



Planning Committee

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

Supplementary Paper

Since preparing the agenda I have received the following further information relating to items on the agenda:

Agenda Item no.	Late Paper Contents	Officer Comments
	<p><u>The National Planning Policy Framework (NPPF) and Planning for Travellers (Pft)</u></p> <p>Published on Tuesday 27th March 2012 the NPPF sets out the Government's position on sustainable development and the role of the planning system. The document should be read in conjunction with Planning for Travellers (Pft) published on 25th March 2012.</p> <p>In the NPPF, the Government sets out its consideration of Sustainable Development as meeting economic, environmental and social needs. In considering this the Government's Core Planning Principles are: A plan-led system based on up-to-date plans which should meet <u>all</u> of the following criteria and empower the local community. Development that does not meet the following aims should be judged unsustainable.</p> <ul style="list-style-type: none"> - Enhance and improve the places in which people live their lives; - Proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs; - Support town centres and a town centre first approach for retail, leisure, commercial, office, tourism, cultural, and community uses; - Always require high quality design and a good standard of amenity for all existing and future occupants of land and buildings; - Take account of the different roles and character of different areas, promoting the vitality of our main urban areas; - Protecting the Green Belts recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations; - Support the transition to a low carbon future in a changing climate, taking full account of flood risk and encourage the reuse of existing resources, including conversion of existing buildings, and encourage the use of renewable resources (for example, by the development of renewable energy); 	

- **Contribute to conserving and enhancing the natural environment** and reducing pollution.
- **Encourage the effective use of land by reusing** land that has been previously developed (brownfield land), provided that it is not of high environmental value;
- **Promote mixed use developments**, and encourage multiple benefits from the use of land in urban and rural areas, recognising that some open land can perform many functions (such as for wildlife, recreation, flood risk mitigation, carbon storage, or food production);
- **Conserve heritage assets** in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations;
- **Actively manage patterns of growth** to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable; and
- Take account of and support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs.
- **Ensure that a sufficient supply of material** to provide the infrastructure, buildings, energy and goods that the country needs. However, since minerals are a finite natural resource, and can only be worked where they are found, it is important to make best use of them to secure their long-term conservation.

Effects on National Policies

The NPPF and PFT cancel and replace all PPGs and PPSs (except for PPS10 'Waste Management', which continues until it is reviewed as part of the National Waste Strategy), all Mineral Policy Statements and Planning Guidance, a number of Circulars (including 05/2005 – Planning Obligations) and several Letters to Chief Planning Officers.

Effects on Development Plan Policies

Paragraphs 208-215 of the NPPF include:

"The policies in this Framework apply from the day of publication. ...

"Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

"For the purposes of decision-taking, the policies in the Local Plan [i.e the Black Country Core Strategy (BCCS) and Walsall's saved UDP policies] should not be considered out of date simply because they were adopted prior to the publication of this Framework.

*"However, the policies contained in this Framework are material considerations
....*

“For 12 months from the day of publication, decision-takers may continue to give full weight to relevant policies adopted since 2004 [and under the 2004 Planning and Compulsory Purchase Act - i.e the BCCS] even if there is a limited degree of conflict with this Framework.

“In other cases [i.e. Walsall’s saved UDP policies] ... due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).”

Implications for the items to be Considered by Planning Committee **Agenda Items**

Item 6: Brush Garage, 86 Lichfield Road, Shelfield.

National Policy (in PPS1, PPS4, PPG18 and PPG24) has been replaced by the NPPF. This includes that:

- Planning should approve development that accords with the development plan (paragraph 14).
- Planning should *“always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings”* and *“take account of the different roles and character of different areas”* (paragraph 17);
- Investment in business should not be over-burdened by the combined requirements of planning policy expectations (paragraph 21).
- *“...significant weight should be placed on the need to support economic growth through the planning system”* (paragraph 19);
- *“Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions”* (paragraph 64);
- *“Applicants will be expected to work closely with those directly affected by their proposals to evolve designs that take account of the views of the community....”* (paragraph 66);
- Planning should prevent *“both new and existing development from contributing to or being put at unacceptable risk from , or being adversely affected by unacceptable levels of ... noise pollution....”* (paragraph 109);
- To prevent risks from pollution, planning decisions should ensure that new development is appropriate for its location (paragraph 120).
- Decisions should aim to *“avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development”* but recognising (subject to the Environmental Protection Act) that existing businesses wanting to develop *“should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established”* (paragraph 123); and
- *“Effective enforcement is important as a means of maintaining public confidence in the planning system. Enforcement action is discretionary, and local planning authorities should act proportionately in responding to suspected breaches of planning control...”* (paragraph 207).

