

8. Upon the development first coming into use, the measures contained in the submitted Travel Plan Statement to encourage sustainable travel modes for staff shall be implemented and thereafter monitored and reviewed in accordance with the approved Statement.

Reason: To encourage sustainable travel modes.

9. No development shall take place until the applicant has secured the implementation of a programme of archaeological work, including on-site work, and off-site work such as the analysis, publication, and archiving of the results, in accordance with the brief written by the council's archaeological adviser (dated 28th November 2011), and the written scheme of investigation which has been submitted by the applicant (dated 28th November 2011) and approved in writing by the Local Planning Authority.

Reason: To ensure the appropriate identification, recording and publication of archaeological and historic remains affected by the development.

10. No development shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the Flood Risk Assessment (Ref: FRA/BLQFRA2.00/2011, Enviroarm) before the development is completed.

The scheme shall also include

- (i) Soakaway tests performed in accordance with the industry guidance
- (ii) Provision of a surface water drainage strategy demonstrating adequate storage and routing for the 1 in 100 year plus climate change storm event

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(iii) Details of how the scheme shall be maintained and managed after completion

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

11. Prior to the commencement of the development, a working method statement to cover the box culvert over the nearby watercourse shall be submitted to and agreed in writing by the local planning authority. Thereafter the development shall be carried out in accordance with the approved scheme and any subsequent amendments shall be agreed in writing with the local planning authority.

Reason: The construction phase of any proposed development affecting the channel of a watercourse poses significant flood risk.

Note – Works to the culvert will require Land Drainage Consent under the terms of the Land Drainage Act 1991.

12. Dust control measures as stated within the application documentation (Particulate risk assessment for new access off Chester Road by Enviroarm Limited) shall be instigated during the construction and maintained thereafter. This shall include watering of haul roads during dry conditions through use of water bowsers with a provision for the application of wetting agents. Vehicles utilising the access (other than light duty vehicles) shall have either high level exhausts or upwards facing exhausts and all vehicles carrying materials likely to give off dust and particulate matter to or from the quarry shall be sheeted unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of the residential amenities of nearby occupiers.

13. A road-sweeper shall be used on the quarry access road to prevent the accumulations of dusty and potentially dusty materials.

Reason: In the interests of highway safety and amenities of nearby occupiers.

14. A dust monitoring system shall be agreed in writing with the Local Planning Authority, in consultation with the Environment Agency prior to the development permitted herein coming into use. This monitoring system shall thereafter be implemented and maintained unless otherwise agreed by the Local Planning Authority. Results from this shall be forwarded to the local planning authority at six monthly intervals.

Reason: In the interests of the amenities of nearby occupiers.

15. Noise from daytime operations and activities as determined at occupied residential premises shall not give rise to (free-field) noise levels exceeding the Background Noise Level, L_{A90} , by more than 10 dB(A), subject to an overriding maximum limit of 55 dB $L_{Aeq, 1}$ hour.

Reason: In the interests of the amenities of nearby occupiers.

16. The haul road(s) shall be maintained with an even surface free from potholes and debris or extraneous material at all times.

Reason: In the interests of the amenities of nearby occupiers and to avoid mud being tracked on to the public highway.

17. Prior to the commencement of the development details of landscaping shall be submitted for approval including tree and shrub planting. The approved landscaping scheme shall be implemented within 12 months of the development completed. All planting shall be maintained for a period of 3 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.

18. Prior to the commencement of the development full details of all field boundaries and/or proposed fencing shall be submitted to the Local Planning Authority for approval. The development shall be completed in accordance with the agreed details and maintained thereafter.

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

19. Prior to the commencement of the development a programmed of works for recording the Triassic sandstones shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be in accordance with the agreed works.

Reason: To ensure adequate recording of geological features.

20. The quarry access road shall not be used outside the hours of 07.30 – 17.30 Mondays to Fridays and 07.30 – 12.30 on Saturdays unless prior written agreement has been obtained from the local planning authority.

Reason: In the interests of the residential amenities of nearby occupiers.

21. Prior to the cessation of operations at the site a scheme for restoration of the access route and associated works shall be submitted to the local planning authority for approval and implemented in accordance with the agreed details within a timescale to be agreed.

Reason: In the interests of the residential amenities of nearby occupiers and to preserve the character of the Green Belt.

22. 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 07.30 to 17.30 weekdays and 07.30 to 12.30 Saturdays unless otherwise

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

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

Reason: In the interests of the residential amenities of nearby occupiers.

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

- Application Boundary (1100802A) received 15/8/12
- Application Boundary (1100802B) received 15/8/12
- Land Ownership (11008-01) received 15/8/11
- Conceptual Master Plan (11008-03) received 15/8/11
- CLEUD Layout Plan (11008-04) received 15/8/11
- Restoration Plan (11008-06) received 17/8/11
- Cross Sections of Cutting (11008-07) received 17/8/11
- Non Technical Summary (July 2011) (ARM/SCM/BrantonPA/1.00/2012) received 31/1/12
- Design & Access Statement Volume 1 (ARM/SCM/BrantonPA/2.00/2012) received 31/1/12
- Environmental Statement Volume 2 (ARM/SCM/Branton/3.00/2012) received 31/1/12
- Landscape & Visual Assessment for New Access off Chester Road (BR893.docx) received 1/8/11
- Landscape & Visual Assessment for Quarry (BH360) received 1/8/11
- Landscape & Visual Assessment Additional Information received 1/8/11
- Ecology & Nature Conservation Assessment prepared by Ecotech (June 2011) received 1/8/11
- Noise Assessment prepared by ANV Acoustic Consultants (May 2011) received 1/8/11
- Particulate Risk Assessment for New Access off Chester Road prepared by Enviroarm Ltd received 1/8/11
- Transport Statement prepared by Mayer Brown (July 2011) received 1/8/11
- Travel Plan prepared by Mayer Brown (July 2011) received 1/8/11
- Access Design Kerbing & Edging (W/EAL/Branton.2/7/1100/01 Rev A) received 1/8/11
- Pavements & Footways (NW/EAL/Branton.2/7-1100/02 Rev A) received 1/8/11
- General Arrangement (NW/EAL/Branton.2/100/01 Rev A) received 1/8/11
- Kerb Types (MBB/01 Rev A) received 1/8/11
- Typical Carriageway Construction Detail (MB/C/01) received 1/8/11
- Carriageway Tie-In Details (MB/C/04) received 1/8/11
- Carriageway Construction in widths less than 1.0m (MB/C/13) received 1/8/11
- Reinstatement of Drain and Duct Trenches in Existing Footway and Carriageway (MB/C/14) received 1/8/11
- Road Gully Detail (MB/F/01) received 1/8/11
- Typical Pipe Bedding Details (MB/F/02) received 1/8/11
- Hydrogeological Investigation Report (June 2011) received 1/8/11
- Archaeological Report (AR/BLQNR1.00/2011) received 1/8/11
- Project Design for a Programme of Archaeological Work (NGR: SP070997 - November 2011) prepared by Benchmark Archaeology
- Revised Flood Risk Assessment (FRA/BLQFRA2.00/2011) received 13/11/11

- EA Indicative Flood Map Extreme Flood Limits Zone 2 (11008-FRA1) received 13/11/11
- Detailed Flood Map with Extreme Flood Limits and Survey (11008-FRA2) received 13/11/11
- Soils Report (AR/BLGSR1.00/2011) received 1/8/11

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

24. Notwithstanding the details shown on the submitted Conceptual Master Plan (11008-03) received 15/8/11 this approval does not grant permission for the extension of the quarry as referred to under application BC64995P.

Reason: To define the permission.

Note to applicant regarding Environmental Management

1. If any controlled waste is to be removed off site, then the site operator must ensure a registered waste carrier is used to convey the waste material off site to a suitably authorised facility.

If the operator wishes more specific advice they will need to contact the Environment Management Team at the Environment Agency Fradley offices or look at available guidance on the web site www.environment-agency.gov.uk/subjects/waste

2. The Duty of Care regulations for dealing with waste materials are applicable for any off-site movement of wastes. The developer and waste producer therefore has a duty of care to ensure all materials removed go to an appropriate licensed disposal site and all relevant documentation is completed and kept in line with regulations.
3. It is recommended that the construction makes full use of the advice and guidance given in the Environment Agency's Pollution Prevention Guideline PPG6 – Working at Construction and Demolition Sites <http://publications.environment-agency.gov.uk/pdf/PMHO0410BSGN-e-e.pdf>
4. Any facilities, above ground, for the storage of oils, fuels or chemicals shall be provided with adequate, durable secondary containment to prevent the escape of pollutants. The bunded area shall be designed, constructed and maintained in order that it can contain a capacity of not less than 110% of the total volume of all tanks or drums contained therein. All filling points, vents, gauges and sight glasses should be bunded. Any tank overflow pipe outlets shall be directed into the bund. Associated pipework should be located above ground and protected from accidental damage. There shall be no gravity or automatic discharge arrangement for bund contents. Contaminated bund contents shall not be discharged to any watercourse, land or soakaway. The installation must, where relevant, comply with the Control of Pollution (Oil Storage)(England) Regulations 2001 and the Control of Pollution (Sludge, Slurry and Agricultural Fuel Oil) Regulations 1991 as amended 1997. Site occupiers intending to purchase or install pollutant secondary containment (bunding) should ensure that the materials are not vulnerable to premature structural failure in the event of a fire in the vicinity.
5. In England, it is a legal requirement to have a site waste management plan (SWMP) for all new construction projects worth more than £300,000. The level of detail that

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your SWMP should contain depends on the estimated build cost, excluding VAT. You must still comply with the duty of care for waste. Because you will need to record all waste movements in one document, having a SWMP will help you to ensure you comply with the duty of care.

Further information can be found at <http://www.netregs-swmp.co.uk>

Note to applicant regarding sound level measuring

Sound level measuring instrumentation shall conform to either: 'Type 1' of either British Standard BS 5969: 1981 'Specification for sound level meters', and/or BS EN 60651: 1994 'Specification for sound level meters', and/or BS 6698: 1986 'Specification for integrating-averaging sound level meters', and/or BS EN 60804: 1994/2001 'Specification for integrating-averaging sound level meters' and/or 'Class 1' of BS EN 61672: 2003 'Electroacoustics - Sound Level Meters - Part 1: Specifications' (or any superseding standards as applicable). Instrumentation shall have been verified either in accordance with British Standard BS 7580 'Specification for the verification of sound level meters' Part 1: 1996 'Comprehensive procedure' or BS EN 61672: 2003 'Electroacoustics - Sound Level Meters - Part 3: Periodic Tests' within a preceding 2 year period of measurements being conducted, or else verified with a multifunction acoustics calibrator that has been UKAS certified within a preceding 2 year period.

Current guidance, procedures, recommendations and information to assist in the completion of a suitable noise survey may be found in British Standard BS 4142: 1997 – Method for rating industrial noise affecting mixed residential and industrial areas.

Submitted noise measurement data should include details of all instrumentation used (microphones, sound level meters, data loggers, acoustic calibrators) inclusive of performance verification checks, recordings of prevailing climatic conditions on site of the course of noise measurements incorporating air temperature, wind speeds and direction as a minimum.

Note to applicant about public rights of way

The developer must follow all statutory procedures for diversion or closure of public rights of way which cross the site prior to commencement of any development.



Planning Committee

Report of Head of Planning and Building Control, Regeneration Directorate on 29/03/2012

Reason for bringing to committee: Major application

Application Number: 11/1033/TE

Application Type: Extend Time Limit

Applicant: Bliss Sand and Gravel Company Ltd

Proposal: Time Extension for implementing permission 06/0169/OL/E4.

Ward: Aldridge Central & South

Case Officer: Alison Ives

Telephone Number: 01922 652492

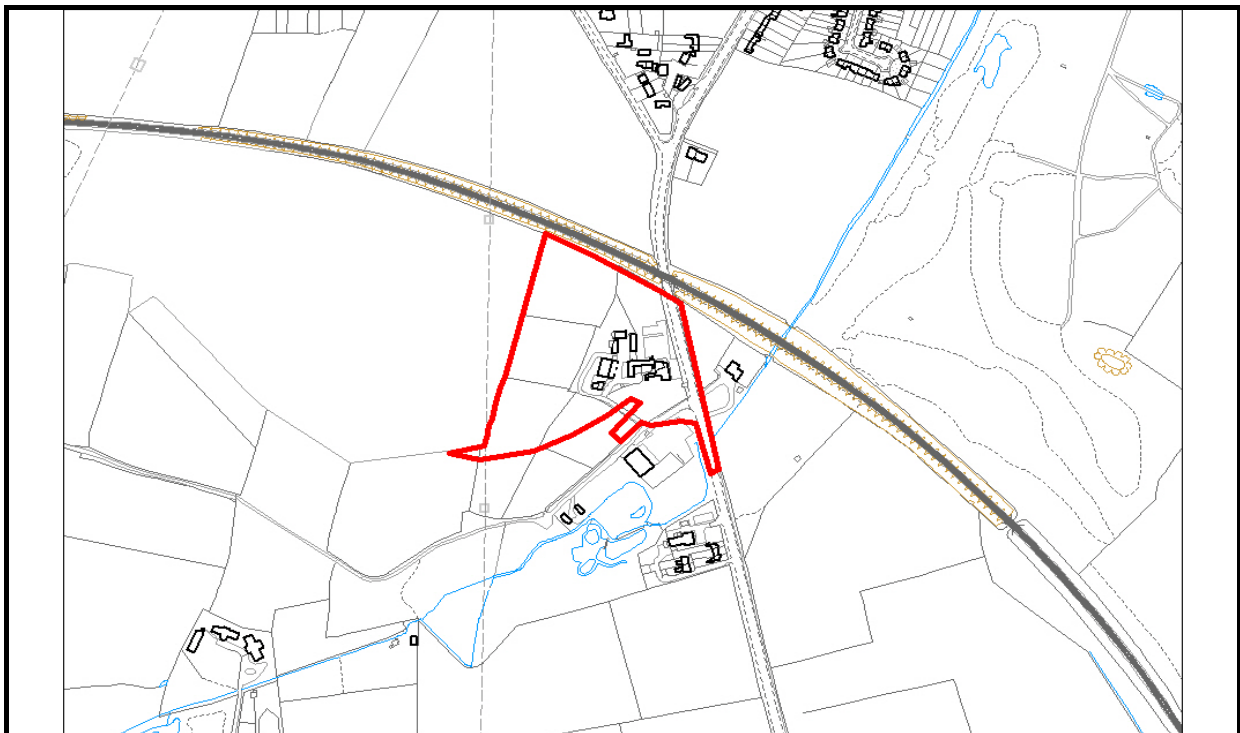
Email:planningservices@walsall.gov.uk

Agent: Enviroarm Limited

Location: 520 CHESTER ROAD, ALDRIDGE, WALSALL, WS9 0PU

Expired Date: 29/11/2011

Recommendation Summary: Grant Permission subject to conditions and a S106 Agreement or variation to the Unilateral Undertaking and subject to no new material planning issues being raised on expiry of the notification period for the revised land ownership certificates and subject to referral to the National Planning Casework Unit under the Departure Regulations.



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Application and Site Details

The application is to extend the time limit for implementation of proposals approved under application 06/0169/OL/E4 for land at 520 Chester Road. The proposals include linking to a new quarry access for Bliss Sand and Gravel and residential development for 14 houses for which a separate application (11/0943/FL) is included elsewhere on this agenda. The housing was approved as enabling development to cover the cost of developing the new quarry access road from Chester Road to replace the existing access off Branton Hill Lane.

The Supporting Letter – explains that the proposal is essentially to extend the time for implementing the enabling residential permission part of the proposals and that the reason for including enabling development has not changed since permission was originally granted. It explains the Secretary of State's conclusions regarding the proposals in respect of Green Belt, living conditions on Branton Hill Lane, the minimum amount of enabling development required and minerals considerations.

The letter also highlights the current position in respect of the proposals stating that since the decision was made there have been numerous issues with land ownership and financial settlement for easements and access. This has resulted in severe delays to the scheme that has deterred potential housing developer's which in turn has required the quarry access road to be relocated in an alternative position.

It states the enabling development is now more relevant as the alternative quarry access, proposed under application 11/0943/FL, has been significantly increased in length from 100m to over 750 metres. The offset for this is that the land access financial implications have been balanced in part by the additional use of road planings which have an additional cost by importation of material which has a gate charge to Bliss Sand & Gravel. In addition the excavation of the cutting proposed under application 11/0943/FL is classed as engineering works and is not subject to Aggregate Tax. Nevertheless the new access design and ghost island off Chester Road remain similar to the original scheme so enabling development is still required and costs and valuations prepared for the earlier proposals are still relevant. There are additional costs from new hedge planting and additional planning costs. The applicant considers the road development costs are prohibitive without the enabling development.

The applicant has requested a further two years to implement the housing to allow time to attract a housing developer.

The applicant acknowledges that if the time extension is acceptable a variation to the Unilateral Undertaking (S106) will be required.

Revised ownership certificates have been served on the adjacent owners which expire after Committee.

A Screening Opinion was issued by the Secretary of State in March 2008 under the original application 06/0169/OL/E4 stating the development was not EIA development.

Relevant Planning History

06/0169/OL/E4 – Outline permission granted in March 2009 following a called-in public inquiry. The proposal is for residential development and construction of a new access road to serve Branton Hill Quarry. All matters except for the means of access are reserved for subsequent approval. The new access road off Chester Road was to replace the existing quarry access off Branton Hill Lane. The proposed housing was to provide an enabling development to cover the cost of constructing the new quarry access road. The Secretary of State recognised that the proposals constituted inappropriate development in the Green Belt by the reduction in the openness and encroachment into the countryside, and harm to the character and appearance of the area. The Secretary of State concluded that in this particular case, the beneficial effects of the proposal amount to very special circumstances of sufficient weight to clearly outweigh the harm to the Green Belt.

Quarry site

IDO1144 : Old mineral permission granted in 1945 related to area to the west of Branton Hill Lane Quarry. Mineral extraction ceased in 1964.

EA3966: Permission granted in 1962 for extraction of sand and gravel at land north of Branton Hill Lane, Aldridge. This permission covers the former quarry and Site of Importance for Nature Conservation. Extraction ceased some years ago and the site is now partly restored and managed for nature conservation.

EAB2352: Permission granted in 1972 for extension of the existing quarry. Conditions require restoration to agriculture. The conditions do not specify the method of restoration or an end date for workings.

BC9335P: Permission granted retrospectively in 1985 for extension to existing mineral workings. This permission relates to a relatively small extension to the area covered by permission EAB2352.

BC21813P: Permission refused in 1989 for working of sand and gravel, infilling with waste and restoration to agricultural land. Reasons for refusal: long-term use of Branton Hill Lane by heavy goods vehicles considered unacceptable due to adverse impact on environment and amenity; applicant had not demonstrated there were any overriding reasons to justify release of further mineral reserves; applicant had not demonstrated that the site could be satisfactorily worked and restored within a reasonable timescale without undue environmental impact on amenity and character of surrounding area.

BC52105P: Permission granted in 1999 for a schedule of modern conditions to be applied to existing mineral workings permissions EA3966 and EAB2352. These conditions sought to control dust, vehicle movements, noise and importation of materials and end of working by 2042. An appeal was lodged against these conditions and has been held in abeyance ever since pending the determination of applications BC61721P and BC64995P.

BC61721P : Certificate of Lawfulness of Existing Use granted in 2000 for the storage, sale and distribution of imported sand, soils, gravels, stones, broken tarmac, hardcore, concrete etc. and various other inert wastes from the construction industry.

BC64995P Current application submitted in 2001 for extension of the operational area and quarry and proposed new conditions covering the existing quarry and the proposed extension.

11/0943/FL – New access road to quarry off Chester Road and relocated recycling centre including associated buildings – No decision yet. This proposes a new access off Chester Road as an alternative replacement access for the quarry to that approved under 06/0169/OL/E4.

Bourne Farm

BC63675P - OUTLINE: Six new dwellings as footprint replacement of existing redundant farm buildings – Refused 26/10/01 inappropriate development in the green belt harmful to the openness and character of the Green Belt, loss of trees. No very special circumstances were submitted by the applicant to justify inappropriate development. Also, the proposed development of housing at the site would result in an intensification of the use of the existing site access to the detriment of highway safety.

BC43883P - Redevelopment of Bourne Farm to Comprise Restaurant, Tea Room, Managers/Staff Accommodation and Associated Access and Parking – Grant subject to conditions 12/09/95. There were also several applications to extend opening hours at the premises all refused in 2001 plus an application to alter the exterior of the building that was granted subject to conditions on 03/08/01

Shire Oak Quarry

BC63179P Permission granted subject to conditions 08/04/02 for the construction of new access to Shire Oak Quarry. This application is highlighted as, although it relates to a different Quarry site, it proposed a new access road in the Green Belt to remove nuisance from housing adjacent the original access for the quarry. The principal difference between this and the current application at Chester Road is that this was purely an access point and no enabling residential development was proposed to fund the works.

Relevant Planning Policy Summary

Black Country Core Strategy & UDP Policies

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

The current version of the Black Country Core Strategy and associated appendices can be accessed at;

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

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

Black Country Core Strategy 2011-2026

The BCCS was adopted by the Council on 3rd February 2011 and now forms part of the statutory development plan. It replaces certain “saved” policies in the UDP.”

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

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

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

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

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

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.

ENV1: Development within the Black Country will safeguard nature conservation, inside and outside its boundaries

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

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

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

All developments will aim to achieve a minimum density of 35 dph, except where higher densities would prejudice historic character and local distinctiveness

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

MIN1: Sustainable management of the Black Country's mineral resources is encouraged and they will be protected by being included within the Mineral Safeguarding Area (MSA) shown on the Minerals Key Diagram.

MIN2: The Black Country will continue to produce primary land-won sand and gravel, and will aim to produce a minimum of 50,000 tonnes per annum throughout the plan period.

During the plan period the primary sand and gravel extraction will be concentrated at two sites including MA2: Branton Hill. Extension to Branton Hill Quarry will be subject to implementation of the proposed access road (approved in March 2009).

MIN5: All new development proposals involving mineral working or mineral related developments should demonstrate how they will contribute towards Spatial Objective 10 and the strategic objectives of Policy MIN1. Proposals should minimise waste as far as possible and where feasible, provision should be made for the extraction, re-use or recycling of potentially useable materials produced as a by-product of the operation.

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

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.

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

ENV2: Highlights considerations of proposals within or adjacent to the Green Belt and states development is inappropriate if it conflicts with the openness and purposes of the green belt.

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

ENV10: Development of an industry or facility should not cause pollution that has unacceptable adverse effects on health or the natural environment.

ENV13: Development will not normally be permitted in close proximity to high voltage electricity transmission lines. Appropriate operation safe clearances will be considered.

ENV17: Planting will be promoted at minerals and waste management sites.

ENV18: Where developments are permitted which involve the loss of trees developers will be required to minimise the loss and to provide appropriate planting of commensurate value.

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

ENV24: New development should not sever or unacceptably harm the integrity of a wildlife corridor.

ENV25: Proposals for development which affect archaeological sites normally need evaluation of the archaeological resource

ENV28: Seeks to protect Locally Listed Buildings.

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

ENV32: Development proposals which fail to take account of the context or surroundings will not be permitted, particularly in the Green Belt. The visual relationship to the adjacent areas and the character of the surroundings is a key criterion.

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

ENV40: Developments near to rivers, canals, lakes or ponds should make a positive contribution to nature conservation, landscape, heritage etc making particular attention to safeguarding the biodiversity and ecology of the area.

H3: Encourages provision of additional housing on previously developed land, subject to (amongst other things) satisfactory residential environment, and no unacceptable constraint on the development of any adjacent site for its allocated or identified use.

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.

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.

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.

Conserving Walsall's Natural Environment SPD

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

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

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

Regional Strategy for the West Midlands

On 6 July 2010 the Secretary of State issued a direction to revoke Regional Spatial Strategies. Following a legal challenge this was reversed by the High Court on 10 November 2010.

The Government responded by advising its proposed abolition of the RSS system (abolition will require legislation, through the Localism Act and will take time) should be a material consideration in decisions. On 7 February 2011 the High Court published its judgement that the proposed abolition can be a material consideration. The Localism Act has now received Royal Assent and is moving towards Enactment. Further consultation has been undertaken regarding the Strategic Environmental Assessment of the proposed abolition of the RSS. The Localism Act and the abolition of the RSS continue to be capable of legal challenge.

Officer's advice is that the RSS remains part of the statutory development plan for the Borough (with the saved policies of Walsall's UDP and the Black Country Core Strategy), and decisions should be made in accordance with it unless material considerations indicate otherwise.

National Policy

The National Planning Policy Framework Consultation Draft was issued on 25 July 2011.

The document has now completed its consultation and received wide-spread publicity.

Ministers have confirmed that amendments to the document will be made. The final document is due for publication in Spring 2012. As such, the consultation document carries very limited weight. Officers note the intention of Government is that the planning system is plan-led and Local Plans are the starting point for the determination of any planning application.

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

PPG2: Seeks to protect against inappropriate development that is harmful to the Green Belt.

PPS3: The objectives are to support further increased housing needed across the country; bring additional brownfield land back into use and increase the design and environment standards of new homes and neighbourhoods in order to move towards zero carbon development.

PPS4: Encourages sustainable economic growth.

PPS5: The historic environment and its heritage assets should be conserved and enjoyed for the quality of life they bring to this and future generations.

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

PPS10: Seeks to help deliver sustainable development through driving waste management up the waste hierarchy and ensure the design and layout of new development supports sustainable waste management.

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

PPS23: Seeks to control and minimise pollution.

PPS24: Seeks to minimise the adverse impact of noise

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

Minerals Policy Statement 1 (MPS1): Advises that minerals can only be worked where they are found and that mineral planning authorities should safeguard known mineral resources from needless sterilisation by other development by defining mineral safeguarding areas (MSAs). MPS1 does not include guidance on improving access to existing quarries.

Minerals Policy Statement 2 (MPS2): Applications in accordance with the development plan should be allowed unless material considerations indicate otherwise. Developers should demonstrate any potential adverse impacts have been properly and completely considered.

Other Legislation

Environmental Impact Regulations 2011

Came into force from 24 August 2011 and require consideration of all the environmental impacts of proposals as a whole rather than the impact of modifications in isolation.

The Localism Act 2011

The Localism Act 2011 is now in force in part having come on to the statute book on 15th November 2011. Regulations to implement neighbourhood planning however are not in force at the present time.

The Act itself sets out a range of powers and duties given to Local Planning Authorities in connection with neighbourhood planning but does not provide any powers for neighbourhood forums which might become designated under the Act to veto development or types of development. The Department for Communities and Local Government has issued a plain English guide to the Localism Act.

That guide says that “Neighbourhood planning will allow communities, both residents, employees and business to come together through a local parish council or neighbourhood forum and say where they think new houses, businesses and shops should go and what they should look like“. It does not refer to neighbourhood development orders or plans saying what development should not be allowed. The guide also confirms that the Localism Act 2011 requires any neighbourhood orders or plans to be in line with national planning policy and the strategic vision for the wider area set by the local authority.

In the case of this Local Planning Authority the strategic vision would be the Black Country Core Strategy which is an up to date strategy with aims for growth and regeneration including the provision of housing. Any neighbourhood plans would have to show that they were in accordance with an overarching Core Strategy and housing targets.

Consultations

Transportation – No objections to the proposals subject to the imposition of conditions attached to the original approval. There are two definitive rights of way (FP37 and

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FP38 Aldridge) that may be affected by the proposed development. Full details of any permanent and/or temporary diversion of these footpaths required as a result of the development, together with any legal diversion/temporary closure orders required under the provisions of Section 257/261 of the Town & Country Planning Act 1990 shall be submitted for consideration in detail under any Reserved Matters application.

Pollution Control (Scientific Team) – No objections.

Pollution Control (Contaminated Land) – No objections.

Rights of Way – No objections. The enabling housing development will impact upon footpaths Ald 37 and Ald 38 so a diversion order under s257 TCPA will be required.

In addition, the new haul road will cross Ald 38 so it will be necessary to create a safe crossing point. The design for this may include appropriate signage (to warn both walkers & site traffic) and demarcation of the route. The location of the new wheel wash will be within the vicinity of the crossing point of Ald 38 and the new haul road so the design should ensure that the footpath will be kept clear of mud and spray. These specific design details can be finalised at a later date prior to commencement of any development on site.

Conservation – No objections.

Ecology – The applicant's ecologist should review the earlier ecological reports and review the need for updated badger and great crested newt surveys provided prior to determination.

Natural England – Up to date and reliable protected species surveys should be available for consideration of the time extension in order to satisfy conditions 11 and 12 of the extant permission and in accordance with PPS9.

Landscape – No objections.

Arboricultural Officer – No objections.

Local Access Forum – The proposed housing will fund the new quarry haul road. There is a current proposal for an alternative route for the quarry haul road which affects public rights of way. The time extension is therefore supported until the new quarry access road has been determined. The Local Access Forum is keen to see rights of way properly addressed.

Walsall Ramblers Association – Seeks clarification on footpath Ald 38 which will be affected by the development and other footpaths which pass through the quarry workings.

Police Architectural Liaison Officer – No objections.

Fire Service – No objections.

Public Participation Response

Two letters of objection have been received, one on behalf of the owner of Wheat's Garden Centre and one on behalf of the owner of Simon's Restaurant. These are summarised as follows:

- support closure of Branton Hill Lane to quarry traffic
- support segregation of the quarry traffic from the enabling development and Wheat's Garden Centre
- no objection to extension of time for implementing the housing
- the master plan shows a larger area of enabling development and includes land in the ownership of Simon's Restaurant
- the plan shows access to the quarry and housing which is not acceptable as access only to the housing is proposed
- there is no agreement for the developer to access the housing development over the shared right of access
- the applicant has not served notice on the landowners
- there may be scope to include two additional dwellings on adjoining land for which the owner would contribute proportionately to the development costs
- The plans are inaccurate as there is no red line
- Viability may have changed in the last 3-4 years so additional dwellings on adjoining land would help fund the scheme

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

Determining Issues

- Material changes in planning circumstances
- Whether determining issues on permission 06/0169/OL/11 have changed

Observations

Material changes in planning circumstances

The Black Country Core Strategy (BCCS) adopted in February 2011 now forms part of the statutory development plan. It replaces certain "saved" policies in the UDP that were considered on the earlier permission. Nevertheless the proposals continue to comply with the new policies introduced by the BCCS regarding Green Belt, design, housing provision, nature conservation and transport.

The Environmental Impact Assessment Regulations 2011 came into force from 24 August 2011 and require consideration of all the environmental impacts of proposals as a whole rather than the impact of modifications in isolation.

No Environmental Statement has been provided for this time extension application, however as the Regulations have been updated it is necessary to re-evaluate the cumulative impact of the proposals. The previous proposal has already been assessed by the Secretary of State and considered not to constitute EIA development. Although the proposal includes the new quarry access road and enabling residential development it is essentially the residential development that the developer is seeking to extend the time limit for as they are proposing an alternative quarry access off Chester Road under application 11/0943/FL. Relocation of the proposed access could be considered to have less of an environmental impact. Having regard to the change in Regulations it is considered the proposals for this time extension

application do not to constitute EIA development and the previous assessment is acceptable.

A S106 Agreement is proposed to tie the two applications to prevent implementation of both alternative quarry access roads and ensure that the new quarry access proposed under 11/0943/FL is implemented prior to implementation of the housing and to ensure the quarry access from Branton Hill Lane ceases.

There have been no material changes in circumstances in relation to rights of way since the earlier permission.

Representations received support the time extension for the enabling residential development, closure of Branton Hill Lane to quarry traffic and segregation of the quarry traffic from the adjacent garden centre. These matters have already been considered on the original application and there has been no material change in circumstances.

Objectors consider that given the lapse in time since the earlier permission the viability of the development may have worsened and there may be a case for further residential development on adjacent land. The level of enabling development was set by the Secretary of State having considered the specific merits of the case and no request or justification has been put forward by the applicant for increased numbers of dwellings.

Objectors state the applicant has not served notice on the adjacent land owners and does not have their agreement to utilise the shared access for the residential development. The applicant has served corrected notices and it is recommended that any decision to approve is subject to no further representations raising new material considerations. Despite comments regarding the area of enabling development shown on the Master Plan being larger than that already approved the existing permission restricts the level of proposed residential properties and the details would be subject to a reserved matters application. The Master Plan is also indicative only.

The time extension application must be considered on the basis that it proposes the new quarry access and enabling residential development despite the fact that an alternative quarry access is proposed under application 11/0943/FL.

The application needs to be referred to the National Planning Casework Unit under the Departure Regulations.

Whether the determining issues on permission 06/0169/OL/11 has changed

The determining issues of the earlier permission were considered by the Secretary of State following a Public Inquiry. The key issues were regarding Green Belt, the character and appearance of the proposals, the proposed housing, nature conservation, transport, living conditions on Branton Hill Lane, minimum amount of enabling development, minerals and aspirational housing. It was considered that the benefits which the proposals for the new access created amounted to very special circumstances to outweigh the harm to the Green Belt caused by inappropriate development.

The above determining issues were all previously considered and with the imposition of suitable conditions, the proposals would be acceptable in accordance with policies of the BCCS and UDP.

Although the application is to extend the time for implementing the whole permission the applicant has made it clear that it is the housing development part of the proposals for which the time extension is sought as they have submitted a separate application for an alternative quarry access. Nevertheless it is the principle of allowing an extension of time to implement the whole permission which must be considered.

Natural England requires ecological information required by conditions on the earlier permission to be updated. However, these conditions will again be imposed on the time extension so the developer is still required to provide the required ecological information prior to commencement of any development on site.

The badger survey dated June 2008 found badgers setts in the eastern end of the quarry. These setts would probably not be affected by the housing but the haul road would destroy some setts. (The Secretary of State found that the elimination of nuisance to residents in Branton Hill Lane outweighed the protection of the badger sett). Although an alternative location for the quarry haul road is proposed under application 11/0943/FL the current application seeks to extend the time for implementing application 06/0169/OL/E4 which includes both a quarry haul road access and new housing. The applicant's ecologist has provided further information relating to protected species at the site of the proposed enabling residential development and haul road. They state that there has been no significant habitat change since the 2008 survey but recommend that a detailed badger survey is carried out 12 months prior to any working that would come within 30 metres of the large mammal holes identified in the walkover survey and a detailed mitigation plan drawn up to fulfil statutory obligations. No further surveys are recommended. In light of this advice further comments have been sought from the Council's Natural Environment team and Natural England and will be reported at Committee.

The objectors support the principle of closure of Branton Hill Lane to quarry traffic and extension of time for implementing the housing development but do not support the proposed quarry access that utilises part of a shared access with Wheat's Garden Centre. Nevertheless the principle of the quarry access has already been approved and the proposed plans have not changed but this does not give the applicant the right to develop without the consent of all landowners. The objector's suggestion that there may be potential to develop a further two houses on adjacent land to improve viability to deliver the new quarry access cannot be considered as part of this application as the level of enabling development has already been set at that considered viable at the time the original application was approved and a condition restricting this to no more than 14 units imposed.

The applicant considers that there is still a need for the level of enabling development as the alternative quarry access proposed under application 11/0943/FL is longer, required additional hedge planting and still needs the new access design and ghost island off Chester Road. There have also been additional costs caused by the delays regarding land ownership plus the additional planning costs for the new application. As these costs are in addition to those the Secretary of State found warranted enabling development for 14 houses it is

considered reasonable to accept the current case as also warranting the same level of enabling development.

It is recommended that a Section 106 Agreement or variation to the Unilateral Undertaking is completed to tie it to the time extension application.

Recommendation

Grant Permission subject to conditions and a S106 Agreement or variation to the Unilateral Undertaking and subject to no new material planning issues being raised on expiry of the notification period for the revised land ownership certificates and subject to referral to the National Planning Casework Unit under the Departure Regulations.

Summary of Reasons for Granting Permission

The Black Country Core Strategy has been adopted since the application was first considered but the proposals continue to comply with policies in relation to Green Belt, design, housing, nature conservation and transport. New Environmental Impact Assessment Regulations have also come into force but the applicant has provided satisfactory evidence in the form of additional information to include this site under application reference 11/0943/FL.

There has been no change to the determining issues previously considered. The applicant's ecologist advises there has been no significant change in habitats since earlier surveys were carried out and that there is no requirement for further surveys at this stage. Natural England concerns have been addressed by recommended conditions.

The objectors concerns about changes to the proposals are not correct and issues over right of access are not material to this decision. With regard to the request for consideration of two additional units there is no justification for this as part of consideration of this time extension application. In the circumstances these representations have been addressed.

The applicant has provided reasonable justification for the same level of enabling housing development as previously accepted.

A new S106 Obligation or variation to the Unilateral Undertaking to tie it to the time extension application is recommended.

In light of the above the proposals are considered to accord with the aims of policies 2a, 2b, CSP2, CSP3, CSP4, DEL1, ENV1, ENV2, TRAN2, HOU2, MIN1, MIN2 and MIN5 of The Black Country Core Strategy and saved policies 3.6, 3.7, GP2, GP3, 3.21, ENV1, ENV2, ENV3, ENV10, ENV13, ENV13, ENV17, ENV18, ENV23, ENV24, ENV25, ENV29, ENV32, 3.117, ENV33, ENV40, 3.117, H3, LC1, T7 and T13 of Walsall Unitary Development Plan and Supplementary Planning Documents: Designing Walsall, Urban Open Space and Conserving Walsall's Natural Environment.

Conditions

1) Details of the siting, design, external appearance of the buildings, and the landscaping of the site (hereinafter called "the reserved matters") shall be submitted to and approved in

writing by the local planning authority before any development begins and the development shall be carried out as approved.

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

2) Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.

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

3) The development hereby permitted shall begin not later than two years from the date of approval of the last of the reserved matters to be approved.

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

4) Prior to submission of the details of siting, design and external appearance of the buildings hereby permitted, a Full Tree Survey prepared in accordance with BS 5837:2005 'Trees in Relation to Construction' showing those trees and hedgerows to be retained and those to be removed shall be submitted to and approved in writing by the local planning authority. Development shall take place in accordance with the approved survey.

Reason: To safeguard trees and hedgerows of amenity value on the site.

5) The erection of fencing or other measures for the protection of any tree or hedgerow retained in accordance with the approved tree survey shall be undertaken in accordance with BS 5837:2005 before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made or fires lit, without the written approval of the local planning authority.

Reason: To safeguard trees and hedgerows of amenity value on the site.

6) No development shall take place until a scheme of noise mitigation measures to protect internal and external noise sensitive areas for the dwellings hereby permitted has been submitted to and approved in writing by the local planning authority. No individual dwelling shall be occupied until the measures relating to that dwelling have been carried out in accordance with the approved scheme.

Reason: To protect the residential amenities of occupiers of the dwellings.

7) No development shall take place, other than that required to be carried out as an approved scheme of remediation, until conditions 8 to 10 have been complied with.

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

8) A desk study and site reconnaissance, the scope of which has previously been approved in writing by the local planning authority, shall be undertaken to identify the potential for

contaminants or ground gases likely to present an unacceptable risk to structures or occupants of the development hereby permitted. The study shall be undertaken by competent persons and a written report of the findings shall be submitted to and approved in writing by the local planning authority.

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

9) In the event that the approved report of the findings of the desk study and site reconnaissance undertaken in accordance with condition 8 indicates the presence of contamination and/or ground gases on site, a ground contamination survey and site investigation shall be undertaken by competent persons in accordance with a methodology previously approved in writing by the local planning authority.

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

10) In the event that a survey and investigation takes place in accordance with condition 9 a report of the results shall be submitted to and approved in writing by the local planning authority. The report shall include a detailed remediation scheme to deal with the contamination and/or ground gases and a timetable for implementation of the remediation measures. The approved remediation scheme shall be carried out in accordance with the approved timetable unless otherwise agreed in writing by the local planning authority.

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

11) No development shall take place until the badger setts close to the eastern boundary of Branton Hill Quarry have been surveyed and a detailed scheme including measures for the avoidance of adverse impacts on local badger populations, provision for monitoring the effects of the measures and a contingency plan if they are ineffective has been submitted to and approved in writing by the local planning authority. The approved measures shall be implemented prior to any part of the development being brought into use. The monitoring and contingency plan, if required, shall be implemented in accordance with a programme previously agreed in writing by the local planning authority.

Reason: To ensure proper regard is taken to the impact of development on protected species.

12) No development shall take place until a nature conservation management plan containing details of measures to establish, manage and maintain new wildlife habitats and features on the site has been submitted to and agreed in writing by the local planning authority. The management plan shall be carried out as approved in accordance with a programme previously agreed in writing by the local planning authority.

Reason: To ensure the protection of wildlife and protected species on the site.

13) No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority.

Reason: To ensure that below ground archaeological remains are recorded ahead of and/or during development.

14) No development shall take place until an initial design stage assessment by an accredited assessor for the Code for Sustainable Homes and an accompanying interim certificate stating that each dwelling has been designed to achieve Level 3 of the Code has been submitted to, and approved in writing by, the local planning authority. No dwelling shall be occupied until it has been issued with a final Code certificate of compliance.

