



Planning Committee

Report of Head of Planning and Building Control, Regeneration Directorate on 14/03/2012

Reason for bringing to committee: Major application and Departure from the Development Plan

Application Number: 12/0036/OL

Application Type: Outline Application

Applicant: Ms Carole Wildman

Proposal: Hybrid application for:

1) Outline permission for residential development on sites A, B, C, D and J (access only to be considered) as follows:

- Site A – Approximately 243 dwellings (including 24 apartments & 4 affordable units), open space/community parks

- Site B – Approximately 62 dwellings plus off-site highway works at Harden Road/Goscote Lane junction, open space including linear parks and an ecological buffer zone

- Site C – Approximately 19 dwellings

- Site D – Approximately 134 dwellings (including 21 affordable units)

- Site J – Approximately 241 dwellings open space including linear parks, community parks and village green, pedestrian footbridge over canal linking to Swannies Field.

All sites incorporating car parking, landscaping, infrastructure and servicing.

2) Full permission for change of use of land at Goscote Lodge Crescent (part of site B) to recreational open space.

Case Officer: Alison Ives

Telephone Number: 01922 652492

Email:planningservices@walsall.gov.uk

Agent: Mr Stephen Hollowood

Location: Goscote Lane Regeneration Corridor incorporating sites off Goscote Lane, Shakespeare Crescent, Goscote Lodge Crescent and Dolphin Close.

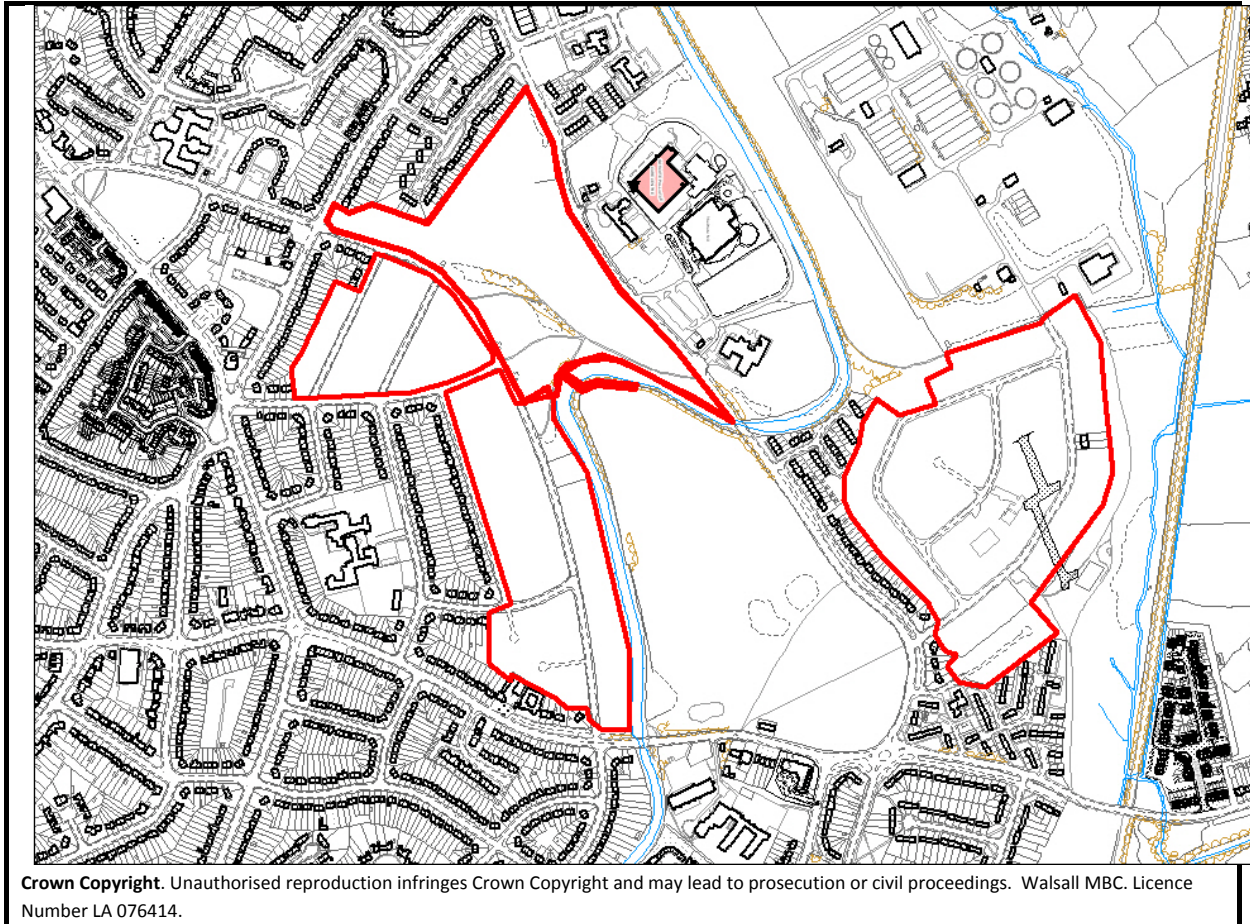
Ward: Blakenall

Expired Date: 27/04/2012

Recommendation Summary: Delegate to the Head of Planning and Building Control to resolve objections from Natural England, to draft and finalise planning conditions and subject

to referral to the National Planning Casework Unit the recommendation is to grant outline consent for the residential development and grant full permission for change of use to open space subject to conditions.