Taking account of these provisions (and statements in paragraphs 18-22 of the NPPF about the importance of providing sites for employment, supporting existing businesses and priority areas for economic regeneration) it is considered that the saved UDP policies and the provisions of the ‘Designing

Walsall' SPD referred to in the report are consistent with the NPPF. The Core Strategy policy referred to remains applicable.

No change to the recommendation is proposed, enforcement action is proportionate. The second paragraph under 'Reasons for taking Enforcement Action' should be amended to read:

The development is therefore contrary to the aims and objectives of saved Unitary Development Plan policies GP2, 3.6, 3.7, ENV10, ENV32, ENV35, 4.4, JP5, JP7, policy ENV3 of the Black Country Joint Core Strategy, policies DW3, DW9 and appendix E of Supplementary Planning Document Designing Walsall and the National Planning Policy Framework.

Item 7: 2 Isis Grove, Willenhall, Walsall, WV13 1JD

National Policy (in PPS1, PPG13 and PPG18) has been replaced by the NPPF. This includes that:

- Planning should approve development that accords with the development plan (paragraph 14).
- Planning should *"always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings"* and *"take account of the different roles and character of different areas"* (paragraph 17);
- Development should only be prevented or refused on transport grounds where the residual cumulative impact of development are severe (paragraph 32).
- Plans and decisions should take account of the practicality of providing safe and secure access for all people, minimising conflicts between traffic and cyclists or pedestrians (paragraphs 32 and 35);
- Local planning authorities may set local parking standards including for residential development, taking account of factors such as the type of development, its accessibility and local car ownership (paragraph 39);
- *"Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions"* (paragraph 64);
- *"Applicants will be expected to work closely with those directly affected by their proposals to evolve designs that take account of the views of the community...."* (paragraph 66);
- *"Effective enforcement is important as a means of maintaining public confidence in the planning system. Enforcement action is discretionary, and local planning authorities should act proportionately in responding to suspected breaches of planning control..."* (paragraph 207).

Taking account of these provisions it is considered that the saved UDP policies and the provisions of the 'Designing Walsall' SPD referred to in the report are consistent with the NPPF. The Core Strategy policy referred to remains applicable.

No change to the recommendation is proposed, enforcement action is proportionate. The paragraph under 'Reasons for taking Enforcement Action' should be amended to read:

The brick pillars due to their height are visually intrusive and out of character with their surroundings. The development is therefore contrary to the aims and objectives of saved policies GP2, 3.6 and ENV32 of the Walsall Unitary Development Plan, ENV3 of the Black Country Core Strategy, policy DW3 of Supplementary Planning Document Designing Walsall and the National Planning Policy Framework.

The Plans List

The following comments and recommendations are made:

Items 1 and 2 Branton Hill Quarry

National Policy as set out on Pages 9, 35 and 36 of the Report, except for PPS10 on Waste Management, has been replaced by the NPPF. However, it is considered this does not introduce any material changes in respect of the relevant issues in this case – sustainable development, design, Green Belt, housing, economic growth, the historic environment, nature conservation, transport, pollution, noise, flood risk, mineral working and the supply of aggregates.

In this context the relevant provisions of Walsall's saved UDP policies and of the Natural Environment and Urban Open Space SPDs are considered to be consistent with the NPPF.

The Black Country Core Strategy policies referred to should continue to apply.

No changes to the recommendations are proposed in respect of the NPPF.

Items 3, 4, 5, 6, 8, 9,10, 12, 13, 14, 15, 16, and 17

National Policy as set out on Pages 52, 69, 82-83, 95, 116, 128, 155-156, 166, 174, 182, 187, and 197 (with the exception of Circular 06/2005: Biodiversity and Geological Conservation – see pages 52 and 95) has been replaced by the NPPF. However, it is considered these do not affect the conclusions and recommendations in respect of the issues in these cases – including (as applicable) sustainable development, design, economic development, nature conservation, transport and car parking, pollution, noise, flood risk, provision for housing, and the historic environment. It is relevant to note that:

- in respect of **item 6**, paragraph 41 of the NPPF says that sites and routes critical in developing infrastructure to widen transport choice should be protected; and
- in respect of **item 10**, paragraphs 173 and 205 of the NPPF say that careful attention should be paid to financial viability and where obligations are being revised account should be taken of changes in market conditions.