Reason: In order to provide high performance sustainable homes and protect the environment in accordance with Black Country Core Strategy Policy ENV7 and policy GP2 of the Walsall Unitary Development Plan.

15) No development shall take place until the design details of the access roads to the Quarry and the dwellings hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall take place in accordance with the approved details.

Reason: To ensure the satisfactory appearance of the development.

16) No development shall take place until a scheme for the improvement of off site pedestrian facilities and public transport infrastructure, including a programme of implementation, has been submitted to and approved in writing by the local planning authority. The scheme shall be carried out in accordance with the approved details.

Reason: To enhance the accessibility of the site by pedestrians and public transport.

17) The dwellings hereby permitted shall not be occupied until a Travel Plan, including a programme of implementation, in accordance with the provisions of Appendix C – Travel Plan Framework of the Proof of Evidence of S P Dudhill, HSL, June 2008 has been submitted to and approved in writing by the local planning authority. The measures included in the approved Travel Plan shall be implemented in accordance with the approved programme.

Reason: To encourage alternative means of travel.

18) No development shall take place until details of wheel washing facilities to prevent contamination of the public highway by Quarry traffic using the access road have been submitted to and approved in writing by the local planning authority. The facilities shall be installed and operational in accordance with the approved details prior to the new Quarry access road being first brought into use and shall thereafter be retained and maintained in good working order.

Reason: In the interests of highway safety.

19) The locally listed property Bourne Farm and residential dwelling The Coach House shall be retained as part of the development hereby permitted. The retained buildings shall be protected from potential damage throughout any construction works in accordance with details previously submitted to and approved in writing by the local planning authority.

Reason: To protect and conserve buildings of local historic or architectural interest and protect the character and appearance of the Green Belt in accordance with Policies ENV2, ENV3 and ENV28 of the Unitary Development Plan

20) The residential development hereby permitted shall be limited to 14 houses or fewer.

Reason: To minimise the harm to the Green Belt and limit the amount of development to that which was considered appropriate to enable the cost of developing the quarry access road to be covered.

21) Each of the dwellings hereby permitted shall be single dwelling houses that comply with the following features:

- a) 5 or more bedrooms;
- b) a minimum floor space of 279 square metres;
- c) set in its own grounds of at least 0.09 hectares.

Reason: To ensure that the housing is of a size to promote housing for social grades A and B as defines in the Regional Spatial Strategy.



Plans List Item No: 3.

Planning Committee

Report of Head of Planning and Building Control, Regeneration Directorate on
29/03/2012

Reason for bringing to committee: Major Application

Application Number: 12/0063/FL

Application Type: Full application

Applicant: Nationwide Ltd

Proposal: Demolition of existing derelict factory premises, roadway and ancillary buildings. Erection of new high bay warehouse with associated offices, fencing, landscaping, access roads and vehicle parking provisions.

Ward: Willenhall South

Case Officer: Andrew Thompson

Telephone Number: 01922 652403

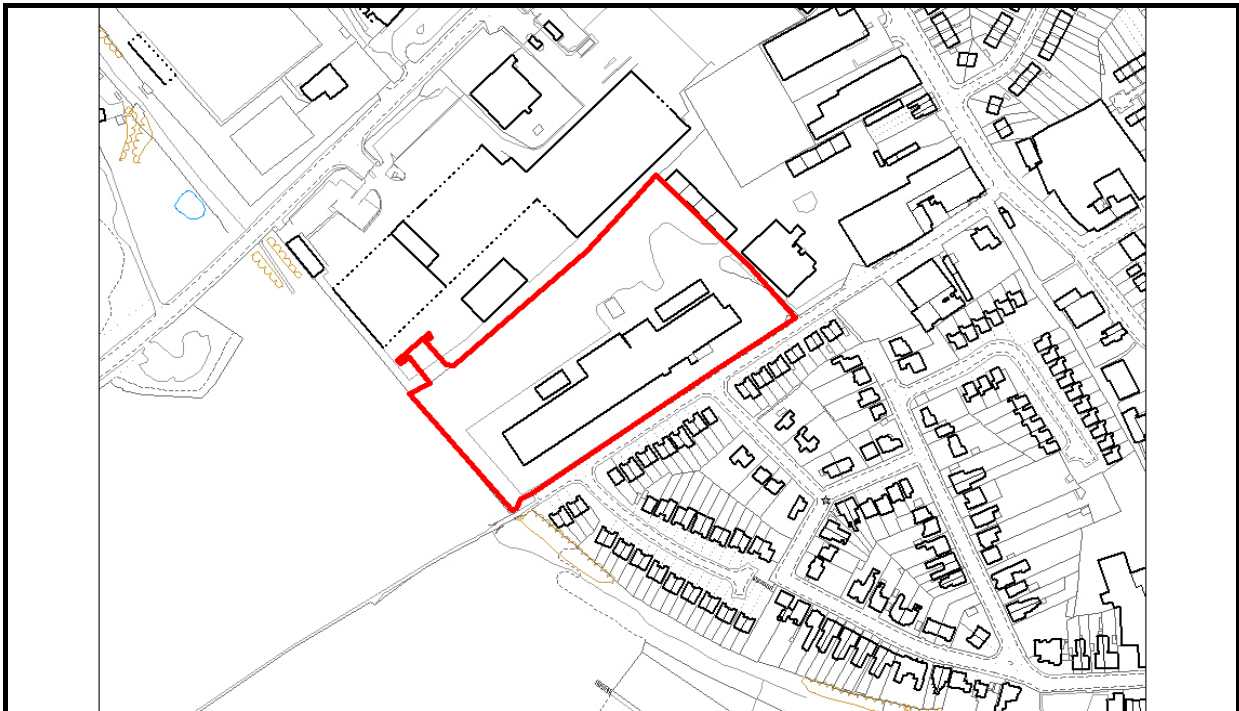
Email:planningservices@walsall.gov.uk

Agent: Gould Singleton Architects

Location: LAND OFF PARK ROAD,
WILLENHALL, WV13 1BU

Expired Date: 23/04/2012

Recommendation Summary: Grant Permission Subject to Conditions



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Application and Site Details

The application site is the former George Carter Pressing factory fronting Park Road, Willenhall. Currently the site comprised a large high bay warehouse measuring 163m by 25m and approximately 11.5m high with access off Park Road. The former factory was set back by approximately 18m from the boundary with Park Road. Demolition work on the former factory has been commenced.

The existing site is bordered by conifers approximately 16m high to the Park Road frontage with the existing operations of Aspray24 to the northwest. To the east of the site are other industrial premises of Reflex Industrial Park.

Opposite the site are residential properties (Park Road) and to the west is Willenhall Memorial Park. The residential properties, taking into account the road width and front gardens, are set approximately 17m from the boundary of the application site.

The proposals are to demolish and rebuild the current factory and erect a new high bay warehouse with associated offices. There would also be alteration to the site layout and access arrangements with this site joining together with existing Aspray24 operations. The Park Road access would be closed to be emergency access only.

The new building would measure 160m by 60m by 17m high to the eaves (20m to the ridge) with an additional 3storey office building and loading bay on the northern elevation. The proposed building would be set 12m from the boundary with Park Road.

An additional 18 parking spaces will be provided on site in addition to the 180spaces already on the Aspray24 site. The proposals will generate between 20 and 30 additional jobs.

There would be replacement landscaping to the boundary with Willenhall Memorial Park and along the northern boundary of the site where there are changing levels. The existing conifer screen (approximately 12m high) would be retained.

There would be 2 proposed sprinkler tanks on the eastern boundary of the site with Reflex Industrial Park. At this stage it is only the location that is proposed due to the final design and size required to be agreed by insurers' requirements.

The proposals are supported by the following documents:

Design and Access Statement

Explains the design principles, the existing site constraints and how the development proposals have been developed. It includes details of the pre-application consultation with Council Officers. It is also noted that a meeting with 23 local residents (from Park Road, Manor Close and Belinda Close) was held on 30th November 2011 at Willenhall Football Club. It is reported that questions and fears were allayed and residents were broadly supportive particularly when it was explained that existing conifers were to be maintained and access arrangements were clarified.

Transport Assessment, Addendum and Travel Plan

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

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

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The Transport Assessment and Addendum conclude that the proposed development will have an indiscernible impact on the operation of the local highway network, with the modelling results indicating negligible increases in queue lengths and degree of saturation and ratio of flow to capacity values.

The Travel Plan sets out how the company will promote alternative modes of transport through the provision of cycle parking and the appointment of a Travel Plan Co-ordinator (as well as employing local people), the firm will encourage alternative modes of transport. The Travel Plan highlights work already being undertaken to encourage walking and cycling to the workplace.

The Transport Assessment concludes therefore that there are no highway or transportation reasons to direct against this application.

Ground Investigation Report

A full and intrusive ground investigation report has been carried out on the site and highlights the presence of a number of heavy metals, phenols and benzo-hydrocarbons that require remediation.

Flood Risk Assessment

The current site is situated on previously developed land with both permeable and impermeable areas. The assessment has been carried out in accordance with the guidance in PPS25 and concludes that the proposals can be accommodated on the site without placing the development itself at risk of flooding, in accordance with the objectives of guidance and the Environment Agency.

Noise Assessment

Highlights that the provision of 3m high acoustic fencing on the southern boundary would meet acoustic standards from the British Standards and adopted planning policy guidance.

Phase 1 Habitat Survey and Bat Survey

The bat survey concludes that there are minimal opportunities for bats to roost in the existing buildings and there is no evidence of current usage identified.

The Phase 1 Habitat survey identifies the presence of newts and habitats in the near vicinity including Wadden Brook Local Nature Reserve and Fibbersley Park. There is no badger activity. There is extensive Japanese Knotweed on the site on which the applicant has already commenced work on treatment and eradication.

Great Crested Newt Survey

Concludes that the ponds in Fibbersley Nature Reserve are nearer to the applicant site and mitigation might normally be required prior to the commencement of works.

However, separation of the Reserve from the applicant site by the moderately trafficked Noose Lane, and the fragmented habitat of the Memorial Park beyond, greatly reduces the probability of finding great crested newts on the site. It is therefore reasonable to assume that the impact of the proposed development on local populations will be low or negligible.

Nevertheless, because there can never be complete certainty with regard to absence, precautionary measures are advised and recommendations for site enhancements are made in accordance with the local planning authority policy and best practice.

Relevant Planning History

Application Site

BC42056P – Single Storey extensions – Granted 31st January 1995

BC51824P – Variation in previous permission to allow washing of machine parts – Granted 29 June 1998

BC54180P – Erection of a single storey extension – Granted 29 June 1999

05/0983/FL/W3 – Variation to condition of BC54180P to allow additional time to implement – Granted 20 May 2005

Aspray24 existing site

There have been numerous applications for the Aspray sites relating to commercial activity and minor improvements. The operations have been extended over time. The principal applications are:

03/1104/FL/W3 - Extension and alterations to Aspray Depot, including new warehouse units and relocation of factory – Granted 13 October 2003

02/1420/FL/W3 extension of site, new warehouse, offices, lorry park, car park and ancillary facilities. Granted subject to conditions 18 December 2002

Relevant Planning Policy Summary

Black Country Core Strategy & UDP Policies

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

The current version of the Black Country Core Strategy and associated appendices can be accessed at;

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

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

Black Country Core Strategy (BCCS)

The Vision and Strategic Objectives to regenerate the Borough and deliver development are supported by a suite of policies designed to promote and safeguard employment land and housing. Seeks to promote high quality employment opportunities and design whilst ensuring that protected species are not harmed. Transport movement is also to be managed.

The key planning policies include CSP1, CSP2, CSP4, DEL2, EMP3, ENV1, ENV3, ENV5, TRAN1, TRAN2 and TRAN4.

The Council's Employment Land Review is also of relevance as a background evidence document to the BCCS.

Saved policies of the Unitary Development Plan (UDP)

Adopted in March 2005, the saved policies seek to ensure that development makes a positive contribution to the environment whilst protecting people and ensuring adequate and safe access. Also supports regeneration and previously developed land and the protection of employment land supply in the Borough. The saved policies also support the appropriate provision of car parking whilst promoting the use of public transport, walking and alternative modes of transport.

Key planning policy references include saved policies GP2, JP7(d), ENV10, ENV14, ENV18, ENV23, ENV32, ENV33, T7, T8, T9 and T13.

Supplementary Planning Documents (SPD)

Designing Walsall SPD

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

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

DW4 - Continuity -attractive spaces within new development should be defined or enclosed by buildings, structures or landscape;

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

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

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

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

Natural Environment SPD

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

Regional Spatial Strategy for the West Midlands (RSS 11)

On 6 July 2010 the Secretary of State issued a direction to revoke Regional Spatial Strategies. Following a legal challenge this was reversed by the High Court on 10 November 2010.

The Government responded by advising its proposed abolition of the RSS system (abolition will require legislation, through the Localism Act and will take time) should be a material consideration in decisions. On 7 February 2011 the High Court published its judgement that the proposed abolition can be a material consideration. The Localism Act has now received Royal Assent and is moving towards Enactment. Further consultation has been undertaken regarding the Strategic Environmental Assessment of the proposed abolition of the RSS. The Localism Act and the abolition of the RSS continue to be capable of legal challenge.

Officer's advice is that the RSS remains part of the statutory development plan for the Borough (with the saved policies of Walsall's UDP and the Black Country Core Strategy), and decisions should be made in accordance with it unless material considerations indicate otherwise.

The focus for the Black Country policies is to continue its economic, physical and environmental renewal focused around improved infrastructure and the regeneration of town and city centres (including Walsall) to create modern and sustainable communities.

Overall the strategy promotes sustainable regeneration of previously developed land, promoting a high quality environment and sustainable development capable of being accessed by a variety of transport modes.

Key planning policies include PA1, PA5, PA6, QE2, QE3, QE4, T1, T2, T3, T4 and T5.

There is no need for this application to be considered under the Conformity Protocol.

National Policy

Planning Policy Statement (PPS)1: Sets out the overarching planning policies on the delivery of sustainable development through the planning system.

PPS4 directs leisure, retail and office development towards town centres as these locations are the most sustainable and strong town centres are vital for economic success.

PPS9 and Circular 06/2005 set out the standards and guidance on biodiversity and to protected species as part of the development process.

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

The National Planning Policy Framework Consultation Draft was issued on 25 July 2011. The document has now completed its consultation and is due for which received wide-spread publicity and Ministers have confirmed that amendments to the document will be made. The CLG Select Committee has completed its assessment with 35 recommendations. The Government is considering these. As such, the consultation document carries very limited weight. Officers note the intention of Government is that the planning system is planned and Local Plans are the starting point for the determination of any planning application.

Consultations

Transportation – No objection

Pollution Control

Contaminated Land Team – No objection - acknowledges receipt of the Ground Investigation Report (reference J1105/01 October 2011). The report indicates elevated levels of contaminants and ground gas and the need for remediation at the site. A Remediation Statement will be required to formalise the intended remediation work to be utilised on site,

these agreed works being installed and a validation report. Conditions to address these concerns have been provided.

Scientific Team - No objection, but would recommend that construction hours are controlled by planning condition and are recommending other noise control measures

Fire Service – No objection

The Coal Authority – No objection subject to condition relating to further investigation and treatment measures in respect of the recorded mine entries and shallow coal mine workings [as outlined in Section 14.2 of the Ground Investigation Report (dated October 2011)] are undertaken.

Natural England – No objection subject to the precautionary measures and recommendations for site enhancements contained within the Great Crested Newt survey being implemented.

Natural Environment Team (Ecology) – No objections in principle but further survey work on Great Crested Newts is required prior to the issuing of planning permission to ensure adequate and robust mitigation is secured. *This information has now been received.*

Public Participation Responses

3 letters and a petition (31 signatures from Park Road and Bloom Close) have been submitted against the proposals raising the following points.

- Land should be developed for housing
- Noise and disturbance from trucks and tannoy systems and commercial operations
- Impact on the value of property (*not material to the consideration of this application*)
- Impact on bats and great crested newts.
- Size of building will result in the loss of light to houses.
- Proposals are closer to the houses and would have a greater impact

In addition one letter has been received from a resident on Fibbersley (the opposite side of the application site) raising the following points

- The potentially increased volume of lorries.
- Lorries should leave and enter the site in Noose Lane via Watery Lane, therefore travelling through the industrial area rather than residential.
- The vehicles, especially at night, travel with some speed and cause vibrations in the houses when the lorries pass by.
- Also in the original planning consent, one of the conditions was that no collections or deliveries were to be made after 10pm and the sounding of horns after a certain time should only be in emergency, horns are regularly sounded during the night – these are being breached.

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

Determining Issues

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- Principle of the development
- Physical impact of the proposed building on the character of the area and neighbouring residents
- Noise and disturbance to neighbouring residents
- Impact on ecology – bats, badgers and Great Crested Newts
- Car parking, servicing and impact on the highway network

Observations

Principle of the development

The proposals are a former industrial factory which was used for pressing and despatch of goods. The issue for the Council in the continued use of this site for industry was the relatively poor access to the strategic highway network (i.e. via Park Road). This view is reflected in the Black Country Core Strategy and the evidence base presented with the Development Plan (Employment Land Review) which considered whether this site would be more suitable for alternative uses (e.g. housing).

The Employment Land Review would then feed into the formal Site Allocations Development Plan Document along with any representations received.

Aspray24 are the applicant and bought the land to expand their existing operations from the site to the north of the application site. Therefore utilising their substantive and well established access points onto the highway network would solve the primary issue of concern with regard to the continued use of the land for industrial purposes.

With the reason for considering the site for alternative uses being removed, the site can, and in officer's view, should be retained for employment use to allow an existing local company to expand.

It is noted that access to Park Road would be for emergency use only.

The comments of local residents are noted however it is considered that in principle the proposals are considered acceptable and should be supported.

Physical impact of the proposed building on the character of the area and neighbouring residents

The comments of neighbouring residents are noted and the large size and position of the building is a material consideration. However the size of the former building was also large and dominant to the area. The proposals design out the need for movement on the Park Road frontage.

Being located in a commercial area with industrial neighbours and history, the continued use of the application site as a large commercial operation would not have a material adverse impact on the commercial area. In fact the operations would improve the commercial operations of Aspray24 which occupy the site to the north.

The increase in height of the proposed building is also noted however given the separation distance of approximately 24.5m to 27m between the proposed building and residential properties it is considered that the proposals would not have a material impact on light from

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the proposed building. It is noted that there are very tall conifer trees on the Park Road boundary which is proposed to be retained and the height of this feature (at approximately 16m) are a positive feature to the street scene but are not relied upon due to the fact that trees can be felled or die over time. It is considered therefore the proposed building would not have an adverse impact on light.

It is noted that there would be 2 proposed sprinkler tanks on the eastern boundary of the site with Reflex Industrial Park. At this stage it is only the location that is proposed due to the final design and size required to be agreed by insurers' requirements. The final design of these are conditioned however these are no closer to residential occupiers than the proposed factory and therefore it is not considered that these would have an adverse impact on residents or to the continued operation of Reflex Industrial Park.

In addition the proposed building moves approximately 6m closer to the Park Road frontage. Whilst this would be closer than the existing building, it also removes the potential for high levels of activity to this frontage. It is therefore considered that the relationship to the Park Road residents would be acceptable based on the previous building, the layout and elevation treatment of the proposals, the surrounding area and the separation distance from residential properties.

Noise and disturbance to neighbouring residents

As previously discussed the principal activity takes place on the northern elevation furthest away from residential properties. Loading and unloading is over 70m away from residential properties with the bulk and mass of the building between.

The concerns of residents relating to tannoys and other commercial activity are noted however, based on previous activity and established use of the site, as well as activity already found on Reflex Industrial Estate, it is considered that the impact of retaining commercial activity with suitable mitigation would not have a material impact on residents of Park Road that cannot be safeguarded by reasonable planning conditions.

Previous planning conditions on this site and on Aspray24 existing operations restrict operations on site to Monday to Friday 0700 to 2200 hours and Saturday 0800 to 1300 hours and the sounding of vehicle horns. The applicant is willing to accept similar conditions and has been made aware of comments of neighbours and will seek to control any breaches that are occurring. The applicant has also indicated that Aspray's directors have always been open to discussion with local residents, and where reasonably practical, have tried to mitigate issues to address neighbours' concerns.

Impact on ecology – bats, badgers and Great Crested Newts

It is noted that no objection is raised by Natural England. A bat survey was carried out by Middlemarch Environmental in October 2011 and found a fire damaged building with little potential for bats. No further survey work was proposed. It was also recommended that external lighting should be designed to avoid the illumination of boundary features. It is noted that the demolition of the building has commenced and therefore it is accepted that there would be no impact on bats.

In addition an Extended Phase 1 Habitat Survey was undertaken by Middlemarch Environmental in January 2012. This comprised a desk study followed by a site inspection
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on 20 October 2011. The results and recommendations are ambiguous. Great crested-newts should be properly considered as part of this report given the relative proximity of the large population in the adjacent Willenhall Memorial Park. This species is not really discussed other than a recommendation 'that suitable mitigation should be provided in accordance with planning and other relevant wildlife legislation'.

No evidence of badgers was found and that other recommendations involve replanting with native seed/ fruit-bearing species. This has been done through a mix of native shrub planting being proposed.

A tree survey to BS5837: 2005 standards has been submitted. There is also a recommendation to discourage the spread of Japanese knotweed and an assumption that the infestation along the south-western boundary would be removed. A condition ensuring the removal of this plant, given its proximity to the Memorial Park, is proposed.

Officers and the applicant have met and discussed the scope of mitigation and further survey work which has been carried out and submitted to the Council. Officers are satisfied that the work proposed identifies appropriate mitigation and agree with Natural England that the precautionary measures and recommendations for site enhancements contained within the survey should be implemented.

Therefore there is no objection in terms of the impact on protected species and conditions are suggested.

Car parking, servicing and impact on the highway network

An additional 18 car parking spaces (including 8 disabled spaces) will be provided on site in addition to the 180spaces already on the site. The maximum level of car parking sought for a development of this size on a standalone basis would be 45 car parking spaces. Taking into account the existing over supply in comparison to the UDP standards on the northern site, the lower level of parking proposed is acceptable. The provision of cycle parking is also welcomed.

As part of the proposals there are 38 trailer spaces. 14 will be on the northern boundary with 20 on the western boundary with Willenhall Memorial Park. These spaces are adequately laid out and capable of accommodating the turning and manoeuvring of lorries with the link arrangements to the northern site also acceptable.

The proposals would have no material impact on highway safety with the existing access arrangements on the Noose Lane frontage capable of accommodating any additional movements.

Summary of Reasons for Granting Planning Permission

Objections of local residents with regard to the land should be developed for housing, noise and disturbance from trucks and tannoy systems and commercial operations would have an adverse impact on amenity, impact on the value of property, the impact on bats and great

crested newts, the size of building will result in the loss of light to houses and the proposals are closer to the houses and would have a greater impact are noted.

The application proposals have been considered against the site's location, the site's previous use and buildings and the Council's evidence base to the Development Plan which shows a deficit in high quality employment land. The site is located on employment land that was being considered for release due to the poor access arrangements onto Park Road. The acquisition of the land by Aspray24 and the use of their access arrangements resolve this issue and therefore the proposals to retain and redevelop this site for employment purposes are supported in principle.

The scale of the development proposed has been considered against the existing building, the neighbouring industrial premises and the topography and layout of the area and whilst the building is taller and closer to the residential properties on Park Road, it is noted considered that the proposals would have a detrimental impact on the amenities of residents. The presence of significant tree planting on the Park Road frontage is noted but not relied upon.

Proposed noise and disturbance to residents has been minimised by the site layout and removal of activity from the Park Road frontage. In addition no access, other than in an emergency, will be allowed from Park Road. Conditions restricting excessive external tannoys are included. It is considered that noise and disturbance to neighbouring residents would not be significant, especially when considered against the previous use. The effect on property value is not a material planning consideration.

Mitigation to Great Crested Newts has been agreed with Ecology Officers and Natural England has raised no objection. There has been no evidence of bats found in the former building and no badger activity has been recorded on the site. Remediation of the site against Japanese Knotweed is also conditioned. Therefore the proposal would not cause material harm to the natural environment or protected species.

The impact on former mine workings has been considered carefully and it is considered that subject to satisfactory remediation this proposal The submitted Transport Assessment and subsequent addendum report has provided sufficient information to demonstrate that there will be no detrimental impact on the Highway Network.

The proposed development is considered to comply with the relevant policies of the Development Plan, in particular The Vision and Strategic Objectives of the Black Country Core Strategy supported by policies CSP1, CSP2, CSP4, DEL2, EMP3, ENV1, ENV3, ENV5, TRAN1, TRAN2 and TRAN4 and the Council's Employment Land Review as a background evidence document to the BCCS. Also relevant to this decision are saved policies GP2, GP4, JP7(d), ENV10, ENV14, ENV18, ENV23, ENV32, ENV33, T7, T8, T9 and T13 of Walsall Unitary Development Plan (March 2005) and Policies PA1, PA5, PA6, QE2, QE3, QE4, T1, T2, T3, T4 and T5 of the Regional Spatial Strategy for the West Midlands (RSS11), on balance, having taken into account all material planning considerations, 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.

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

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

Reason: To ensure the satisfactory appearance of the development.

3. The existing gated access onto Park Road shall only be used for pedestrian and emergency vehicular access only.

Reason: In the interests of highway safety.

4. All commercial vehicles using the site shall not use the audible 'beeping' reversing alarms. Alternative alarms should be sought such as the use of white noise, infrared, or visible alarm systems.

Reason: To ensure that the amenities of neighbouring residents or occupiers are not unduly inconvenienced by servicing of the site

5. 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 unless otherwise permitted in writing by the Local Planning Authority. No plant, machinery or equipment associated with such works shall be started up or operational on the development site outside of these permitted hours.

Reason: To safeguard the amenities of neighbouring and nearby residents

6a) Prior to their installation details of the sprinkler tanks and any other plant equipment (including height, external finish, acoustic enclosures and boundary treatment) shall be submitted to and approved in writing by the local planning authority. Any structures shall be agreed in writing with the Local Planning Authority within buildings or in acoustically designed enclosures, and thereafter retained in accordance with any approval for the period of their use.

b) The agreed details shall be implemented prior to the first use of the part of the development to which the plant and equipment relates.

Reason: To ensure satisfactory appearance of the application site and to ensure that the amenities of nearby residents are safeguarded.

7a) Prior to the commencement of development drainage plans for the disposal of surface water and foul sewage shall be submitted to and approved in writing by the Local Planning Authority.

b) The scheme shall be implemented in accordance with the approved details before the development is first 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.

8 a) Prior to the commencement of built development of development a revised landscaping scheme detailing hard and soft landscaping (including phasing and planting regimes, mitigation recommendations in the submitted ecological reports (including the Site Appraisal for Great Crested Newts (March 2012) – prepared by Dr Jackie Underhill) and a timetable for implementation) and a tree protection scheme for trees shall be submitted to and approved in writing by the Local Planning Authority.

b) The tree protection measures approved under part (a) of this condition shall be implemented prior to the commencement of development of each phase and retained throughout construction of the development.

c) The landscape scheme approved under part (a) of this condition shall be implemented in accordance with the approved timetable, or such other period as may be agreed in writing by the Local Planning Authority. All planted and grassed areas and associated protective fencing shall be maintained for a period of 5 years from the full completion of the approved scheme. Within this period:

(i) grassed areas shall be maintained in a tidy condition;

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

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

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

Reason: To ensure the satisfactory appearance of the development.

9. Prior to the commencement of development details any proposed retaining structure shall be submitted to and agreed in writing by the Local Planning Authority. Boundary treatment shall be implemented in accordance with the approved scheme.

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

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10. The development proposals shall only be used in conjunction with the existing premises at Aspray24, Noose Lane.

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

11i). Prior to built development commencing a “Remediation Statement” setting out details of remedial measures to deal with the identified and potential hazards of any land contamination and/or ground gas present on the site and a timetable for their implementation shall be submitted to and agreed in writing by the Local Planning Authority. (see Note for Applicant CL2)

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.

12. Prior to commencement of built development further investigation and treatment measures in respect of the recorded mine entries and shallow coal mine workings [as outlined in Section 14.2 of the Ground Investigation Report (dated October 2011)] shall be undertaken.

Reason: In order to ensure that shallow mine workings are not compromised.

13. Vehicle horns shall not be sounded between the hours of 2300 to 0700 hours except for emergency purposes.

Reason: In the interests of the amenity of adjoining occupiers.

14. No collections, deliveries or dispatches to and from the application site shall take place except between the hours of

Monday to Friday 0700 to 2200 hours

Saturday 0800 to 1300 hours

Sunday, Public and Bank Holidays. At no time at all.

Reason: In the interests of the amenity of adjoining occupiers.

15. No public address facility shall be installed internally or externally without the prior written approval of the local planning authority and thereafter it shall not be modified from any approved details.

Reason: In the interests of the amenity of adjoining occupiers.

16. A continuous 3 metre high acoustic barrier, with a minimum superficial density of 15 kgm⁻², shall be installed along the boundary with Park Road.

Reason: In the interests of the amenity of adjoining occupiers.

17. This permission relates to the following plans:

- 11-1274/501A Site Survey
- 11-1274/PO1 Location Plan and Block Plan
- 11-1274/PO2 Proposed Site Plan
- 11-1274/PO3 Proposed Floor Plans
- 11-1274/PO4 Proposed Elevations
- 11-1274/PO5 Proposed Sections – Sheet 1
- 11-1274/PO6 Proposed Sections – Sheet 2

Supported by the following documents:

- Design & Access Statement, prepared by Gould Singleton
- Transport Assessment, Addendum and Travel Plan (all Issue 2), prepared by Cole Easdon
- Floor Risk Assessment, prepared by Cole Easdon
- Bat Survey (ref: RT-MME-110643-02) prepared by Middlemarch Environmental
- Extended Phase 1 Habitat (ref: RT-MME-110643-01 Rev3) prepared by Middlemarch Environmental
- WSP Noise Assessment (Jan 2012)
- Ground Investigation Report (ref: J11065/01) prepared by Harry Spillman
- Landmark Envirocheck Report (ref: J11065/02) prepared by Harry Spillman
- Landscape Drawings No 1 and 2 – prepared Martin Holland
- Site Appraisal for Great Crested Newts (March 2012) – prepared by Dr Jackie Underhill

Reason: To define the permission.

Notes for Applicant – Contaminated Land

CL1) Ground investigation surveys should have regard to current “Best Practice” and the advice and guidance contained in Planning Policy Statement 23 – Planning and Pollution Control; British Standard BS10175: 2011 "Investigation of potentially contaminated sites – Code of Practice"; British Standard BS5930: 1999 “Code of practice for site investigations”; Construction Industry Research and Information Association “Assessing risks posed by hazardous ground gasses to buildings (Revised)” (CIRIA C665); or any relevant successors of such guidance. You are strongly advised to consult with the Local Planning Authority on the construction, location and potential retention of any boreholes installed for the purposes of ground gas and or groundwater before installation of same.

CL2) When making assessments of any contaminants identified as being present upon the land, considering their potential to affect the proposed land use and deciding appropriate remediation targets regard should be had to the advice given in CLR 11 “Model Procedures

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for the Management of Land Contamination”, The Contaminated Land Exposure Assessment (CLEA) model (Latest Version), Science Report – SC050021/SR3 “Updated technical background to the CLEA model” and Science Report – SC050021/SR2 “Human health toxicological assessment of contaminants in soil” or any relevant successors of such guidance. This list is not exhaustive. Assessment should also be made of the potential for contaminants contained in, on or under the land to impact upon ground water. Advice on this aspect can be obtained from the Environment Agency.

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

**OBJECTION PETITION FROM RESIDENTS OF PARK ROAD/BLOOM
CLOSE, WILLENHALL AGAINST THE ERECTION OF A HIGH BAY
WAREHOUSE ON FMR GEORGE CARTER PRESSING SITE, PARK
ROAD, WILLENHALL
APPLICATION NUMBER 12/0063/FL**

Dear Sir/Madam,

We the residents of Park Road & Bloom Close wish to raise our objections to the development above on the grounds of loss of natural light, noise (24 hrs) & detrimental effect upon the value of our properties amongst other issues.

We would appreciate being kept informed at all stages of the process as this development will substantially impact upon our everyday lives/environment

Yours faithfully

All of the undersigned

Appendix One – Petition Objecting to application (page two)

We the undersigned object to the proposals from Aspray 24 to the development of the fmr George Carter Pressings, Park Road, Willenhall into a high bay warehouse – Planning Application Number 12/0063/FL

	ADDRESS	SIGNATURE
[REDACTED]	58 PARK RD	[REDACTED]
[REDACTED]	60 Park Rd.	[REDACTED]
[REDACTED]	60. Park. Rd.	[REDACTED]
[REDACTED]	62 PARK RD	[REDACTED]
[REDACTED]	62 PARK RP	[REDACTED]
[REDACTED]	52 PARK ROAD	[REDACTED]
[REDACTED]	52. Park Road.	[REDACTED]
[REDACTED]	50 PARK ROAD	[REDACTED]
[REDACTED]	50 Park Road	[REDACTED]
[REDACTED]	50 Park Road	[REDACTED]
[REDACTED]	50 PARK ROAD	[REDACTED]
[REDACTED]	43 PARK ROAD	[REDACTED]
[REDACTED]	45 PARK ROAD	[REDACTED]
[REDACTED]	46 PARK ROAD	[REDACTED]
[REDACTED]	40. PARK ROAD	[REDACTED]
[REDACTED]	40 PARK ROAD	[REDACTED]
[REDACTED]	38, PARK ROAD	[REDACTED]
[REDACTED]	38, PARK ROAD.	[REDACTED]
[REDACTED]	36, PARK ROAD	[REDACTED]
[REDACTED]	34 PARK ROAD	[REDACTED]
[REDACTED]	33 PARK RD	[REDACTED]
[REDACTED]	28 PARK RD	[REDACTED]



Planning Committee
*Report of Head of Planning and Building Control, Regeneration Directorate on
29/03/2012*

Reason for bringing to committee: Major Application

Application Numbers: 12/0109/FL &
12/0110/LB

Application Type: Full application

Applicant: Walsall Council

Proposal: Application for highway works,
realignment and traffic signalisation and
engineering works relating to James Bridge
Aqueduct.

Ward: Bentley & Darlaston North

Case Officer: Andrew Thompson

Telephone Number: 01922 652403

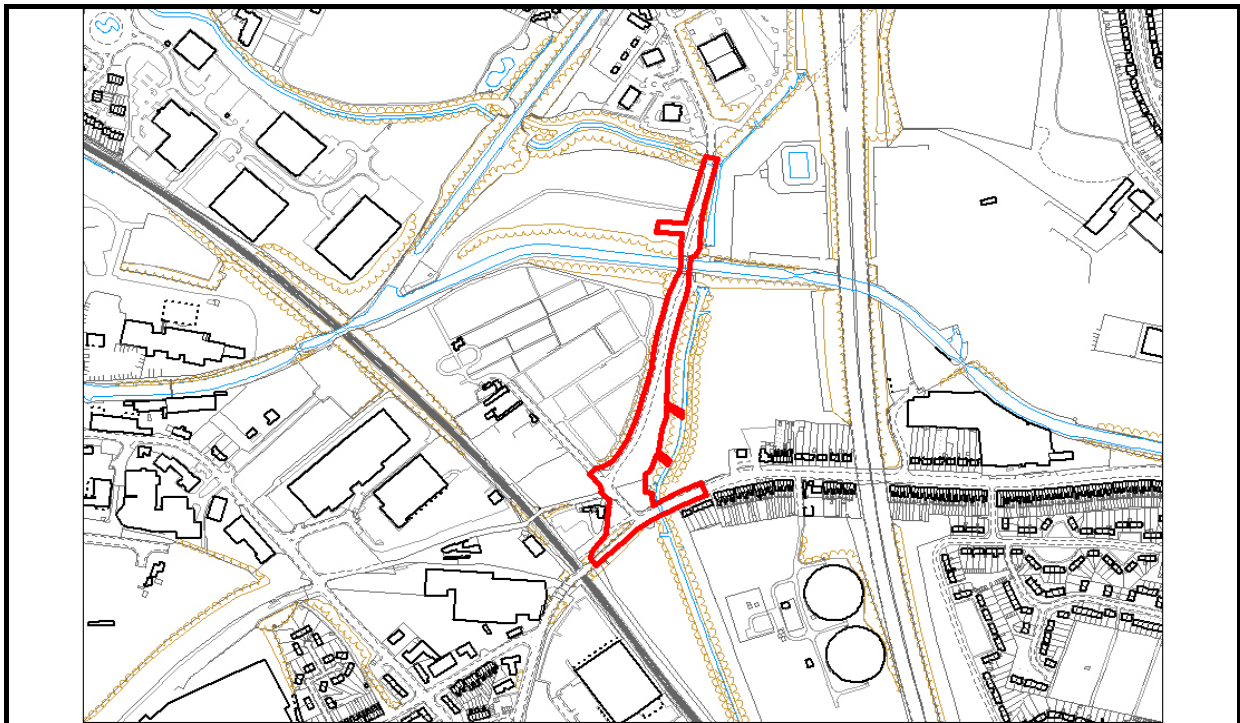
Email: planningservices@walsall.gov.uk

Agent: Walsall Council -
Transportation/Regeneration

Location: BENTLEY MILL WAY AND
JUNCTION WITH DARLASTON ROAD,
WALSALL

Expired Date: 02/05/2012

Recommendation Summary: Grant Permission Subject to Conditions & Grant Listed
Building Consent



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Application Site and Details

The application site is the highway of Bentley Mill Way from the junction with Darlaston Road to the James Bridge Aqueduct and the access to the land to the North.

The proposals are to lower the carriageway under the James Bridge Aqueduct and rearrange the junction with Darlaston Road to create the principle route being Bentley Mill Way rather than Cemetery Road and also to facilitate improved highway and junction capacity. The proposals, as part of the wider DSDA Access Project, are designed to help to improve access to potential development sites in the wider Darlaston area.

Current vehicle movements between Darlaston Road (A4038) and Bentley Mill Way (via Cemetery Road) are difficult to accommodate, particularly where the vehicles concerned are turning either to or from Cemetery Road. Despite being awkward movements, they are, at present volumes, something which would be less likely to cause the Council to treat by changing nearby highway infrastructure. However, the present volumes of traffic along both Darlaston Road (A4038) and particularly along Bentley Mill Way are expected to rise quite quickly once the Enterprise Zone is formally established leading to new developments taking place in the area and new companies locating there. Once traffic volumes begin to rise in the area the current road alignment and lack of traffic signals is likely to lead to an increase in the number of accidents associated with vehicles turning in and out of Cemetery Road. Thus the current situation at this location will rapidly become unsafe and congested, particularly for vehicles attempting to exit Bentley Mill Way.

The proposals are supported by a range of technical information and a Design and Access Statement which outlines the key principles of the project are:

1. Facilitate local development, and the local growth in both the economy and also in the number of jobs
2. Accessibility, safety and capacity at the junction of Darlaston Road, at the James Bridge Aqueduct and also along Bentley Mill Way
3. Public Rights of Way and non-motorised user amenity
4. Built conservation and improvement – preservation of the James Bridge Aqueduct as an historic asset
5. Natural conservation and improvement to the River Tame, nearby Sites of Local Importance for Nature Conservation (SLINC's) and other nearby vacant land
6. Enhanced highway drainage
7. Minimisation of land converted into highway, cost-efficient use of land and achievement of maximum utility for the local community
8. Enhanced emergency services access

The most recent public consultation on the project was held between 25th June and 19th August 2011 and the results were published during early September 2011. A previous consultation was held during October 2009. At both consultations, the general public including local residents and businesses were contacted informing them of the various events which were to be held to discuss the proposals. Also, key organisational stakeholders were consulted, namely: English Heritage, the Environment Agency, Natural England and the Black Country Local Enterprise Partnership (BCLEP). In addition to individual events and letters, other media were used to help communicate with as large a number and as diverse a group of people as possible. Information was released to local newspapers and more

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modern methods including information on the Council's web site and the Council's Facebook and Twitter feeds.

The above communications drives resulted in significant attendance and response, particularly at the second consultation. 62 people attending the first consultation in 2009 and returned a total of 30 response questionnaires. Of these 88% approved of the proposals for Bentley Mill Way. The second consultation saw around 300 residents and businesses contacted in order to let them know when the consultation events were taking place, of which a total of seven were held during June, July and August. A total of 170 people attended the events. 132 questionnaires were returned with an average of 64% of respondents feeling that the proposals would achieve their aims. This figure rose to 81.1% when the data sample was refined to include only regular users of the roads in question.

In short, there have been two distinct consultation periods over extended periods of time with significant proactive attempts to contact as many people and businesses in the local community as possible. Numerous responses were received and the majority of responses were positive, even in the second consultation where the number of responses received was much higher. Such responses suggest the proposals enjoy the broad support of the local community.

Alternative schemes and the impact on existing developments have also been considered.

Relevant Planning History

Darlaston Enterprise Zone and the associated Local Development Order are relevant in the consideration of this application. This was reported to and agreed by Planning Committee on the 16th February 2012.