Site Map



Application and Site Details

This hybrid application seeks the following: -

- Outline consent for residential redevelopment of five sites in the Goscote area and
- Full permission for change of use of land at Goscote Lodge Crescent to recreational open space (part of Site B).

The outline application seeks approval for means of access only at this stage with all other matters reserved. The proposals for each of the sites are detailed as follows:

Site A – Approximately 243 dwellings (including 24 apartments and 4 affordable units) plus open space/community parks.

Site B - Approximately 62 dwellings plus off-site highway works at Harden Road/Goscote Lane junction, open space including linear parks and an ecological buffer zone.

Site C - Approximately 19 dwellings

Site D – Approximately 134 dwellings (including 21 affordable units)

Site J – Approximately 241 dwellings plus open space including linear parks, community parks and village green and pedestrian footbridge over the canal linking to Swannies Field.

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

All sites propose car parking, landscaping, infrastructure and servicing. In total 699 new dwellings are proposed throughout the five sites. The supporting information indicates the proposal is for predominantly 2-3 storey houses with potentially some 4 storey flats. The aims are to provide a local identity with links to the wider area, improve the pattern of streets to encourage walking and cycling, improve security and provide high quality homes.

The site covers approximately 20 hectares of land within the Goscote Lane Regeneration Area (GLRA) which is located approximately 1.5 miles north of Walsall Town Centre. The site is identified in Walsall's Strategic Regeneration Framework. The surrounding areas to the north, west and south are predominantly suburban residential areas but include Blakenhall Village Centre, Blakenall Community Centre, local shops and schools. To the east of the sites lies the former Goscote Hospital site now occupied by new Palliative and Dementia Care Units and offices. There is a training centre to the south of the former hospital site and a large sewage works to the east.

Sites A, B and D are vacant sites that were previously developed for housing Site C was previously developed for flats. Site J is currently open Green Belt land and the proposal is to build on this land and provide a compensatory open space area on site B. The Wyrley and Essington Canal, a Site of Local Importance for Nature Conservation (SLINC), runs alongside sites A and J. The site is in the Cannock Chase to Sutton Park Biodiversity Enhancement Area (BEA) where habitat creation and enhancement are high priorities. Most of these sites are currently secured with palisade fencing that has a negative effect on the surrounding community. The previous use of the site presents some contamination and geological considerations which need to be addressed.

The proposal aims to diversify the predominantly rented housing tenure in the Goscote area as the majority of proposed units are open market properties. There are just 25 affordable units proposed, spread throughout Sites A and D. The applicant has requested that consideration is given to the fact that there are already 105 approved affordable units on Sites G and H (not part of this application site) and that this would bring the total number of affordable units in the GLRA to 130 units which equates to 16% provision. They also request relaxation on the need to provide 25% affordable housing in order to rebalance the mix of housing tenure in the GLRA.

The proposal is to introduce new roads to improve connectivity and reduce the size of the previous block structures and create a finer urban grain less dominated by vehicles. There are three pedestrian rights of way crossing site J that would be retained or diverted as part of development of the site. A hierarchy of new roads is proposed within the Masterplan. This indicates primary roads on Goscote Lane, Walker Road and Harden Road and a series of secondary roads and other vehicular and pedestrian routes throughout the site.

The proposed "Green Belt swap" is to develop Site J which is approximately 6 hectares of Green Belt land in exchange for change of use of 8.51 hectares on land on part of Site B (formerly housing) for open space purposes. Part of Site B would still be redeveloped for residential purposes along the edge of existing housing to create secure boundaries and

provide surveillance of the proposed open space. It is proposed to maintain vehicular access to the sewage works through this site.

Illustrative layouts have been provided for all five sites that demonstrate how each could be developed to accommodate the number of proposed residential units. The general principle is that all units create perimeter blocks that face the street and parking is provided in-plot, on-street or in parking courts. A mix of house types and sizes and some flats is shown. Some of the new streets are designed in the form of mews and courtyards with tree planting and raised landscaping to reduce the dominance of vehicles. The applicant acknowledges that the indicative layouts may not achieve the design and separation guidelines in Appendix E of Supplementary Planning Document: Designing Walsall in all cases but highlight the Masterplan has sought to retain 18m distances between frontages and maximise garden sizes except where they are introducing "green lanes", mews and courtyards where distances are lower.