In this context the relevant provisions of Walsall's saved UDP policies and of the Designing Walsall, Natural Environment and Urban Open Space SPDs (as applicable) are considered to be consistent with the NPPF.

The Black Country Core Strategy policies referred to should continue to apply.

No changes to the recommendations are proposed in respect of the NPPF.

Item 7 Former Redhouse School

National Policy as set out on page 104 has been replaced by the NPPF. In

respect of the relevant issues in this case (including policy for housing, transport and noise) it is not considered that this introduces material changes. In respect of open space (previously in PPG17 the NPPF states at paragraph 74 that existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss. This is very similar to saved UDP Policy LC6 of the UDP, which was part of the decision that has already been made to grant outline permission for the development of the site.

In this context the relevant provisions of Walsall's saved UDP policies (including LC6) and of the Designing Walsall, Urban Open Space, Affordable Housing and Natural Environment SPDs are considered to be consistent with the NPPF.

The Black Country Core Strategy policies referred to should continue to apply.

No change to the recommendation is proposed in respect of the NPPF.

Item 18 – No National Policy reference is made due to the nature of the proposed development. The proposals and the application of development plan policies and the Designing Walsall SPD are considered to be consistent with the aims and objectives of the NPPF and no change to the recommendation is proposed.

Items 11 and 19

National Policy (pages 136 and 211-212) has been replaced by the NPPF. It is considered that this does not introduce any material changes in respect of most of the relevant issues in these cases – sustainable development, design, housing, economic growth and (for Item 19) transport.

In this context the relevant provisions of Walsall's saved UDP policies on these issues and of the Designing Walsall and Natural Environment SPDs are considered to be consistent with the NPPF.

The Black Country Core Strategy policies referred to should continue to apply.

The NPPF replaces PPG2 on Green Belts. The new policy says "*As with previous Green Belt policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances*" (paragraph 87).

It is considered that:

- For **item 11** the previous development can be said to have "*blended into the landscape in the process of time.*"
- For **item 19** the land has been occupied primarily as a private residential garden.

No change to the recommendations are proposed, except that the reasons for refusal should be amended to refer to the NPPF (see below).

Plans list no.		
1	<p>11/0943/FL – Bliss Sand & Gravel English Heritage has removed their objection.</p> <p>Further comments from Severn Trent Water – There is a 750mm surface water sewer which crosses the site and due to this more details of cross sections showing the existing levels and construction depths, with a possibility to divert or protect existing sewers on the site. There are also further public sewers crossing the site and a pumping station.</p> <p>The access road should have a bound surface for the section of road where there is a horizontal alignment change (adjacent to the pylon) and for 100m from the Chester Road access. Precise details to be negotiated.</p>	<p>Amend recommendation: 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.</p> <p>To be secured by appropriate conditions to be drafted to ensure protection of the sewers crossing the site.</p> <p>A condition is to be drafted by officers to secure this.</p>
3	<p>12/0063/FL – Park Road</p> <p>Natural Environment Team (Ecology) Have reviewed the Great Crested Newts Survey and raise no objection subject to conditions regarding site clearance and landscaping.</p> <p>The applicant has requested that Condition 14 (relating to hours of operation) be removed and Condition 16 relating to acoustic fencing be amended that the first 40m, from the Memorial Park end of the site, should have a 2m high acoustic fence. We have shown on our drawings, to act as a screen only, a 3m high screen timber fence, for the sole purpose of screening the warehouse from the residential properties on Park Road in accordance with the recommendations of the Noise Assessment.</p>	<p>Noted. Conditions will be added and precise wording agreed with the applicant.</p> <p>Officers have reviewed the conditions and comments of Pollution Control officers and agree to the applicant's proposed wording and conditions.</p>
4	<p>12/0109/FL & 12/0110/LB – Bentley Mill Way</p>	