Land between River Tame and the Railway, Darlaston Road
11/0005/FL – Proposed Builders Merchants – Granted 27 April 2011

Relevant Planning Policy Summary

Black Country Core Strategy & UDP Policies

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

The current version of the Black Country Core Strategy and associated appendices can be accessed at;

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

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

Black Country Core Strategy (BCCS)

The Vision and Strategic Objectives to regenerate the Borough and deliver development are supported by a suite of policies designed to promote urban regeneration, and safeguard protected species, historic buildings and amenities of residents as well as promoting sustainable modes of transport. The consideration of the impact on employment land and the continued supply of land are also important considerations.

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The key planning policies include CSP1, CSP2, CSP4, ENV1, ENV2, ENV3, ENV4, EMP1, EMP2, EMP3, CEN1, CEN2, CEN3, CEN4, TRAN1, TRAN2, TRAN3, and TRAN4.

The proposals are also located in Regeneration Corridor 6.

Saved policies of the Unitary Development Plan (UDP)

Adopted in March 2005, the saved policies seek to ensure that development makes a positive contribution to the environment whilst protecting employment land provision, promoting sustainable modes of transport and improving access around the Borough.

Key planning policy references include saved policies GP2, ENV23, ENV27, ENV32, ENV33, T1, T2, T3, T4, T5, T8 and T9.

Supplementary Planning Documents (SPD)

Designing Walsall SPD

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

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

DW4 - Continuity -attractive spaces within new development should be defined or enclosed by buildings, structures or landscape;

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

Natural Environment SPD

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

Regional Spatial Strategy for the West Midlands (RSS 11)

On 6 July 2010 the Secretary of State issued a direction to revoke Regional Spatial Strategies. Following a legal challenge this was reversed by the High Court on 10 November 2010.

The Government responded by advising its proposed abolition of the RSS system (abolition will require legislation, through the Localism Act and will take time) should be a material consideration in decisions. On 7 February 2011 the High Court published its judgement that the proposed abolition can be a material consideration. The Localism Act has now received Royal Assent and is moving towards Enactment. Further consultation has been undertaken regarding the Strategic Environmental Assessment of the proposed abolition of the RSS. The Localism Act and the abolition of the RSS continue to be capable of legal challenge.

Officer's advice is that the RSS remains part of the statutory development plan for the Borough (with the saved policies of Walsall's UDP and the Black Country Core Strategy), and decisions should be made in accordance with it unless material considerations indicate otherwise.

The focus for the Black Country policies is to continue its economic, physical and environmental renewal focused around improved infrastructure and the regeneration of town and city centres (including Walsall) to create modern and sustainable communities.

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Overall the strategy promotes sustainable regeneration of previously developed land, promoting a high quality environment and sustainable development capable of being accessed by a variety of transport modes.

Key planning policies include UR1, UR1A, PA1, PA2, PA5, QE1, QE2, QE3, QE4, QE5, QE7, T1, T2, T3, T4 and T5.

There is no need for this application to be considered under the Conformity Protocol.

National Policy

Planning Policy Statement (PPS) 1: Sets out the overarching planning policies on the delivery of sustainable development through the planning system.

PPS4 seeks to promote sustainable economic growth

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

The National Planning Policy Framework Consultation Draft was issued on 25 July 2011. The document has now completed its consultation and is due for which received widespread publicity and Ministers have confirmed that amendments to the document will be made. The CLG Select Committee has completed its assessment with 35 recommendations. The Government is considering these. As such, the consultation document carries very limited weight. Officers note the intention of Government is that the planning system is planned and Local Plans are the starting point for the determination of any planning application.

Consultations

Transportation –no objection to the current proposal, which has been scrutinised, assessed and obtained approval from the Highways Agency and the Department of Transport.

Pollution Control

Scientific Team – No objection recommend that dust and noise control measures are implemented during the engineering realignment works.

Contaminated Land Team – No objection - To ensure that assessment of ground contamination takes place and appropriate remediation or mitigation of identified problems is implemented recommended conditions are proposed.

Natural Environment Team (Ecology) – No objection subject to conditions

Built Environment Team (Conservation) – No objection

English Heritage – No objection

Building Control (Safety) – No objection

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Coal Authority – No objection subject to conditions

Environment Agency – No objection subject to conditions

British Waterways – No objection subject to conditions

Bereavement and Registration Services – No objection - have responsibility for the management of James Bridge Cemetery, Cemetery Road, Darlaston. The only access to the cemetery is via the junction referred to in the above planning application. It is essential that the cemetery remains available to the residents of the area every day of the year.

Seven Trent – No objection - detail of drainage connections and requirements have been submitted previously to Seven Trent and are agreed in principle.

Public Participation Responses

1 letter of objection from a local resident who raises that as there is already too much traffic using this road and the proposals would have an adverse impact on amenity, result in difficulty parking outside their house, and increase accidents which are a regular occurrence.

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

Determining Issues

- Principle
- Impact on the Enterprise Zone and Local Development Order
- Impact on the Listed Structure
- Impact on Local Residents

Observations

Principle

The principle of the works are that they are designed to improve traffic flows along Bentley Mill Way, facilitate regeneration and creation of jobs, safeguard an important historic structure and to improve highway and pedestrian safety, including access to public transport. The impact on the natural environment and the quality of the area is also part of the proposed road improvement.

The proposals are therefore in compliance with the key aims and objectives of the Development Plan and are acceptable in principle.

Impact on the Enterprise Zone and Local Development Order (LDO)

The public benefit of allowing a higher volume of traffic to pass safely under the aqueduct which will assist the delivery of development sites nearby and the subsequent regeneration and job creation and the improvement to the highway, in particular the Darlaston Road junction will improve connectivity to the strategic highway network (e.g. the Black Country New Route and M6).

By reducing the principal obstruction and improving traffic flow will also mean it is less likely that traffic would travel down the improved route rather than through Darlaston Road towards Pleck as the route would be shorter and easier to navigate to the M6 and the Black Country Route thereby making the Enterprise Zone and Darlaston LDO area more attractive as an employment location.

Overall, the proposals would enhance the capability to deliver sites within the Enterprise Zone and LDO areas.

Impact on the Listed Structure

In terms of the proposals to alter the junction of Darlaston Road, Bentley Mill Way and Cemetery Road the four former schemes relating to this junction that are shown in the supporting information would all have a considerable detrimental impact on the setting of another nearly listed building, namely The Globe Inn PH. Therefore, the selected option as shown in this application is a far better option from a conservation perspective.

In terms of the alterations to the Grade II listed aqueduct and associated highways works. I have had extensive pre-application discussions regarding these proposals and on balance I consider that they are acceptable.

Over the years a number of schemes have been considered to allow a higher volume of traffic to travel safely down Bentley Mill Way. These included the demolition and rebuilding of the aqueduct and the construction of a separate bridge/aqueduct alongside the existing structure. I consider that the proposed lowering of the carriageway is the least harmful of the potential schemes.

The lowering of the carriageway will not alter the historic fabric of the bridge but it will change its appearance. The benefits and harm are outlined below;

Harm

- harm to the structure comes from the impact of the lowered carriage way and associated works to the appearance of the structure
- harm to the setting of the structure come from associated works including provision of traffic lights, signage and other street clutter.

Benefits

- the structure has sustained considerable damage from vehicle impacts and there is the potential that an impact could render the building structurally unsound. The benefits of lowering the carriageway are that the structure is less likely to be damaged by impacts with vehicles and therefore should ensure its long-term preservation.
- the current works may result in maintenance works.
- the use of traffic controls to restrict the traffic under the aqueduct will reduce the likelihood of vehicle impacts
- there is a benefit from reducing the likelihood of accidents

Therefore whilst the associated highways works will have a detrimental impact on the setting of the listed structure, it is considered that on balance the public benefits outweigh this harm

and that in principle the proposed impact on the listed structure is acceptable. Conservation Officers and English Heritage concur with this approach.

Impact on Local Residents

The comments of the local resident are noted and considered carefully. Traffic at this time is high on the Darlaston Road due to the inconvenience (queuing) and difficulty of navigating up Bentley Mill Way. By reducing the principal obstruction and improving traffic flow will also mean it is less likely that traffic would travel down the improved route rather than through Darlaston Road towards Pleck as the route would be shorter and easier to navigate to the M6 and the Black Country Route.

Impact on the Cemetery

The comments of Bereavement and Registration Services are duly noted. For the duration of the works, vehicle access will be required for funeral cars and those of the family and mourners attending the cemetery. Many other visitors to the cemetery could also be affected by any restrictions. It is also noted that many elderly visitors who travel by bus already walk from the Darlaston to Walsall road and will need to navigate around or through the site works.

It is noted that cemetery staff are on site Monday to Friday and Bereavement patrol officers open/close and patrol the site at times during weekends and Bank Holidays. The contractors therefore will need to make sufficient and adequate arrangements to ensure that safe vehicle and pedestrian access to the cemetery is maintained throughout the works.

The proposals will include improvements to the pedestrian access to the cemetery and the proposed new road layout will also improve public transport capability with the Integrated Transport Authority (Centro) also involved in the design of the scheme. Pedestrian access would also be improved as a result of the works.

Summary of Reasons for Granting Planning Permission

The comments received on concerns with regard to too much traffic using this road and the proposals would have an adverse impact on amenity, result in difficulty parking, and increase accidents are noted.

The public benefit of allowing a higher volume of traffic to pass safely under the aqueduct which will assist the delivery of development sites nearby and the subsequent regeneration and job creation and the improvement to the highway, in particular the Darlaston Road junction will improve connectivity to the strategic highway network (e.g. the Black Country New Route and M6).

By reducing the principal obstruction and improving traffic flow will also mean it is less likely that traffic would travel down the improved route rather than through Darlaston Road towards Pleck as the route would be shorter and easier to navigate to the M6 and the Black Country Route thereby making the Enterprise Zone and Darlaston LDO area more attractive as an employment location.

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The selected option as shown in this application is the best option from a conservation perspective. The lowering of the carriageway will not alter the historic fabric of the bridge but it will change its appearance and whilst the associated highways works will have a detrimental impact on the setting of the listed structure, it is considered that on balance the public benefits outweigh this harm and that in principle the proposed impact on the listed structure is acceptable. Conservation Officers and English Heritage concur with this approach.

The comments of Bereavement and Registration Services are duly noted. For the duration of the works, vehicle access will be required for funeral cars and those of the family and mourners attending the cemetery. Many other visitors to the cemetery could also be affected by any restrictions. It is also noted that many elderly visitors who travel by bus already walk from the Darlaston to Walsall road and will need to navigate around or through the site works.

The proposals will include improvements to the pedestrian access to the cemetery and the proposed new road layout will also improve public transport capability with the Integrated Transport Authority (Centro) also involved in the design of the scheme. Pedestrian access would also be improved as a result of the works.

The proposed development is considered to comply with the relevant policies of the Development Plan, in particular The Vision and Strategic Objectives of the Black Country Core Strategy supported by policies CSP1, CSP2, CSP4, ENV1, ENV2, ENV3, ENV4, EMP1, EMP2, EMP3, CEN1, CEN2, CEN3, CEN4, TRAN1, TRAN2, TRAN3, and TRAN4. The proposals are also located in Regeneration Corridor 6. Also relevant to this decision are saved policies GP2, ENV23, ENV27, ENV32, ENV33, T1, T2, T3, T4, T5, T8 and T9 of Walsall Unitary Development Plan (March 2005) and Policies UR1, UR1A, PA1, PA2, PA5, QE1, QE2, QE3, QE4, QE5, QE7, T1, T2, T3, T4 and T5 of the Regional Spatial Strategy for the West Midlands (RSS11), on balance, having taken into account all material planning considerations, the proposal is acceptable.

Recommendation: Grant Permission Subject to Conditions & Grant Listed Building Consent

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

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

2. No works to the aqueduct shall be commenced until a method statement for undertaking the repair works to ensure no disturbance to bat roosts has been submitted and approved in writing by the Local Planning Authority. Works shall proceed only in accordance with the approved method statement unless otherwise agreed in writing with the Local Planning Authority.

Reason; to avoid bat mortality

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3. No development or site clearance works shall commence in the bird nesting season (mid February to September inclusive) unless a nesting bird survey has been carried out by a person suitably qualified and experienced in carrying out such surveys. The results of the survey shall be reported in writing to the Local Planning Authority along with mitigation and avoidance measures. If nesting birds are found site clearance must be delayed until the young have fledged. The final survey visit should take place within a week of clearance works commencing.

Reason: to avoid disturbance to nesting birds and destruction of their nests

4. No development or site clearance works shall commence unless a badger survey has been carried out by a person suitably qualified and experienced in carrying out such surveys. The results of the survey shall be reported in writing to the Local Planning Authority along with mitigation and avoidance measures. If badgers are found site clearance must be delayed until a Natural England licence has been obtained. The final survey visit should take place within a week of clearance works commencing.

Reason: to avoid disturbance to badgers and destruction of their setts

5. Site work(s) and operations on or to the south of James Bridge Aqueduct shall only be carried out between the hours of 07.00 to 19.00 weekdays (excluding Bank Holidays and Public Holidays) and 08.00 to 14.00 Saturdays unless otherwise agreed in writing by the local planning authority and subject to any overriding restrictions.

Reason: To safeguard the amenities of nearby residents

6. Prior to the commencement of works a detailed noise statement with details of all site works and ancillary operations in relation to works on the Aqueduct (including details of and maintenance of plant, machinery and equipment) shall be submitted to the Local Planning Authority. (See Note for Applicant E)

Reason: To safeguard the amenities of nearby residents

7. Prior to any engineering and/or construction operations commencing on the aqueduct, a method statement shall be agreed in writing with the local planning authority for the purposes of controlling dust from such operations. The agreed method statement shall be implemented and thereafter maintained until works are complete.

Reason: To control dust and fumes from the proposed works.

8 i) Prior to construction commencing a site investigation, and ground contamination survey having regard to current best practice shall be undertaken to establish the levels of contamination in existing soils, shallow mine workings and their suitability for re-use in the project. (see Note for Applicant CL1)

ii) Prior to construction commencing a copy of the findings of the site investigation and ground contamination survey, together with an assessment of the hazards arising from any

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land contamination and shallow mine workings shall be forwarded to the Local Planning Authority. (see Note for Applicant CL2)

iii) Prior to construction commencing a "Remediation Statement" setting out details of remedial measures to deal with the shallow mine workings, identified and potential hazards of any land contamination on the site and a timetable for their implementation shall be submitted to and agreed in writing by the Local Planning Authority. (see Note for Applicant CL2)

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

v) If during the construction of the approved development or undertaking of remedial works unexpected ground contamination not identified by the site investigation required by part i) of this condition is encountered development shall cease until the "Remediation Statement" required by part iii) of this condition has been amended to address any additional remedial or mitigation works required and agreed in writing by the Local Planning Authority.

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

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

9. Notwithstanding the plans submitted prior to the commencement of development details of the proposed brick cladding shall be submitted to and agreed in writing by the Local Planning Authority and thereafter implemented in accordance with the agreed details unless otherwise agreed in writing.

Reason: In the interests of the structural integrity of the aqueduct infrastructure, waterway heritage and visual amenity in accordance with policies ENV2 Historic Character and Local Distinctiveness, ENV3 Design Quality and ENV4 Canals of the adopted Black Country Joint Core Strategy.

10. Notwithstanding the plans submitted prior to the commencement of development, details of the proposed foundations to be undertaken/constructed shall be submitted to and agreed in writing by the Local Planning Authority and thereafter implemented in accordance with the agreed details unless otherwise agreed in writing.

Reason: In order to ensure that the integrity of the waterway infrastructure is not compromised in accordance with policy ENV4 Canals of the adopted Black Country Joint Core Strategy.

11. At all times during the construction pedestrian and vehicular access shall be maintained to the James Bridge Cemetery.

Reason: In order to maintain the appropriate provision of access to the cemetery and to ensure that a key service is not compromised by the works.

12. The development hereby permitted shall not come into use until such time as a Flood Action Plan has been submitted to, and approved in writing by, the local planning authority.

Reason: To reduce the impact of flooding on the proposed development and future users.

Notes for Applicant

Contaminated Land

CL1) Ground investigation surveys should have regard to current “Best Practice” and the advice and guidance contained in Planning Policy Statement 23 – Planning and Pollution Control; British Standard BS10175: 2011 “Investigation of potentially contaminated sites – Code of Practice”; British Standard BS5930: 1999 “Code of practice for site investigations”; Construction Industry Research and Information Association “Assessing risks posed by hazardous ground gasses to buildings (Revised)” (CIRIA C665); or any relevant successors of such guidance. You are strongly advised to consult with the Local Planning Authority on the construction, location and potential retention of any boreholes installed for the purposes of ground gas and or groundwater before installation of same.

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

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

A) Should a contractor require information on the funeral booked into the cemetery, please call 0845 111 2848 and will be advised of the bookings for the next 48 hours

B) Bank and public Holidays for the purpose of this notice shall be Christmas Day, Boxing Day, New Year’s Day, Easter Monday, Spring Bank Holiday Monday and August Bank Holiday Monday.

C) 'Noise sensitive' and 'vibration sensitive' premises shall be taken to include, inter alia: any premises used as an occupied dwelling, hospital or similar institution, schools or other educational premises (when in use), places of worship (when in use), hotels and similar facilities.

D) Instrumentation used for the determination of vibration levels shall accord with the main requisite components of British Standard BS EN ISO 8041:2005 "Human response to vibration. Measuring instrumentation" or any superseding standard, and shall have a linear performance frequency range of not less than 4Hz to 80 Hz.

E) It is expected that noise levels from the works shall not exceed:

- a Continuous Equivalent Noise Level, L_{AFeq} (15 minutes), of either 60 dB (inclusive of façade corrections) 1 metre from the façade of any noise sensitive premises^s at a height above ground level of not less than 1.2 metres; or
- 63 dB (Free-field) at least 3.5 metres from any significant sound reflecting structure (other than the ground) at a height above ground level of between 1.2 and 1.5 metres, at any noise sensitive premises^s; and
- a maximum r.m.s. Noise Level, L_{AFMax} , of either 75 dB (inclusive of façade corrections) 1 metre from the façade of any noise sensitive premises^s at a height above ground level of not less than 1.2 metres; or
- 78 dB (Free-field) at least 3.5 metres from any significant sound reflecting structure (other than the ground) at a height above ground level of between 1.2 and 1.5 metres, at any noise sensitive premises.

F) 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".

G) 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.



Plans List Item No: 5.

Planning Committee

Report of Head of Planning and Building Control, Regeneration Directorate on
29/03/2012

Reason for bringing to committee: Major Application

Application Number: 12/0097/FL

Application Type: Full application

Applicant: Mr M N Miah

Proposal: Demolition of existing factory building and erection of four storey building (including basement parking) for banqueting, conferences and training facility with ancillary manager's accommodation on the second floor.

Ward: St. Matthews

Case Officer: Andrew Thompson

Telephone Number: 01922 652403

Email: planningservices@walsall.gov.uk

Agent: Sehmi Associates Ltd

Location: CENTURY WORKS, MIDLAND ROAD, WALSALL, WS1 3QQ

Expired Date: 14/05/2012

Recommendation Summary: Grant Permission Subject to Conditions



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Application and Site Details

The application site is the former Century Works on Midland Road. The application site is bordered on both sides by two storey industrial buildings and has an existing, large two storey to the rear of the main façade. The site rises by some 4-5m to the rear to the car park of the NV Public House. Opposite the site is the Government Office building and Gala Bingo on Jerome Retail Park.

The application is for the demolition of the former factory and erection of a 4 storey (including a basement parking area) development for a purpose built banqueting, training and conference facility. The proposed design would be brick and pitched roof with large glazing elements on the front elevation.

The proposal comprises

- A basement parking area which shows 19 car parking spaces and cycle parking with ramps up and down to Midland Road.
- The ground floor comprises the principal entrance to the hall, offices bar, kitchen and toilets.
- The first floor comprises an additional hall, toilets, and changing/additional rooms for wedding purposes.
- The second floor comprises a further conference hall, meeting room and two ancillary flats for managers and staff. There are also open terraces at this level.

The application is supported by the following documents:

Design and Access Statement

Highlights that whilst there have been previous planning permissions for conversion of the building, due to the deteriorating condition of the building the cost of conversion would mean that the proposals would not be viable. Further a new build will be more energy efficient and solar panels are being considered for the roof.

The centre would be capable of accommodating approximately 300 people with catering services provided on the site. The third floor accommodation is designed to accommodate smaller meetings and conferences as well as training events.

The flats would be used for staff. The addition of parking (not proposed in previous approvals) would reduce the burden on neighbouring parking areas and public car parks.

The proposals also note that they include lifts for disabled access with the principal access

Transport Statement

Highlights that the proposed new development has made provision for parking in a basement parking area. The proposals would be used by the users of the facility and managed accordingly. The area would only be open when the facilities are in use. Highlights also that there are car parks in the area.

Relevant Planning History

09/0442/FL - Proposed change of use from light industrial to restaurant and banqueting hall together with external alterations, extensions and demolition works (amendment to 08/1143/FL). Granted – October 2009

08/1143/FL - Proposed change of use from light industrial to restaurant and banqueting hall together with external alterations and demolition works. Granted –September 2008.

Relevant Planning Policy Summary

Black Country Core Strategy & UDP Policies

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

The current version of the Black Country Core Strategy and associated appendices can be accessed at;

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

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

Black Country Core Strategy (BCCS)

The Vision and Strategic Objectives to regenerate the Borough and deliver development are supported by a suite of policies designed to promote and safeguard town centres, promote investment in centres for leisure activity and use of previously developed land, high quality development and sense making. Walsall Town Centre is a strategic centre where leisure, banqueting and conference facilities should be located and focused.

The key planning policies include CSP1, CSP2, CSP4, DEL2, ENV3, CEN1, CEN2, CEN3, CEN4, TRAN4.

Saved policies of the Unitary Development Plan (UDP)

Adopted in March 2005, the saved policies seek to ensure that development makes a positive contribution to the environment whilst protecting people and ensuring adequate and safe access. Also supports regeneration and previously developed land, especially in Walsall Town Centre as the most sustainable location. The saved policies also support the appropriate provision of car parking whilst promoting the use of public transport, walking and alternative modes of transport.

Key planning policy references include saved policies GP2, GP4, S1,S2, S3, S4, S10, JP7(d), ENV32, T7, and T13.

Supplementary Planning Documents (SPD)

Designing Walsall SPD

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

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

DW4 - Continuity -attractive spaces within new development should be defined or enclosed by buildings, structures or landscape;

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DW5 - Ease of movement- create places that are easily connected, safe to move through;
DW6 – Legibility - new development should contribute to creating a place that has a clear identity;
DW9 – High Quality public realm - new development must seek to ensure it creates places with attractive environmental quality;
DW 10 – new development should make a positive contribution to creating a sustainable environment.

Natural Environment SPD

Policies N8, N9 & N10 deal with the need to fully assess protected species in particular bats.

Regional Spatial Strategy for the West Midlands (RSS 11)

On 6 July 2010 the Secretary of State issued a direction to revoke Regional Spatial Strategies. Following a legal challenge this was reversed by the High Court on 10 November 2010.

The Government responded by advising its proposed abolition of the RSS system (abolition will require legislation, through the Localism Act and will take time) should be a material consideration in decisions. On 7 February 2011 the High Court published its judgement that the proposed abolition can be a material consideration. The Localism Act has now received Royal Assent and is moving towards Enactment. Further consultation has been undertaken regarding the Strategic Environmental Assessment of the proposed abolition of the RSS. The Localism Act and the abolition of the RSS continue to be capable of legal challenge.

Officer's advice is that the RSS remains part of the statutory development plan for the Borough (with the saved policies of Walsall's UDP and the Black Country Core Strategy), and decisions should be made in accordance with it unless material considerations indicate otherwise.

The focus for the Black Country policies is to continue its economic, physical and environmental renewal focused around improved infrastructure and the regeneration of town and city centres (including Walsall) to create modern and sustainable communities.

Overall the strategy promotes sustainable regeneration of previously developed land, promoting a high quality environment and sustainable development capable of being accessed by a variety of transport modes.

Key planning policies include UR1, UR1A, UR3, QE2, QE3, PA1, PA5, PA10, T3, T4, and T5.

There is no need for this application to be considered under the Conformity Protocol.

National Policy

Planning Policy Statement (PPS) 1: Sets out the overarching planning policies on the delivery of sustainable development through the planning system.

PPS4 directs leisure, retail and office development towards town centres as these locations are the most sustainable and strong town centres are vital for economic success.

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

The National Planning Policy Framework Consultation Draft was issued on 25 July 2011. The document has now completed its consultation and is due for which received wide-spread publicity and Ministers have confirmed that amendments to the document will be made. The CLG Select Committee has completed its assessment with 35 recommendations. The Government is considering these. As such, the consultation document carries very limited weight. Officers note the intention of Government is that the planning system is planned and Local Plans are the starting point for the determination of any planning application.

Consultations

Transportation – No objection subject to conditions relating to sustainable travel.

Pollution Control

Scientific Team – No objection to this proposal in principal with the proviso that adequate measures are put in place to address potential noise and odour issues arising from the business.

Contaminated Land – No objection subject to works being implemented to investigate and remediate any localised ground contamination and ground gas issues associated with the site. Conditions to address these concerns have been provided

Seven Trent – No objection subject to a drainage condition

Fire Service – No objection

Natural Environment Team (Ecology) – No objection

Public Participation Responses

None

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

Determining Issues

- Principle of the development
- Impact on the character of the area
- Impact on neighbouring developments
- Car parking and servicing

Observations

Principle of the use

The proposals are a 'town centre use' located in the town centre and utilises the site of an existing large former industrial premises which covers a majority of the site. It therefore generates a positive use for the site and will generate employment in the town. The use is

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considered to be appropriate for the location in relation to the town centre and public transport facilities.

The principal difference between the two previous applications is that the proposals are now demolishing and rebuilding on the site rather than a conversion. Previous planning permissions did not include car parking or a second floor with the opportunity for smaller rooms and management flats.

Impact on the character of the area

In terms of built form, the current building covers a significant proportion of the site and the scale of the existing and neighbouring buildings being of substantive size and scale and whilst being two storeys in height there is no objection to 3storeys in principle. Opposite is the site is the 3 storey office building and with the levels being significantly (approximately 4-5metres) higher to the rear, there will be no material harm to the commercial properties to the rear.

Impact on neighbouring developments

The development will be used for banqueting and conferencing facilities, including wedding parties for a maximum 300 guests. Entertainment could consist of electronic amplified music and acoustic equipment such as drums and such entertainment noise would be created in the evening until the early hours of the morning. With the nearest residential premises being in Tasker Street and Bradford Street, less than 200 meters from the application site, and further residential development planned in the area, a noise attenuation strategy is required. Odours from cooking can also be controlled by suitable venting and there are similar types of facilities in this area. These matters are conditioned.

As such it is considered that the physical impact of the proposals would be acceptable.

Car parking and servicing

Under the previous permission a condition was included for the applicant to produce a Travel Plan to demonstrate how the development will promote alternative modes of transport and manage car parking requirements. This was stipulated by the Highway Authority due to the deficiency of car parking on the previous planning permission. Additional car parking has now been shown in a basement level parking, although the layout is not necessarily practical, it is considered that parking could be accommodated in this area.

The site's location (e.g. Town Centre, and proximity public transport and public car parks), the Development Plan (the BCCS, UDP and RSS11) and Government guidance (PPG13), the extant planning permission and the previous use of the building are all material considerations. As per Government and Development Plan policy Officers note that the maximum level of car parking should not be automatically sought and that the developer themselves should not provide more car parking than they themselves wish to provide.

In this instance the following issues are material:

- the site is a former industrial building, with no off-street car parking or servicing;
- a previous permission for reuse of the building for a banqueting facility has been approved with no objection from Transportation Officers.

- the application site is located in the town centre and within walking distance within walking distance of public transport – bus and rail;
- the application site is within walking distance of council car parking (which are free of charge after 18.30).
- the site is opposite Gala Bingo and Jerome Retail park and its associated car parking;
- Development Plan policy and national guidance seek to reduce the need to travel by car and promote alternative modes of travel.

Officers note that parking restrictions apply on Midland Road which would prevent on street parking and therefore potential patrons (if using the car) would need to use one of the town centre car parks in the vicinity.

Taking into account the above, Officers consider that there wouldn't be demonstrable harm from the proposals and therefore recommend that, subject to a travel plan condition, that the proposal, taking into account the site's location, the previous use of the building and the extant planning permissions would be acceptable and in accordance with Policy.

Summary of Reasons for Granting Planning Permission

The application proposals have been considered against the site's location in relation to the town centre, public transport, parking restrictions and pay and display car parks and the parking management in place on Midland Road and is considered acceptable in principle in terms of the use. In addition the site's previous use, the extant planning permissions and the impact on neighbouring commercial occupiers has been considered. It is considered that there would be no demonstrable harm to the surrounding uses or highway safety.

The scale of the development proposed has been considered against the existing building, the neighbouring industrial premises and the topography and layout of the area, in particular the significant site coverage and scale of premises in the area.

The proposed development is considered to comply with the relevant policies of the Development Plan, in particular policies GP1, GP2, GP3, GP7, T7, T12 T13, ENV10, ENV14, ENV18, ENV29, ENV32, ENV33, S1, S2, S3 and S10 of Walsall Unitary Development Plan (March 2005) and Policies T2, T7, PA1, QE1 and QE3 of the Regional Spatial Strategy for the West Midlands (RSS11), on balance, having taken into account all material planning considerations, 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.

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

b) The approved details shall be fully implemented and retained thereafter.

Reason: To ensure the satisfactory appearance of the development.

3. Prior to their installation details of any new security shutters shall be submitted to and agreed in writing by the Local Planning Authority. The shutters shall be implemented in accordance with the approved scheme prior to first use of the development.

Reason: To ensure the satisfactory appearance of the development.

4a) Prior to the development hereby approved being brought into use, a Travel Plan shall be developed and this shall identify a package of proposed measures consistent with the aim of reducing reliance on the car, and encouraging the use of sustainable transport. The Travel Plan shall be submitted to and agreed in writing by the Local Planning Authority.

b) The Travel Plan shall be implemented in accordance upon the commencement of the use of the site in and be operated in accordance the proposed measures and timings in the agreed Travel Plan

Reason: To promote sustainable travel with a view to reduce congestion, the environmental impact of car use, and improve health.

5. A Travel Plan Co-ordinator shall be nominated (this may not be their only role) to manage the Travel Plan and co-ordinate the annual survey and review, which will be submitted to, and approved in writing by the Local Planning Authority, in consultation with the Highway Authority. A Travel Plan Co-ordinator position shall be retained thereafter.

Reason: To promote sustainable travel with a view to reduce congestion, the environmental impact of car use, and improve health.

6. Prior to the commencement of development a noise survey shall be submitted to and agreed in writing. The survey shall detail anticipated noise from the proposed use (e.g. from performances and amplified music) and an attenuation strategy to reduce levels of disturbance to nearby residents. The agreed attenuation strategy shall be implemented prior to the development being brought into use.

Reason: In order to safeguard the amenities of residents in the area.

7. Prior to the commencement of development details of the proposed odour and ventilation systems to the proposed kitchen shall be submitted to and agreed in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the scheme being brought into use. Due to the nature of the development a high level odour control is required to include, unless otherwise agreed in writing by the Local Planning Authority, the following:

- a) Fine filtration or Electrostatic separators followed by carbon filtration (carbon filters rated with a 0.2 – 0.4 second residence time).
- b) Fine filtration or Electrostatic separators followed by UV ozone system to achieve the same control as in Part a.
- c) Extract-ventilation systems shall be designed and operated to ensure that noise emissions do not give rise to a Rating Level of 5 dB as determined in accordance with British Standard BS 4142: 1997 '*Method for Rating industrial noise affecting mixed residential and industrial areas*'.
- d) Extract-ventilation systems shall be designed and operated to ensure that noise emissions do not give rise to a Noise Rating Exceeding NR 24 1m from the façade of occupied residential premises.

Reason: In order to reduce odours and smells arising from the proposed use.

8. Prior to the commencement of development details of the proposed ventilation systems to the basement parking area shall be submitted to and agreed in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the scheme being brought into use.

Reason: In order to adequately ventilate the proposed basement parking area.

9i) Prior to built development commencing a site investigation, ground contamination survey and assessment of ground gas, having regard to current best practice shall be undertaken. (see Note for Applicant CL1)

ii) Prior to built development commencing a copy of the findings of the site investigation, ground contamination survey and ground gas assessment, together with an assessment of the hazards arising from any land contamination and/or ground gas shall be forwarded to the Local Planning Authority. (see Note for Applicant CL2)

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

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

v) If during the undertaking of remedial works or the construction of the approved development unexpected ground contamination not identified by the site investigation required by part i) of this condition is encountered development shall cease until the "Remediation Statement" required by part iii) of this condition has been amended to address any additional remedial or mitigation works required and agreed in writing by the Local Planning Authority.

vi) A validation report confirming the details of the measures implemented together with substantiating information and justification of any changes from the agreed remedial

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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.

10a) Prior to the commencement of development details of rear boundary treatment, railings to roof terraces and any proposed retaining structure shall be submitted to and agreed in writing by the Local Planning Authority.

b) Boundary treatment shall be implemented in accordance with the approved scheme and retained thereafter.

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

11. The open terraces shown on the second floor shall not be used between the hours of 23.00 and 08.00.

Reason: In order to safeguard the amenities of residents in the area.

12. The flats shown on the second floor shall only be used for staff of the premises hereby approved and not as independent dwellings.

Reason: The proposed flats shown would not be suitable for independent living due to the lack of independent access, private amenity spaces and their relationship to commercial facilities would not be suitable as independent dwellings.

13a) Prior to the commencement of development drainage plans for the disposal of surface water and foul sewage shall be submitted to and approved in writing by the Local Planning Authority.

b) The agreed scheme shall be implemented in accordance with the approved details before the development is first 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.

14a) Prior to their installation details of solar panels and associated plant and machinery shall be submitted to and approved in writing by the Local Planning Authority.

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

Reason: In order to ensure satisfactory installation of renewable energy sources.

15. This permission relates to the plans and Design & Access Statement, prepared Sehmi Associates Limited submitted to the Local Planning Authority on 13th February 2012.

Reason: To define the permission.

NOTES FOR APPLICANT

A) The area of this proposed development has historically been utilised for industrial works that may have resulted in localised ground contamination that may present Health and Safety implications for person 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) As your application includes demolition work, it may be necessary for you to also notify Building Control Services of your intention to demolish (Section 80 of the Building Act 1984). This should be done as soon as possible but not less than 6 weeks before commencement of the demolition work. Helpline number 01922 652408

C) Attention is drawn to Building Regulations Approved Document M in relation to disabled access.

D) Guidance information from The Department of Environment, Food and Rural Affairs (DEFRA) entitled, *Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems*, January 2005 is available.

Notes for Applicant – Contaminated Land

CL1) Ground investigation surveys should have regard to current “Best Practice” and the advice and guidance contained in Planning Policy Statement 23 – Planning and Pollution Control; British Standard BS10175: 2011 "Investigation of potentially contaminated sites – Code of Practice"; British Standard BS5930: 1999 “Code of practice for site investigations”; Construction Industry Research and Information Association “Assessing risks posed by hazardous ground gases to buildings (Revised)” (CIRIA C665); or any relevant successors of such guidance. You are strongly advised to consult with the Local Planning Authority on the construction, location and potential retention of any boreholes installed for the purposes of ground gas and or groundwater before installation of same.

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

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



Planning Committee

Report of Head of Planning and Building Control, Regeneration Directorate on
29/03/2012

Reason for bringing to committee: Major Application

Application Number: 12/0092/FL

Application Type: Full application

Applicant: Centro

Proposal: Variation of condition 13 of 09/1342/FL relating to works to the railway cutting to allow for a flexible phasing plan to works

Ward: Blakenall

Case Officer: Andrew Thompson

Telephone Number: 01922 652403

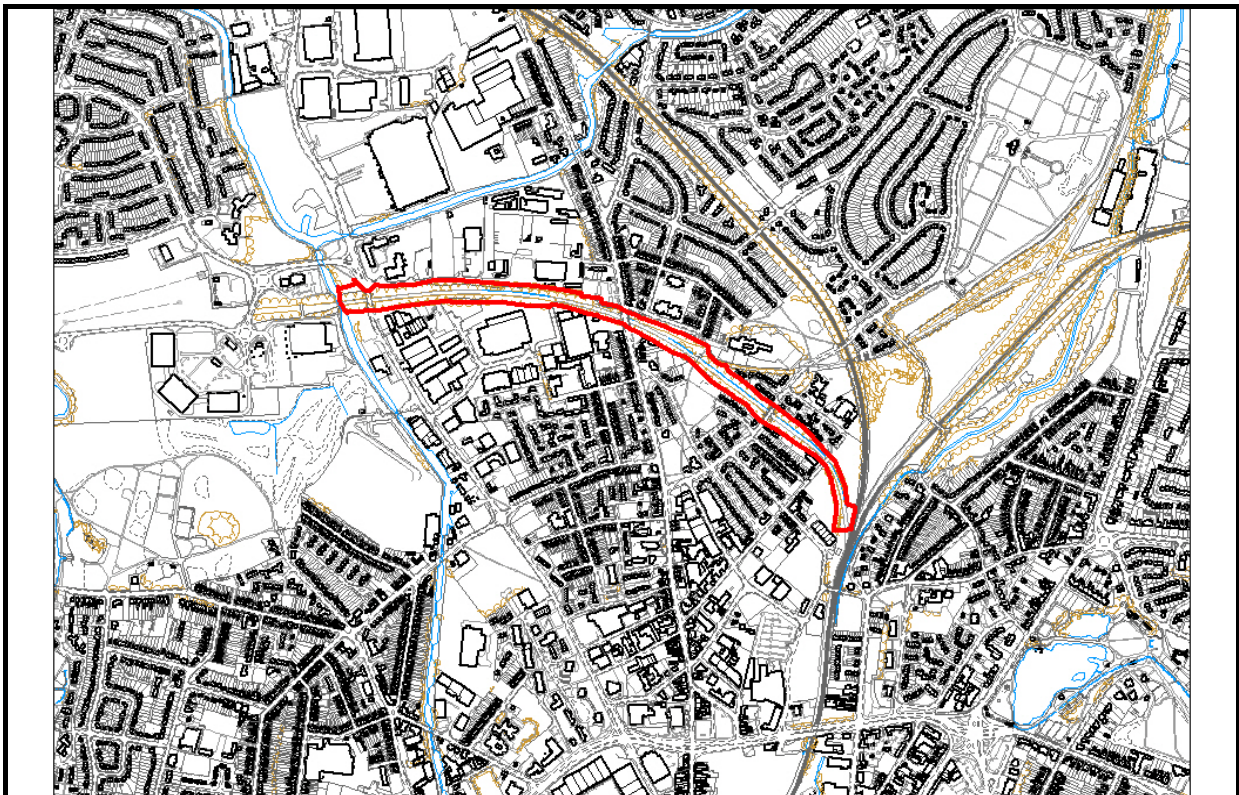
Email:planningservices@walsall.gov.uk

Agent:

Location: Ex-railway cutting between Mill Street and Reedswood Way, Walsall

Expired Date: 02/05/2012

Recommendation Summary: Grant Permission Subject to Conditions



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Application and Site Details

The application is to vary part of planning condition 13 relating to the approved planning permission relating to the filling of the railway cutting and associated works, including removal of Cannon Street footbridge with access for filling from Reedswood Way attached to planning permission reference 09/1342/FL.

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

North Walsall Cutting is a designated Site of Local Importance for Nature Conservation (SLINC) by Walsall Council for its mosaic of habitats and wildlife corridor qualities.

The **existing condition** reads:

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

a) A working programme for each phase / section to be cleared, reclaimed, infilled, landscaped, restored and reinstated in relation to each other. Each section, not exceeding 12 metres x 50 metres shall be completed prior to commencement of any other section.

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

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

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

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

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

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

The purpose of the existing condition is to preserve the interest of Highway safety, to ensure the satisfactory development and functioning of the site and to safeguard the amenities of nearby residential occupants.

The **proposed wording** seeks to amend part a) of the condition to read:

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

The amendment is sought as the proposed area of 50m is too constraining and impractical for the development to be carried out and in terms of tenable delivery and management it is therefore more appropriate to consider geographic areas with road delivery on either side.

The sections proposed are

Mill Street Bridge to Proffitt Street Bridge – 160m,
Proffitt Street Bridge to Bloxwich Road Bridge – 386m, and
Bloxwich Road Bridge to Upper Green Lane Bridge – 578m

Relevant Planning History

09/1342/FL - Filling of cutting and associated works, including removal of Cannon Street footbridge with access for filling from Reedswood Way – Granted 20 January 2010.

Relevant Planning Policy Summary

Black Country Core Strategy & UDP Policies

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

The current version of the Black Country Core Strategy and associated appendices can be accessed at;

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

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

Black Country Core Strategy (BCCS)

The Vision and Strategic Objectives to regenerate the Borough and deliver development are supported by a suite of policies designed to promote public transport and safeguard protected species and deliver environmental enhancements.