An illustrative Greenspace Infrastructure Plan shows potential for a new village green adjacent to the canal at the southern end of Site J with new footbridge over the canal. Proposals for improving "Swannies Field" by providing a ramped path from the new footbridge, two informal sports pitches, a skate park and Multi Use Games Area (MUGA), small ball court, outdoor gym and play area plus new pathways and native woodland planting. On Site B it is proposed to have a swale system (mounds) immediately beyond the proposed new housing to collect and channel storm water run-off. There is also significant native woodland planting, a mountain biking circuit and new pathways. These potential improvements shown on the illustrative plan could be realised through development of the proposed residential sites.

The Phasing Plan indicates Site G and H respectively as the first two phases of development within the GLRA. These sites already have permission and are not part of the current proposals although they are included within the Masterplan. Within the application site the developer proposes to develop Site J first (phase 3) including highway works to Goscote Lane, followed by Sites A and D (phase 4) including access improvements to Swannies Field, Site B (phase 5) including off-site highway improvements at Harden Road/Goscote Lane junction and Site C last (phase 6).

The five sites are owned by WHG/Walsall Council but British Waterways own the Wyrley & Essington Canal that borders sites A, B and J.

A series of supporting documents has been submitted with the application as follows: The Design & Access Statement – analyses the site and its surroundings including the historical context and explains how the design has evolved to the current Masterplan Design for the area. It also explains the character of the streets, open spaces, landscaping and sustainable drainage and suggests a proposed phasing strategy. It highlights the aim to regenerate a deprived area that has suffered from social and economic decline for a number of years. The proposal seeks to improve local connectivity between the sites, particularly from east to west. The Statement highlights community consultations carried out by the developer in February 2010 and January 2012. This highlights that approximately 90 people

attended each event. Of those attending the consultation in January 2012, 64% supported development of Site J and 74% supported part development of Site B with the remainder retained as open space. Also 76% supported the proposed new housing. The Statement discusses the constraints and opportunities of each of the five sites.

The Masterplan Design Guide (Revised January 2012) – Provides a regeneration strategy for Goscote Lane Corridor Regeneration Area. It explains the sites and surrounding context, constraints and opportunities. The Masterplan Framework considers urban form, built form, streetscape design, open space and landscaping, play provision and boundary treatments. It defines a hierarchy of streets and highlights technical requirements such as Lifetime Homes, drainage, parking, servicing, maintenance etc. The guide identifies possible locations for potential incorporation of 3 Local Areas for Play (LAP) and one Local Equipped Area for Play (LEAP). There is also a summary of the community consultation and feedback.

The Planning Statement – Explains the background to the proposals and a description of the hybrid planning application proposals and assessment against relevant development plan policies and other material considerations and key determining principles. It concludes that the proposals are a viable and sustainable regeneration framework for the Goscote Regeneration Corridor and promote restructure of the area by reinvigorating a dysfunctional local housing market, improve housing choice by diversifying tenures, improving connections and enhancing the urban environment. It states that without the Green Belt land exchange between Sites B and J the proposals would be financially challenged and undeliverable. It is considered there are very special circumstances due to the pressing need for housing renewal in the Goscote Regeneration Corridor that outweighs the harm to Green Belt.

The Transport Statement – The assessment has been prepared to consider development of a total of 780 dwellings. It addresses public transport, pedestrian and cycle networks and the highway network. It provides a review of the policy context; details of the current level of sustainable transport provision in the area; description of the proposed parking provision, access, parking layout and design code; transport analysis and trip generation data and assessment of the future operation of six junctions in the vicinity of the site. The Statement concludes the development site will have minimal impact on the local transport networks. It is proposed that of the six junctions assessed mitigation measures are required at the Goscote Lane/Harden Road roundabout to facilitate the development.

The Framework Travel Plan – Aims to reduce the number of single occupancy vehicle trips made by residents in the Goscote Lane Regeneration Corridor. Analysis shows 52% of the population of Blakenall ward travel by car to work and residents live a relatively short distance from local amenities and schools so reduction in vehicle use can be achieved. There is currently a number of walking and cycling routes in the area and car share will be facilitated through an opt-in database designed to match car share drivers with passengers. Bus services in the area serve the site by a single short bus journey. These methods of sustainable travel will be promoted throughout the development sites. The initial target is to reduce the number of residents travelling to and from the site by single occupancy car by 5% over a 5 year period.

The Flood Risk Assessment – Concludes that measures can be implemented to mitigate against any flood risk including elevated finished floor levels, design of ground profiles and maximum permitted discharge rate. The design of the proposed surface water system in any reserved matters application should follow the parameters and principles in the document.