	<p>Further information with regard to the Gas Main</p> <p>With regard to hazardous installations and the gas main under the road, the applicant confirms that no contact with the Health and Safety Executive (HSE) has been made at this stage. They will be notified via submission of a separate application under the F10 regulation procedure which is the manner in which the HSE are usually notified of such works affecting gas pipelines and hazardous installations.</p> <p>The applicant has been in regular contact with relevant Statutory Undertakers who, in this instance, have designed a concrete protection slab for the applicant to install as part of the works. This will be installed above the gas main as their chosen means of protection. The Statutory Undertakers have also supplied their 'Special Requirements' which will be included in the Contract of Works.</p> <p>The applicant's consultant team also confirm that these works will also be covered by the Construction Specification.</p>	<p>The HSE have been notified of the application but the assurances of the applicant and the contact with Statutory Undertakers is noted.</p> <p>It is considered that there is sufficient information and considerable legislation to safeguard the gas main as part of the engineering solution to the works.</p> <p>Therefore no change to the recommendation is made.</p>
5	<p>12/0097/FL – Century Works, Midland Road</p> <p>Additional Correspondence</p> <p>A letter of objection has been received on behalf of Walsall Security Printers who raise concerns with regard to the security of the site and integrity of their premises arising from the proposed development, in particular relating to the demolition and creation of the new building (especially the basement).</p> <p>Request that if the LPA are minded to grant the development that conditions to secure satisfactory safeguards are put in place and the applicant is reminded of the Party Wall Act through an informative.</p>	<p>Comments are noted and the detail of construction is usually dealt with through Building Regulations and the Party Wall Act.</p> <p>Conditions are proposed with regard to Ground Conditions (Condition 9) and Retaining Walls (Condition 10). It is therefore proposed to extend and reword Condition 10 to explicitly refer to the construction of the basement area. The Party Wall Act is a standard note for applicant attached to the Decision Notice.</p> <p>No change to the recommendation with an amendment to Condition 10.</p>

<p>13</p>	<p>12/0122/FL - 31 Ida Road, Walsall</p> <p>Additional correspondence Two further letters of objection from nearby residents concerned about increasing problems of youths in the area and the home would make it an unsafe environment for young children.</p> <p>Response from local Police Architectural Liaison Officer identifies that the area has a high level of anti social behaviour and drug related incidents however on the basis that there will be 24 hour supervision on the site this would negate some of the risks. Suggests CCTV for internal communal areas and to cover access/egress points to the home.</p>	<p>Objections noted – no change to recommendations</p> <p>Response noted – additional condition to be added requiring details of CCTV</p>
<p>8</p>	<p>12/0066/FL - Land off Watermead Grange/Silver Street</p> <p>Update The Council's Education SPD and Healthcare SPD have now been revoked.</p>	<p>No change to the recommendation.</p>
<p>11</p>	<p>12/0095/FL - Land adjacent 10 Bosty Lane, Walsall</p> <p>Publication of the NPPF has changed Green Belt policy as explained above.</p>	<p>No change to the recommendation to refuse, but amend reasons 1 and 2 to read as follows.</p> <p>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 policy 3.3, of Walsall's Unitary Development Plan (2005) and Government Policy in the National Planning</p>

	<p>Additional Comments received from Councillor R Andrew:</p> <p>The land referred to is currently a vacant plot adjacent to a row of existing properties. The plot would benefit from being developed and would contribute to an overall improvement in the area.</p> <p>Neighbours are in favour of the development - it will reduce ongoing ASB and nuisance caused by vacant land and flytipping at the rear.</p> <p>Although the land is listed as Green Belt, it is a technicality as the land has been previously developed and is not in a current state worthy of enjoyment or protection. The level of nuisance caused to neighbours is a special circumstance justifying the development.</p> <p>Due to the location, there is no 'openness or character' of that part of the Green Belt to protect and given the location adjacent to significant genuine Green Belt land, there is not likely to be any harm caused by this development - I therefore wish to record that I am in favour of the development.</p>	<p>Policy Framework.</p> <p>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, ENV3 and ENV32 of Walsall's Unitary Development Plan (2005) and Walsall's Supplementary Planning Document: Designing Walsall and Government Policy in the National Planning Policy Framework.</p> <p>Councillor R Andrew's comments are noted. No change to the recommendation.</p>
19	12/0187/FL - Land adj. and rear of 830	No change to the recommendation

	<p>Chester Road, Aldridge, WS9 0LS</p> <p>Publication of the NPPF has changed Green Belt policy as explained above.</p>	<p>to refuse, but amend reason 1 to read as follows.</p> <p>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, GP2 and ENV32 of Walsall's Unitary Development Plan (2005) and Government Policy in the National Planning Policy Framework.</p>
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