The key planning policies include CSP1, CSP2, CSP4, ENV1, ENV3, TRAN4.

Saved policies of the Unitary Development Plan (UDP)

Adopted in March 2005, the saved policies seek to ensure that development makes a positive contribution to the environment whilst protecting people and ensuring adequate and safe access. The saved policies also support the appropriate provision of public transport, walking and alternative modes of transport.

Key planning policy references include saved policies GP2, ENV9, ENV10, ENV14, ENV17, ENV18, ENV23, ENV24, ENV33, ENV40, T7, and T13.

Supplementary Planning Documents (SPD)

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

Natural Environment SPD

Policies N8, N9 & N10 deal with the need to fully assess, protect and secure compensatory planting for trees. Protection is proposed for protected animals, plants etc.

Regional Spatial Strategy for the West Midlands (RSS 11)

On 6 July 2010 the Secretary of State issued a direction to revoke Regional Spatial Strategies. Following a legal challenge this was reversed by the High Court on 10 November 2010.

The Government responded by advising its proposed abolition of the RSS system (abolition will require legislation, through the Localism Act and will take time) should be a material consideration in decisions. On 7 February 2011 the High Court published its judgement that the proposed abolition can be a material consideration. The Localism Act has now received Royal Assent and is moving towards Enactment. Further consultation has been undertaken regarding the Strategic Environmental Assessment of the proposed abolition of the RSS. The Localism Act and the abolition of the RSS continue to be capable of legal challenge.

Officer's advice is that the RSS remains part of the statutory development plan for the Borough (with the saved policies of Walsall's UDP and the Black Country Core Strategy), and decisions should be made in accordance with it unless material considerations indicate otherwise.

The focus for the Black Country policies is to continue its economic, physical and environmental renewal focused around improved infrastructure and the regeneration of town and city centres (including Walsall) to create modern and sustainable communities.

Overall the strategy promotes sustainable regeneration of previously developed land, promoting a high quality environment and sustainable development capable of being accessed by a variety of transport modes.

Key planning policies include QE1, QE3, QE4, QE5, T1, T5, T8 and T12

There is no need for this application to be considered under the Conformity Protocol.

National Policy

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

PPS 9: Nature Conservation and Geodiversity and Government Circular: Biodiversity and Geological Conservation- statutory obligations and their impact within the planning system.
ODPM Circular 06/2005

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

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

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

The National Planning Policy Framework Consultation Draft was issued on 25 July 2011. The document has now completed its consultation and is due for which received widespread publicity and Ministers have confirmed that amendments to the document will be made. The CLG Select Committee has completed its assessment with 35 recommendations. The Government is considering these. As such, the consultation document carries very limited weight. Officers note the intention of Government is that the planning system is planned and Local Plans are the starting point for the determination of any planning application.

Consultations

Transportation – No objection

Pollution Control

Scientific Team – No objection

Contaminated Land – No objection to the re-wording of this condition

Seven Trent – No objection

Western Power Distribution – No objection but highlight there is extensive apparatus that will need protection/diversion

Building Control (safety) – No objection

Fire Service – No objection

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

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Textphone 0845 111 2910, Fax (01922) 623234

Built Environment Team (Conservation) – No objection

British Waterways – No objection

Network Rail – No objection

WM Police – No objection

Rights of Way – No objection

Public Participation Responses

None

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

Determining Issues

Whether the larger working area will maintain operational control and not result in increased environmental impact.

Observations

Whether the larger working area will maintain operational control and not result in increased environmental impact

The application proposes to alter the wording of Condition 13 of the approved scheme which defines the phasing of the proposed infilling of the cutting under planning permission 09/1342/FL. The proposed wording alters the distance based criteria which was 50m by 12m with geographical based criteria consisting of Mill Street Bridge to Proffitt Street Bridge, Proffitt Street Bridge to Bloxwich Road Bridge, and Bloxwich Road Bridge to Upper Green Lane Bridge.

As stated above, these sections are:

Mill Street Bridge to Proffitt Street Bridge – 160m,
Proffitt Street Bridge to Bloxwich Road Bridge – 386m, and
Bloxwich Road Bridge to Upper Green Lane Bridge – 578m

The proposed wording also maintains the view that a phase shall be completed prior to the commencement of works on another phase. This keeps works in a particular location and reduces the impact of the proposals at any one time.

The proposals also take have regard to supporting information, namely the URS Scott Wilson North Walsall Cutting Landscape and Habitat Management Plan.

Whilst the areas are larger it is considered that the current 50m area constrains the development and may lead to longer time periods to implement and complete the proposed works, thereby increasing the environmental impact. The proposals would allow for servicing and deliveries at both ends of the geographic area transport and traffic could move in a more

flexible manner. It could also allow for larger areas to be completed as part of phases within the areas.

Taking into account the previous planning permission, it is considered that this change will make the approved permission more flexible and capable of being implemented quicker and are therefore supported.

Summary of Reasons for Granting Planning Permission

The application proposes to alter the wording of Condition 13 of the approved scheme which defines the phasing of the proposed infilling of the cutting under planning permission 09/1342/FL. The proposed wording alters the distance based criteria with geographical based criteria. It is considered that this change will make the approved permission more flexible and capable of being implemented and are therefore supported.

The proposed development is considered to comply with the relevant policies of the Development Plan, in particular The Vision and Strategic Objectives of the Black Country Core Strategy supported by policies CSP1, CSP2, CSP4, ENV1, ENV3, TRAN4; saved policies GP2, GP4, ENV9, ENV10, ENV14, ENV17, ENV18, ENV23, ENV24, ENV33, ENV40, T7, and T13 of Walsall Unitary Development Plan (March 2005) and Policies QE1, QE3, QE4, QE5, T1, T5, T8 and T12 of the Regional Spatial Strategy for the West Midlands (RSS11), on balance, having taken into account all material planning considerations, the proposal is acceptable.

Recommendation: Grant Permission Subject to Conditions

Condition 13 of 09/1342/FL is amended to read:

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

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

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

- Location and type of wheel washing equipment

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

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Textphone 0845 111 2910, Fax (01922) 623234

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

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

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

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

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

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



Plans List Item No: 7.

Planning Committee

Report of Head of Planning and Building Control, Regeneration Directorate on
29/03/2012

Reason for bringing to committee: Major Application and Disposal of Council Land

Application Number: 12/0151/RM
Application Type: Reserved Matters

Applicant: Mar City Developments
Proposal: Reserved matters application to determine appearance, landscaping, layout and scale for residential development of 24 houses and provision of details of community centre at a later date (outline permission 10/1706/FL).

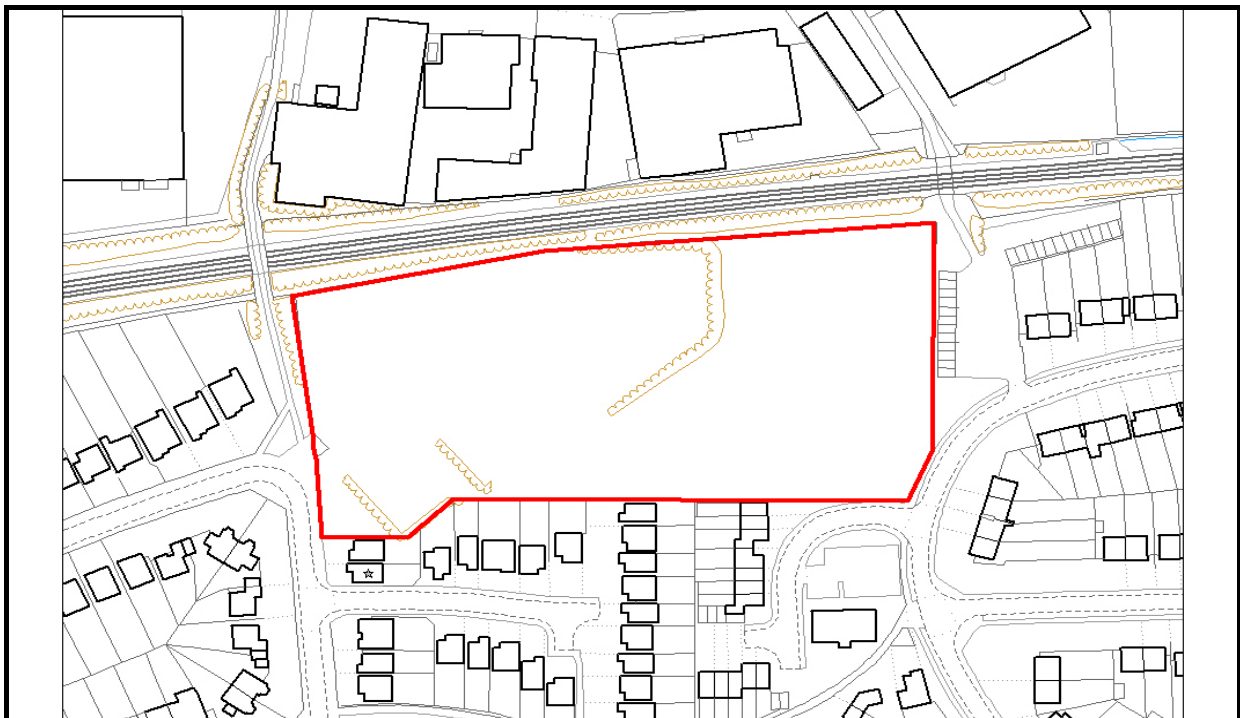
Ward: Aldridge Central & South

Case Officer: Andrew Thompson
Telephone Number: 01922 652403
Email:planningservices@walsall.gov.uk
Agent:

Location: FORMER REDHOUSE
SCHOOL (JMI), GORSEY WAY,
ALDRIDGE, WALSALL, WS9 0EQ

Expired Date: 23/05/2012

Recommendation Summary: Approve Reserved Matters with Conditions



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Application Site and Details

This is a reserved matters application which follows the recent approval of applications 10/1662/RM and 10/1706/FL at committees last month. The proposals now consider all reserved matters including landscaping to the 24 houses granted outline permission under application 10/1706/FL. The outline permission was granted subject to conditions setting thresholds for S106 contributions with an S111 Agreement signed by the applicant in preparation for the land transfer.

The site is the former Redhouse JMI School in Gorse Way/Linley Wood Road. The school buildings have been demolished. There is a railway line adjoining the northern boundary of the site beyond which lies the Redhouse Industrial Estate accessible from a public footpath adjacent the western site boundary. There is a former garage court to the east of the site in Gretton Crescent. The surrounding areas to the east, south and west are residential. There are various trees and groups of trees throughout the site that are protected by Tree Preservation Order.

There are 19 x 4 bed and 5 x 5 bed houses proposed, mainly two storeys but three plots (plots 12, 13 and 17) are 2.5 storeys including dormer windows. The houses have pitched roofs and include gables, bay windows and chimneys.

Access is from Gorse Way and the houses face an extended cul-de-sac with private driveways serving plots 5-9 and 12-15 on the eastern boundary of the site. There is a proposed changed junction priority so vehicles approaching from Linley Wood Road have to give way at the access with the junction of Gorse Way. The proposed community centre is located in the north-western corner of the site. The houses are all detached with off-street parking and large gardens.

The site area is 1.48 hectares and the topography is relatively flat. There are approximately 22 dwellings per hectare.

An area of 2565sqm is left, designated as an area for Community facility.

The Design & Access Statement – Explains the design based on a central access road providing houses facing the road. The layout and configuration of the houses seeks to achieve adequate separation to the railway embankment to reduce noise and the design seeks to fit in with the surrounding

The Report on Noise and Vibration Impact from Rail Sources – Assessment in accordance with PPG 24 indicates that the site boundary adjacent to the railway falls within Category A / B for daytime and Category C for night-time. At positions away from the boundary there is a significant reduction in sound levels and it is considered that the majority of the site lies within Category A during daytime and Category B during night time. Bedrooms that directly overlook the railway require the use of glazing with enhanced sound reduction and all habitable rooms throughout the development should be provided with means of background ventilation.

Landscape Management and Detailed Scheme

Sets out the detailed landscaping management and detail of species to be planted on the site.

The outline planning permission 10/1706/FL contained 26 conditions which set out the following information requirements:

1. Submission of reserved matters within 2 years
2. Commencement of development within 3 years of the final reserved matters
3. The Reserved Matters to be considered
4. Plans and documents of the Outline Planning Permission
5. Requires details of materials to be submitted prior to commencement of development
6. Requires details of drainage to be submitted prior to commencement of development
7. Requires details of site levels to be submitted prior to commencement of development
8. Requires details of boundary treatment to be submitted prior to commencement of development
9. Sets hours of working for the construction
10. Requires that the Reserved Matters should be accompanied with a Noise Survey
11. Requires implementation of noise mitigation measures
12. Requires that the Reserved Matters should be accompanied by a ground vibration survey
13. Requires implementation of vibration mitigation measures
14. Sets a standard for vibration to be applied
15. Requires a ground investigation survey to be submitted prior to commencement of development
16. Requires agreement of remediation works to deal with contamination/ground gas
17. Requires a validation report showing that remediation works have been carried out.
18. Notes that no highway approval to a link shown is given.
19. States that no more than 25 dwellings can be built on the site unless affordable housing is provided.
20. States that no more than 30 dwellings can be built on the site unless healthcare contributions are sought.
21. Seeks appropriate urban open space contributions on schemes more than 10 dwellings
22. Requires that the details of the community facility shall be submitted at an appropriate time.
23. Seeks appropriate compensatory provision for the loss of playing fields on schemes more than 10 dwellings
24. Requires further Transport Assessment if more than 50 dwellings are proposed
25. The proposed community facility shall be single storey
26. Requires that no vehicle link will be provided to Linley Wood Road/Gorse Way and Gretton Crescent.

Relevant Planning History

07/2074/OL/E11 – Outline: Residential development and community building – Granted January 2008. The former garage court site in Gretton Crescent was included in this application site.

10/0373/OL – Outline: Residential development of 42 dwellings (14 x 3 bed units and 28 x 4 bed units) with access from Gorsey Way – Undetermined to date.

10/1662/RM - Reserved Matters application to determine appearance, layout & scale for 24 houses for outline permissions 07/2074/OL/E11 and 10/1706/FL. Granted 21 February 2012

10/1706/FL- Proposed residential development and community building - Section 73 to vary condition 22 of 07/2074/OL/E11 to build community centre after occupation of houses. Granted 21 February 2012

Relevant Planning Policy Summary

Black Country Core Strategy & UDP Policies

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

The current version of the Black Country Core Strategy and associated appendices can be accessed at;

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

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

Black Country Core Strategy (BCCS)

The Vision and Strategic Objectives to regenerate the Borough and deliver development are supported by a suite of policies designed to promote urban regeneration, safeguard protected species, and amenities of residents as well as promoting sustainable modes of transport. Residential development should be of an appropriate design, layout and density taking account of affordable housing and infrastructure needs. .

The key planning policies include CSP1, CSP2, CSP4, ENV1, ENV3, DEL1, HOU2, HOU3, HOU5 and TRAN2.

Saved policies of the Unitary Development Plan (UDP)

Adopted in March 2005, the saved policies seek to ensure that development makes a positive contribution to the environment, with a preference for previously developed land high quality development design and mitigating against the impact of development, for example on neighbouring properties and the natural environment. The saved policies also promote sustainable modes of transport, appropriate levels of car parking and improving access around the Borough. Housing development should be of high quality.

Key planning policy references include saved policies GP2, GP3, H3, ENV14, ENV23, ENV32, ENV33, LC6, LC8, T7, T8, T9 and T13.

Supplementary Planning Documents (SPD)

Designing Walsall SPD

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

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

DW4 - Continuity -attractive spaces within new development should be defined or enclosed by buildings, structures or landscape;

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

Supplementary Planning Document for Urban Open Spaces

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

Supplementary Planning Document for Affordable Housing

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

Natural Environment SPD

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

Regional Spatial Strategy for the West Midlands (RSS 11)

On 6 July 2010 the Secretary of State issued a direction to revoke Regional Spatial Strategies. Following a legal challenge this was reversed by the High Court on 10 November 2010.

The Government responded by advising its proposed abolition of the RSS system (abolition will require legislation, through the Localism Act and will take time) should be a material consideration in decisions. On 7 February 2011 the High Court published its judgement that the proposed abolition can be a material consideration. The Localism Act has now received Royal Assent and is moving towards Enactment. Further consultation has been undertaken regarding the Strategic Environmental Assessment of the proposed abolition of the RSS. The Localism Act and the abolition of the RSS continue to be capable of legal challenge.

Officer's advice is that the RSS remains part of the statutory development plan for the Borough (with the saved policies of Walsall's UDP and the Black Country Core Strategy), and decisions should be made in accordance with it unless material considerations indicate otherwise.

The focus for the Black Country policies is to continue its economic, physical and environmental renewal focused around improved infrastructure and the regeneration of town and city centres (including Walsall) to create modern and sustainable communities.

Overall the strategy promotes sustainable regeneration of previously developed land, promoting a high quality environment and sustainable development capable of being accessed by a variety of transport modes.

Key planning policies include UR1, UR1A, CF1, CF3, CF4, CF5, QE3, T2, T3 and T7.

There is no need for this application to be considered under the Conformity Protocol.

National Policy

Planning Policy Statement (PPS) 1: Sets out the overarching planning policies on the delivery of sustainable development through the planning system.

PPS 3: Encourages reuse of previously-developed land for housing in sustainable locations and takes a sequential approach to location of new homes. Applications for residential on employment land should be given favourable consideration, subject to criteria. PPS3 also indicates that housing policy objectives provide the context for planning for housing through development plans and planning decisions. This includes high quality housing that is well-designed and built to a high standard; a mix of housing, both market and affordable, particularly in terms of tenure and price, to support a wide variety of households in all areas; a sufficient quantity of housing taking into account need and demand and seeking to improve choice; and housing developments in suitable locations, which offer a good range of community facilities and with good access to jobs, key services and infrastructure.

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

PPG17 Planning for Open Space, Sport & Recreation – Aims to ensure there is an adequate supply of playing fields and quality pitches to satisfy current and estimated future demand for pitch sports. Paragraph 15 requires a robust assessment of need to be carried out before allowing development on playing fields. Sport England as a Statutory Consultee will advise the relevant Government regional office of applications they consider of such concern that the Secretary of State should consider calling in an application for determination.

PPG24: The planning system must ensure development does not cause an unacceptable degree of disturbance.

The National Planning Policy Framework Consultation Draft was issued on 25 July 2011. The document has now completed its consultation and is due for which received wide-spread publicity and Ministers have confirmed that amendments to the document will be made. The CLG Select Committee has completed its assessment with 35 recommendations. The Government is considering these. As such, the consultation document carries very limited weight. Officers note the intention of Government is that the planning system is planned and Local Plans are the starting point for the determination of any planning application.

Consultations

Transportation – No objection

Pollution Control

Scientific Team: No objection subject to noise conditions being implemented.

Contaminated Land Team: No objection - subject to further investigation works being carried out to characterise the ground gas regime and contamination levels on site.

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Sport England – No objection

Network Rail – No objection to the housing development – previous comments still stand.

Landscape Team – No objection, although the community centre site should be kept tidy until developed.

WM Police – No objection - This development is in an area of Aldridge which experiences above average levels of crime. As such I strongly recommend that secure by design standards are met.

Environmental Health – No objection

Natural Environment Team (Ecology) – No objection

Rights of Way – No objection – It is noted that a public footpath runs adjacent to the site (known as NDA 17). This public footpath may be affected by the proposed access to the site if this requires any further alterations or realignment. However there is no issue caused by the current layout.

Public Participation Responses

1 letter of general support stating that the development would be very good for the area it looks very good sooner they start the better.

1 letter of objection from a local resident raising concern with the new road arrangements, highway safety and the loss of trees and the impact of this on wildlife.

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

Determining Issues

- Principle of the development
- Proposed layout
- Scale and appearance
- Relationship to adjacent occupiers
- Contributions towards infrastructure
- Conditions of the outline planning permission

Observations

Principle of the development

The principle of residential development is already established by the outline planning permission. The proposals are low density at 16 dwellings per hectare but this is supported by Housing Strategy as it will deliver a mix of larger 4 and 5 bed homes giving a broader housing choice. This accords with policies CSP2 and HOU2 of the BCCS.

The outline permission also included provision of a community centre and although its position is moved from Gretton Crescent to Gorse Way the principle is already established.

There has been no change to the Development Plan that would alter the previous recommendations to grant planning permission and the principle of development is accepted.

Proposed layout

The proposed layout has houses facing the road and the head of the cul-de-sac providing a clear definition between public and private areas and surveillance of the street scene. The detached houses follow a regular building line that respects the character of the surrounding area. Each house has a generous garden area in excess of 100 sqm; the majority have garden lengths in excess of 12m with the exception of plots 7 and 14 which have garden lengths of 9m and 9.5m respectively. However, these two gardens are approximately 108 sqm and 142 sqm in area. There is adequate amenity space for each of the houses therefore in accordance with advice in Appendix E of SPD Designing Walsall.

There is a reduced separation of 18.5m between proposed facing houses at the head of the cul-de-sac but this is considered acceptable given that there will be no greater overlooking from houses opposite than from the road and is not detrimental to residential amenities of future occupiers. Although plot 7 is closer to the railway than other houses there are no windows in the gable elevation of this house overlooking the railway.

The proposals retain TPO trees throughout the site and measures are proposed to ensure they are protected throughout the construction period. The Arboricultural officer is satisfied that the layout ensures the trees will be protected and maintained. As trees are to be retained and there are no buildings on site it is unlikely that the proposals will harm protected species (bats).

The houses along the northern boundary with the railway are designed so that either the separation or orientation of the dwellings reduces potential noise and vibration from the railway. Conditions are recommended to ensure adequate protection from noise and vibration from the railway.

Scale and appearance

The proposed houses are predominantly two storeys with the exception of house type P which is 2.5 storeys with dormers in the roof. One objector would prefer the 2.5 storey houses to be positioned further away from their house to protect outlook. However, there is ample separation between facing elevations of existing and proposed houses so amenity and outlook is protected. On balance the scale and appearance of the houses is acceptable and reflects other housing in the surrounding area.

Relationship to adjacent occupiers

The layout maintains 27m separation between facing elevations of proposed houses and existing houses in Linley Close and 19m separation between the rear elevation of plots 16 and 17 and the gable wall and garden of 11 Linley Close. This is considered adequate and the proposals should have no adverse impact upon outlook, privacy or daylighting of existing houses.

Although some objectors are concerned about the relationship of the proposed community centre to their homes the details of the layout and design of the community centre are to be determined at a later stage.

Contributions towards infrastructure

Committee on 15th September 2011 and 2nd February 2012 resolved not to collect the contributions for education and urban open space but to collect the £80,000 compensatory sports pitch provision. The proposed substitution of house types raises no further issues in this respect following an openbook assessment by the applicant. This was accepted and resolves condition 21 and 23 of the outline planning permission.

The proposed quantum of development and previous reserved matters permission also allows the discharge of conditions 19, 20 and 24 (relating to affordable housing, healthcare and a further Transport Assessment) for this development as the proposed quantum is not met in this instance.

It is also noted that condition 22 relating to the community centre has not been discharged and is as amended by planning permission reference 10/1706/FL.

There will be no requirement to amend the existing S111 Agreement which details the compensatory sports pitch provision to be provided through a S106 Agreement upon transfer of the land to the developer. Legal officers confirm this opinion.

Conditions of the outline planning permission

The details of the outline planning permission and associated conditions are set out above. The conditions are discharged in relation to the housing scheme only.

Conditions 1, 3, 10 and 12 (relating to the submission of and detail of the Reserved Matters submission) are discharged in their entirety.

Condition 8 (boundary treatment), 11(noise mitigation), 13 (vibration mitigation) are also discharged subject to the implementation of the submitted details.

The S111 Legal Agreement signed at the time of the outline planning permission and that the submitted Reserved Matters show 24 units therefore allow conditions 19, 20, 21, 23, and 24 can be discharged in relation to this scheme as the thresholds are not met and the legal agreement has already been signed in relation to Open Space.

The remaining conditions are either to note and are either discharged by the works themselves or require further details to be submitted (prior to commencement of development).

Summary of Reasons for Granting Planning Permission

The principle of residential development with a community centre is already established by the outline permissions 07/2074/OL/E11 and 10/1706/FL. The lower density larger family housing provides a greater housing choice in the area. The Affordable Housing trigger on the Regeneration, Planning and Building Control, Civic Centre, Darwall Street, Walsall, WS1 1DG

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outline permission is not breached so no affordable housing is proposed on site. Although the community centre has been relocated the design is yet to be determined and will account for the relationship to surrounding housing.

By granting application 10/1706/FL and varying condition 22 on the outline permission 07/2074/OL/E11 and delaying construction of the community centre allows greater time for the developers to provide funding and to carry out consultations with residents.

The layout is acceptable and provides adequate space and separation between houses and allows for retention of protected trees. The scale and appearance of the housing respects those in the surrounding area and the design is acceptable. The relationship between houses and adjoining occupiers does not cause overlooking or loss of privacy as there is adequate separation between facing elevations.

The availability of land for purchase by adjacent occupiers is not material to consideration of the planning application.

The viability of the development has been tested by the District Valuer. Compensatory provision for the loss of the sports pitch in the vicinity will be encompassed in a S106 Agreement in consultation with Sports England and Greenspace Services.

The access accords with the outline permission, prevents a through route and is considered satisfactory in terms of highway safety. The changed junction priority allows enhanced visibility. Parking provision is adequate throughout the site.

In light of the above the proposals are considered to accord with the aims of policies 2a, 2b, CSP2, CSP3, CSP4, HOU2, HOU3, TRAN2, ENV2 and ENV3 of The Black Country Core Strategy and saved policies 3.6, 3.7, GP2, GP3, ENV14, ENV32, 3.116, 3.117, ENV33, ENV40, H3, 8.8, T7, T13, LC1, LC6, LC8 and 8.36 of Walsall Unitary Development Plan and Supplementary Planning Documents: Designing Walsall, Urban Open Space and Affordable Housing.

Recommendation: Approve Reserved Matters with Conditions

Approval of Reserved Matters including the following conditions attached to the outline planning permission reference 10/1706/FL:

Conditions 1, 3, 10 and 12 are discharged entirely by this Reserved Matters submission

Conditions 8, 11, 13, 19, 20, 21, 23, 24 are discharged subject to the implementation of the details hereby approved under the submitted plans and drawings of this Reserved Matters submission.

Conditions 2, 4, 9, 14, 18, 25, 26 are to note.

The following conditions require further detail to be discharged:

Conditions 5, 6, 7, 15, 16, 17 and 22

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And subject to the following conditions:

A) The proposals shall be carried out in accordance with the following plans, documents and details in addition to plans and documents identified in condition 4 of planning permission reference 10/1706/FL:

Design and Access Statement (Rev A) prepared by MarCity
Site Location Plan (ref: RHS001)
Planning Layout – Site Plan (ref: RHSP006 Rev E)
Planning Layout – Site Plan and Drainage (ref: RHSP007 Rev E)
Landscaping Layout (ref: RHSP008 Rev B) and associated Landscape Planting Schedule
Boundary Details (RHSP009)
Site Survey (ref 7447-1A)
RHDu001 - HOUSE TYPE Du - PLANS
RHDu002 - HOUSE TYPE Du - ELEVATIONS
RHF001 - HOUSE TYPE F - PLANS
RHF002 - HOUSE TYPE F - ELEVATIONS
RHK001 - HOUSE TYPE K - PLANS
RHK002 - HOUSE TYPE K - ELEVATIONS
RHM001- HOUSE TYPE M - PLANS
RHM002 - HOUSE TYPE M - ELEVATIONS
RHH001 - HOUSE TYPE H - PLANS
RHH002 - HOUSE TYPE H - ELEVATIONS
RHP001 Rev A - P HOUSE TYPE - PLANS
RHP002 HOUSE TYPE P - ELEVATIONS
RHGr001 GARAGE DETAILS
NOISE & VIBRATION ASSESSMENT prepared by Hoare Lea
R11346.001 Phase 2 Ground Investigation Report prepared by Hydrock

Plans of this submission are considered to amend plans of 10/1706/FL in the case of duplication.

Reason: In order to define the permission.

B) Unless development has commenced on the community centre area shown on drawing numbers RHSP006 Rev E and RHSP007 Rev E, prior to the completion of the housing scheme, the site shown as being for a proposed community centre, shall be fenced off in accordance with details to be agreed by the Local Planning Authority and maintained in a tidy manner.

Reason: In order to ensure that the site is maintained and the character of the area is protected.

C) Prior to the occupation of any dwelling, all driveways and vehicle hardstanding areas associated with the dwelling shall be fully consolidated, hardsurfaced and drained in accordance with the approved details.

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

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NOTES FOR APPLICANT

A) An agreement under Section 278 of the Highways Act 1980 in respect of highways works shall be entered into. The approved highway improvements shall be fully implemented brought into use in accordance with the agreed details.

B) Full engineering details of the adoptable highway works, including the layout and alignment, widths and levels of the proposed road works, along with all the necessary drainage arrangements, run off calculations and signage, will require an Agreement under Section 38 of the Highways Act 1980 entered into.

C) Outstanding conditions can be discharged on a phased basis and do not rely on the submission of the Reserved Matters details for the community centre phase, providing that the terms of Condition 22 of 10/1706/FL are not breached.





Planning Committee

Report of Head of Planning and Building Control, Regeneration Directorate on
29/03/2012

Reason for bringing to committee: Major application

Application Number: 12/0066/FL

Application Type: Full application

Applicant: Taylor Wimpey (Midlands Ltd)

Proposal: Variation of condition 2 of permission 10/1593/FL to allow substitution of house type on all 36 new dwellings.

Ward: Brownhills

Case Officer: Alison Ives

Telephone Number: 01922 652492

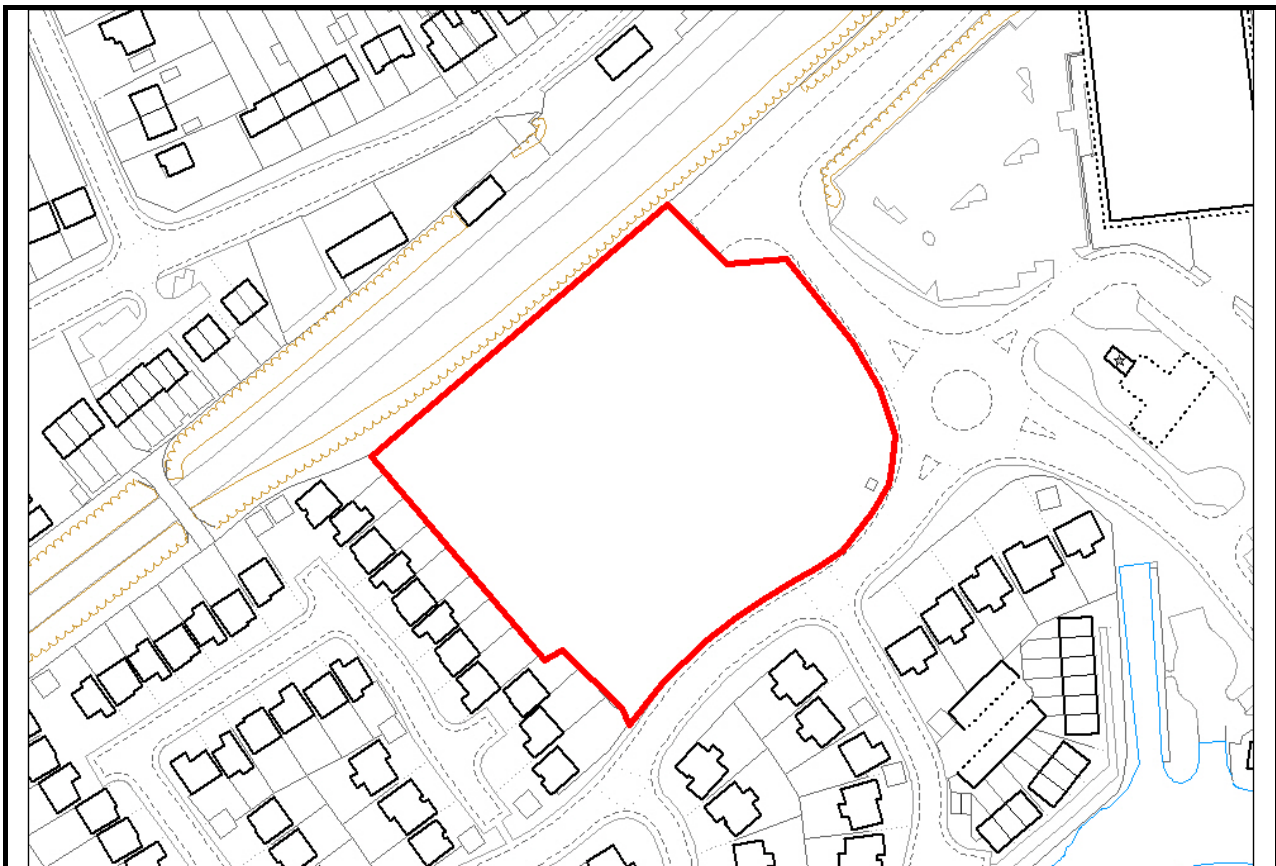
Email:planningservices@walsall.gov.uk

Agent: Cerda Planning Ltd

Location: LAND OFF WATERMEAD
GRANGE/SILVER STREET, WALSALL

Expired Date: 24/04/2012

Recommendation Summary: Grant Permission Subject to Conditions



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Application and Site Details

The application is for a variation of condition 2 of permission 10/1593/FL to allow substitution of house types for all 36 approved dwellings with minor revisions to the layout to accommodate the new house types. The proposal is for 5 x 2 bed units, 10 x 3 bed units and 21 x 4 bed units. These are predominantly 2 storey houses except for the Ashton house type which is 2.5 storeys with a dormer window in the roof space. The houses are brick and tile construction with pitch roofs, porch canopies and some projecting gables. Off street parking is provided for each house in garages and parking courts.

The reason for the proposed amended house types are because there is a new proposed developer for the site that wants to utilise their own house types.

The vacant site is at the junction of Watermead Grange and Silver Street. A disused railway lies to the north-west, Focus DIY to the north-east and detached housing opposite and to the rear on Watermead Grange. Wyrley & Essington Canal lies beyond the housing opposite to the south of the site. The site is mainly overgrown scrub with an earth mound around its perimeter. It is relatively level. There is mature woodland along the railway corridor and trees overhang the site.

The Supporting Statement – Explains the reason for making the application to substitute house types is due to the new developer seeking to utilise their own house types. It states that as far as possible the proposed dwellings occupy the same floor area as approved and whilst the house types differ, the overall scale, character and appearance does not materially differ from the permission. It also explains that the existing S106 Agreement was completed on 6 July 2011 and is to remain unaltered.

Relevant Planning History

10/1593/FL - Residential development consisting of 2, 3 and 4 bedroom, 2 and 2.5 storey mews and detached dwellings, 36 no. in total – granted subject to conditions and a S106 Agreement July 2010.

11/1323/FL - Variation of condition 2 of permission 10/1593/FL for erection of 36 houses by amending the approved layout to substitute the house types on plots 1 and 2 - Granted subject to conditions – January 2012.

Relevant Planning Policy Summary

Black Country Core Strategy & UDP Policies

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

The current version of the Black Country Core Strategy and associated appendices can be accessed at;

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

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

Black Country Core Strategy 2011-2026

The BCCS was adopted by the Council on 3rd February 2011 and now forms part of the statutory development plan. It replaces certain “saved” policies in the UDP.”

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

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

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

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

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

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

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

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

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

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

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

All developments will aim to achieve a minimum density of 35 dph, except where higher densities would prejudice historic character and local distinctiveness

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

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.

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

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.

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

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

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

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

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

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

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.

BR6 ii: Encourages provision of public art as a gateway feature at Silver Street.

BR9 vi: Identifies land at Silver Street as an opportunity for leisure, service and community development, with residential in part, excluding the canalside site.

BR10 ii: Developers of the Silver Street site should ensure use of the parking areas provided for the leisure/commercial development can be managed for a park and ride facility to support a future rail station.

BR13: Seeks to improve pedestrian routes to and throughout the centre of Brownhills.

T7 – Car Parking

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

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

T10 (a): Refers to accessibility standards.

T13: Parking Provision

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

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

4 bedroom houses and above 3 spaces per unit

Designing Walsall (SPD) (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;

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

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

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

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

DW5: Ease of Movement – connections to existing routes

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

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

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

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

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

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.

Conserving Walsall's Natural Environment SPD

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

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

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

Urban Open 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.

Education, Healthcare and Public Art (Contained with Designing Walsall) Supplementary Planning Documents (SPD's)

On 9th November 2011, the Council's Cabinet resolved to revoke the Education and Healthcare SPD's and Appendix D of Designing Walsall SPD (relating to Public Art) because they are no longer consistent with the legal requirements for planning obligations, and cannot be applied in their current form.

The Council could still seek planning obligations towards education or healthcare infrastructure pending the introduction of CIL, where it was justified. For example, Walsall Children's Services or NHS Walsall would have to demonstrate that existing services would not be able to accommodate the impacts from the proposed development and that to provide a satisfactory service to the residents of a new housing development, a new facility would

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have to be provided, or an existing facility would have to be upgraded. To be justified, it would also be necessary to identify the specific education or healthcare project(s) that planning obligations would contribute to, and the timescale within which the specified project(s) would be implemented.

Regional Strategy for the West Midlands

On 6 July 2010 the Secretary of State issued a direction to revoke Regional Spatial Strategies. Following a legal challenge this was reversed by the High Court on 10 November 2010.

The Government responded by advising its proposed abolition of the RSS system (abolition will require legislation, through the Localism Act and will take time) should be a material consideration in decisions. On 7 February 2011 the High Court published its judgement that the proposed abolition can be a material consideration. The Localism Act has now received Royal Assent and is moving towards Enactment. Further consultation has been undertaken regarding the Strategic Environmental Assessment of the proposed abolition of the RSS. The Localism Act and the abolition of the RSS continue to be capable of legal challenge.

Officer's advice is that the RSS remains part of the statutory development plan for the Borough (with the saved policies of Walsall's UDP and the Black Country Core Strategy), and decisions should be made in accordance with it unless material considerations indicate otherwise.

National Policy

The National Planning Policy Framework Consultation Draft was issued on 25 July 2011. The document has now completed its consultation and received wide-spread publicity. Ministers have confirmed that amendments to the document will be made. The final document is due for publication in Spring 2012. As such, the consultation document carries very limited weight. Officers note the intention of Government is that the planning system is plan-led and Local Plans are the starting point for the determination of any planning application.

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

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

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

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

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

Consultations

Transportation – No objections. The substitution of the plots does not affect the overall level of parking which is around 230%. The layout and access points generally remain unchanged from the original approval. The proposal does not increase the number of

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dwelling from that already approved. The predicted level of trip generation in peak traffic hours as a result of the development is considered unlikely to have any significant detrimental impact on the local highway network. Access to the site will be via a new roundabout junction on Silver Street and no direct vehicle access onto Watermead Grange. There would be minimal increase in traffic movements in Watermead Grange as a result of the development.

Pollution Control (Scientific Team) – No objections.

Pollution Control (Contaminated Land) – No objections.

Ecology – No objections.

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

Fire Service – No objections.

Public Participation Response

Five letters of objection from four households have been received which are summarised as follows: -

- The plans show replacement of the existing boundary fence at the rear of 53 Bulrush Close with 1.2m high estate railing fencing and encroach on land belonging to that property
- Potential increased traffic approaching the island at the top of Brownhills High Street
- Traffic calming is needed on Watermead Grange due to car speeds of 50 mph causing potential highway safety issues, particularly with increased traffic
- Watermead Grange is not adopted
- There is no outline permission for housing development on the land
- The junction improvement of Pelsall Road with Clayhanger Lane should be completed before this development is approved
- Development should not be allowed on green field land
- It is not in the Council's power to allow residential development until property damages have been paid in respect of the statutory contract for purchase of land to implement infrastructure improvements
- Is there potential to change some plots to larger house types?
- *Comments regarding a legal challenge to development of the Wagon Automotive site (not part of this application site)*

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

Determining Issues

- Principle of residential development
- Layout and design
- Relationship to surrounding properties
- Access and parking
- Provision for Education and Urban Open Space

Observations

Principle of residential development

The principle of residential development has already been accepted by granting permission 10/1593/FL. The proposal does not alter the number of proposed dwellings merely substitutes all of the house types as the potential new developer wants to use their own house types. The position of the houses is broadly the same although the footprints are slightly different, for example plot 1 has a rear projecting wing, plots 12 and 14 are positioned further to the east and have a more equal size footprint and plots fronting Silver Street have been moved slightly further back from the road. Nevertheless the proposed adjustments and amended house types are considered not to have any adverse impact on the character of the area.

The objector's state there is no permission for housing development of the land and development should not be allowed on green field land. The principle of development of the site for residential purposes was considered under the original permission 10/1593/FL so is already established. This was on the basis that although policy BR9 allocates the site for leisure, service and community development, with residential in part, planning permission was refused for leisure uses on the site and there has been no further interest in developing the site for leisure, service or community uses. In the circumstances it is unlikely that this will be deliverable. In addition there was significant weight of public opposition to the earlier proposals for leisure uses due to the potential impact upon residential amenities of surrounding occupiers. On balance it is considered that as retention of the site for leisure purposes is not supported residential development is appropriate given the relationship to surrounding housing.