Supporting Documents – Site A

Coal Mining Desk Study – Examines the sub-surface geology, development history and published records of mining beneath the site. There are three mining instability hazards and concludes there is a low risk of subsidence from collapse of former mine workings, moderate/low risk of crown hole formation and moderate risk of mine entry collapse. The report recommends further intrusive investigation and reporting, construction phase monitoring and post construction monitoring.

Geotechnical and Geoenvironmental report – Recommends further investigation including a desk study to determine the extent of possible coal workings on the site, use of geophysical methods to locate coal shafts, capping of coal shafts, a programme of deeper and shallow exploratory holes, six rounds of gas monitoring, a Detailed Quantitative Risk Assessment and remedial strategy and incorporation of a “clean” cover layer. Construction works should not commence until full approval of these documents has been granted.

Mining Investigation Report – The former mine shaft located on the site require treating and intrusive work undertaken to locate other shafts. No development will be possible within a specified distance from the shaft.

Supplementary Human Health and Controlled Waters Risk Assessment – Recommends a 5m margin is excavated and removed around three hotspots and the sides and base validated against contamination. It is considered there is no risk to groundwater despite marginally elevated concentrations of certain chemicals and there were no elevated concentrations within the samples of surface water.

Extended Phase 1 Habitat Survey - The development has the potential to impact the Wyrley and Essington Canal SLINC due to the proximity to the site. The habitats on site have potential to support a variety of notable birds, otters, water voles, reptiles and roosting bats. A bat survey, otter and water vole survey and reptile survey are also recommended and vegetation should be removed outside the bird nesting season.

Geophysical Report – This was carried out to determine the possible presence and location of any buried obstructions specifically relating to potential disused mineshafts. The data collected by the electromagnetic ground conductivity apparatus highlighted several anomalies as it was affected by surrounding surface metal and the road construction. Where necessary it is recommended that hand dug trial pits are dug to confirm the location and depth of buried obstructions found prior to undertaking further intrusive works.

Supporting Documents – Site B

Phase 1 Desk Study – Recommends further detailed ground investigation to determine the extent of the Colliery Spoil and loose granular deposits identified through boreholes testing which will determine required foundations prior to development. Further gas monitoring is recommended. The study identifies the presence of a number of potentially worked coal seams beneath the site within influencing distance of the surface. Due to the relative shallowness of the Bottom Coal and other coal seams beneath the site it is considered that

the workings are within effective depth of the surface and will require further investigation and / or treatment.

Extended Phase 1 Habitat Survey – The development has the potential to impact the Goscote Wedge SLINC due to the proximity to the site. The habitats on site have potential to support a variety of notable birds, reptiles, great crested newts and roosting bats. Further bat surveys will be required if buildings recorded on site are not demolished before the bat activity season. Great crested newt and reptile surveys are also recommended and vegetation should be removed outside the bird nesting season.

Supporting Documents – Site C

Phase 1 Desk Study – Recommends an intrusive geotechnical ground investigation is carried out to record ground conditions. The research to date has not revealed significant ground contamination on site although there is potential for off site sources. Gas and groundwater monitoring should be conducted to determine on-site ground gas and groundwater regime as a result of historic landfilling.

Extended Phase 1 Habitat Survey - The development has the potential to impact on Wyrley and Essington Canal SLINC and Goscote Wedge SLINC. The habitats on site have potential to support nesting birds, grass snakes and great crested newts. Great crested newt, reptile and water vole surveys (if the banks of the canal are impacted by development) are recommended and vegetation removed outside the bird nesting season.

Supporting Documents – Site D

Geotechnical and Geoenvironmental Report – Recommends further intrusive investigations are conducted including a further desk study to examine the extent of the possible coal workings on the site, boreholes to determine stability, suitability of foundations and piled foundations, clean cover layer in all gardens and additional gas monitoring.

Supplementary Geotechnical Report – Determine the ground conditions are suitable for the design and construction of shallow spread foundations in the northern third of the site. Bored piles are technically feasible across the southern two thirds of the site or vibro compaction is also feasible as an alternative. Ground bearing floor slabs would not be appropriate and suspended floor slab should be used.

Extended Phase 1 Habitat Survey – There are two non-statutory nature conservation sites within 1km of the site – Wyrley & Essington Canal SLINC and Goscote Wedge SLINC. The development has the potential to indirectly impact on Wyrley and Essington Canal SLINC due to the proximity of development. The habitats on site have potential to support a variety of birds, reptiles and roosting bats. It is recommended that Bat Survey and Reptile Surveys are carried out and that vegetation is removed outside the bird nesting season.

Supporting Documents – Sites G & H

A Desk Study and Ground Investigation have been provided as supporting information for these two sites which already have planning permission but are included within the Masterplan.