The proposals do not affect land off Clayhanger Lane or a proposed by-pass. In the circumstances the objector's statement that the Council should pay damages to residents in respect of a statutory contract for purchase of land to implement infrastructure improvements this is not relevant to the current proposals.

Layout and design

The layout of the site remains almost identical to the approved layout. Where changes are made to the layout these are only to accommodate the footprint of the new house type. The amended house types are of an appropriate design and the 2.5 storey Ashton house type units are focused around the road junction. It is considered that there will be no significant impact upon the appearance of the development or character of the surrounding area as a result of the amended house types.

There have been representations from a third party as to whether there is potential to change some plots to larger house types. As there are 21 x 4 bed houses proposed on the site this is considered that this is adequate provision for larger house types and broadly similar to what was previously approved. The mix of house types is considered appropriate.

Relationship to surrounding properties

The proposed substituted house types have no greater impact on the existing or proposed housing as they are located in broadly the same position as previously approved.

An objector has stated that the proposed plans indicate replacement of the existing boundary fence at the rear of 53 Bulrush Close with 1.2m high estate railing fencing that encroaches on land belonging to that property. The developer has confirmed that the application site does not infringe the neighbour's property and has provided a copy of the title drawing.

Access and parking

The layout and access points remain generally unchanged from the original permission and as the number of units has not increased the proposed increased traffic is considered unlikely to have any significant detrimental impact on the local highway network. The proposal provides adequate parking for each of the houses within garages, driveways and parking courts. The overall level of parking is approximately 230% and has previously been accepted.

Despite objector's concerns that there will be increased traffic in the area the number of units has not altered since the original permission and the potential highway implications has already been considered acceptable with no significant adverse impact on highway safety. The issue of speeding traffic on Watermead Grange which is unadopted would not be significantly affected by the level of development proposed as the means of access to the site is from Silver Street and there is no direct vehicular access on to Watermead Grange. There would be minimal increase in traffic movements on Watermead Grange as a result of the development.

One objector states that a junction improvement at Pelsall Road and Clayhanger Lane should be completed before the development is approved. This is not necessary as the Transportation officer is satisfied that the proposals will not harm the surrounding highway network.

Provision for Education and Urban Open Space

The proposed substitution of house types does not alter the number of units or level of development at the site so the existing S106 Agreement remains in place to secure provision for Education and Urban Open Space. Although there is one additional 4 bed unit and one less 2 bed unit the two additional bedrooms does not significantly increase the pressure on local services sufficient to require any change to the provision of services.

Recommendation

Grant permission subject to conditions.

Summary of Reasons for Granting Planning Permission

The principle of residential development has already been approved under application 10/1593/FL. The number of units has not altered and the amended house types are broadly in the same location as approved so are considered acceptable.

The proposals do not affect land at Clayhanger Lane or any by-pass so objections in this respect are not relevant.

The layout is almost identical to the existing permission and where changes are made these are only to accommodate the footprint of the new house types. The proposed house types are considered appropriate and in keeping with the character of the surrounding area. The position of the houses has no greater impact upon surrounding occupiers than the approved layout. The concern regarding replacement boundary treatment and encroachment of land belonging to 53 Bulrush Close is a private issue but the developer has confirmed that they hold the title to the land in question.

The vehicular access remains as approved off Silver Street and there is adequate off street parking provision for each of the dwellings. The Transportation officer is satisfied there will be no adverse impact on the surrounding highway network as a result of the development and as there is no direct vehicular access onto Watermead Grange there would be minimal increase in traffic movements that would cause concern to highway safety. This addresses the objector's concern in this respect. With regard to the objection that a junction improvement at Pelsall Road and Clayhanger Lane is required the level of additional traffic does not warrant this.

Provision for education and urban open space will be secured by the existing S106 Agreement.

In light of the above the proposals are considered to accord with the aims of policies 2a, 2b, CSP1, CSP2, CSP3, CSP4, DEL1, TRAN1, TRAN2, TRAN4, ENV2, ENV3, HOU2 and HOU3 of The Black Country Joint Core Strategy and saved policies 3.6, 3.7, GP2, GP3, ENV14, ENV18, ENV23, ENV32, ENV33, ENV40, 3.116, 3.117, H3, 8.8, 8.9, LC1, BR6, BR9, BR10, BR13, T7, T8, T10 and T13 of Walsall Unitary Development Plan and Supplementary Planning Documents: Designing Walsall and Urban Open Space.

Recommendation: Grant Permission Subject to Conditions

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

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

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

- Location Plan (1A1284/LOC PL1) received 24/01/12
- Planning Layout (1A1284/01B) received 24/01/12
- Ashton Floor Plans (PB30-Darwin-3a-PL1) received 24/01/12
- Ashton Elevations (PB30-Darwin-3a-PL2) received 24/01/12
- Belford Floor Plans (PA22-Darwin-3a-PL1) received 24/01/12
- Belford Elevations (PA22-Darwin-3a-PL2) received 24/01/12
- Bradenham Floor Plans (PD48-Darwin-3a-PL1) received 24/01/12
- Bradenham Elevations (PD48-Darwin-3a-PL2) received 24/01/12
- Conway Floor Plans (CON-Darwin-3a-PL1) received 24/01/12
- Conway Elevations (CON-Darwin-3a-PL1) received 24/01/12
- Eynsham Floor Plans (PD410-Darwin-3a-PL1) received 24/01/12
- Eynsham Elevations (PD410-Darwin-3a-PL2) received 24/01/12

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Textphone 0845 111 2910, Fax (01922) 623234

- Fernhampton Floor Plans (FERN-Darwin-3a-PL1) received 24/01/12
- Fernhampton Elevations (FERN-Darwin-3a-PL2) received 24/01/12
- Longworth Floor Plans (LONG-Darwin-3a-PL1) received 24/01/12
- Longworth Elevations (LONG-Darwin-3a-PL2) received 24/01/12
- Malbury Floor Plans (MALBURY-Darwin-3a-PL1) received 24/01/12
- Malbury Elevations (MALBURY-Darwin-3a-PL2) received 24/01/12
- Shelford Floor Plans (PA48-Darwin-3a-PL1) received 24/01/12
- Shelford Elevations (PA48-Darwin-3a-PL2) received 24/01/12
- Wyvale Floor Plans (WYVALE-Darwin-3a-PL1) received 24/01/12
- Wyvale Elevations (WYVALE-Darwin-3a-PL2) received 24/01/12
- Supporting Statement prepared by Cerda Planning (11/104) received 24/01/12

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

Note to applicant

All other conditions on 10/1593/FL are to remain and the terms of the S106 Agreement dated 5th July 2011.



Plans List Item No: 9.

Planning Committee

*Report of Head of Planning and Building Control, Regeneration Directorate on
29/03/2012*

Reason for bringing to committee: Major application

Application Number: 12/0113/FL

Application Type: Full application

Applicant: Barratt West Midlands

Proposal: Variation of condition 17 of
planning permission 09/1695/FL to substitute
house types on plots 9-11

Ward: Bloxwich West

Case Officer: Alison Ives

Telephone Number: 01922 652492

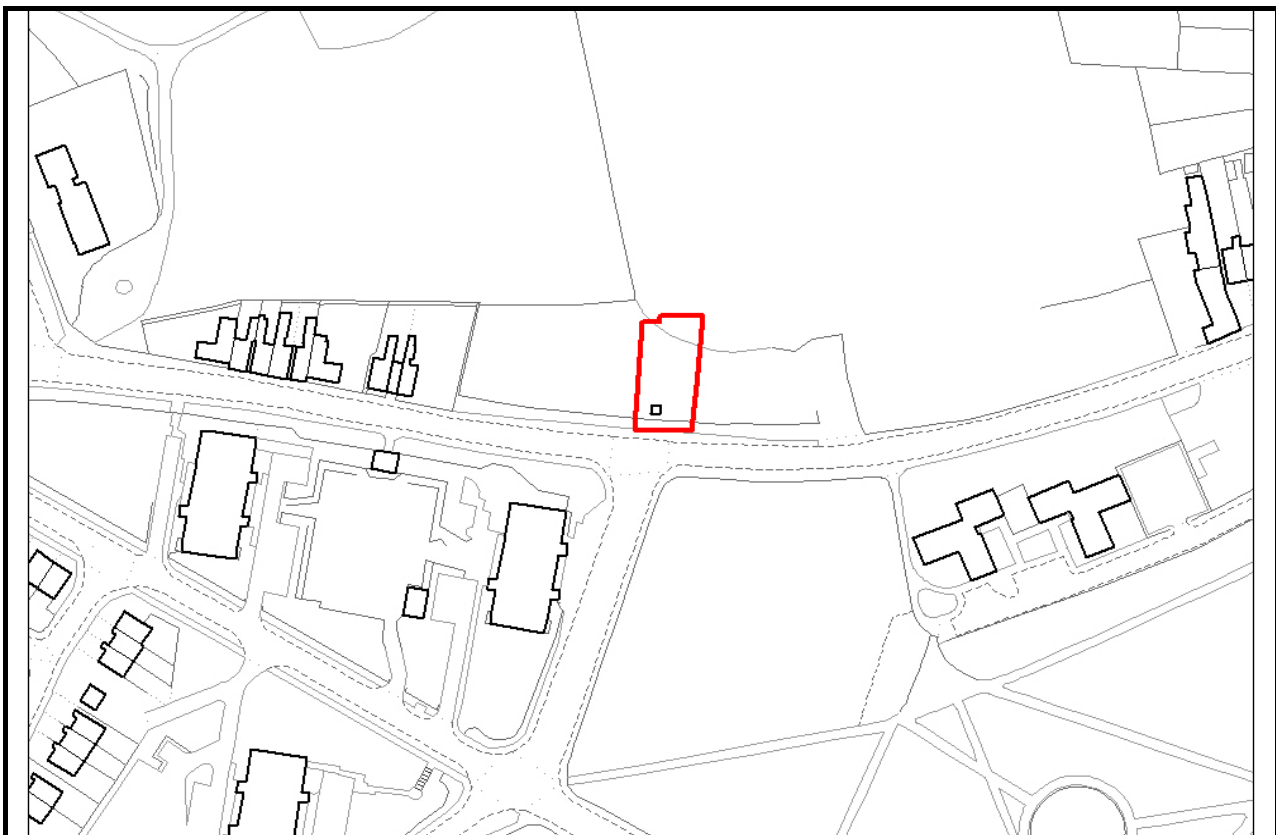
Email: planningservices@walsall.gov.uk

Agent: RPS Planning & Design

Location: PLOTS 9-11, LAND OFF BELL
LANE, BLOXWICH

Expired Date: 07/05/2012

Recommendation Summary: Grant Permission Subject to Conditions



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Application and Site Details

The application is for a variation of condition 17 of permission 09/1695/FL to substitute the house types on plots 9-11. The applicant state the reason for this request is due to the lack of demand for 2.5 storey house types previously approved for these plots. This is demonstrated by lack of sales elsewhere on this development site.

The proposed house types are 3 bed terrace units (Maidstone House Type) located on Bell Lane to the west of the access. This house type has been approved elsewhere on the site.

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.

Relevant Planning History

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 & 11 - Granted February 2012.

11/0863/MA – Non material amendment – removal of chimneys on several plots – approved September 2011

10/0674/FL – Substitution of house type to replace 2.5 storey 4 bed house with 3 storey 4 bed house on various plots (10 in total) – Granted subject to conditions August 2010.

09/1695/FL – Erection of 108 dwellings, garages and associated parking, access roads, landscaping and associated works – Granted subject to conditions and a S106 Agreement – March 2010. The S106 Agreement was to secure provision of affordable housing, education, healthcare, public art and open space. Reduced contributions and fewer affordable units were approved.

07/0358/FL/E11 – Erection of 132 dwellings – Granted subject to conditions and a S106 Agreement – August 2007. The S106 Agreement was to secure provision for affordable housing, education, healthcare and open space.

Adjacent site rear of 17-33 Stafford Road

11/1013/FL – erection of 9 detached houses with access off Bell Lane – granted subject to conditions – December 2011.

Relevant Planning Policy Summary

Black Country Core Strategy & UDP Policies

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

The current version of the Black Country Core Strategy and associated appendices can be accessed at;

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

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

Black Country Core Strategy 2011-2026

The BCCS was adopted by the Council on 3rd February 2011 and now forms part of the statutory development plan. It replaces certain "saved" policies in the UDP."

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.

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

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

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

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

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

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

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

All developments will aim to achieve a minimum density of 35 dph, except where higher densities would prejudice historic character and local distinctiveness

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

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.

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

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.

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

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

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

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

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

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

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.

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

T10 (a): Refers to accessibility standards.

T13: Parking Provision

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

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

4 bedroom houses and above 3 spaces per unit

Designing Walsall (SPD) (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;

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

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

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

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

DW5: Ease of Movement – connections to existing routes

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

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

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

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

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

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.

Conserving Walsall's Natural Environment SPD

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

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

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

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.

Regional Strategy for the West Midlands

On 6 July 2010 the Secretary of State issued a direction to revoke Regional Spatial Strategies. Following a legal challenge this was reversed by the High Court on 10 November 2010.

The Government responded by advising its proposed abolition of the RSS system (abolition will require legislation, through the Localism Act and will take time) should be a material consideration in decisions. On 7 February 2011 the High Court published its judgement that

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the proposed abolition can be a material consideration. The Localism Act has now received Royal Assent and is moving towards Enactment. Further consultation has been undertaken regarding the Strategic Environmental Assessment of the proposed abolition of the RSS. The Localism Act and the abolition of the RSS continue to be capable of legal challenge.

Officer's advice is that the RSS remains part of the statutory development plan for the Borough (with the saved policies of Walsall's UDP and the Black Country Core Strategy), and decisions should be made in accordance with it unless material considerations indicate otherwise.

National Policy

The National Planning Policy Framework Consultation Draft was issued on 25 July 2011. The document has now completed its consultation and received wide-spread publicity. Ministers have confirmed that amendments to the document will be made. The final document is due for publication in Spring 2012. As such, the consultation document carries very limited weight. Officers note the intention of Government is that the planning system is plan-led and Local Plans are the starting point for the determination of any planning application.

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

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

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

PPS5: The historic environment and its heritage assets should be conserved and enjoyed for the quality of life they bring to this and future generations.

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

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

Consultations

Transportation – No objections. The amended plots retain two parking spaces each in accordance with policy T13.

Pollution Control (Scientific Team) – No objections subject to implementation of acoustic mitigation measures as recommended in the Hoare Lea acoustic report which accompanied application 09/1695/FL. Conditions are recommended to secure this this.

Pollution Control (Contaminated Land) – No objections subject to works being implemented to remediate contamination and ground gas as identified in the Geo-Environmental Assessment (reference 12170710 - October 2005). Conditions to address these concerns have been provided.

Environmental Health – No objections.

Building Control – No objections.

Conservation – Concerned that the substitution dilutes the original design of the house types along the prominent Bell Lane frontage. The first 11 plots are very similar and may look bland. Nevertheless the amendments do not warrant refusal.

Ecology – No objections subject to provision of bat boxes as before.

Severn Trent Water – No objections subject to provision of drainage details. A note to applicant is recommended regarding the public sewer that is within the site.

Police Architectural Liaison Officer – No objections.

Western Power Distribution – No objections as the site is outside the responsibility of Western Power.

Fire Service – No objections.

Public Participation Response

No responses.

Determining Issues

- Principle of amended house type
- Appearance within the conservation area
- Relationship to surrounding occupiers
- Access and Parking

Observations

Principle of amended house type

The principle of substituting 2.5 storey houses for 2 storey houses is acceptable in principle as the same house type has been approved elsewhere on the site. The number of units remains the same so there are no implications other than design which is discussed below.

Although some consultees have recommended conditions, these were included on the original permission 09/1695/FL which this application is linked to so they remain in place and there is no need to duplicate them.

Appearance within the conservation area

Part of the Bell Lane frontage to the site is within the Bloxwich Park Conservation Area but not the plots on the west side of the site access, including plots 9-11. The proposal results in broadly similar house types on plots 1-11 along the Bell Lane frontage and the Conservation officer is concerned that this dilutes the design as the varying building heights are lost and the appearance is blander. Nevertheless this row of properties is not within the Conservation Area and the house types are identical to those already approved elsewhere on the site. The proposals are considered not to significantly detract from the character and appearance of the conservation area sufficient to warrant refusal.

Relationship to surrounding occupiers

The proposed houses are in line with the adjacent properties and cause no greater harm to the outlook, daylight or privacy of future occupiers of the adjoining plots. There are no houses immediately opposite the site and the proposed houses have an identical relationship to the plot at the rear than the approved house types. For these reasons there is no significant impact on neighbouring properties as a result of the proposed house types.

Access and Parking

The proposed access and parking arrangements for the plots remains unchanged which has been considered previously to be acceptable.

Recommendation

Grant permission subject to conditions.

Summary of Reasons for Granting Planning Permission

The principle of residential development has been approved for the site and the proposed house type substitution does not alter the number of units so is acceptable. Despite the request for conditions in respect of drainage and pollution control these were included on the existing permission 09/1695/FL and are to remain in place so there is no need to duplicate them.

The plots are not in the Bloxwich Park Conservation Area but despite concerns from the Conservation officer about the dilution of the design caused by similarity between plots these concerns are not sufficient to warrant refusal of permission. The same house type has also been approved elsewhere on the site.

The proposed substitution of house types has no adverse impact on daylight, privacy or outlook of surrounding properties.

Access and parking remains identical to that already approved.

In light of the above the proposals are considered to accord with the aims of policies 2a, 2b, CSP1, CSP2, CSP3, CSP4, DEL1, TRAN1, TRAN2, TRAN4, ENV2, ENV3, HOU2 and HOU3 of The Black Country Joint Core Strategy and saved policies 3.6, 3.7, GP2, GP3, ENV14, ENV18, ENV23, ENV29, ENV32, ENV33, 3.116, 3.117, H3, 8.8, 8.9, LC1, T7, T8, T10 and T13 of Walsall Unitary Development Plan 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.

2. This permission relates solely to the changes to plots 9 – 11 inclusive shown on drawing number AAH4902/120 as amendments to the previously approved planning permission 09/1695/FL approved on 10th March 2010 which was amended by planning permission 10/0674/FL approved on 30th July 2010, 11/0863/MA approved 2nd September 2011 and 11/1401/FL approved 1st February 2012. All other aspects of that planning permission remain in force, in order to ensure that the development undertaken shall not be otherwise than in accordance with the terms of the application and any conditions attached to that permission. The following plans and documents are approved: -

- Site Location Plan (AAH4902/120) received 01/02/12
- Partial Re-Plan Plots (AAH4902/119 Rev B) received 01/02/12
- House Type Maidstone Plots 9-11 (AAH4902/126) received 01/02/12
- Street Scenes Partial Re-Plan Plots 9-11 (AAH4902/118 Rev A) received 01/02/12
- Materials Layout (AAH4902/103 Rev C) received 06/02/12

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

Note to applicant

All other conditions on 09/1695/FL are to remain. There is a Deed of Variation to an existing S106 Agreement completed in respect of application 09/1695/FL which applies to this site.

Note for applicant – Severn Trent Water

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

If you require further information please contact Rhiannon Thomas on 01902 793883.



Planning Committee

Report of Head of Planning and Building Control, Regeneration Directorate on
29/03/2012

Reason for bringing to committee: Major Application

Application Number: 12/0150/FL

Application Type: Full application

Applicant: Walsall Housing Group

Proposal: Variation of condition 20 attached to planning approval 09/0645/FL to provide a change to the mix of tenures to include social rent, intermediate rent and market sale.

Ward: Brownhills

Case Officer: Barbara Toy

Telephone Number: 01922 652487

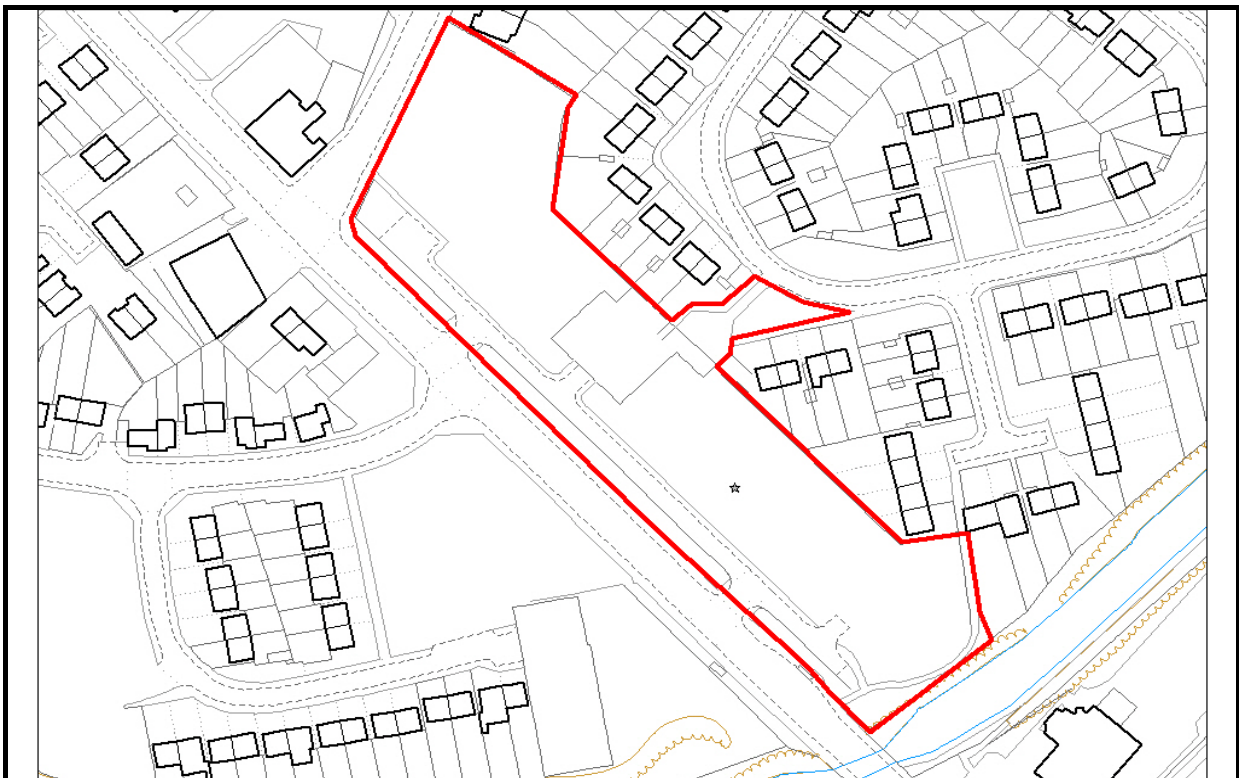
Email: planningservices@walsall.gov.uk

Agent: Walker Troup Architects Limited

Location: LAND AT THE JUNCTION OF HIGH STREET AND OGLEY ROAD, BROWNHILLS, WS8 6DW

Expired Date: 09/05/2012

Recommendation Summary: Grant Permission Subject to Conditions



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Application and Site Details

The site is situated on the north eastern side of High Street and stretches from Ogley Road (to the north) to the Wyrley and Essington Canal (to the south).

The wider area is characterised by mostly two storey dwellings with a few single storey dwellings. The design and style of the surrounding dwellings vary from 1950's through to 1990's and the opposite side of High Street (under construction) is the 3 to 4 storey Housing 21 development. There are also commercial properties including two public houses, (one single storey and one vacant), car repairs, church, telephone exchange and limousine hire business. Within 250 metres of the application site is Brownhills Town Centre and within 350 metres the retail core of the centre. At the canal end of the development site is a bus stop with a further bus stop on the opposite side of the road.

Construction has commenced on site to implement planning consent 09/0645/FL for the erection of 73 affordable dwellings.

The current proposal is to vary condition 20 of planning approval 09/0645/FL. Condition 20 stated; the development shall be occupied, managed and retained as 100% social rent tenure unless otherwise agreed in writing.

A previous variation of condition 20 in 2010 approved a mix of tenures comprising 49 homes for social rent, 12 homes for shared ownership and 12 homes for outright sale.

In order to secure funding from the Homes and Communities Agency (HCA), a mixed tenure to include social rent, intermediate rent and market sale is required. The applicant now seeks to provide an amended mix of tenures comprising: 50 homes for social rent, 11 homes for intermediate rent and 12 homes for outright sale. This would be made up by: Social rent – 5 x 3 bed, 4 x 4 bed, 2 x 5 bed and 38 x 2 bed flats, Intermediate rent – 11 x 2 bed flats and Market sale – 12 x 2 bed flats.

Social rented housing is predominantly owned and managed by Local Authorities and Registered Social Landlords (ie registered providers) for which guideline target rents are determined through the national rent regime. Intermediate rent is housing at rents above those of social rent, but below market rents and sits within the intermediate affordable housing definition, together with shared ownership, housing that is partly sold and partly rented. In this case the HCA have asked for the mix of tenures to change from shared ownership to intermediate rent, but both fall within the intermediate affordable housing category.

Relevant Planning History

09/0645/FL, provision of 73 new build affordable dwellings which comprise 61 no. 2 bed 3 person flats, 6 no. 3 bed 5 person houses, 2 no. 4 bed 6 person houses, 2 no. 4 bed 7 persons houses and 2 no. 5 bed 7 person houses and new highway, parking courts, external works and landscaping, approved 20-07-09.

10/0265/FL, variation of Condition 20 of 09/0645/FL (73 new build affordable homes) to provide a mix of tenures including social rent, shared ownership and market sale, approved 13-05-10.

Relevant Planning Policy Summary

Black Country Core Strategy & UDP Policies

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

The current version of the Black Country Core Strategy and associated appendices can be accessed at:

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

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

Black Country Core Strategy (BCCS)

The Vision 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.

The Spatial Objectives include

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.

Supported by policies:

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

All developments will aim to achieve a minimum density of 35 dph, except where higher densities would prejudice historic character and local distinctiveness

HOU3: Delivering Affordable Housing

Local Planning Authorities will seek to secure 25% affordable housing on all sites of 15 dwellings or more where this is financially viable. The tenure and type of affordable units sought will be determined on a site by site basis, based on best available information regarding housing need, site surroundings and viability considerations.

Affordable Housing (SPD) (April 2008)

There is a requirement to provide affordable housing on each new development of 15 dwellings or above. 25% affordable element to be 100% social rent, whilst developments should not differentiate between affordable and private housing in terms of design, location or material specification, therefore, tenure blind. The development of 73 dwellings would generate a need for 18 units with 100% social rent units.

Regional Strategy for the West Midlands

On 6 July 2010 the Secretary of State issued a direction to revoke Regional Spatial Strategies. Following a legal challenge this was reversed by the High Court on 10 November 2010.

The Government responded by advising its proposed abolition of the RSS system (abolition will require legislation, through the Localism Act and will take time) should be a material consideration in decisions. On 7 February 2011 the High Court published its judgement that the proposed abolition can be a material consideration. The Localism Act has now received Royal Assent and is moving towards Enactment. Further consultation has been undertaken regarding the Strategic Environmental Assessment of the proposed abolition of the RSS. The Localism Act and the abolition of the RSS continue to be capable of legal challenge.

Officer's advice is that the RSS remains part of the statutory development plan for the Borough (with the saved policies of Walsall's UDP and the Black Country Core Strategy), and decisions should be made in accordance with it unless material considerations indicate otherwise.

CF5: Delivering Affordable Housing and Mixed Communities

Local authorities should keep under review the need for affordable housing in their area, based on local housing needs assessments. Both social and low cost market housing should contribute to meeting the need for affordable housing.

National Policy

The National Planning Policy Framework Consultation Draft was issued on 25 July 2011. The document has now completed its consultation and received wide-spread publicity and significant responses. Ministers have confirmed that amendments to the document will be made. The CLG Select Committee has completed its assessment with 35 key recommendations. The Government is considering these. As such, the consultation document carries very limited weight. Officers note the intention of Government is that the planning system is plan-led and Local Plans are the starting point for the determination of any planning application.

PPS3: Housing, the objective of the revised guidance is to:

- Support further increased housing needed across the country
- Bring additional brownfield land back into use
- Increase the design and environment standards of new homes and neighbourhoods in order to move towards zero carbon development

Annex B provides the definition of Affordable Housing: Affordable housing includes social rented, *affordable rented* and intermediate housing, provided to eligible households whose needs are not met by the market.

Consultations

Housing Strategy – Officers have been working closely with the applicant and agree to the tenure variations.

Representations

Two letters received including comments and objections:

Comments:

- Hope that the houses will improve the look of the area
- Hope there will be sufficient housing for people to buy not just rent

Objections:

- The development is too close and too tall
- Four storey not acceptable
- Forward of building line
- Builders can be clearly heard
- Loss of value to homes adjacent

These objections all relate to the development itself that was granted planning consent on 20-07-09, and do not relate to the proposed variation of condition.

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

Determining Issue

Whether the proposed variation of condition and amended mix of tenures is appropriate.

Observations

The proposed variation of condition and amended mix of tenures

The applicants submitted a financial appraisal with 09/0645/FL to demonstrate that the development was not financially viable. The district valuer service assessed the scheme and concluded that 100% socially rented development would be unviable. In approving the development and based on the DVS advice, the Council discounted all of the S106 requirements. However, the DVS noted that should the development come forward as a mixed tenure development the gross development value could be greater with the resulting residential value able to accommodate the proposed S106 contributions. Therefore, condition 20 was imposed limiting the development to 100% socially rented housing.

Following the planning approval, the funding requirements of the Homes and Communities Agency (HCA) required an amendment of the tenure mix from 100% social rent to some shared ownership and outright sale. In considering the previous variation to condition 20 under planning application 10/0265/FL the applicants submitted a financial appraisal for assessment by the DVS, to assess whether the development with a mixed tenure would be

financially viable. The DVS concluded that the scheme was not viable with the mix of tenures and the variation of condition 20 was granted foregoing the S106 contributions.

This application now proposes a further amendment to the mix of tenures for the development, in line with the requirements of the HCA, as follows:

<u>09/0645/FL</u>	<u>10/0265/FL</u>	<u>Current proposal</u>
100% social rent	49 units social rent	50 units social rent
	12 units shared ownership	11 units intermediate rent
	12 units outright sale	12 units outright sale

The proposals would change the tenure mix from the previous application by providing one further property for social rent and 11 properties for intermediate rent rather than shared ownership. The mix is considered appropriate for the development and only a minor change in the provision of intermediate affordable housing, from that previously approved in 2010, and therefore does not warrant a re-evaluation by the DVS.

Summary of Reasons for Granting Planning Permission

The previous submission to vary Condition 20 to provide a mix of tenures within the development rather than 100% social rent, concluded, following assessment by the DVS, that the development was unviable with a mix of tenures and the Council set aside all of the S106 requirements.

The HCA require a further revision to the mix of tenures to remove shared ownership and include intermediate rented homes (both fall within intermediate affordable housing category), in order to secure grant funding. The amended tenure mix is considered appropriate for the development and is only a minor change from the previous approval, which does not warrant a further re-evaluation by the DVS.

The proposal is considered to accord with the aims and objectives of the Black Country Core Strategy (2011), in particular policies HOU2 and HOU3, Supplementary Planning Document: Affordable Housing (April 2008) and the Regional Spatial Strategy in particular policy CF5.

Recommendation: Grant Permission Subject to Conditions

1. The development shall be occupied, managed and retained as 12 units for sale, 11 units for intermediate rent and 50 units for socially rented tenure unless otherwise agreed in writing by the local planning authority.

Reason: To define the permission and ensure provision of a mix of tenure including affordable housing appropriate to the needs of the locality.

Note to Applicant

This consent varies Condition 20 only and all other conditions attached to planning application 09/0645/FL remain relevant.



Planning Committee
*Report of Head of Planning and Building Control, Regeneration Directorate on
29/03/2012*

Reason for bringing to committee: Departure from the Development Plan

Application Number: 12/0095/FL

Application Type: Full application

Applicant: Mr R Dunkley

Proposal: Redevelopment of site for residential use, comprising two pairs of semi detached houses.

Ward: Rushall-Shelfield

Case Officer: Barbara Toy

Telephone Number: 01922 652487

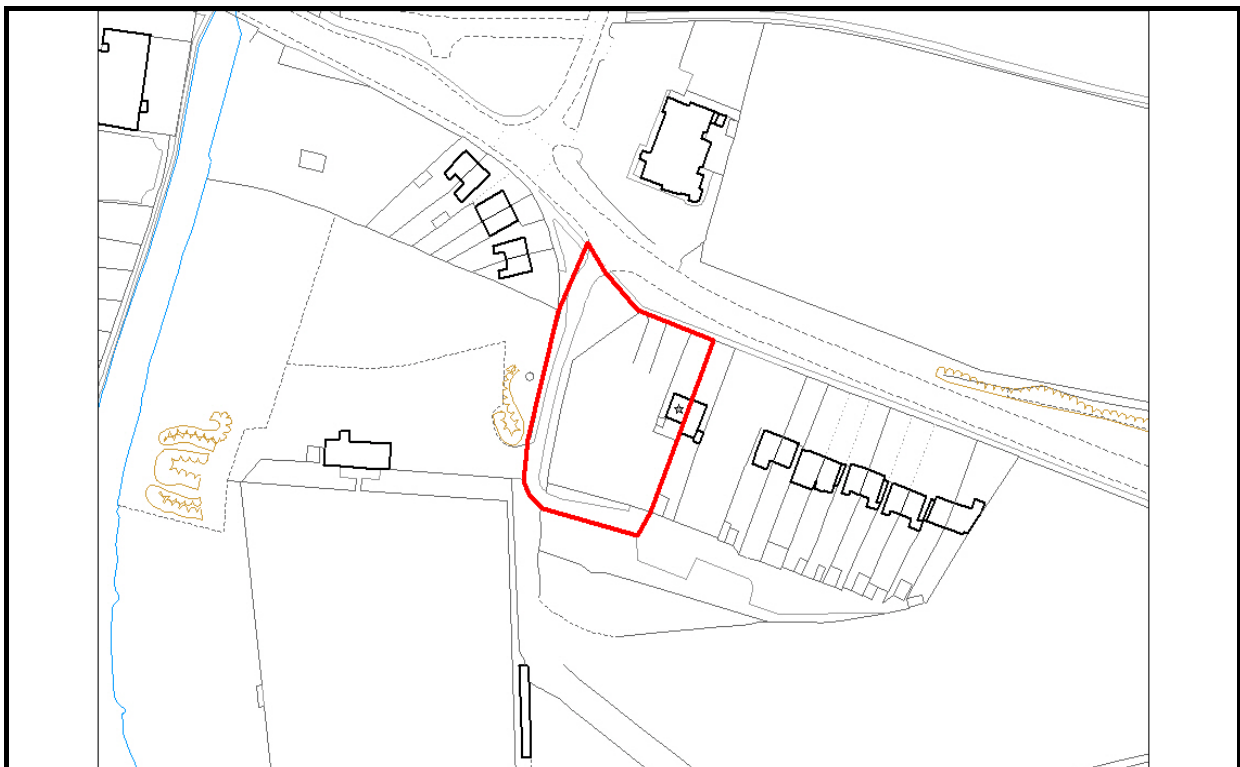
Email:planningservices@walsall.gov.uk

Agent: J Mason Associates Ltd

Location: Land adjacent 10 Bosty Lane,
Walsall

Expired Date: 12/04/2012

Recommendation Summary: Refuse



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Application and Site Details

The site is situated on the southern side of Bosty Lane (A4154), at the western end of a row of semi detached houses. The site is now cleared and enclosed by new close board fencing and sits at a higher level than the road. Bosty Lane is a district distributor route. The site and surrounding area sits within designated Green Belt.

The Royal Oak PH sits to the west on the opposite side of Bosty Lane, with open fields further north and to the north east. Dales Road sits to the west of the sit and comprises a track access to Rushall Olympic football ground and vehicle access to the rear of 10 – 36 (even) Bosty Lane. Open country side sits to the rear of the site.

The site currently forms part of the curtilage of 10 Bosty Lane. 10 and 12 Bosty Lane are a pair of semi detached houses, which are in a semi derelict condition and have been vacant for a number of years.

Former lime workings beneath the area including the site have led to ground instability and subsidence in the past. Extensive stabilisation works were undertaken by the Council in 2004.

A pair of semi detached houses (6 and 8 Bosty Lane) formerly stood on the site, but were demolished over 35 years ago due to subsidence.

This application proposes the erection of two pairs of semi detached two storey, three bed houses on the land adjacent to No 10. The houses would be of a traditional design with facing brickwork, pitched roofs and bay windows. Each pair of house would be stepped back from the frontage, the first pair 1.2m back from the front of No 10 and the second pair 2m back from the first pair.

The houses would have pedestrian access only from the frontage, similar to the other houses to the east, with vehicle access and parking to the rear off Dales Road (unadopted unsurfaced driveway) for the entire block. Two parking spaces would be provided for the existing house at No 10 and nine spaces for the four new houses.

The applicant has submitted the following documents in support of the application:

Design and Access Statement and Addendum

This considers the use/density of the proposals, the appearance, and layout, landscaping, access and parking. The addendum provides evidence of the previous fly tipping and vandalism at the site.

Tree Report by A L Smith

This concludes that there are no trees remaining within the site boundary but makes an assessment of two sycamore trees within the frontage of No 12 and two linear groups of trees across the frontage and to the side of the site.

Protected Species Report by Absolute Ecology

The recommendations refer to the site and the existing house at No 10.

Bats – low potential for bats but a licensed ecologist should be present when works done to the roof of No 10

Birds – a check for nesting birds should be made by an ecologist prior to any work undertaken at No 10, and nesting boxes should be provided in the new houses

Reptiles and Great Crested Newts – low potential but search of rubble and spoil heaps should be undertaken in the presence of an ecologist.

Letter of support

A letter of support signed by seven residents in Bosty Lane (to the east of the site), expressing support on the proviso that the proposals will not interfere with the right of access to the rear of the properties. The proposals will at last make some acceptable use of the area rather than a rubbish dump and the area is currently being used for anti social behaviour.

Relevant Planning History

Site of 14/16 Bosty Lane

05/0797/OL/E3, outline for a pair of semi detached houses, refused 13-06-05.

Application site

BC11896P, erection of detached dwelling and garage, withdrawn 09-05-79

BC34008P, siting of residential mobile home for disabled person, refused 18-11-91.

BC37541P, change of use of land to provide 4 stables, courtyard, paddocks and new vehicle access off Dale Road, withdrawn 20-11-92

04/2379/OL/E3, outline for reinstatement of two dwellings at 6 and 8 Bosty Lane, refused 21-01-05.

Reason for refusal:

The site lies within the West Midlands Green Belt. The proposal for the reinstatement of two dwellings which were demolished over 30 years ago is considered to be contrary to Policies 3.1 and 3.2 of Walsall's Adopted Unitary Development Plan 1995 and Policies 3.3, 2.22 and ENV2 of Walsall Unitary Development Plan Review Revised Deposit Draft Plan March 2002 and the advice given in Planning Policy Guidance Note 2: Green Belts, in that the proposal represents inappropriate new development, not replacement for which no very special circumstances have been put forward sufficient to outweigh the harm it would cause to the character and openness of the Green Belt.

An appeal against the refusal was dismissed 01-07-05, the Inspector concluded that there was insufficient special circumstances to outweigh the harm to the Green Belt from this inappropriate development.

Relevant Planning Policy Summary

Black Country Core Strategy & UDP Policies

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

The current version of the Black Country Core Strategy and associated appendices can be accessed at:

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

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

Black Country Core Strategy (BCCS)

The BCCS was adopted by the Council on 3rd February 2011 and now forms part of the statutory development plan. It replaces certain “saved” policies in the UDP. It sets out a vision, sustainability principles, spatial objectives and a spatial strategy for the Black Country

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

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

CSP2: States that the areas outside the growth network will provide, amongst other matters, a strong green belt to promote urban renaissance within the urban area and provide easy access to the countryside for urban residents, and a mix of good quality residential areas where people choose to live. The policy also states that Green Belt boundaries will be maintained and protected from inappropriate development.

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.

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

ENV3: Encourage high quality design that stimulates economic, social and environmental benefits.

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

TRAN1: The development of transport networks in the Black Country is focused on a step change in public transport provision serving and linking centres, improving sustainable transport facilities and services across the area, improving connectivity to national networks and improving the efficiency of strategic highway routes.

Saved policies of Walsall’s Unitary Development Plan (UDP)

3.3 safeguards the Green Belt as part of the wider West Midlands Green Belt.

ENV2: Control of Development in the Green Belt

In the Green Belt there will be a presumption against the construction of new buildings except for purposes for agriculture, forestry, outdoor sport or recreation, cemeteries or other uses that preserve the openness of the green belt, limited extension, alteration or replacement of an existing dwelling or limited infilling or redevelopment of major existing development sites.

ENV3: Detailed Evaluation of Proposals within the Green Belt

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

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

Textphone 0845 111 2910, Fax (01922) 623234

States that where development is acceptable in principle in the Green Belt (under Policy ENV2) the Council will also assess proposals for their impact on the Green Belt in terms of the following factors:-

I. The detailed layout of the site.

II. The siting, design, grouping, height and scale of buildings, structures and associated outdoor equipment.

III. The colour and suitability of building materials, having regard for local styles and materials.

vi. The impact on significant views, viewpoints and topographical features.

GP2: Environmental Protection

The Council 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. Accessibility by a choice of means of transport

VIII. The effect on the environment of the countryside and Green Belt

X. The effect on species, habitats and sites of nature conservation or geological interest.

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

3.114 good design can discourage crime and increase safety as well as accommodating the access requirements of all sections of the community.

3.115 the design of buildings and structures together with landscape design have a major role to play in the creation of an environment which is distinctive and creates a sense of place.

ENV32: Design and Development Proposals

Poorly designed development or proposals which fail to properly take account of the context or surroundings will not be permitted, particularly in locations such as visually prominent sites, within or adjacent to transport corridors and areas with special character arising from the homogeneity of existing development in the neighbourhood. Detailed criteria are listed for consideration when assessing the quality of design of any development proposal including:- the appearance, materials height, proportion, scale and mass of the proposed buildings, the visual relationship of the proposal with adjacent areas, the street and the character of the surrounding neighbourhood, the effect on the local character of the area.

ENV33: Landscape Design

Good landscape design is an integral part of urban design and the Council will require planning applications to be fully supported by details of external layout and landscape proposals.

H3: Windfall Sites on Previously Developed Land and Conservation of Existing Buildings
Encourage the provision of additional housing through the re-use of previously developed windfall sites provided a satisfactory residential environment can be achieved.

T7: Car Parking

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

T13: Parking Provision

1, 2 and 3 bedroom houses 2 spaces per unit

Supplementary Planning Document (SPD)

Designing Walsall SPD

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

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

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

DW4- Continuity -attractive spaces within new development should be defined or enclosed by buildings, structures or landscape;

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

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

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

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

Annexe 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 68sqm for housing and 20sqm per dwelling where communal provision is made, set backs to avoid terracing and provision of boundary walls. Although failure to comply with these guidelines may not by itself be a reason for refusal of an application, it will be a factor to be used in determining whether a proposal would be compatible with the wider character of the area or the existing dwelling or the amenity of neighbours.

Natural Environment SPD

Expands on the policies contained within the environment chapter of the UDP.

NE1 and NE4: all relevant applications to be supported by an adequate impact assessment. N8, N9 & N10 deal with the need to fully assess, protect and secure compensatory planting for trees.

Annex 1 provides guidance for European Protected Species including detailed guidance on bats and survey requirements.

Regional Strategy for the West Midlands

On 6 July 2010 the Secretary of State issued a direction to revoke Regional Spatial Strategies. Following a legal challenge this was reversed by the High Court on 10 November 2010.

The Government responded by advising its proposed abolition of the RSS system (abolition will require legislation, through the Localism Act and will take time) should be a material consideration in decisions. On 7 February 2011 the High Court published its judgement that the proposed abolition can be a material consideration. The Localism Act has now received Royal Assent and is moving towards Enactment. Further consultation has been undertaken

regarding the Strategic Environmental Assessment of the proposed abolition of the RSS. The Localism Act and the abolition of the RSS continue to be capable of legal challenge.

Officer's advice is that the RSS remains part of the statutory development plan for the Borough (with the saved policies of Walsall's UDP and the Black Country Core Strategy), and decisions should be made in accordance with it unless material considerations indicate otherwise.

Paragraph 3.14 of the RSS provides a series of strategic objectives. Objective (d) is to retain the Green Belt, but to allow an adjustment of boundaries where this is necessary to support urban regeneration.

The following policies are also relevant: Quality of the Environment policies QE3, QE6, QE7 and QE7, Urban Renaissance policies which state that the Region's urban areas will once again become vital, attractive places for people of a wide range of circumstances and lifestyles and Communities for the Future policy CF2.

National Policy

The National Planning Policy Framework Consultation Draft was issued on 25 July 2011. The document has now completed its consultation and received wide-spread publicity and significant responses. Ministers have confirmed that amendments to the document will be made. The CLG Select Committee has completed its assessment with 35 key recommendations. The Government is considering these. As such, the consultation document carries very limited weight. Officers note the intention of Government is that the planning system is plan-led and Local Plans are the starting point for the determination of any planning application.

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

PPG2: Seeks to protect against inappropriate development that is harmful to the Green Belt. Paragraph 1.5 states the purposes of including land in the Green Belt is:

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

Paragraph 3.4 states construction of new buildings inside the Green Belt is inappropriate unless for specific purposes including: -

- Agriculture or forestry
- Essential facilities for outdoor sport and outdoor recreation, for cemeteries and other uses of land which preserve the openness of the Green Belt and which do not conflict with the purposes of including land within it
- Limited extension, alteration or replacement of an existing dwelling
- Limited infilling in existing villages and limited affordable housing for local community needs under development plan policies
- Limited infilling or redevelopment of major existing developed sites identified in adopted local plans which meets the criteria in paragraph C3 or C4 of Annex C

Very special circumstances to justify inappropriate development will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

PPS3: Promotes sustainable development and the efficient use of previously developed land. Local planning authorities are required to identify and maintain a rolling five-year supply of deliverable land for housing.

PPS4: Planning for sustainable economic growth: Local Planning Authorities should ensure that the countryside is protected for the sake of its intrinsic character and beauty, the diversity of its landscape, heritage and wildlife, the wealth of its natural resources and to ensure it maybe enjoyed by all.

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

Consultations

Transportation – No objection subject to conditions regarding parking and vehicle access. Access to the parking area would be via an existing unadopted private access road which has a satisfactory access point onto Bosty Lane. The level of parking to be provided would comply with policy T13.

Pollution Control Contaminated Land – No specific contaminated land requirements.

Pollution Control Scientific Team – No objections subject to conditions to ensure the identification and provision of noise mitigation measures and to restrict hours of working on site.

Environmental Health – No adverse comments

Natural Environment – No objections on ecological grounds subject to conditions to ensure that bat boxes are incorporated into the new houses, to restrict the use of exterior lighting and to incorporate a native hedge and tree planting into the development.

Tree Officer – No arboricultural objections, the existing trees are poor, therefore no objections to their loss subject to a condition to ensure replacement tree planting.

Severn Trent Water – No objection subject to a drainage condition and informative to the applicant regarding the public sewer that is located within the site.

Police Architectural Liaison Officer – No objection. The applicant is encouraged to seek Secure by Design accreditation. Detailed security measure recommended.

Fire Service – satisfactory access for fire appliances.

Structures – No objections. The site is located in an area of the limestone consideration zone to the Daw End mines, which was partially treated in 2004. Any planning restrictions imposed by virtue of the limestone mining have therefore been lifted.

Public Participation Responses

One letter of objection and one letter of support (signed by 7 residents)

Objections:

- There has been a previous refusal at the site as it is in the Green Belt
- The derelict properties at 10 and 12 will remain continuing anti social behaviour problems
- Who will want to live next door to the eyesore of 10 and 12?

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- Sewage system not substantial enough to cope with four additional houses
- A large number of trees have already been removed without permission
- Vehicle access to other properties may be jeopardised

Support:

- Support given on the proviso that the proposals will not interfere with the right of access to the rear of the properties.
- The proposals will at last make some acceptable use of the area rather than a rubbish dump
- The area is currently being used for anti social behaviour.

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

Determining Issues

- Whether the very special circumstances put forward justify inappropriate residential development in the green belt
- Principle of residential development
- Design and Layout and Impact on the Green Belt
- Access and Parking
- Landscape and Ecology

Observations

Whether the very special circumstances put forward justify inappropriate residential development in the green belt

The site lies within the West Midlands Green Belt as identified in Walsall's adopted Unitary Development Plan (UDP).

Saved policy ENV2 of the UDP and paragraph 3.4 of PPG2 states that there is a presumption against the construction of new buildings in the Green Belt except for forestry, agriculture, cemeteries, limited extension, alteration or replacement of an existing dwelling. The site currently forms the garden of No 10 Bosty Lane and so the proposals would be inappropriate development within the Green Belt.

Paragraph 3.2 of PPG2 states that inappropriate development by definition is harmful to the Green Belt. It is for the applicant to show why permission should be granted. Very special circumstances to justify inappropriate development will not exist unless the harm by reason of inappropriateness and any other harm is clearly outweighed by other considerations.

Whilst there is evidence that a pair of semi detached houses occupied the site, it was established as part of the previous appeal that these two houses were demolished approx 35 years ago due to subsidence from the former lime workings. It is not considered that the proposed dwellings can be considered as replacement dwellings, given the time period since their demolition and there is no physical signs on site of the former houses. The Planning Inspector concluded in dismissing the previous appeal (for two houses, 01-07-05), that the use of the site for a pair of semi detached houses was abandoned and the proposals did not amount to replacement dwellings and was inappropriate development within the Green Belt.

The applicant has put forward the following very special circumstances to overcome the harm the development would have on the Green Belt:

The site has been plagued by incidences of vandalism, break ins to the existing property (No 10), by fly tipping and anti social behaviour. Some photos have been provided of windows in the existing house boarded up due to vandalism and the site has now been cleared and secured by new fencing to try to prevent further fly tipping. Anti social behaviour includes incidents of drug use at the empty property, but no evidence of this has been provided.

It is not considered that the above circumstances represent very special circumstances to outweigh the harm the erection of four houses would have on the openness and character of the Green Belt. It can easily be argued that the vandalism, anti social behaviour and fly tipping are a result of the existing properties at 10 and 12 remaining unoccupied for a number of years and allowed to become derelict. If the properties were refurbished (for which no planning consent would be required) and lived in the site would form part of the garden of No 10 and if properly secured would not be open to abuse, vandalism or fly tipping.

In the circumstances, the applicant has failed to provide any justification which demonstrates very special circumstances to outweigh the harm of inappropriate development in the Green Belt. Thus, it is considered that the proposal is contrary to the policies in the UDP as well as the advice given in Planning Policy Guidance Note 2: Green Belts.

Principle of Residential Development

Whilst the site sits within a predominantly residential area, the land currently forms part of the garden of No 10 Bosty Lane and is situated within the Green Belt.

There is a plentiful supply of available housing land in Walsall. Sites with planning permission for new housing provide well in excess of sufficient capacity to meet the borough's housing land needs for the next 5 years (as required by PPS3), and other identified potential housing sites in the Strategic Housing Land Availability Assessment (SHLAA) provide in excess of a 15 year housing land supply. There is no requirement therefore to release other sites for housing development in order to meet the housing land requirement in the Black Country Core Strategy.

The provision of further housing in inappropriate locations i.e. the Green Belt, is therefore not required to meet housing land supply and would undermine the regeneration of the urban area and be contrary to the BCCS, in particular the Vision, Sustainability principles and policy CSP2.

Design and Layout and Impact on the Green Belt

Saved policy ENV3 of the UDP provides details for the assessment of proposals that are acceptable in principle in the Green Belt, these include layout, siting, design, grouping, height, scale, materials and views.

The purpose of the Green Belt is to be free from development and to retain openness. At present the site comprises part of the garden area of No 10 Bosty Lane and provides views across the site in both directions of the Green Belt. The proposed development would have an unacceptable impact upon the openness and character and would block views of the Green Belt.

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Belt. The proposed houses would have a maximum height of 8.5m and a width of each pair of semis of 10.5m, creating two new masses with only a 1.9m gap between, blocking views across the site and allowing no real views between the buildings. The houses have been designed with gable roofs which emphasis the mass of the buildings and are out of character with the surrounding housing that all have hipped roofs.

The surrounding residential properties comprise of semi detached houses with hipped roofs, bay windows and chimneys and have a mix of render, brickwork and painted brickwork and the existing properties 10 – 36 have a defined building line. The proposed houses with gable roofs, no chimneys and a mass of brickwork would be uncharacteristic of the area. The stepped building line (to accommodate the shape of the site) would be out of character with the street frontage. The side gable of the plot closest to the boundary with Dales Road provides only one landing window and fails to properly address the corner or provide adequate surveillance of the land to the side and Dales Road, in conflict with guidance within Designing Walsall.

The design and layout of the proposed properties would conflict with guidance in Designing Walsall SPD in particular DW3: Character and The Vision: Homes and the provisions of saved policy ENV3 of the UDP.

Access and Parking

The proposals would provide off street parking to the rear for each property as well as the existing house at No 10, via the existing unadopted and unsurfaced access drive off Dales Road. Surfacing of this driveway would be appropriate in order to prevent the carrying of loose materials and mud onto the public highway.

The level of parking proposed would comply with saved policy T13 of the UDP.

Landscaping and Ecology.

All the existing vegetation and trees within the site have already been cleared, which is unfortunate. Replacement planting would be required, including native hedgerows and tree planting.

Given the location within the Green Belt and on the edge of the countryside it is recommended that bat boxes should be included in any new buildings, that the use of exterior lights are restricted and native planting is incorporated into any development in order to provide conserve local bat population and provide habitat for local wildlife.

Recommendation: Refuse

1. The proposals represent inappropriate development within the Green Belt and no very special circumstances have been put forward sufficient to outweigh the harm this inappropriate development would cause to the character and openness of the Green Belt. As such the proposed dwellings are contrary to the aims and objectives of the Black Country Core Strategy, in particular sustainability principles 2 and 4, and policy CSP2, Objective (d) in paragraph 3.14 of the West Midlands Regional Spatial Strategy, saved policies 3.3, ENV2 and 3.29 of Walsall's Unitary Development Plan (2005) and the advice given in Planning Policy Guidance Note 2: Green Belts.

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2. The height, massing and design of the proposed dwellings, would be out of character with their surroundings and would have an adverse impact on the openness, character and visual amenity of the Green Belt. The proposals are therefore contrary to the aims and objectives of saved policies GP2, ENV2, ENV3 and ENV32 of Walsall's Unitary Development Plan (2005) and Walsall's Supplementary Planning Document: Designing Walsall and guidance given in Planning Policy Statement 1 and Planning Policy Guidance 2.

3. There is a plentiful supply of available housing land in Walsall. Sites with planning permission provide well in excess of sufficient capacity to meet the borough's housing land needs for the next 5 years, and other identified potential housing sites provide in excess of a 15 year housing land supply. There is no requirement therefore to release other sites for housing development in order to meet the housing land requirement in the Black Country Core Strategy. The development of this site in the Green Belt would undermine the regeneration of the urban area and would be contrary to the Black Country Core Strategy, in particular the Vision, Sustainability Principles and Policy CSP2.



Planning Committee

Report of Head of Planning and Building Control, Regeneration Directorate on
29/03/2012

Reason for bringing to committee: Significant community interest

Application Number: 12/0057/FL

Application Type: Full application

Applicant: Mr Roy Haddon

Proposal: New detached 3 bedroom dwelling.

Ward: Pelsall

Case Officer: Stuart Crossen

Telephone Number: 01922 652420

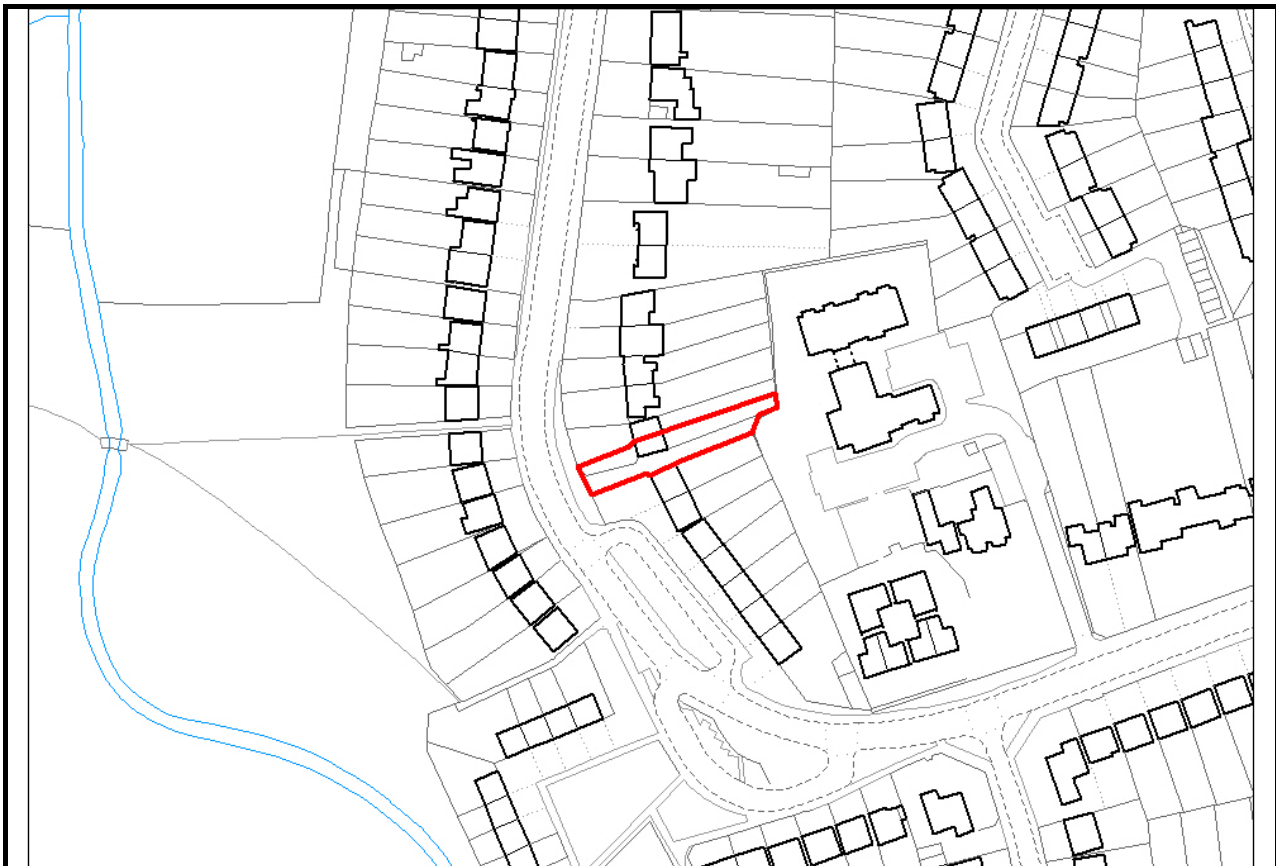
Email:planningservices@walsall.gov.uk

Agent:

Location: Land adjacent to 59 Fordbrook Lane, Pelsall, Walsall, WS3 4BW

Expired Date: 22/03/2012

Recommendation Summary: Grant Permission Subject to Conditions



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Application and Site Details

The application proposes a new detached house on land to the side of number 59 Fordbrook Lane. Fordbrook Lane is a mix of traditional semi-detached and detached family sized houses with hipped roofs and many with front gable features.

The application site is 9 metres wide and would include a strip of land between two houses which from the Council's historic maps would appear to have been an access way to the former Sheffield Mill at the rear of the site. Also within the site area is an existing garage, which would be removed and part of the rear garden of number 59.

The land between numbers 59 and 61 slopes down by approximately 1 metre, the proposed house would be built 300mm lower than 59 and 355mm higher than 61.

The house would have a hipped roof, front gable with bay windows and a porch projection with hipped roof over the front door. On the ground floor would be a toilet, living room and kitchen/dining room. On the first floor would be a bathroom and three bedrooms. There would be side access to the rear garden which would be 31 metres deep and 173m² in area.

The frontage of both the proposed house and number 59 is 15 metres deep from the back of pavement and is proposed to be hardsurfaced providing 3 car parking spaces each.

The house would have eaves measuring 5.3 metres high, a roof ridge height of 7.8 metres, would be approximately inline with number 59, 6.3 metres wide and 8 metre deep.

The application site is on elevated ground and is in a prominent position on the bend of Fordbrook Lane. Number 59 has no side elevation habitable room windows and the main part of the proposal would extend no further forward or rearward of this house. The proposed porch would project 1.2 metres further forward of the original front elevation of number 59.

Number 61 is the other semi-detached neighbouring house which has an attached garage the full depth of this house built up to the shared boundary. A first floor side elevation window serves the landing of number 61. The depth of number 61 would be approximately the same as the proposed house which would sit 1 metre further forward.

The Design & Access Statement – Gives an appraisal of the site, explains the landscape strategy, and design concept which is to mirror the existing house number 59.

Relevant Planning History

None

Relevant Planning Policy Summary

Black Country Core Strategy & UDP Policies

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

The current version of the Black Country Core Strategy and associated appendices can be accessed at:

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

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

Black Country Core Strategy (BCCS)

The BCCS was adopted by the Council on 3rd February 2011 and now forms part of the statutory development plan. It replaces certain “saved” policies in the UDP.”

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

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

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

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

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

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

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

All developments will aim to achieve a minimum density of 35 dph, except where higher densities would prejudice historic character and local distinctiveness

Saved Policies of Walsall’s Unitary Development Plan (2005)

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

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

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

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

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

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

T7 – Car Parking

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

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

T10 (a): Refers to accessibility standards.

T13: Parking Provision

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

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

Designing Walsall (SPD) (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;

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

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

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

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

DW5: Ease of Movement – connections to existing routes

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

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

Annexe E: Numerical Guidelines for Residential Development identifies privacy and aspect distances between dwellings including 24m separation between habitable windows for two storeys and above, 13m separation between habitable room windows and blank walls exceeding 3 metres in height, 45° code, garden dimensions of 12m in length and 68m² for housing and 20m² per dwelling where communal provision is made, set backs to avoid terracing and provision of boundary walls. Although failure to comply with these guidelines may not by itself be a reason for refusal of an application, it will be a factor to be used in determining whether a proposal would be compatible with the wider character of the area or the existing dwelling or the amenity of neighbours.

Regional Spatial Strategy (RSS) Update

Previous briefings have advised there was to be an appeal against the High Court decision that the Government's proposals to revoke RSS's could be a material consideration in planning decisions. The Court of Appeal gave its decision on 27 May and dismissed the appeal.

However, the Judge found that (because of the need for the revocation to be approved by Parliament, through the Localism Bill and the requirement for there to be a strategic environmental assessment for the revocation of each region's RSS) for the moment there would be "very few" cases where it would be appropriate to give significant weight to the Government's intention.

There may be cases where it would be appropriate to assign weight, for example where a large site might be developed over 15-20 years and the development was based solely on Regeneration, Planning and Building Control, Civic Centre, Darwall Street, Walsall, WS1 1DG

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RSS policy. In such cases it would be necessary to give "*very clear and cogent reasons*", for not making a decision in accordance with the RSS.

This confirms previous officer advice that **the RSS remains part of the statutory development plan for the Borough** (with the saved policies of Walsall's UDP and the Black Country Core Strategy). Decisions should be made in accordance with it unless material considerations – including whether the implications of a decision might come after such time as the RSS might be abolished - indicate otherwise.

RSS policies QE1-9 sets out a range of policies on different aspects of the environment, all of which should be considered together as there are many inter-linkages between them. The underlying philosophy is that, whilst in some instances the environment may act as a constraint on certain types of development, overall it should be regarded as a major asset to the Region supporting wider economic and social aspirations and acting as a key component in regeneration.

RSS policies CF1-6 supports proposals for residential environments within the MUAs to be made more attractive, so that they can increasingly retain their populations. At the same time new housing provision in the other areas outside of MUAs, will need to be reduced to levels where it is largely meeting local needs, hence discouraging decentralisation.

National Policy

The National Planning Policy Framework: Consultation Draft was issued on 25 July 2011. The document has yet to be considered through consultation and this may result in amendments to the document and as such carries very limited weight. Officers note paragraph 62 which states that the planning system is plan-led and Local Plans are the starting point for the determination of any planning application.

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

PPS 3: In general, in deciding planning applications, Local Planning Authorities should have regard to:

- Ensuring developments achieve a good mix of housing reflecting the accommodation requirements of specific groups, in particular, families and older people.
- Using land effectively and efficiently.
- Ensuring the proposed development is in line with planning for housing objectives, reflecting the need and demand for housing in, and the spatial vision for, the area and does not undermine wider policy objectives eg addressing housing market renewal issues.

PPS 3 Annex B also defines previously-developed land (often referred to as brownfield land):

‘Previously-developed land is that which is or was occupied by a permanent structure, including the curtilage of the developed land and any associated fixed surface infrastructure.’

The definition includes defence buildings, but excludes:

Land in built-up areas such as private residential gardens, parks, recreation grounds and allotments, which, although it may feature paths, pavilions and other buildings, has not been previously developed.

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

PPG 13: Transport. Paragraph 54 states for individual developments, the standards in Annex D should apply as a maximum unless the applicant has demonstrated (where appropriate through a Transport Assessment) that a higher level of parking is needed. In such cases the applicant should show the measures they are taking (for instance in the design, location and implementation of the scheme) to minimise the need for parking.

Consultations

Transportation – No objections subject to conditions

Pollution Control Scientific Team – No objections subject to conditions

Pollution Control Contaminated Land – No objections

Fire Officer – No objections

Severn Trent – No objections subject to conditions.

Ecology Trees – No objections

Building Control – No objections

Public Participation Response

Four objections have been received.

The proposal might damage a shared wall with number 57 and their driveway.

The proposal would result in a traffic increase on a busy road.

The construction would result in a traffic increase on a busy road with a bad bend.

Would not want to see building or redevelopment in front of their window.

Determining Issues

- Principle of Development
- Impact on the character of the surrounding area
- Layout and Design
- Impact on neighbouring amenity
- Access and Parking

Observations

Principle of Development

The site is situated within two houses facing a road which is served by a bus service on this basis the application site is considered to be in a sustainable location. The proposed detached house is considered to be an effective use of the site area contributing to providing a good mix of housing reflecting the existing characteristic of family accommodation in this area. In this instance the proposal is considered to be good design for the reasons that follow.

Impact on the character of the surrounding area

The proposed house would face the street front approximately in line with both of the neighbouring houses. The plot size is similar to those of the neighbouring houses many of which have two storey extensions up to their shared boundaries. The proposal would put into use a narrow strip of land which has been left overgrown. The proposal which would be a street frontage development is considered to be compatible with the existing character and pattern of development of the street also respecting the amenity of adjacent residents. In this

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context the proposal is not considered back garden development and is considered suitable for housing development.

Layout and Design

The proposed layout would provide sufficient garden amenity space and parking provision for both the proposed dwelling and number 59 and would accord with the Councils guidance. The design is considered to reflect the design of the neighbouring houses with matching roof style and traditional designed elevations.

The proposed porch is a little higher than could usually be constructed under permitted development rights but would integrate with the proposed house. Permitted development rights for porches can be removed by condition to ensure a further porch extension is not created which is considered would be an incongruous addition which would have a significant impact on the character of the area due to its prominent position.

Whether the boundary wall between number 59 and 57 would be retained and whether or not its removal would damage the driveway of number 57 are considered to be private matters and not determining considerations of this planning application.

Impact on neighbouring amenity

In relation to both of the neighbouring houses number 61 and 59, neither the proposal or these existing houses would have any habitable side elevation windows, the 1 metre difference between the front and rear elevations of these houses is also considered would not result in any significant impact on neighbouring amenity.

Although concerns about not wanting to see building works or redevelopment from neighbouring windows, it is considered that such works would not be indefinite and does not constitute a reason for refusal. Temporary noise impacts can be conditioned if permission is granted in accordance with advice from Pollution Control.

Access and Parking

UDP T13 parking policy requires 3 bed dwellings to have 2 off-street parking spaces which the proposal accommodates.

The development would result in the loss of the garage to the existing dwelling but adequate off-street driveway parking would be provided in compensation.

The Transportation Officer has no objections to the proposal, a single house in an existing residential area is considered would not contribute to any undue increase in traffic, and the long driveway with ample parking is considered acceptable.

Summary of Reasons for Granting Planning Permission

The site is considered to be in a sustainable location. The proposed detached house reflects the existing characteristic of family accommodation in this area and is not considered to be backland development.

The proposed house would face the street front approximately in line with both of the neighbouring houses. The plot size is similar to those of the neighbouring houses many of which have two storey extensions up to their shared boundaries. The proposal would be compatible with the existing character and pattern of development of the street also respecting the amenity of adjacent residents.

The proposed layout would provide sufficient garden amenity space and parking provision for both the proposed dwelling and number 59.

Whether the boundary wall between number 59 and 57 would be retained and whether or not its removal would damage the driveway of number 57 are considered to be private matters and not determining considerations of this planning application.

In relation to both of the neighbouring houses number 61 and 59, the 1 metre difference between the front and rear elevations and lack of habitable windows on the side facing elevation of these houses is considered would not result in any significant impact on neighbouring amenity.

Although concerns about not wanting to see building works or redevelopment from neighbouring windows opposite the application site have been raised, it is considered that any noise impact can be mitigated against and would be a temporary impact that does not warrant a refusal.

A single house in an existing residential area is considered would not contribute to any undue increase in traffic, and the long driveway with ample parking is considered acceptable.

In light of the above the proposals are considered to accord with the aims of policies 2a, 2b, CSP2, CSP4, DEL2, TRAN2, ENV2 and HOU2 of The Black Country Joint Core Strategy and saved policies 3.6, 3.7, GP2, GP3, ENV14, ENV32, ENV33, ENV40, 3.116, 3.117, H3, T7, T8, T10, T13 and LC1 of Walsall Unitary Development Plan and Supplementary Planning Documents: Designing Walsall and Urban Open Space.

Recommendation: Grant Permission Subject to Conditions

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

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

2. a) Prior to commencement of the development details of the disposal of both surface water and foul sewage shall be submitted to and approved in writing by the Local Planning Authority.

b) The scheme shall be fully completed in accordance with the approved details prior to being brought into use and retained thereafter.

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

3. a) Prior to commencement of the development samples of all facing and roofing materials have been submitted to and approved in writing by the Local Planning Authority.

b) The development shall be completed with the approved details and retained thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the satisfactory appearance of the development.

4. a) Prior to the commencement of the development details of the vehicle footway crossing shall be submitted to and agreed in writing by the local planning authority

b) The scheme shall include details of the hard surfacing and of suitable drainage measures to prevent surface water from discharging onto the public highway.

c) Prior to the first occupation the agreed details shall be fully implemented and thereafter be retained and used for no other purpose.

Reason: To ensure adequate off-street parking is available for the existing dwelling prior to the commencement of construction works on the new dwelling in order to prevent indiscriminate parking on the highway and in the interests of highway safety.

5. Prior to the new driveway for the existing dwelling no.59 first coming into use, the existing vehicle footway crossing shall be suitably extended to align with the new driveway and shall be constructed to a specification to be approved and agreed in writing by the Local Planning Authority, and any works shall meet all statutory requirements.

Reason: To ensure the satisfactory completion and operation of the development and to meet the requirements of the Highways Act 1980.

6. Prior to the first occupation of the new dwelling, the driveway and parking area to serve the dwelling, shown on the approved plan, shall be fully implemented including the consolidation and hard surfacing of the areas together with suitable drainage to prevent surface water from discharging onto the public highway. These areas shall thereafter be retained and used for no other purpose.

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

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

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

Reason: In order to protect the residential amenities of nearby occupiers.

8. Notwithstanding the provisions of Class D of The Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008, or succeeding Orders, there shall be no erection or construction of a porch outside any external door of the dwellinghouse without the prior approval of a planning application.

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

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

Amended Location Plan (566-2011- Sheet 3) deposited 26/01/12;
Proposed Block Plan and Site Levels (566-2011 – Sheet 4) deposited 20/01/12;
Proposed Elevations, Floor Plans and Roof Plan (566-2011 – Sheet 1) deposited 20/01/12;
Proposed Streetscene and Section levels (566-2011 – Sheet 2) deposited 20/01/12;
Design and Access Statement deposited 20/01/12.

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
29/03/2012

Reason for bringing to committee: Significant Community Interest

Application Number: 12/0122/FL

Application Type: Full application

Applicant: Silverlining Childcare Limited

Proposal: Change of use to a three bed residential childrens care home (age 11-18yrs).

Ward: Pleck

Case Officer: Karon Hulse

Telephone Number: 01922 652487

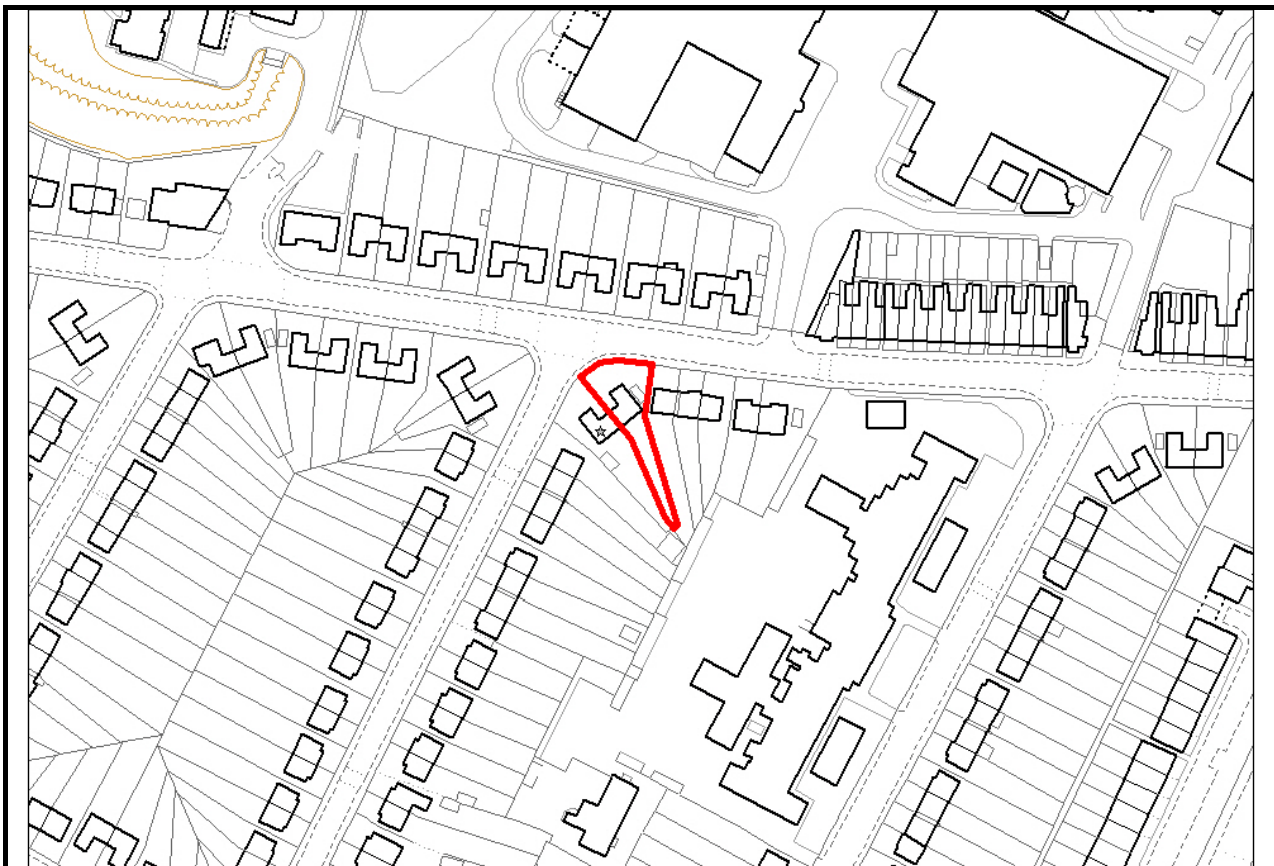
Email:planningservices@walsall.gov.uk

Agent:

Location: 31 IDA ROAD, WALSALL, WS2 9SS

Expired Date: 12/04/2012

Recommendation Summary: Grant Permission Subject to Conditions



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Application and Site Details

This application proposes the change of use of no 31 Ida Road, Walsall which is an existing three bedroom dwelling, to a residential care home for 3 children aged 11 – 18 years. The home will accommodate children who are looked after by the Local Authority

The site is the left hand side of an existing semi detached pair of dwellings which are two storey. They occupy the corner of Flaxhall Street and Ida Road with the application site fronting onto Ida Road, Walsall.

This is a predominantly residential area with the exception of the Manor Hospital which is to the north behind Ida Road.

The house has a detached wooden garage to the left hand side.

The proposed change of use involves the use of three rooms as bedrooms and a downstairs room as an office with sleeping facilities included.

The home will have a staff team of 3 senior staff and 5 residential Support workers who are. The home will operate the following shift patterns:

- 07.30am – 15.30pm: There will be 3 staff including the manager (Young people will be at school)
- 15.00pm - 23.00pm: 3 staff
- 23.00pm - 8am: 2 staff

The manager is on-call 24hrs which involves attending to the home if needed.

The layout plans show a sitting room, kitchen, conservatory and office on the ground floor, 3 bedrooms and a bathroom on the first floor. The property would require only minor internal alterations to accommodate the proposed use. Approx 135 sqmts of amenity space is provided to the rear

There is parking for four vehicles off street within the frontage area and garage, this area is partially hard surfaced and has been used previously for parking. There are two bus routes along Ida Road linking Walsall with Alumwell via the hospital these run every 30 minutes.

Visitors to the home will include social workers and other independent visitors such as Ofsted officers

Relevant Planning History

08/1760/FI – Conversion of no. 31 Ida Road and no. 1 Flaxhall Street to 4 flats and 2 storey rear extension. Refused 23rd January, 2009 on grounds of potential impact of rear extension on neighbouring amenities, car parking lack of landscaping and bin stores too close to highway.

Also relevant planning history

92 Broadway North, Walsall

10/1699/FL - Change of use from dwelling to residential care home for 4 children aged 8 – 16 years. Granted 27/6/11

09/1694/FL - Change of use from dwelling to residential care home for 4 children aged 8 – 16 years. Refused 08/02/10.

Reasons for refusal:

1. Loss of a single family dwelling
2. 24 hour care home would result in noise and disturbance to the adjoining residential occupiers from the residents (children aged 8 – 16 years) and staff through the party wall, and additional comings and going would be detrimental to the amenities of the adjoining residential occupiers.
3. Fail to provide sufficient information to assess parking and vehicle access and manoeuvring space.

A subsequent appeal was dismissed 12-08-10. The inspector concluded that *the proposals would not cause significant harm to the living conditions of the occupiers of neighbouring properties but the effect on highway safety was sufficient to dismiss the appeal.*

91 Chester Road

08/1083/FL - Planning Appeal allowed (January 2009) for change of use from a private dwelling house to Class C2 residential home for 5 children aged between 9 and 17 years. With regard to on-street parking and highway safety the Inspector concluded that the proposed use was not likely to generate traffic levels significantly greater than could occur if the property was used as a family dwelling. He also concluded that a periodic need for off-street parking in connection with the use could be accommodated in a nearby road where there are no parking restrictions without harming highway safety. There was no evidence to suggest that the proposed development would be harmful to actual or perceived crime in the locality. A condition to prevent further changes within Class C2 without needing planning permission was considered necessary in the interests of community safety. On matters such as potential noise and disturbance or loss of privacy the Inspector found no reason to alter his view that the proposals are acceptable.

1 Borneo Street

05/0954/FL/E6 – Planning consent for change of use from two flats into a single dwelling house for a small children's home refused 12-08-05.

Reason for refusal:

The proposed use does not provide off street parking. As a result the use of this premises as a residential children's home will lead to an increase in demand for car parking on-street in Borneo Street particularly from staff, guardians or parents, visitors, and other care workers visiting the site, on an individual or group basis.

As a consequence the proposals will result in vehicles parking on the street to the detriment of road safety and the amenity of residents.

Subsequent appeal allowed 25-01-06.

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The Inspector concluded that there was no on-site parking for the existing two flats which under Council policy would require more parking than the proposed use. The Inspector was *not convinced that the proposed care home would generate a significantly greater need for on-street parking than that which could be required for the existing flats.....satisfied that the proposals would not have an adverse impact on parking in the area.*

Relevant Planning Policy Summary

Black Country Core Strategy & UDP Policies

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

The current version of the Black Country Core Strategy and associated appendices can be accessed at;

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

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

Black Country Core Strategy 2011-2026

Vision: to include the creation of a network of sustainable communities' right across the Black Country. This will be achieved, in part, by creating environments which offer opportunities for active lifestyles and healthy choices, including provision for outdoor recreation within the urban fabric of the Black Country.

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

2b: Encourages sustainable management of material resources through minimising waste, ensuring all members of the community have the best access to housing.

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

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

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

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

Saved policies of Walsall Unitary Development Plan (UDP)

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.

GP5: The needs of all sections of the community should be taken into account to ensure no discrimination in terms of race, gender, age, poor mobility, disability, poverty or any other factor.

GP6: Measures to improve access for disabled people should be of a high standard of design to protect the visual appearance of buildings and the townscape.

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

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

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will not be permitted. Designing out crime' through design, layout, landscaping and boundary treatments is encouraged.

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

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

H5: Promotes and encourages housing for people with special needs requiring specialist accommodation.

H6: Relates to provision of nursing homes and rest homes for the elderly but advises vehicular access and parking, amenity and landscape and states large detached properties are suitable for conversion.

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.