Supporting Documents – Site J

Geotechnical and Geoenvironmental Report – A programme of chemical testing was undertaken on selected samples obtained from the intrusive investigation in order to assess

levels of contamination in Made Ground and natural soils on the site. Risks to human health were identified with samples collected from the area of the former club. Investigations have not identified there to be a potential risk to controlled waters. Further gas monitoring is recommended. The majority of soils at the site can be disposed of as non-hazardous. Proposed buildings can be constructed on shallow spread foundation. Two former coal shafts were identified so further works to remediate these structures is required and no development permitted within a specified distance from the shafts. A layer of clean fill will be required. A Materials Management Plan as part of the wider earthworks operation will be required.

Supplementary Monitoring Report – Highlights results from the final gas monitoring visit to the site and recommends gas protection measures.

Supplementary Human Health Risk Assessment – Indicates the colliery spoils can be used within the cut and fill exercise without posing a potential risk to residential end users. Consideration should be given to removing the contamination on the former club house site. Final finished levels should be validated to ensure they are suitable for site use. A Materials Management Plan will be required for the cut and fill exercise.

Phase 1 Habitat Survey – No protected species were identified for the floral components of the site. Ten records of water voles from Ford Brook were recorded, the most recent in 2004. No further surveys for badgers or reptiles are recommended. The site is considered valuable as foraging and commuting habitat for bats. There are no significant habitats present that should be retained. In order to compensate for the loss of this large area of open space similar or equivalent native plants to attract wildlife are recommended to be incorporated into detailed future proposals for the site. Native tree planting should be incorporated into the landscape and proposed areas of open space. The mitigation strategy should include proposals to enhance the site for bats. Clearance of vegetation should take place outside the bird breeding season and development sites securely fenced to prevent injury to wildlife.

Walkover Survey and Desk Study – Reviews the site historical, geological and environmental setting to form a preliminary assessment of contamination sources or potential hazards. The report recommends intrusive investigations to assess ground conditions, sampling and analysis of material found, installation and monitoring of gas in boreholes for landfill gas and rotary boreholes to assess the geology and establish the risk of shallow mine workings.

Geophysical Report – Sought to identify the presence or location of any buried obstructions specifically those relating to potential disused mineshafts. Data was collected from 163 individual points across the survey area. Two anomalies were observed in the data indicating the presence of voiding associated with mineshafts.

The Viability Appraisal (February 2012)

Concludes that if no allowance is made for abnormal costs and 100% planning obligations are required for education, open space and affordable housing results in a substantial negative residual land value (-£6,407,354) making the development unviable. If the Committee accept zero contributions and 16% affordable housing provision this would result in a positive residual land value (£5,248,000) which could be reinvested in the area towards provision for education and open space.

Relevant Planning History

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11/1570/ND - Screening Opinion for Goscote Development Corridor residential/redevelopment (sites A, B, C, D and J) – Determined that an Environmental Impact Assessment was not required – January 2012

07/2335/OL/E11 – Outline: Proposed construction of 182 1, 2, 3 & 4 bed dwellings with garages and parking on land between Shakespeare Crescent/Chaucer Road/Tennyson Road/Wordsworth Road and corner of Well Lane and Shakespeare Crescent (now Site D) – Refused for 2 reasons broadly relating to (1) Failure to demonstrate that 182 residential units can be satisfactorily accommodated on the site and provide a satisfactory residential environment with good design and adequate parking and amenity space (2) Unacceptable demand on limited educational capacity, accessible community healthcare facilities, affordable housing and public open space provision in the locality.

BC49453P – New neighbourhood resource centre – granted subject to conditions February 1998.

There are several approved applications for prior notification for demolition of the former housing on sites A, B & D throughout 2005/2006 and demolition of flats on site C in 2003.

Adjacent sites

Site G – Well Place

10/0864/FL – Erection of 32, 2 and 3 bed houses – granted subject to conditions – October 2011.

Site H – Barracks Lane

10/1047/FL – Construction of 73 no. affordable dwellings comprising 39 apartments and 34 houses – granted subject to conditions – October 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. It sets out a vision, sustainability principles, spatial objectives and a spatial strategy for the Black Country

The vision includes:

1. Creating a network of cohesive, healthy and prosperous communities across the Black Country, with equal access to a mix of affordable and aspirational housing. Regeneration

should aim to promote and facilitate healthy living and create environments which offer opportunities for active lifestyles and healthy choices.

2. Creating a step change in the image and environmental quality of the Black Country to underpin social and economic transformation and help meet the challenges of growth. This will involve 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, particularly its canals and open spaces.

3. Improving the wealth and image of the Black Country

The sustainability principles include:

1. Facing up to climate change
2. Sustainable development
3. Social inclusion
4. Brownfield first
5. Comprehensive approach to development

Although investment is proposed to be focussed in the growth network, which comprises the strategic centres and redundant employment land in the regeneration corridors, the spatial objectives include enhancements to the character of existing housing areas outside this network.

CSP1: Highlights a network of Regeneration Corridors linking Strategic Centres to provide high quality employment land, new homes in sustainable communities built on redundant brownfield sites close to existing transport routes and existing canal networks, at moderate densities that allow for a range of house types.

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. The policy refers to the housing key diagram which identifies the Goscote area as a housing renewal hub that will be a focus for housing renewal activity.

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

CSP4: All proposals will be required to show how proposals make a positive contribution to place-making, including:

- A permeable street network with pedestrian priority and a good choice of means of transport.
- A safe and secure place through organising the urban environment in ways that encourage people to act in a civil and responsible manner.
- An integrated multifunctional open space network.
- The protection and enhancement of the historic canal network.

CSP5: Emphasises the need to develop and manage movement and ensure sustainable modes of transport are promoted.

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

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

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HOU1: Sufficient land will be provided to deliver at least 63,000 net new homes over the period 2006-2026.

HOU2: Density and form of new housing provided on each site will be informed by the need for a range of types and sizes of accommodation to meet identified needs, the level of accessibility by sustainable transport to services, and the need to achieve a high quality design and minimise amenity impacts. All developments will aim to achieve a minimum density of 35 dwellings per hectare, except where higher densities would prejudice historic character and local distinctiveness.

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

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.

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.

ENV3: Development proposals will deliver high quality design that stimulates economic, social and environmental benefits.

ENV4: Development Proposals will promote the multifunctional nature of the Black Country canal network.

ENV5: Development must demonstrate the level of flood risk associated with development is acceptable.

ENV6: Development that enhances the open space, sport and recreation network will be encouraged.

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.

ENV8: Residential development should be located, where possible, in areas where air quality meets national objectives.

WM5: Sets out general principles for managing waste associated with new developments.

Saved policies of Walsall Unitary Development Plan (UDP)

GP2, 3.6 and 3.7: Seeks all developments to make a positive contribution to the quality of the environment and the principles of sustainable development. A range of detailed issues will be taken into account in the assessment of development proposals. It also seeks to protect people from unacceptable noise, pollution and other environmental problems.

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

ENV2 and 3.3: In the Green Belt there will be a presumption against the construction of new buildings except for certain purposes. Inappropriate development will not be allowed in the Green Belt unless justified by very special circumstances.

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

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

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

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

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

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

ENV40: Requires water resources to be safeguarded.

H1: The Council will promote and encourage the renewal of existing residential areas.

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

H4 (only clauses (g) to (j) are "saved"): Provides more detail about affordable housing in support of BCCS policy HOU3.

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, developers should ensure adequate provision exists for community healthcare facilities to serve the development.

T4: Development proposals where there are significant transport implications must be accompanied by a Transport Assessment which considers accessibility of the development by all modes of transport, including the impact on the highway network. Such developments will be required to fund or contribute towards any necessary off-site infrastructure.

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.

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

T10 (a): Refers to accessibility standards.

T11: Residential development should be within easy walking/cycling distance of a range of facilities with direct/safe access to surrounding areas and measures to improve links between the development and its catchment area.

T13: car parking standards
 1, 2 & 3 bed houses – 2 spaces per unit
 4 bed houses and above – 3 spaces per unit

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.

LC6: Proposals resulting in a loss or reduction of sports pitches will only be permitted where an assessment of current and future needs has demonstrated an excess of sports provision and the site is not good quality or important to the development of sport or that at least equal compensatory provision will be made.

LC8 & 8.36: Refer to provision of community facilities particularly in neighbourhoods where there is a lack of such facilities.

Designing Walsall SPD

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

Appendix E 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 12m in length or 68m² in area for houses 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.

Conserving Walsall's Natural Environment SPD

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

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

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

Urban Open Spaces SPD

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

Affordable Housing SPD

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

Education and Healthcare SPD's

The Secretary of State has now formally revoked these SPD's following the resolution of the Council's Cabinet on 9th November 2011. Contributions to education and healthcare can still be required in accordance with BCCS policy DEL1 and UDP policy 8.8 and 8.9 where a need can be demonstrated for particular developments.

Cabinet also resolved to revoke Appendix D of the Designing Walsall SPD (relating to Public Art) because it is no longer consistent with the legal requirements for planning obligations.

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.

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.

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

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. It promotes the need for well designed new housing developments. Consideration of design and layout must be formed by the wider context.

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

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

PPG17: 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.

PPS23: Account should be taken of potential for contamination present on a site.

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.

Consultations

Transportation – No objections to the principle of providing new access points onto the existing highway network based on the proposed number of dwellings. Conditions are recommended to require an updated Transport Assessment if the number of units exceeds 780 and to secure highway improvements at the Harden Road/Goscote Lane roundabout, prevent direct frontage to Slacky Lane from Site C, submission and implementation of mitigation measures necessary to address any detrimental impact on road safety, and provision of the bridge over the canal in Swannies Field. A note to applicant regarding

procedures for S278 works and public rights of way is recommended. With regard to the proposed change of use on part of Site B it is recommended that all redundant highways are extinguished prior to commencement of any development.