(b) All development should satisfy the car parking standards set out in Policy T13 and provide an adequate level of parking to meet the operational needs whilst not exceeding any maximum standards..

T13: car parking standards

Residential homes: 1 space per 3 beds

Supplementary Planning Document: Designing Walsall (February 2008) Aims to promote a high quality environment and high standards of urban and landscape design throughout the Borough and identifies the basis on which the design of buildings and spaces will be considered during the development control process. It identifies key urban design principles for consideration including Numerical Guidelines for Residential Development. This 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 and 20sqm per dwelling where communal amenity space is provided. 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.

Officer's advice is that the RSS remains part of the statutory development plan for the Borough (with the saved policies of Walsall's UDP and the Black Country Core Strategy), and decisions should be made in accordance with it unless material considerations indicate otherwise.

The focus for the Black Country policies is to continue its economic, physical and environmental renewal focused around improved infrastructure and the regeneration of town and city centres (including Walsall) to create modern and sustainable communities.

Overall the strategy promotes sustainable regeneration of previously developed land, promoting a high quality environment and sustainable development capable of being accessed by a variety of transport modes.

Key planning policies include UR1, UR1B, QE2, QE3, PA1, PA5, T3, T4, and T5.

National Policy

The **National Planning Policy Framework** Consultation Draft was issued on 25 July 2011. The document has now completed its consultation and received wide-spread publicity and significant responses. Ministers have confirmed that amendments to the document will be made. The CLG Select Committee has completed its assessment with 35 key recommendations. The Government is considering these. As such, the consultation document carries very limited weight. Officers note the intention of Government is that the planning system is plan-led and Local Plans are the starting point for the determination of any planning application.

National Policy

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

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

PPG24: The planning system must ensure development does not cause an unacceptable degree of disturbance.

Other Legislation

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

Consultations

Transportation – no objections

Fire Service – no objections

Specialist Children's Services – concerns regarding the number of children, situated close to a main road, requires a risk assessment for specific behavioural or learning difficulties, other issues relate to matters which would be dealt with the registration by Ofsted.

Public Participation Responses

Four letters of objections received,

Objections:

- Anti social behaviour
- Teenagers roaming around doing damage and thieving
- Conservatory overlooks my property
- Feeling uncomfortable in own home

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

Determining Issues

- The principle of the use
- Highway safety
- The impact on the amenities of surrounding occupiers
- Fear of Crime and anti social behaviour

Observations

Principle of the use

The semi detached house is situated within a residential area. Whilst saved policy H6 encourages the use of larger detached houses and indicates that terraced and semi detached houses will not normally be suitable for such uses the Planning Inspector had previously concluded that the proposed home at 92 Broadway North, for children would *resemble an ordinary family home within the community, rather than a large institution, and the fact that the property is semi detached is in itself an insufficient reason to dismiss the appeal.*

This property already provides a three bedroom dwelling, there is no evidence to suggest that the proposals will result in increased comings and goings at the premises. Therefore the principle of the use is acceptable.

The proposals will not require any external alterations to the premises, although it does include the addition of a conservatory to the rear. This has already been installed and constructed and is of a standard size for a dwelling house of this nature. The rear garden amenity is enclosed by boundaries of various sizes and types, there are the sides of sheds, brick walls and timber fencing, mostly it is 1.8 metres in height or above, where there are breaks in the boundary a condition requiring this to be in filled should be required this will ensure that views from the conservatory will be limited. The dwelling will continue to appear as a family dwelling in character with the area and operate as a family unit with the staff providing the parental role.

Highway Safety

The proposal affords 4 car parking spaces inclusive of the garage, therefore based on UDP policy T13 the proposals exceeds the maximum parking requirements for a residential care home of 1 space per 3 beds. However this is not deemed to be detrimental and therefore the Highway Authority raises no objections at this particular location, where there are known on street parking issues

There are no parking restrictions within Ida Road or Flaxhall Street which would be available for any additional or visitor parking in the same way as a domestic house. There are regular bus services along Ida Road to and from Walsall town centre, allowing access for staff and visitors by other modes of transport.

The Planning Inspector in the appeal at 1 Borneo Street which was to provide a similar care home in a residential street, in that case the proposals provided no on-site parking and relied on on-street parking for the use. The Inspector concluded that the proposed use would not

generate a significantly greater need for on-street parking than that which could be required for the existing flats...and was satisfied that the proposals would not have an adverse impact on parking in the area. The use at 1 Borneo Street has been operational for over 4 years.

It is considered that the proposals will not have any impact on highway safety.

Impact on the amenities of the surrounding occupiers

The property would provide accommodation for 3 children with between 2 and 3 staff being present at anyone time on the premises

Previously the Planning Inspector had commented on other similar proposals that they would not result in an excessive or unusual number of occupants and there is no evidence to suggest that the proposed occupants would be likely to create unusual levels of noise, further there is no evidence to suggest that the comings and goings and vehicle movements would be dissimilar to those experienced at a large family home.

Staff sleeping facilities would be provided and waking night staff would be used. The proposed staffing levels would provide an increase in supervision in comparison to the usual family.

The Planning Inspectorate concluded in the cases outlined in the planning history section above that *the proposals would not cause significant harm to the living conditions of the occupiers of neighbouring properties.*

Fear of Crime and anti social behaviour

Objectors have expressed a fear of crime from the proposed occupants. The staffing levels proposed when the children are at home would provide a significant increase in supervision in comparison to a family, notwithstanding this the staffing levels and appropriate supervision is an issue for Ofsted as part of the registration of the home.

The appeal at 91 Chester Road was similar to the current proposals and the Inspector found no evidence to suggest that the proposed development would be harmful to actual or perceived crime in the locality.

Furthermore, a condition to prevent further changes within Class C2 without needing planning permission was also considered appropriate in the interests of community safety, it is suggested that a similar condition is also appropriate in this case.

Summary of Reasons for Granting Planning Permission

The principle of the proposed use as a residential care home for 3 children aged 11 – 18 years is considered appropriate and similar cases have in the past been previously supported by the Planning Inspectorate at several a appeal cases. It has been concluded that the use would resemble an ordinary family home within the community, rather than a large institution, and the fact that the property is semi detached is in itself an insufficient reason to refuse consent. The property would continue to appear as a family dwelling within a residential area with the addition of a new conservatory also representing an extension

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which is of a domestic nature and that will not impact on the amenities of nearby residents by virtue of overlooking.

Staff supervision levels would be greater than that of a family and is unlikely to result in an increase in crime. There is no evidence to suggest that the proposed occupants would be likely to create unusual levels of noise, furthermore there is no evidence to suggest that the comings and goings and vehicle movements would be dissimilar to those experienced at a large family home. There are no parking restrictions within Ida Road or Flaxhall Road which would be available for any additional or visitor parking in the same way as a domestic house.

Ofsted would be responsible for approval and registration of the property for the use proposed.

In view of the above the proposals are considered to accord with the aims of policies 2a, 2b, CSP3, CSP4, TRAN2 and ENV2 of The Black Country Joint Core Strategy and saved policies 3.6, 3.7, GP2, GP5, GP6, ENV14, ENV32, H3, H5, H6, T7 and T13 of Walsall Unitary Development Plan (2005) and Supplementary Planning Documents: Designing Walsall (2008).

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)

2a. Prior to the implementation of any part of the proposed use details of the reinstatement of the front garden and front boundary wall shall be submitted to and agreed in writing by the Local Planning Authority.

2b. Prior to first occupation of the house for the proposed use the agreed details shall be fully implemented and thereafter retained.

Reason: In order to prevent unauthorised parking on the frontage.

3. The premises shall be used as a Residential Home for 3 children aged between 11 and 18 years, accommodated at the premises at any one time, and for no other purpose (including any other purpose in Class 2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason: In order to define the permission and ensure no other use of the premises.

4a. No development shall be carried out until full details of the boundary treatment to the rear of the site have been submitted and approved in writing by the Local Planning Authority.

4b. The approved scheme shall be implemented before the development is brought into use and shall be thereafter retained.

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

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

- Existing and proposed ground floor plan deposited 8/3/12
- Design and access statement received 3/2/12

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 29/03/2012

Reason for bringing to committee: Contrary to policy

Application Number: 12/0126/FL

Application Type: Full application

Applicant: Mr G Baines

Proposal: Proposed two storey side and rear extension.

Ward: Bloxwich West

Case Officer: Jenny Townsend

Telephone Number: 01922 652420

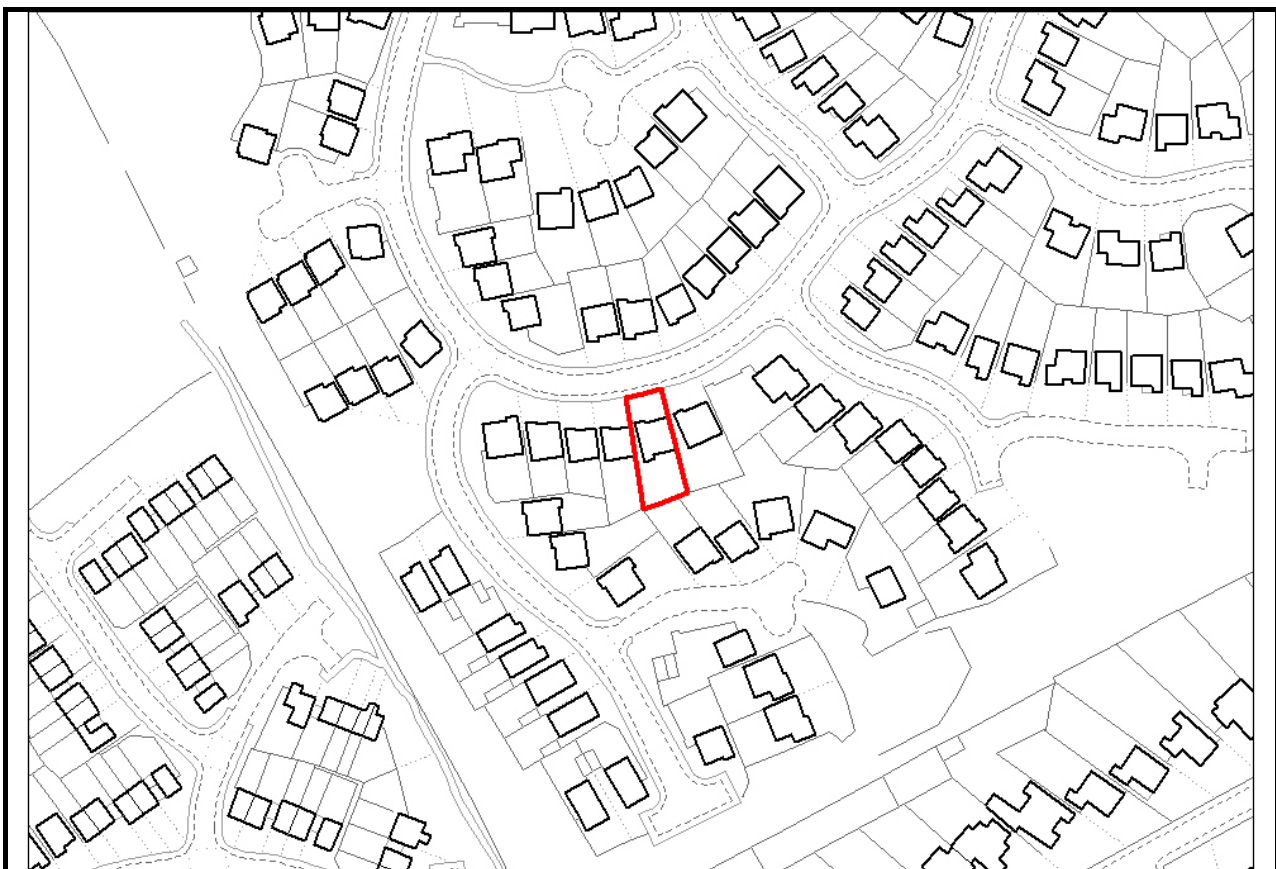
Email:planningservices@walsall.gov.uk

Agent: Design-Wright

Location: 56 GANTON ROAD,
BLOXWICH, WALSALL, WS3 3XQ

Expired Date: 30/03/2012

Recommendation Summary: Grant Permission Subject to Conditions



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Application and Site Details

This application is for a first floor extension to the side of a detached house which would add a new bedroom with en-suite shower room and enlarge one of the existing rear bedrooms. One of the existing front bedrooms is to be converted to a study so the number of bedrooms would remain at 4.

The application house is on a modern residential estate. Some of the neighbouring houses have, as part of the original design, rooms above the garage which are set back at the front approximately 1.5 metres from the main two storey part of the house. There are generally 1.0 metre wide gaps between the houses. The character of the immediate vicinity (with regard to the length of the rear gardens) is reduced separation.

The proposed extension would be 3.3 metres wide and built above the existing garage, study and playroom on the right-hand side of the house. The front of the extension would be set back 0.85 metres from the existing two storey part of the house with the rear part projecting 1.4 metres beyond the rear two storey wall. The original roof is to be continued over the side part of the extension with a lower gable roof to the longer rear section. Windows to the bedrooms are proposed on the front and rear elevations with a window to the en-suite in the side elevation facing the side of number 54.

Number 54 lies to the west of the application house and is in line at the front with the two storey part of the application house. At the rear number 54 has a bedroom window at first floor level which is 2 metres forward from the rear of the playroom belonging to the application house and a conservatory at ground floor which is in line with the rear of the playroom. The boundary between the houses runs at a slight angle and the gap between the houses is 1.4 metres at the front and 2.2 metres at the rear. Number 54 has an obscurely glazed first floor window in the side elevation which serves an en-suite bathroom.

Number 7 Murfield Close is to the rear of the application house. There a separation of 24 metres between the first floor windows of the houses but only 20 metres between the first floor of the application house and the rear of the conservatory belonging to number 7. A number of the nearby houses have added extensions which have reduced the separation to less than 24 metres and some are less than 24 metres as built. There is a 2 metre high fence on the shared boundary with trees approximately 4 metres high behind this which belong to number 7.

Relevant Planning History

None.

Relevant Planning Policy Summary

Black Country Core Strategy & UDP Policies

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

The current version of the Black Country Core Strategy and associated appendices can be accessed at;

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

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Black Country Core Strategy 2011-2026

The BCCS was adopted by the Council on 3 February 2011 and now forms part of the statutory development plan. It replaces certain 'saved' policies in the UDP.

Saved Policies of Walsall's Unitary Development Plan 2005

GP2: Environmental Protection

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

I. Visual appearance.

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

VII. The adequacy of the access, and parking.

ENV32: Design and Development Proposals.

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

The Core Strategy states that the councils will create cohesive, healthy and prosperous communities with equal access to a mix of affordable and aspirational housing. Policy HOU2 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. Detailed guidance on the application of this policy in local areas is or will be provided through individual local authority Supplementary Planning Documents

T7 – Car Parking

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

T13: Parking Provision

1, 2 and 3 bedroom houses 2 spaces per unit

4 bedroom houses and above 3 spaces per unit

Supplementary Planning Documents Designing Walsall

Provides guidance on how to achieve good urban design within Walsall, including a range of key issues that developers must address. For residential developments, Privacy and aspect distances between dwellings must ensure that all occupants have a satisfactory level of amenity, whilst reflecting the existing and emerging character of the area. This will normally mean designing developments that, as a minimum, meet the numerical guidelines contained in Appendix E although distances greater than these guidelines state will be applicable where it is appropriate to the character of the area. It may be possible to achieve shorter distances through creative design or in order to protect an area's character. 24m separation

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between habitable windows in two storeys (and above) developments. This standard will be applied more robustly at the rear than across roads at the front.

45 degree code, in particular where new development impacts on existing (details of this code are available on request or can be downloaded on the web site).

To avoid creating terracing to existing developments as a result of side extensions where this is not characteristic of the area by retaining a minimum 0.9m gap to the boundary (may be increased in some circumstances), set back first floor extensions by a minimum of 1m (may be increased in some circumstances) and the use of hipped roofs where in keeping with existing character.

Regional Strategy for the West Midlands

On 6 July 2010 the Secretary of State issued a direction to revoke Regional Spatial Strategies. Following a legal challenge this was reversed by the High Court on 10 November 2010.

The Government responded by advising its proposed abolition of the RSS system (abolition will require legislation, through the Localism Act and will take time) should be a material consideration in decisions. On 7 February 2011 the High Court published its judgement that the proposed abolition can be a material consideration. The Localism Act has now received Royal Assent and is moving towards Enactment. Further consultation has been undertaken regarding the Strategic Environmental Assessment of the proposed abolition of the RSS. The Localism Act and the abolition of the RSS continue to be capable of legal challenge.

Officer's advice is that the RSS remains part of the statutory development plan for the Borough (with the saved policies of Walsall's UDP and the Black Country Core Strategy), and decisions should be made in accordance with it unless material considerations indicate otherwise.

National Policies

The National Planning Policy Framework Consultation Draft was issued on 25 July 2011. The document has now completed its consultation and received wide-spread publicity and significant responses. Ministers have confirmed that amendments to the document will be made. The CLG Select Committee has completed its assessment with 35 key recommendations. The Government is considering these. As such, the consultation document carries very limited weight. Officers note the intention of Government is that the planning system is plan-led and Local Plans are the starting point for the determination of any planning application.

PLANNING POLICY STATEMENT 1

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

Consultations

Transportation – No objection subject to conditions to extend the existing dropped kerb and provide 3 off-road parking spaces on the front driveway.

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Public Participation Response

None.

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

Determining Issues

- Design of Extension and Impact on Character of Area
- Impact on Amenity of Nearby Residents
- Parking

Observations

Design of Extension and Impact on Character of Area

The design of the extension would be compatible with the existing house and similar to the original design of the neighbouring houses. The 850mm set back to the front of the extension although not as much as at the neighbouring houses would reflect the existing character of this part of the road and would keep the extension subservient to the existing house.

The 1.4 metre wide existing gap between the application house and number 54, together with the set back to the front would comply with policy to avoid creating a terracing effect and it is considered that the proposal would reflect the character of the area.

Impact on Amenity of Nearby Residents

The front of the extension would lie back from the front of number 54. The side window at number 54 is obscurely glazed and serves a non habitable room. The window is already in the shadow of the bulk of the application house and it is considered that the proposed extension would not significantly worsen the current situation or unduly impact on the living conditions of the occupiers of number 54. The window proposed in the side of the extension facing the side of 54 is also to an en-suite and a condition is recommended that this is also to be obscurely glazed to protect the amenity of both properties.

The rear of the extension would project 2 metres beyond the rear of 54 but the gap to the side of the application house means that this would meet the 45 degree code when measured from the quarter point of the rear bedroom window of number 54. The extension would not project beyond the rear of the conservatory belonging to 54.

The separation between the rear facing bedroom window in the extension and the first floor bedroom windows of number 7 Murfield Close would be reduced to approximately 22 metres whilst there would be approximately 18 metres between the bedroom window and the rear of the conservatory belonging to number 7. Whilst this is less than the minimum 24 metres required by policy, it is similar to the separation distances which already exist between the rear facing windows of many of the neighbouring houses. Because of this commonality is considered in this instance that this shortfall would be acceptable.

The rear garden of the application house slopes up towards the rear boundary and the existing fence and trees (which belong to number 7) currently provide a screen between the

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properties which protects the privacy of both properties. This would continue to be the case for the extension.

Parking

The house already has 4 bedrooms but the internal dimensions of the garage mean that it would not accommodate a car. There is sufficient space on the front driveway to provide 3 off road spaces to meet Council's requirements. Conditions are recommended that this is done and the existing dropped kerb extended before the development is brought into use.

Summary of Reasons for Granting Planning Permission

The design is in keeping with its surroundings.

The proposal will not cause a significant increase in overlooking, loss of privacy or loss in the daylight or sunlight enjoyed by nearby properties.

The shortfall in separation between the rear bedroom window of the proposed extension and the rear windows of number 7 Murfield Close is similar to the separation between the rear windows of neighbouring houses and due to this commonality it is considered that in this context, the proposal is acceptable.

There is sufficient space on the front driveway to provide 3 off road spaces to meet Council's requirements. Conditions are recommended that this is done and the existing dropped kerb extended before the development is brought into use.

The proposed development is considered to meet the aims and objectives of policy HOU2 of the BCCS, Walsall's Saved Unitary Development Plan policies, in particular GP2, ENV32, T7 and T13, and the Supplementary Planning Document "Designing Walsall" and other material planning considerations.

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: Prior to the commencement of the development, a revised plan shall be submitted for approval in writing by the Local Planning Authority demonstrating three 2.4m x 4.8m parking spaces on the property frontage. These spaces shall be fully implemented prior to the development first coming into use and shall thereafter be retained and used for no other purpose.

Reason: To ensure adequate off-street parking is retained in the interests of highway safety and in accordance with Policy T13.

3: Prior to the development first coming into use, the existing dropped kerb footway crossing shall be extended to align with the extended parking area and shall be constructed to a specification to be approved and agreed in writing by the Local Planning Authority, and any works shall meet all statutory requirements. There shall be a full kerb height separation between the new extended crossing and the neighbouring crossing.

Reason: To ensure the satisfactory completion and operation of the development, to accord with Policy GP2 (vii) and to meet the requirements of the Highways Act 1980.

4: Prior to the development being brought into use, the first floor window in the side elevation facing towards the side of number 54 Ganton Road shall be obscurely glazed and retained as such thereafter.

Reason: To safeguard the amenities of the occupiers of adjoining premises and to comply with policy GP2 of Walsall's Unitary Development Plan.

5: The walls and roof of the extension shall comprise facing materials that match those which are used in the existing building as it exists at the time of this application, and shall be retained as such after completion of the extension.

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

6: Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, or succeeding Orders, no side facing windows or doors, other than as shown on the deposited plans, shall be installed in any part of this development without the prior approval of a planning application.

Reason: To safeguard the amenities of the occupiers of adjoining premises and to comply with policy GP2 of Walsall's Unitary Development Plan.

7: The development hereby permitted shall be carried out in accordance with the following approved plans and documents:

Site location plan deposited 3 February 2012;
Existing and amended proposed elevations and layout plans drawing GB1/0112 Rev A deposited 15 March 2012.

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



Plans List Item No: 15.

Planning Committee

*Report of Head of Planning and Building Control, Regeneration Directorate on
29/03/2012*

Reason for bringing to committee: Applicant is a Member of Planning Committee

Application Number: 12/0280/FL

Application Type: Full application

Applicant: Mr Bill Madeley MBE

Proposal: Single storey rear extension.

Ward: Darlaston South

Case Officer: Stuart Crossen

Telephone Number: 01922 652420

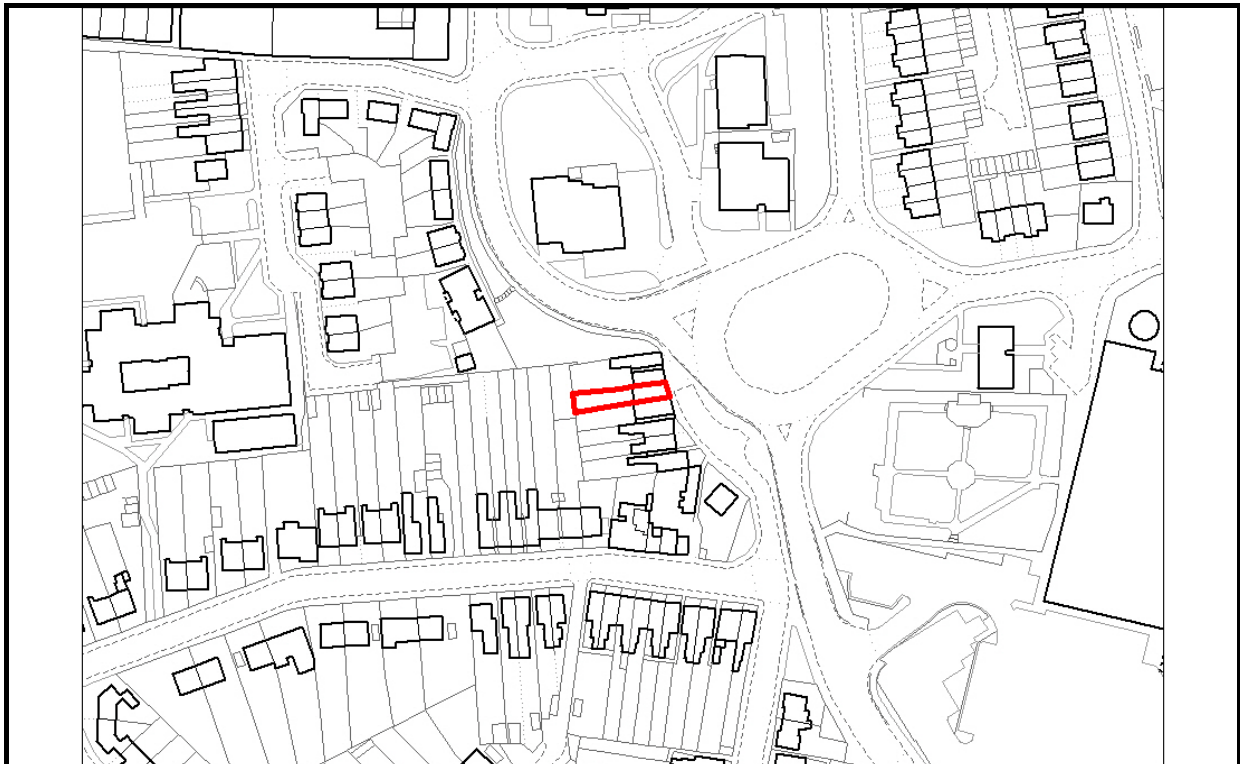
Email: planningservices@walsall.gov.uk

Agent: Sueshire Services

Location: 80 KING EDWARD STREET,
DARLASTON, WS10 8TN

Expired Date: 03/05/2012

Recommendation Summary: Delegate to the Head of Planning and Building Control to grant permission, subject to conditions and no further representations in objection being received which are material planning considerations.



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Application and Site Details

The application proposes a single storey rear extension to provide a toilet and utility room at the rear of a traditional mid-terraced house.

The extension would have a mono-pitched roof, two side facing windows facing the boundary to number 78 and would measure:

4 metres deep from the original rear elevation,
1.8 metres wide from the shared boundary with number 82,
2.4 metres high to the eaves,
3 metres high to the highest point of the roof.

Number 82 is the nearest house to the proposal. The shared boundary is defined by a wall which is 2.3 metres high extending 6 metres deep from the original rear elevation before reducing in height. Number 82 has no rear extensions.

The shared boundary to number 78, defined by a 1.8 metre fence is 3.3 metres from the side of the proposal.

The application house is within a row of 7 Victorian terraced houses, 4 of which have part double part single storey, sloping roof, rear wing projections of over 4 metres in depth.

Relevant Planning History

None

Relevant Planning Policy Summary

Black Country Core Strategy & UDP Policies

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

The current version of the Black Country Core Strategy and associated appendices can be accessed at;

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

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

Black Country Core Strategy (BCCS)

The BCCS was adopted by the Council on 3rd February 2011 and now forms part of the statutory development plan. It replaces certain saved policies in the UDP

The Core Strategy states that the councils will create cohesive, healthy and prosperous communities with equal access to a mix of affordable and aspirational housing. Policy ENV2 states that all development should aim to protect and promote the special qualities, historic character and local distinctiveness of the Black Country.

Saved Policies of Walsall's Unitary Development Plan 2005

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.

ENV32: Design and Development Proposals.

- (a) Poorly designed development or proposals which fail to properly take account of the context or surroundings will not be permitted. This policy will be applied to all development.
- (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 integration of existing natural and built features of value.
 - The maintenance requirements of the development.

Supplementary Planning Document Designing Walsall

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

- 45 degree code: particularly where new development impacts on existing (details of this code are available on request or can be downloaded from www.walsall.gov.uk).

Regional Strategy for the West Midlands

QE3: Creating a high quality built environment for all.

B. Particular attention should be given to:

- i) securing a high quality of townscape, urban form, building design and urban spaces, through the use of architecture, urban design and landscape design, which respects Regional and local character, culture and history;

Officer's advice is that the RSS remains part of the statutory development plan for the Borough (with the saved policies of Walsall's UDP and the Black Country Core Strategy), and decisions should be made in accordance with it unless material considerations indicate otherwise.

National Policies

PPS 1

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

Consultations

None required

Public Participation Response

None (Expiry Date is 1st April)

Determining Issues

- Impact on Amenity of Nearby Residents
- Design and Character

Observations

Impact on Amenity of Nearby Residents

In relation to number 82 the proposal would project 4 metres beyond the original rear elevation and only the top 700mm of the proposal would be visible from the rear habitable room windows which are 600mm from the shared boundary, and garden area of number 82. When applying the 45 degree line from the nearest ground floor habitable room window of number 82 the line would meet the existing shared wall. Because of the existing wall it is considered that the proposal would not result in a significant loss of amenity to the occupiers of number 82 and is considered acceptable.

Number 78 is the other neighbouring house and the proposal would be set over 3 metres from the boundary defined by a 1.8 metre high fence and subject to a condition for obscure glazed windows to be installed on the side facing windows of the proposal, is considered would have little if any impact on neighbouring amenity.

Design and Character

The single storey design with mono-pitched roof is considered in-keeping with the existing Victorian terraced character of the area, 4 of the 7 houses in the same row have similar designed rear wings.

Summary of Reasons for Granting Planning Permission

In relation to number 82 the proposal would project 4 metres beyond the original rear elevation and only the top 700mm of the proposal would be visible from the rear habitable room windows and garden area of number 82. Because of the existing shared wall it is considered that the proposal would not result in a significant loss of amenity to the occupiers of number 82 and is considered acceptable.

Number 78 is the other neighbouring house and the proposal would be set over 3 metres from the boundary defined by a 1.8 metre high fence and is considered would have little if any impact on neighbouring amenity.

The single storey design with mono-pitched roof is considered in-keeping with the existing Victorian terraced character of the

The proposed development is considered to meet the aims and objectives of the Black Country Core Strategy policies in particular ENV2, the Walsall Unitary Development Plan policies in particular GP2 and ENV32, and the Supplementary Planning Documents "Designing Walsall", and other material planning considerations.

Recommendation: Grant Permission Subject to Conditions

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

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

2. The side elevation windows hereby approved shall comprise of obscure glazing which meet Pilkington level 4 or equivalent and be 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. This development shall not be carried out other than in conformity with the following plans and documents: -

Location Plan deposited 08/03/12;

Proposed floor plans and elevations deposited 08/03/12.

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
29/03/2012

Reason for bringing to committee: Significant Community Interest

Application Number: 12/0084/FL

Application Type: Full application

Applicant: Mr Stuart Taylor

Proposal: Remove existing hedges &
erection of new timber fence & gates.

Alteration to existing 2m high fence &
driveway, including new dropped kerb.

Ward: Willenhall North

Case Officer: Helen Smith

Telephone Number: 01922 652436

Email:planningservices@walsall.gov.uk

Agent: Mr Edward Shipley

Location: 28 KESTREL GROVE,
WILLENHALL, WV12 5HQ

Expired Date: 20/03/2012

Recommendation Summary: Grant Permission Subject to Conditions



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Application and Site Details

The application house is a detached house positioned at right angles to the highway with front, side and rear garden boundaries next to the footpath. The house is accessed via a shared driveway also serving three neighbouring houses located towards the end of a cul de sac. The proposal would include the replacement of two existing laurel hedges with fencing. The existing hedge near to house no. 30 is currently 1.2 metres high and the existing hedge near to the footpath is 1.5 metres high.

Timber fencing, 1.2 metres high, with arched panels and gates would be positioned adjacent to the footpath. The proposed double timber gates would be the same height and design as the new fence providing access to the proposed extended drive from a new dropped kerb access. The gates would fold inwards towards the application house and the new drive would link with the existing driveway.

The existing 2 metre high fence to the side of the application house would be repositioned along the side boundary adjacent to the pavement increasing the area of private garden enclosed by fencing.

The side elevation and garden boundaries of the application house face across the road towards the frontages of no's 18 to 24 Kestrel Grove. Front garden boundaries along Kestrel Grove have a mixed character with some open frontages without boundary treatment and others with low fences or hedges. Some rear gardens abut the footpath and have approximately 1.8 metre rear walls or fences.

Relevant Planning History

11/1212/FL - Remove existing hedges and erection of new timber fence and gates. Alteration to existing 2 metre high fence and driveway including new dropped kerb - withdrawn 22/12/11. The proposed height of fencing adjacent to the footpath has been reduced from 1.5 metres to 1.2 metres by the current proposal.

Planning permission was refused in 2011 for a new 2 metre high solid fence along the rear garden boundary of no. 16 Kestrel Grove near to the footpath (planning reference 11/0978/FL). The proposal was refused permission on the following grounds;

- 1. The proposed boundary fence would cause harm to the planned open, green character of the estate as it would be positioned at the back of footpath, reducing the sense of space, with no potential for screen planting to soften the visual impact in a sensitive location at a road junction within the estate. It would be less durable than the existing brick wall and would appear out of character with other existing brick boundary walls at similar locations within the estate, and is considered to have an adverse impact on the visual amenity of the estate.*

Relevant Policies

Black Country Core Strategy & UDP Policies

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

The current version of the Black Country Core Strategy and associated appendices can be accessed at;

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

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

Black Country Core Strategy 2011-2026

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

Policy ENV2 states that all development should aim to protect and promote the special qualities, historic character and local distinctiveness of the Black Country.

Saved Unitary Development Plan Policies

GP2: Environmental Protection

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

I. Visual appearance.

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 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.

T4: The Highway Network - Residential Streets are minor roads where traffic volumes and speeds should be quite low

Supplementary Planning Documents Designing Walsall

Provides guidance on how to achieve good urban design within Walsall, including a range of key issues that developers must address. For residential developments, Privacy and aspect distances between dwellings must ensure that all occupants have a satisfactory level of amenity, whilst reflecting the existing and emerging character of the area.

National Policies

PPS 1: Encourages good design. Paragraph 34 states that design which is inappropriate in its context should not be accepted.

Consultation Replies

Transportation - No objections.

Pollution Control, Scientific Team - No objections

Pollution Control, Contaminated Land Team - No objections but recommend a note is included for the applicant as there may be localised ground contamination because of the former use of the site for mining and quarrying.

Natural Environment Team, Trees - No objections

Public Participation Responses

Five letters of objection and concerns expressed have been received from neighbours on the following grounds;

- Shortage of road parking as it is a narrow cul de sac with parking only available on one side. Double gates would reduce this by a third. Road too narrow for another dropped kerb and it will take away the only bit of parking for visitors.
- The erection of a 4ft fence that stops dead, not attached to anything else, will look odd when viewed from no. 32.
- The current laurel hedges are natural, not completely linear, pleasing to the eye, where fencing is cold and harsh and may be acceptable initially but look tired and unattractive especially as there is no covenant to ensure re-treatment is carried out every couple of years.
- The owner said they were going to sell the property after the first application so what is the point of the application (*not a material consideration when determining the application*)
- Are the applicants allowed to harass the people who object prior to an application being determined? (*matter for the Police*)
- Unsightly, out of character and not in keeping with the aesthetics of the cul de sac
- Past experience of confrontation from the occupiers of no. 28 over parking issues (*matter for the Police*)
- Cars entering and departing the drive at 28 would cause serious obstructions opposite their house no. 22.
- Looks like fence is partly on 26 Kestrel Grove as it is in line with the lamp post.

Determining Issues

- Design and Impact on Character of Area
- Impact on Amenity of Nearby Residents

Observations

Design and Impact on Character of Area

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

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

Textphone 0845 111 2910, Fax (01922) 623234

The proposal would reflect the character of existing boundaries along Kestrel Grove which has a mixed character.

The proposed timber fence and gates would replace an existing laurel hedge which does have a 'softer' appearance in the street than a timber fence. The proposed height of the fencing adjacent to the footpath has been reduced from 1.5 metres to 1.2 metres which is considered to be an acceptable height for a residential frontage (0.2 metres above permitted development allowance for fences within 2 metres of a highway). It is considered that the proposal would not harm the existing open character of the street and has a different relationship in the street to the previously proposed fencing at 16 Kestrel Grove.

The proposed relocation of the existing 2 metre high fencing to the side of the application house would have limited additional impact on the appearance of the street. The 2 metre high fence occupies a less prominent position in the street against a backdrop of existing hedging in contrast to no. 16 Kestrel Grove which is located on a prominent corner at the entrance to the cul de sac.

The design and appearance of the proposal is considered to be acceptable and would not harm the character of the area.

Impact on Amenity of Nearby Residents

The proposed fencing would replace existing laurel hedges and would have little additional impact on the existing amenity experienced by neighbours. The loss of the attractive hedges is considered unfortunate but their removal could not be prevented. Gates would be required by condition to open inwards to avoid obstruction of the footpath.

Neighbour concerns raised about the fence not being attached to anything near to house no. 30 has been considered. Subject to the 1.2 metre fence being installed correctly, it is considered this proposal should not have any undue impact.

The proposed double gates and new dropped kerb would reduce on-road parking for the length of the gates. Houses along the cul de sac have garages and existing drive parking available with remaining sections of the road having no dropped kerbs to provide visitor parking if needed. It is considered the gates which serve a residential property with limited daily use are unlikely to cause obstructions to house no. 22. Transportation officers have raised no objections to the proposal and it is considered it would be unreasonable to refuse permission on these grounds.

The fence has been included within the red outline of the application house and an ownership certificate has been signed. Issues regarding the positions of boundaries would be a private legal matter rather than a planning consideration. To include a condition requiring future maintenance of such fencing is considered unnecessary and unreasonable. If the existing hedge was not maintained then this would result in a similar situation.

Issues raised about alleged harassment, alleged past confrontations over parking, possibility of the applicant selling their house are matters that are not material to the determination of the planning application.

Summary of Reasons for Granting Planning Permission

The appearance of the proposal is considered acceptable and takes into account the context and of character of the surrounding area. There is a mixed character of open residential frontages, low hedges and fences, and high hedges, walls and fences where rear gardens abut the highway along Kestrel Grove. This proposal would be located towards the end of the cul de sac and is not in a prominent position.

Concerns the fence near to no. 30 Kestrel Grove would not be attached to anything is considered would not have any undue impact.

The proposed double gates and new dropped kerb would reduce on-road parking for the length of the gates. Houses along the cul de sac have garages and existing drive parking available with remaining sections of the road having no dropped kerbs to provide visitor parking if needed. It is considered the gates which serve a residential property with limited daily use are unlikely to cause obstructions to no. 22 Kestrel Grove. Transportation officers have raised no objections to the proposal and it is considered it would be unreasonable to refuse permission on these grounds.

The fence has been included within the red outline of the application house and an ownership certificate has been signed. Issues regarding the positions of boundaries would be a private legal matter rather than a planning consideration. To include a condition requiring future maintenance of such fencing is considered unnecessary and unreasonable. If the existing hedge was not maintained a similar situation would arise.

Issues raised about alleged harassment and alleged past confrontations over parking would be matters for residents to report to the Police rather than planning issues. The possibility of the applicants selling their house is not material to the determination of the planning application.

The application is therefore considered to comply with the Black Country Core Strategy Policies CSP4 and ENV2: Walsall's Unitary Development Plan, in particular saved policies GP2, ENV32, and T4 and the Supplementary Planning Documents "Designing Walsall" other material planning considerations.

Recommendation: Grant Permission Subject to Conditions

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

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

2. The new access gates shall be made to open inwards only and not open over the highway and thereafter retained as such.

Reason: In the interests of highway safety.

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

Drawing no. 2723/101B - Rev. B - Proposed Alterations to Existing Driveway - deposited 24/1/12

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, (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 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 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. Although planning permission has been granted, you will also need to obtain a road opening permit in respect of the dropped kerb. Please telephone Walsall (01922) 652438 for details.