Pollution Control (Scientific Team) – No objections but would recommend that construction hours are controlled by planning condition and also other noise control measures in respect of the development of Site C in Slacky Lane.

Pollution Control (Contaminated Land) – No objections subject to works being implemented to investigate and remediate any localised ground contamination and ground gas issues associated with the development. Conditions to address these concerns have been provided.

Site A, has been the subject of two investigations. The latest recommends excavation of three areas of the site where hotspots of contamination were identified. A combined desk top survey and intrusive investigation has been completed for Site B. Its findings currently consider the site does not present a risk to human health but recommends that further work is undertaken to investigate 'features' that have been identified as part of this report. Site C, has been the subject of a desktop investigation which recommends that further intrusive investigation is required. An intrusive site investigation has been completed for Site D, which has determined that no risk to human health exists, however a clean cover layer should be employed on landscaped areas due to the presence of elevated levels of contaminants. The area denoted as site J has been investigated and some contamination has been identified as detailed in the investigation report, reference. Remedial works should be undertaken to address this.

There are no objections to the change of use to recreational open space.

Environmental Health – No objections.

Ecology – No objection in principle but there are concerns about the potential encroachment of housing, roads and footpaths into the canal corridor. In response to the issues raised by Natural England it is considered that the level of recommended survey work is not justified for the following reasons:

- The application sites are largely areas of demolished houses. There is no evidence that the former gardens contained the range of protected species for which it is recommended that surveys should be carried out. There is no evidence that the sites are sufficiently well connected to the wider landscape for there to have been widespread colonisation since demolition.
- The Middlemarch Ecology reports merely state that there is potential for the various species without assessing the actual risk. Therefore much of the survey work would be carried out to find species that are unlikely to be present.

In light of this it is considered that recommendations for additional survey work are excessive and not fully justified despite the fact that the surveys (with the exception of Site J) are old (August/ September 2009) and the author has had no opportunity to update them. It is possible to deal with the ecological aspects of these applications effectively and within the

law and guidance without the need for all the additional survey work recommended by the applicant's ecologist.

The creation of new open space where habitat creation is an important component is welcomed. The design guidance is inadequate in dealing with the ecological aspects of open space and the canal corridor. Comments on the indicative layouts for each of the individual sites are included raising concerns for consideration at reserved matters stage and addressing the Natural England concerns. Conditions requiring tree surveys, landscaping, bat boxes, lighting, avoidance of works during the bird breeding season and fencing of trenches during construction are recommended.

Landscape – No objections.

Conservation – No objections. The historical context is comprehensively covered within the Design & Access Statement. The only Heritage Asset within the site is a section of the Wyrley & Essington Canal.

Housing Services – Support the deliverability of the scheme and change of tenure. Any reduction from a 25% affordable housing contribution would need to be justified on the basis of financial viability.

Rights of Way – Sites B and J have existing public rights of way across them plus some unrecorded routes. The rights of way on Site B are not acknowledged in the design and access statement. Proposals for new pedestrian and cycle links across the new open space area on site B is welcomed but reserved matters should include a clear approach as to how the proposed routes link into the existing rights of way, which may require their diversion/extinguishment and improvements (including signs, resurfacing etc) to ensure good connectivity. Similarly a detailed approach for diversion and/or extinguishment of rights of way on site J will be required as the site layout is finalised. Proposed new routes would also need to be finalised and subject to creation agreement/orders. Any diversion or extinguishment orders should be completed before construction starts. The proposals include possible installation of stiles on pathways from courtyard areas but these are not supported.

Walsall Ramblers – There are issues regarding the land swap between Green Belt site J and brownfield Site B including the following:-

- Clearly designated footpaths should be established through site B to connect to the canal towpath and through to Station Road leading towards Walsall centre.
- A circular walkway around the perimeter of site B should be established as an exercise facility with pace counters and distance markers to enable health walking
- A community group for Site B should be established to maintain the facility
- All new paths should be registered Definitive Right of Way under the control of Walsall Council
- At Swannies Field the existing paths WAL 23, 24 and 25 which disappear under proposals for development of site J has the potential for development of several paths which should be developed to provide a health walk area ahead of Site B redevelopment to give access to the new canal bridge and Goscote Lane for new residents. Paths should be properly established and surfaced and incorporated into the Definitive Map.

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- The above measures would significantly counterbalance the loss of site J from Green Belt.

Structures – No objections in principle. All located mine entries should be stabilised in accordance with the Coal Authority recommendations. The residential development layout should wherever possible be designed so that mine entries are located beneath car parks or areas of public open space to avoid placing domestic properties over the location of or within the influence zone of known mine entries.