Planning Committee

Report of Head of Planning and Building Control, Regeneration Directorate on
29/03/2012

Reason for bringing to committee: Called in by Councillor McCracken

Application Number: 11/0980/FL
Application Type: Full application

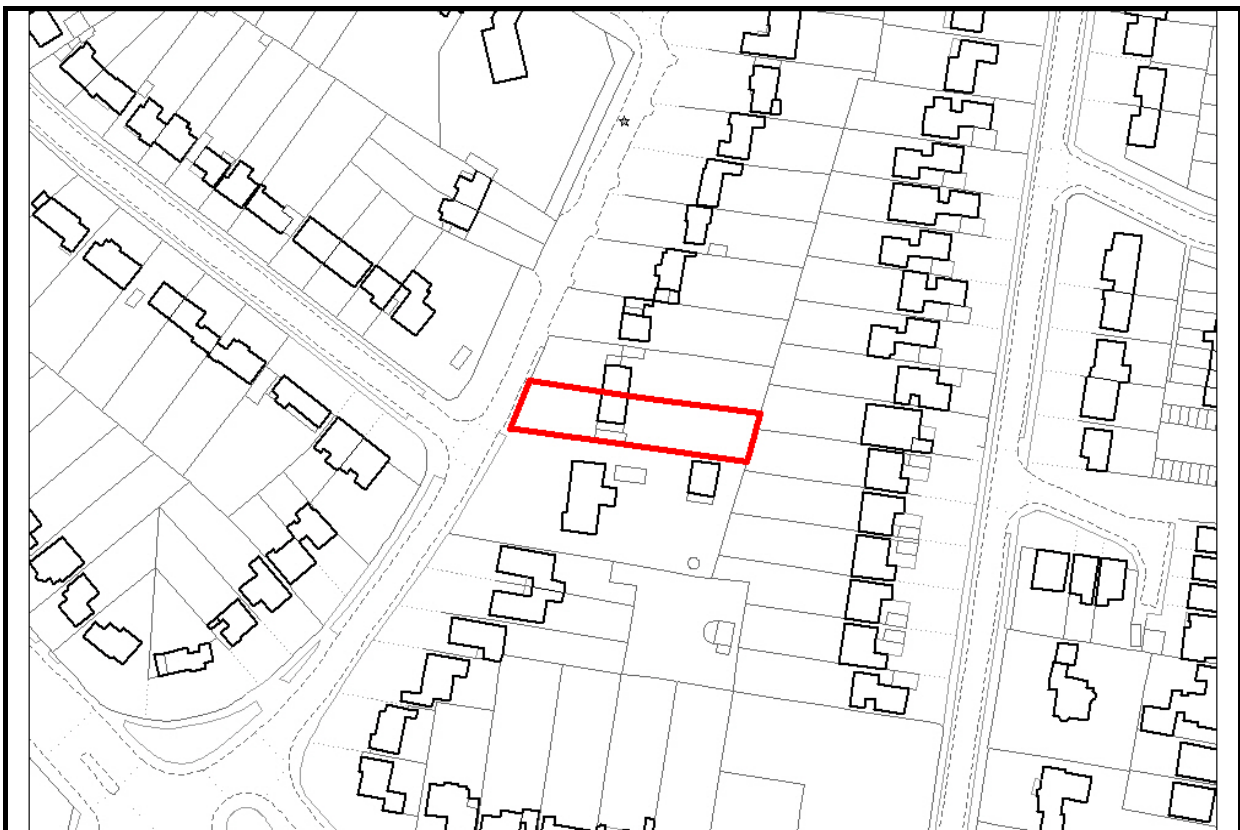
Applicant: Mr Amarjit Singh
Proposal: Part two storey, part single storey side & rear extension. Single storey front extension and loft conversion (re-submission of 10/1575/FL).

Ward: Paddock

Case Officer: Helen Smith
Telephone Number: 01922 652436
Email:planningservices@walsall.gov.uk
Agent: Mr Stevenson
Location: 12 BELL ROAD, WALSALL, WS5 3JW

Expired Date: 28/09/2011

Recommendation Summary: Refuse



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Background

Councillor McCracken considers this application could be borderline and suitable for approval. Given the distance between the proposed development and the adjacent property can see no firm reason for refusal and wish for this item to be considered by the Planning Committee.

Application and Site Details

The application house is a semi detached property with a garage to the side at a ground level 0.8 metres lower than the house. Two sets of amended plans have been received altering the design of this proposal.

The immediate area around the application house has a mixed character with detached houses and bungalows and semi detached houses of varying design. Frontages are stepped along Bell Road and there are a mix of hipped and gable roof designs.

This application would separate an existing lounge into two rooms and extend these to the front and rear and provide a study to the front. The existing kitchen would be enlarged to the rear and a lobby and utility room provided with a new garage to the side. The number of bedrooms increases from three to five at first floor and a new staircase providing access to the sixth bedroom/games room/storeroom and storage in the roof space. The rear garden of the application house is approximately 35 metres in length. The application is accompanied by a Design and Access Statement.

The proposal is separated into its elements as follows;

Single Storey Front Extension

The extension would extend forward by 1.5 metres across the full width of the front elevation of the house and proposed replacement garage, with a hipped roof. The extension would be positioned near to the front garden boundary with the adjoining semi, no. 14, which has front habitable room windows.

Two Storey Side Extension

The extension would be 3.5 metres wide and inset 2.5 metres from the side boundary with number 10, a bungalow separated from the application house by the neighbour's driveway which is approximately 5 metres wide. The proposed front first floor elevation would be set back 0.75 metres from the original two storey front elevation of the application house.

The proposed rear elevation would be in line with the existing two storey rear elevation. There is an error on the plans which details the eaves on the front elevation of the proposed side extension higher than the existing eaves. The extension would have a gable roof design in line with the existing ridge.

Single Storey Side Extension

The proposed single storey side, hipped roof, extension would be 2.6 metres wide next to the proposed two storey side extension and boundary with no. 10. The roof would be 3.4 metres high to the eaves increasing to 4.5 metres high next to the proposed two storey extension. This proposal would extend forwards in line with the proposed single storey front extension and would extend 3.1 metres beyond the existing two storey rear elevation.

The side extensions would replace the existing garage and glazed lean too. The blank side elevation of the existing garage at the application house, and next to the boundary with no. 10, is 2.8 metres high with a mature hedge to the side of the existing garage.

Two Storey Rear Extension

The extension, with a gable roof, would extend 3 metres from the existing two storey rear extension and would be 3.4 metres wide. This proposal would be 4.3 metres from the side boundary with house no. 14 and 5.8 metres from the side boundary with no. 10. The gable roof would be 1 metre lower than the existing roof.

Single Storey Rear Extensions

These proposals, with pitched roofs, would extend 3 metres from the existing two storey rear elevation and proposed side extensions. These extensions would be either side of the proposed two storey rear extension and would be near to the side boundaries with neighbouring properties, no's 10 and 14. The proposed pitched roofs, with a hip design near to no. 10, would be 3.4 metres high (when measured from the rear garden ground level which is 1 metre lower than the application house) increasing to 4.5 metres high.

14 Bell Road

The adjoining semi has a simple design which reflects the design of the application house. This property has previously been extended to the side and rear and has front and rear habitable room windows near to the application house. Number 14's single storey rear extension to the rear is 4.5 metres from the rear garden boundary with application house and has a side habitable room window facing the boundary with 12.

10 Bell Road

Number 10 is approximately 5.3 metres forward of and extends 8 metres further back than no. 12. The bungalow is approximately 1 metre lower than no. 12 and has three side facing habitable room windows facing towards the boundary with the application house. One of these windows located towards the front of 10 is a secondary window but the remaining two windows are primary windows facing outwards from the bungalow and serving bedrooms.

Relevant Planning History

10/1575/FL - Part two storey, part single storey side and rear extension, single storey front extension and loft conversion - refused permission on 7 March 2011 on the following grounds;

1. *The proposed part single storey, part two storey side extension and single storey front extension would have a poor relationship with the original design of the house and fails to take into account its context and relationship as a pair with number 14 Bell Road. The proposed extensions would, due to the poor visual relationship of the proposal with the original house, constitute over-development of the property and would have a detrimental impact on the streetscene and character of the area.*
2. *The proposed part single storey, part two storey side extension and first floor rear extension would, by virtue of the bulk, mass and position along the shared side boundary with neighbouring property number 10 Bell Road, would have an over-bearing and unacceptable impact on the two bedroom windows within the side facing elevation to number 10, causing a detrimental impact upon the amenities of the occupiers of that property.*

Relevant Policies

Black Country Core Strategy & UDP Policies

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

The current version of the Black Country Core Strategy and associated appendices can be accessed at;

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

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

Black Country Core Strategy 2011-2026

The Core Strategy states that the councils will create cohesive, healthy and prosperous communities with equal access to a mix of affordable and aspirational housing. Policy HOU2 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. Detailed guidance on the application of this policy in local areas is or will be provided through individual local authority Supplementary Planning Documents.

ENV 2 and ENV 3 set out the criteria for the historic environment and design quality.

Saved Unitary Development Plan Policies

GP2: Environmental Protection

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

I. Visual appearance.

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

VII. The adequacy of the access, and parking.

ENV32: Design and Development Proposals.

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

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

Textphone 0845 111 2910, Fax (01922) 623234

(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 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.

T13: Parking Provision

1, 2 and 3 bedroom houses 2 spaces per unit

4 bedroom houses and above 3 spaces per unit

Supplementary Planning Documents Designing Walsall

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

- 24 metre separation between habitable windows in two storeys (and above) developments. This standard will be applied more robustly at the rear than across roads at the front.
- 13 metre separation between habitable room windows and blank walls exceeding 3 metres in height.
- 45 degree code : particularly where new development impacts on existing (details of this code are available on request or can be downloaded from www.walsall.gov.uk)

National Policies

PPS 1: Encourages good design. Paragraph 34 states that design which is inappropriate in its context should not be accepted.

PPS 25: Encourages flood risk to be taken into account at all stages in the planning process

Consultation Replies

None

Public Participation Responses

Representations have been received from neighbours to either side of the application house to the original and amended plans on the following grounds;

1. Previous refusal reasons have not been fully addressed. The poor visual relationship with no. 14 remains and would be a flaw to the whole area.
2. The size of the dwelling would increase significantly. An increased footprint is a concern due to two previous flooding incidents at No. 10 requiring extensive repairs. Engineers concluded that the problems were, in part, due to significant extensions in the area. The bungalow is 7 feet lower than the application site.
3. The dwelling is a modest 3 bedroom house. The proposal increases the size to provide 3 reception rooms, a kitchen/dining room, utility room and attached garage on the ground floor; 5 bedrooms and bathroom on the first floor and a further bedroom and games room in the loft space. This development constitutes over development and represents an un-neighbourly form of development.
4. The proposal would increase on-road parking, as the plans do not show any additional parking to the front of the house. Increasing hard surfacing to the front would exacerbate drainage/flooding issues in the area.
5. The mass of the building would reduce the light to two north facing bedrooms in 10 due to significant differences in height and levels, having an overbearing impact on the adjacent dwelling and infringing on the privacy of the bungalow.
6. Proposal is contrary to policy GP2 – requires all new developments to make a positive contribution to the quality of the environment. Policy ENV32 is pertinent and states that poorly designed development or proposals which fail to take into account the context or surroundings will not be permitted and lists criteria which will be used. The application is contrary to the above policies.
7. The windows referred to as being added in the last 15 years to number 10 is incorrect as the occupier has been there since 1969 and the windows have been in place throughout her residency. The proposed extensions would reduce light to side bedroom windows due to the significant difference in height and levels and would have an overbearing impact on light and privacy at number 10.
8. The occupier of number 10 would under no circumstances give approval for the erection of scaffolding or grant any access to allow works associated with the building of the extension to take place within the curtilage of her dwelling or allow access for scaffolding (*access for scaffolding would be a private matter and not material to the determination of this application*).

9. The extension would devalue no. 14 (*not material to the determination of this application*).

Determining Issues

Whether the application has addressed the previous reasons for refusal outlined below;

- Harmful impact on the street scene and character of the area
- Poor relationship with the original design of the house and no. 14 Bell Road constituting over development
- The bulk, mass and position of the extensions along the side boundary with no. 10 Bell Road would have an overbearing/unacceptable impact on the two side bedroom windows in no. 10

Other Issues including;

- Parking
- Flooding

Observations

Harmful Impact on the Street Scene and Character of the Area

The design and combined mass of the proposed extensions are considered to unbalance this pair of semis and would harm the character of the street and surrounding area. The existing extensions to no. 14 are considered to reflect the design of the two properties and are appropriate to the scale of these two houses. The previous reason for refusal has not been overcome regarding the harmful impact on the street scene and character of the area.

Poor Relationship with the Original Design of the House and no. 14 Bell Road Constituting Over Development

It is acknowledged that the applicants proposal has revised the linear appearance of the front single storey extension by introducing a front gable feature above the main entrance and including a hipped roof. The eaves height has been lowered to the top level of the front ground floor windows. The front extension contrasts with the appearance of the adjoining semi, no. 14, which has retained the original frontage when extending this property. The proposal is considered to unbalance this pair of semis.

Whilst there is mature planting along the front garden boundary between the application house and no. 14 it is considered the proposed front extension does not reflect the design of the existing house or adjoining semi and the previous reason for refusal has not been overcome by the amendments.

The width of the proposed first floor side extension has been reduced by 0.9 metres and the 0.75 metres set back of the proposed front elevation would remain. The first floor side extension would appear subservient to the existing house.

The footprint of the existing house would increase as a result of this proposal and this is unchanged from the previous application. The previous refusal reason considered the proposal to be overdevelopment of the application property and it is considered this refusal reason has not been overcome.

The width and bulk of the proposed first floor side extension has been reduced by 0.9 metres to mitigate impact on no. 10 but the proposals are considered to be sizeable for this semi-detached house. A reduction of the proposed garage width would reduce the bulk of this development and allow the retention of a mature hedge along the side boundary with no. 10 which would soften the appearance of the development.

The bulk, mass and position of the extensions along the side boundary with no. 10 Bell Road would have an overbearing/unacceptable impact on the two side bedroom windows in no. 10

The first floor side extension would be 2.5 metres from the side boundary with no. 10. The height of the proposed single storey and two storey side extensions, the difference in ground levels and the reduced separation distances of 6 metres and 8 metres respectively from the side bedroom window in no. 10 would be less than the recommended policy limit of 13 metres to blank walls in excess of 3 metres high. It is considered that the amended proposal would continue to have an overbearing and unacceptable impact on the two side facing bedroom windows at no. 10 and the previous refusal reason has not been overcome.

There is an error on the plans which details the eaves on the front elevation of the proposed side extension higher than the existing eaves.

Other Issues

Parking

There is adequate space on the existing drive to accommodate the three parking spaces required to meet parking standards.

Flooding

Neighbour concerns about potential for further flooding incidents have been noted. The application plot is mostly un-surfaced with deep front and rear gardens providing soft-landscaping to allow surface water to drain. The site is not within a known Flood Zone and as most of the proposed development would be built on areas of existing building or paving it is considered any additional impact on the accumulation of surface water would be limited.

Conclusion

The amended scheme is considered to have not overcome the previous reasons for refusal.

Recommendation: Refuse

1. The proposed part single storey, part two storey side extension and single storey front extension would have a poor relationship with the original design of the house and fails to take into account its context and relationship as a pair with number 14 Bell Road. The proposed extensions would, due to the poor visual relationship of the proposal with the original house, constitute over-development of the property and would have a detrimental impact on the streetscene and character of the area. The development would therefore be contrary to the Black Country Joint Core Strategy policies HOU2 and ENV2 and Walsall's saved Unitary Development Plan, in particular policies GP2 and ENV32, and the Supplementary Planning Document, Designing Walsall.
2. The proposed part single storey, part two storey side extension and first floor rear extension would, by virtue of the bulk, mass and position along the shared side boundary with neighbouring property number 10 Bell Road, would have an over-bearing and unacceptable impact on the two bedroom windows within the side facing elevation to number 10, causing a detrimental impact upon the amenities of the occupiers of that property. The development would therefore be contrary to the Black Country Joint Core Strategy policies HOU2 and ENV2 and Walsall's saved Unitary Development Plan, in particular policies GP2 and ENV32, and the Supplementary Planning Document, Designing Walsall.



Planning Committee

Report of Head of Planning and Building Control, Regeneration Directorate on
29/03/2012

Reason for bringing to committee: Application by Councillor Anson

Application Number: 12/0209/FL

Application Type: Full application

Applicant: Mr Dennis Anson

Proposal: Change of use to garden land and retain fence.

Ward: Pleck

Case Officer: Helen Smith

Telephone Number: 01922 652436

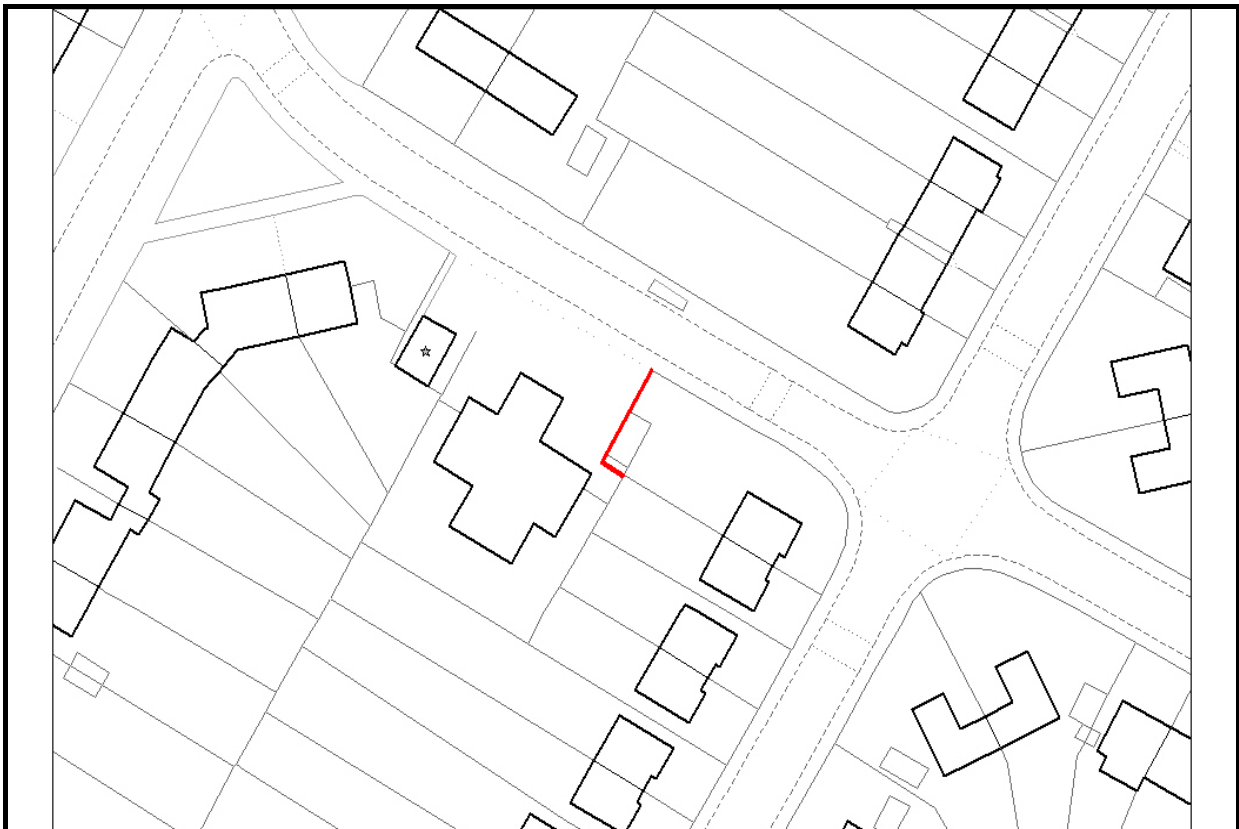
Email:planningservices@walsall.gov.uk

Agent:

Location: 39A JEROME ROAD,
WALSALL, WS2 9SX

Expired Date: 26/04/2012

Recommendation Summary: Grant Permission Subject to Conditions



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Application and Site Details

This proposal is for the change of use of a strip of land, which contains only a fence, and forms a boundary between a former Neighbourhood Office and the rear garden of a residential property, 34 Reservoir Street. This land on which the fence stands is to be purchased by the occupier of no. 34.

The land forms part of the Neighbourhood Office site and the change of use would be to garden land with the retention of existing green, powder coated, palisade fencing.

The strip of land would be 11.8 metres and 3 metres in length with a width of 0.15 metres. This land is adjacent to a detached garage and driveway to the rear of no. 34. The Neighbourhood Office was built on the original rear gardens of no's 34, 36, 38 and 40 Reservoir Street.

Relevant Planning History

BD17358 – Application for deemed consent pursuant to Reg. 4 of the T. and C.P. General Regs. 1976 for neighbourhood housing office – Deemed permission 20/1/81.

BC29090P – Application for deemed consent pursuant to Reg. 4 of the T. and C.P. General Regs. 1976 for alterations and extensions – Deemed permission 20/2/90.

Relevant Policies

Black Country Core Strategy & UDP Policies

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

The current version of the Black Country Core Strategy and associated appendices can be accessed at;

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

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

Black Country Core Strategy 2011-2026

The Core Strategy was adopted by the Council on 3rd February 2011 and now forms part of the statutory development plan. It replaces certain “saved” policies in the UDP.

Vision: to include the creation of a network of sustainable communities' right across the Black Country. This will be achieved, in part, by creating environments which offer opportunities for active lifestyles and healthy choices, including provision for outdoor recreation within the urban fabric of the Black Country.

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

ENV 3 set out the criteria for design quality.

Saved Unitary Development Plan Policies

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

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.

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.

Supplementary Planning Documents

Designing Walsall SPD

In particular DW3 (Character) 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.

Consultation Replies

None

Public Participation Responses

None

Determining Issues

- Principle of Use and Impact on Character of Area
- Parking

Observations

Principle of Use and Impact on Character of Area

The proposed change of use of the narrow strip of land would define the rear garden boundary between 34 Reservoir Street and the former Neighbourhood Office. This change which would retain existing fencing is considered to be acceptable and would have limited impact on the existing appearance of the street. A condition would be included to retain boundary fencing to the rear of no. 34.

Parking

The existing parking arrangements by the occupier of no. 34 would not alter as a result of this proposal.

Summary of Reasons for Granting Planning Permission

The proposed change of use of the land would define the rear garden boundary of 34 Reservoir Street and is considered to be acceptable. Existing fencing would be retained and it is considered the proposal would have limited impact on the character of the area. The existing parking arrangements for the occupiers of 34 Reservoir Street would remain unaltered by this proposal.

The application is therefore considered to comply with the Black Country Core Strategy Policies CSP4 and ENV3: Walsall's Unitary Development Plan, in particular saved policies GP2, ENV32, T7 and T13 and the supplementary Planning Documents "Designing Walsall" and other material planning considerations.

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 fence at least 1.8 metres high shall be retained at all times along the boundary between the 34 Reservoir Street and 39A Jerome Road.

Reason: To safeguard the amenities of the occupiers of adjoining premises, and to comply with policy GP2 of Walsall's Unitary Development Plan.

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

- Drawing no. EPMS 3568/3 – deposited 1/3/12
- Drawing no. EPMS 3568/1

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



Planning Committee

Report of Head of Planning and Building Control, Regeneration Directorate on 29/03/2012

Reason for bringing to committee: Called in by Councillor Murray as the application requires delicate judgement and for consideration of the best use of the land.

Application Number: 12/0187/FL

Application Type: Full application

Applicant: Mr David Hawkins

Proposal: Demolition of existing greenhouses and dilapidated brick built stores and construction of 3 new detached dwellings on land adjacent to 830 Chester Road.

Ward: Aldridge Central & South

Case Officer: Karon Hulse

Telephone Number: 01922 652487

Email:planningservices@walsall.gov.uk

Agent: Spooner Architects

Location: LAND ADJ. AND REAR OF 830 CHESTER ROAD, ALDRIDGE, WS9 0LS

Expired Date: 16/04/2012

Recommendation Summary: Refuse



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Application and Site Details

This application seeks consent for the erection of 3 two storey detached dwellings on land to the rear and adjacent to 830 Chester Road, Aldridge.

The site is currently unused and vacant forming part of the curtilage of land owned by number 830 Chester Road, its previous use being a Garden Nursery contains a number of green houses and ancillary buildings which are redundant and in poor condition visually. The application site consists of an office/portable type building, two stores and a greenhouse.

Number 830 Chester Road is a large two storey detached dwelling with two vehicular access points one off Chester Road which is a main trunk road and one off Back Lane which is an adopted highway but narrow and unmetalled. On the opposite side of Chester Road is Lichfield District Council area. The existing dwelling at no 380 Chester Road, is one of a small collection of dwellings consisting of three on either side of Chester Road, with Wyevale garden centre to the south of these and open farm land to the north.

The proposed four bedroom detached dwellings are of two storeys in height and each with a single storey garage. The dwellings would have a maximum height of 9.0m and the single storey garage, a maximum height of 4.8m. The design is similar and in keeping with that of 830 Chester Road. Plot 1 will be accessed from one of the driveways to 830 Chester Road, which reduces the number of direct accesses onto Chester Road (A452). Plots 2 and 3 will be accessed by an existing access from off Back Lane.

There are a number of trees to the south east corner of the application site, with the proposed dwellings having been sited to retain as many as possible, although the siting of the dwellings does result in the loss of two trees. Plot 1 will have a large rear amenity space, whilst plots 2 and 3 will have smaller amenity areas consisting of approximately 230 sqmts each. The proposed construction of 3 dwelling houses on a site area of 0.33 hectares equals a density of 9 dwellings per hectare.

Most of the site is unsightly and occupied by dilapidated redundant buildings. A report on the quality and safety of the structures has been submitted as part of the planning application. That report identifies that the current buildings do not reveal any significant distress or instability and whilst they are dilapidated and poor visually they are structurally stable.

A design and access statement also accompanies the application which states that the area will benefit from the removal of the poor quality buildings to be replaced with new dwellings.

Relevant Planning History

None relevant

Relevant Planning Policy Summary **Black Country Core Strategy & UDP Policies**

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

The current version of the Black Country Core Strategy and associated appendices can be accessed at:

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

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

Black Country Core Strategy (BCCS)

The BCCS was adopted by the Council on 3rd February 2011 and now forms part of the statutory development plan. It replaces certain “saved” policies in the UDP. It sets out a vision, sustainability principles, spatial objectives and a spatial strategy for the Black Country

The above are supported by the following policies:

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

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

CSP2: States that the areas outside the growth network will provide, amongst other matters, a strong green belt to promote urban renaissance within the urban area and provide easy access to the countryside for urban residents, and a mix of good quality residential areas where people choose to live. The policy also states that Green Belt boundaries will be maintained and protected from inappropriate development.

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.

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

ENV3: Encourage high quality design that stimulates economic, social and environmental benefits.

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

TRAN1: The development of transport networks in the Black Country is focused on a step change in public transport provision serving and linking centres, improving sustainable transport facilities and services across the area, improving connectivity to national networks and improving the efficiency of strategic highway routes.

Saved policies of Walsall's Unitary Development Plan (UDP)

3.3 aims to safeguard the Green Belt as part of the wider West Midlands Green Belt.

ENV2: Control of Development in the Green Belt

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In the Green Belt there will be a presumption against the construction of new buildings except for purposes for agriculture, forestry, outdoor sport or recreation, cemeteries or other uses that preserve the openness of the green belt, limited extension, alteration or replacement of an existing dwelling or limited infilling or redevelopment of major existing development sites.

GP2: Environmental Protection

The Council 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:

II. Visual appearance.

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

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

VII. Accessibility by a choice of means of transport

VIII. The effect on the environment of the countryside and Green Belt

IX. The effect on land or buildings of archaeological, architectural or historical interest

X. The effect on species, habitats and sites of nature conservation or geological interest.

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

XIII. The effect on landscape of historic or amenity value.

XIV. The effect on open spaces and outdoor recreation facilities, including footpaths, cycleways and bridleways.

3.115 the design of buildings and structures together with landscape design have a major role to play in the creation of an environment which is distinctive and creates a sense of place.

ENV32: Design and Development Proposals - Poorly designed development or proposals which fail to properly take account of the context or surroundings will not be permitted, particularly in locations such as visually prominent sites, within or adjacent to transport corridors and areas with special character arising from the homogeneity of existing development in the neighbourhood. Detailed criteria are listed for consideration when assessing the quality of design of any development proposal including:- the appearance, materials height, proportion, scale and mass of the proposed buildings, the visual relationship of the proposal with adjacent areas, the street and the character of the surrounding neighbourhood, the effect on the local character of the area.

ENV33: Landscape Design - Good landscape design is an integral part of urban design and the Council will require planning applications to be fully supported by details of external layout and landscape proposals.

H3: Windfall Sites on Previously Developed Land and Conservation of Existing Buildings encourage the provision of additional housing through the re-use of previously developed windfall sites provided a satisfactory residential environment can be achieved.

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

T13: Parking Provision - 1, 2 and 3 bedroom houses = 2 spaces per unit

Supplementary Planning Document (SPD)

Designing Walsall SPD

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Aims to promote a high quality environment and high standards of urban and landscape design throughout the Borough and identifies the basis on which the design of buildings and spaces will be considered during the development control process. Annexe E: Numerical Guidelines for Residential Development ... identifies 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.

Natural Environment SPD

Identifies those features of the natural environment which the Council requires to be properly considered in proposed for development such as protected species and any natural land forms on the site i.e. existing trees and hedgerows.

Regional Strategy for the West Midlands

On 6 July 2010 the Secretary of State issued a direction to revoke Regional Spatial Strategies. Following a legal challenge this was reversed by the High Court on 10 November 2010.

The Government responded by advising its proposed abolition of the RSS system (abolition will require legislation, through the Localism Act and will take time) should be a material consideration in decisions. On 7 February 2011 the High Court published its judgement that the proposed abolition can be a material consideration. The Localism Act has now received Royal Assent and is moving towards Enactment. Further consultation has been undertaken regarding the Strategic Environmental Assessment of the proposed abolition of the RSS. The Localism Act and the abolition of the RSS continue to be capable of legal challenge.

Officer's advice is that the RSS remains part of the statutory development plan for the Borough (with the saved policies of Walsall's UDP and the Black Country Core Strategy), and decisions should be made in accordance with it unless material considerations indicate otherwise.

Paragraph 3.14 of the RSS provides a series of strategic objectives. Objective (d) is to retain the Green Belt, but to allow an adjustment of boundaries where this is necessary to support urban regeneration

The following policies are also relevant: Quality of the Environment policies QE3, QE6, QE7 and QE7, Urban Renaissance policies which state that the Region's urban areas will once again become vital, attractive places for people of a wide range of circumstances and lifestyles and Communities for the Future policy CF2.

National Policy

The National Planning Policy Framework Consultation Draft was issued on 25 July 2011. The document has now completed its consultation and received wide-spread publicity and significant responses. Ministers have confirmed that amendments to the document will be made. The CLG Select Committee has completed its assessment with 35 key recommendations. The Government is considering these. As such, the consultation

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document carries very limited weight. Officers note the intention of Government is that the planning system is plan-led and Local Plans are the starting point for the determination of any planning application.

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

PPG2: Seeks to protect against inappropriate development that is harmful to the Green Belt.

Paragraph 1.5 states the purposes of including land in the Green Belt is:

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

Paragraph 3.4 states construction of new buildings inside the Green Belt is inappropriate unless for specific purposes including: -

- Agriculture or forestry
- Essential facilities for outdoor sport and outdoor recreation, for cemeteries and other uses of land which preserve the openness of the Green Belt and which do not conflict with the purposes of including land within it
- Limited extension, alteration or replacement of an existing dwelling
- Limited infilling in existing villages and limited affordable housing for local community needs under development plan policies
- Limited infilling or redevelopment of major existing developed sites identified in adopted local plans which meets the criteria in paragraph C3 or C4 of Annex C

Very special circumstances to justify inappropriate development will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

PPS3: Promotes sustainable development and the efficient use of previously developed land. Local planning authorities are required to identify and maintain a rolling five-year supply of deliverable land for housing.

Annex B of PPS3 specifically excludes "land in built-up areas such as private residential gardens" from the definition of previously developed brownfield land. The site is therefore a green field site, however, PPS3 does not preclude development of garden land where good design recognises the context and seeks to deliver housing development in suitable locations with good access to jobs, key services and infrastructure.

Previously-developed land (often referred to as brownfield land) - 'Previously-developed land is that which is or was occupied by a permanent structure, including the curtilage of the developed land and any associated fixed surface infrastructure.' The definition includes defence buildings, but excludes: - Land that is or has been occupied by agricultural or forestry buildings.

PPS4: Planning for sustainable economic growth: Local Planning Authorities should ensure that the countryside is protected for the sake of its intrinsic character and beauty, the diversity of its landscape, heritage and wildlife, the wealth of its natural resources and to ensure it may be enjoyed by all.

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

Consultations

Transportation - no objections

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Pollution Control Contaminated Land - no objections

Pollution Control Scientific Team - No objections subject to noise mitigation measures

Natural Environment (Trees) – objects on grounds of lack of tree survey

Natural Environment (Landscape) - objects on the grounds that plot one eats into farmland

Fire Service - objects but can be overcome by the installation of domestic sprinkler systems

Lichfield District Council - object on basis that new development in the green belt is inappropriate, cause harm to the green belt and no special circumstances submit to outweigh harm to the green belt.

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

Public Participation Responses

None

Determining Issues

- Housing Land Supply
- Whether the very special circumstances put forward justify inappropriate residential development in the green belt
- Design and Layout and Impact on the Green Belt
- Access and Parking
- Landscape and Ecology

Observations

Housing Land Supply

The purpose of the Green Belt is to be free from development and to retain openness. Most of the application site is occupied by redundant greenhouses and ancillary buildings with part of it being created from a section of the rear garden of No 380 Chester Road, the whole application site is situated within the Green Belt.

There is a plentiful supply of available housing land in Walsall. Sites with planning permission for new housing provide well in excess of sufficient capacity to meet the borough's housing land needs for the next 5 years (as required by PPS3), and other identified potential housing sites in the Strategic Housing Land Availability Assessment (SHLAA) provide in excess of a 15 year housing land supply. There is no requirement to release other sites for housing development in order to meet the housing land requirement in the Black Country Core Strategy and in particular the provision of further housing in inappropriate locations i.e. the Green Belt, is not required to meet housing land supply and would undermine the regeneration of the urban area and be contrary to the BCCS, in particular the Vision, Sustainability principles and policy CSP2.

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Annex B of PPS3 specifically excludes “land in built-up areas such as private residential gardens” from the definition of previously developed brownfield land. The site is therefore a green field site, however, PPS3 does not preclude development of garden land where good design recognises the context and seeks to deliver housing development in suitable locations with good access to jobs, key services and infrastructure. It also refers to ‘Previously-developed land as being that which is or was occupied by a permanent structure, including the curtilage of the developed land and any associated fixed surface infrastructure.’ The definition includes defence buildings, but excludes land that is or has been occupied by agricultural or forestry buildings. In this case the site can therefore be defined as not being previously developed as it is mostly occupied by agricultural buildings.

Furthermore, the applicant has not provided any evidence to demonstrate the benefits that the Borough will gain from the provision of aspirational housing in this locality sufficient to outweigh the potential harm to the Green Belt, this conflicts with one of the purposes of including land in the green belt namely to assist in safeguarding the countryside from encroachment. The proposal is therefore contrary to PPG2.

Whether the very special circumstances put forward justify inappropriate residential development in the green belt

The site lies within the West Midlands Green Belt as identified in Walsall’s adopted Unitary Development Plan (UDP).

Saved policy ENV2 of the Unitary Development Plan and paragraph 3.4 of PPG2 states that there is a presumption against the construction of new buildings in the Green Belt, except for forestry, agriculture, cemeteries, limited extension, alteration or replacement of an existing dwelling. The site consists of part of the rear garden of no 830 Chester Road and the adjacent land which is occupied by redundant greenhouses and ancillary buildings.

The buildings are structurally stable, the extent of renovation works required to bring them back into use depends on the nature of the future use. The footprint of the proposed dwellings would be different to that of the outline of the existing abandoned buildings. The proposed dwelling to the side of the existing one at number 830 would further extend linear development along Chester Road and also encroach upon the openness of the Green Belt. The development of new residential dwellings in this location is therefore harmful to the Green Belt and **inappropriate development** within the Green Belt. The onus in any application is on the applicant to demonstrate why permission should be granted and in particular that very special circumstances to justify such inappropriate development will not exist unless the harm by reason of inappropriateness or any other harm is clearly outweighed by other considerations.

Whilst the applicant has stated that the application provides an opportunity to clear away unsightly and dilapidated redundant buildings which in their opinion currently harm the green belt and the proposed development will enhance this area of the countryside, the structural report does state that condition of the buildings is such that with some renovation works they could be easily brought back into use.. as such it is not considered that the above

circumstances represent very special circumstances to outweigh the harm the erection of three large detached houses would have on the openness and character of the Green Belt.

As such, the applicant has failed to provide any justification which demonstrates very special circumstances to outweigh the harm of inappropriate development in the Green Belt. Thus, it is considered that the proposal is contrary to the policies in the UDP as well as the advice given in Planning Policy Guidance Note 2: Green Belts.

Design and Layout and Impact on the Green Belt

Saved policy ENV2: Control of Development in the Green Belt, states that there will be a presumption against the construction of new buildings except in certain instances, the proposals do not fall within those categories and as such the proposals are contrary to policy ENV2.

Whilst the removal of the redundant greenhouse will improve views across the site and the Green Belt in general, the replacement with houses will introduce an incongruous feature which will have an unacceptable impact upon the openness and character of the Green Belt. The proposed houses would have a maximum height of 9 metres which would replace the greenhouse and other outbuildings at maximum heights of 5 metres, clearly this will change the views across the site and the appearance of the green belt in this locality. It will also add additional residential activity to the area which would be of a different nature to that usually associated with the green belt activities.

The introduction of a dwelling at the front of the site will impact on the appearance of the green belt particularly from Chester Road. This part of the site currently contains a single width green house set 45 metres away from Chester Road, views of this are limited by the existing line of conifers along the edge of the carriageway and whilst it is unclear if these would be removed as part of the development, views of the proposed dwelling would none the less dominate Chester Road.

The design and siting of plot 2 will result in habitable room windows of the existing dwelling and those of plot two being 18 metres away from each other as such it will not provide satisfactory separation distances which seek to ensure a minimum of 24 metres between habitable room windows, to safeguard the visual amenities of residents. This will result in a detrimental impact on the amenities of existing and future occupiers by virtue of the closeness which will result in an overbearing and dominant impact. As such the proposed siting will be contrary to policies GP2, ENV32 and Designing Walsall Supplementary Planning Document

Furthermore the relationship between plots two and three will result in habitable room windows in the side elevations being only 1.5 metres from each other. It is acknowledge that such windows are secondary habitable room windows however in such close proximity the amenity of future occupiers will be compromised.

The proposed development results in housing density of 9 dwellings per hectare whilst this is considerably lower than the normal housing density of 30 dwelling per hectare, it does reflect the pattern of the adjacent dwellings which equates to 13 dwellings per hectare.

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Access and Parking

Access to plot one will utilise the vehicular access to the existing dwelling at no 830 Chester Road. Access to the plots at the rear of the site will utilise an existing access to the green houses off Back Lane which is an adopted highway but unsurfaced.

There are no objections to the proposals provide no additional access is made directly onto Chester Road.

The level of parking proposed would comply with saved policy T13 of the UDP.

Landscaping and Ecology

There are a number of significant trees situated to the south east corner of the site and the proposals would result in the removal of some of these prominent trees. Without the submission of a BS: 5837 2005 'Trees in relation to construction' survey an assessment of the full arboricultural implications cannot be made.

Recommendation: Refuse

1. No very special circumstances have been put forward sufficient to outweigh the harm this inappropriate development would cause to the character and openness of the Green Belt. The proposals are considered to represent inappropriate development within the Green Belt which would be out of character with their surroundings and would have an adverse impact on the openness, character and visual amenity of the Green Belt. As such the proposed dwellings are contrary to the aims and objectives of the Black Country Core Strategy, in particular sustainability principles 2 and 4, and policy CSP2, Objective (d) in paragraph 3.14 of the West Midlands Regional Spatial Strategy, saved policies 3.3, 3.29, ENV2, GP2 and ENV32 of Walsall's Unitary Development Plan (2005) and the advice given in Planning Policy Statement 1 and Planning Policy Guidance Note 2: Green Belts.

2. There is a plentiful supply of available housing land in Walsall. Sites with planning permission provide in excess of sufficient capacity to meet the borough's housing land needs for the next 5 years, and other identified potential housing sites provide in excess of a 15 year housing land supply. There is no requirement to release other sites for housing development and the development of this site in the Green Belt would undermine the regeneration of the urban area and would be contrary to the Black Country Core Strategy, in particular the Vision, Sustainability Principles and Policy CSP2.

3. The siting of plot 2 will not provide satisfactory separation distances with the existing property of no. 830 Chester Road. The council seek to ensure a minimum of 24 metres between habitable room windows, to safeguard the visual amenities of residents. The siting of plot 2 only achieves a distance of 18 metres resulting in a detrimental impact on the amenities of existing occupiers by virtue of the closeness which will result in an overbearing and dominant impact. In addition the relationship between plots 2 and 3 immediately adjacent to one another will result in habitable room windows being directly opposite each other with only a 1.5 metre gap between. This will clearly have a detrimental impact on the privacy, overlooking and amenities of future occupiers. As such the proposed siting will be

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contrary to policies GP2, ENV32 and Designing Walsall Supplementary Planning Document

4. The application has failed to include evidence about the possible presence of bats, which are a protected species, or the impact on their roosts or habitats. It is considered that the proposal, by reason of their design and layout and loss of potential habitats and roosts would result in harm to protected species. The development would therefore be contrary to Walsall's Unitary Development Plan, in particular policy ENV23, and the Supplementary Planning Document Conserving Walsall's Natural Environment.

5. The application has failed to provide evidence that the proposed development will not have any impact on existing trees around the site. There are a number of significant trees situated to the south east corner of the site and the proposals will result in the removal of some of these prominent trees. In the absence of a BS: 5837 2005 'Trees in relation to construction' survey the Local Planning Authority cannot make an assessment of the full arboricultural implications of the proposals and as such the development is contrary to saved policy ENV18 of the Unitary Development Plan.