Natural England – Objects. The Phase 1 Habitat Surveys supplied recommend further surveys are carried out on each site. Until this information is provided a complete assessment of the impact on protected species can not be made and permission should not be granted in the absence of assessment of the additional survey work. The application should also seek ways to enhance biodiversity and seek opportunities to implement habitat creation and to incorporate sustainable design technologies in the design of the buildings. (Negotiations are continuing and further comments will be updated at Committee).

British Waterways – No objections subject to conditions and/or a legal agreement to address issues relating to provision of a new footbridge over the canal and improvements to the canal towpath. The principle of improving access and encouraging people to the canal is supported. BW supports the principle of “green fingers” linking surrounding parts of the development with the canal. The visual impact of linear car parking and proximity to the canal is of concern. The proposed new footbridge on site J should be a high quality design to provide good pedestrian access to the towpath and Swannies Field. Potential impacts on the ecology of the waterway should be suitably mitigated. Landscaping should consider the potential impact to the integrity of the waterway and future maintenance of planting. Tree planting should avoid the first 5m of the south or east side of the canal. Light should not spill onto the canal corridor in order to protect nocturnal protected species such as otters and bats. Mitigation proposals for contamination on site will be required. Further details are required to ensure protection of the structural integrity of the waterway including details of excavation works, stability, pollution and drainage etc. The proposed fishing platforms should be sited on the towpath side of the canal.

Inland Waterways – Objects strongly to development of Site J and considers it should be retained as open space and Green Belt. Retention of most of Site J as open space with village centre and canal footbridge moved to the corner of Site A and retention of more of Site B for housing. IWA has concerns about the loss of the existing canalside green space and the compensatory provision that is sited away from the canal corridor.

Severn Trent Water – No objections based upon implementation of agreed discharge for all foul and surface water from the sites.

Police Architectural Liaison Officer – Full Secured by Design accreditation should be sought on all phases of development. The site is currently and historically a high crime area for all types of crime. The area also contains a high proportion of criminal offenders. The key area of concerns is that regarding remote parking locations. The layout should seek to provide convenient, safe parking with good surveillance.

Fire Service – No objections subject to a suitable water supply for fire fighting appliances.

Centro – The site is served by a number of bus services but the eastern part of the development is served by infrequent bus services tendered by Centro. The developer should explore the possibility of providing funding for an additional service which provides links to Walsall. Consideration should be given to replacing the existing stop poles on Goscote Lane with bus shelters. Pedestrian links should be direct, convenient, well lit, well signed and of a safe and secure design and include pedestrian crossings where appropriate. The inclusion of a Travel Plan is welcomed but request further details on funding of a Travel Plan co-ordinator.

Greenspace Services – To be updated at Committee.

Walsall Children's Services – A development of this scale would yield additional pupils in the primary sector. There is a significant issue in the primary sector across the Borough which is predicted to get progressively worse in the coming years due to the increase in birth rates. In proximity to the proposed developments the Council will be unable to provide sufficient pupil places in accordance with statutory duty. It will therefore be necessary to provide the equivalent of 1 Form of Entry (FE) of accommodation in local Primary Schools. Having reviewed the Primary estate in the locality of the development it is expected to increase 2 local schools by 0.5 FE each. There are no proposals to carry out increase in pupil spaces in the Secondary sector as a result of this development at the present time. It is recommended that a contribution of £1.1 million would be required to cover increasing the 2 local primary schools by 0.5 FE and enhance the approach of a third local school.

Western Power – There are distribution substations in the local vicinity and underground apparatus within the regeneration zones. There is a need to undertake extensive reinforcement to the 11000 volt network to facilitate connections. The layout should protect the existing cable easement.

National Grid – The proposed works are likely, unless controlled, to adversely impact the safety and integrity of National Grid apparatus directly crossing the area. Before carrying out any excavations, trial holes must be dug to find the exact position of gas pipes using recognised and agreed hand digging techniques. There is low of medium pressure gas apparatus in the vicinity. It is essential that no mechanical excavations take place above or within 0.5m of low and medium pressure systems.
The developer should contact National Grid.

NHS Walsall – The proposals will increase housing numbers to offset previous losses. It is highly likely that there will be sufficient capacity in Blakenall and Harden Medical Centres to cater for potential increased patients if this area attracted an inflow from other areas of Walsall.

District Valuer – The District Valuer has reviewed the Viability Assessment provided by the applicant and has taken into account the viability of the proposals in the event that full

provision is required for affordable housing, education and urban open space. The residual land value based on the 699 unit scheme is -£1,437,801.00 (not including all the land acquisition costs). The proposals would therefore not be viable if full provision were required.

Public Participation Response

There are 5 letters of objection, a petition of objections with 273 signatures, objections from Councillor Robertson and 1 letter of support summarised as follows: -

Objections

- The petition claims that 98% of people living around the site are opposed to the land swap and building on Green Belt land
- Disagree with the proposed land swap between Green Belt ("The Lea") and brownfield site ("Goscote Estate")
- The (*Green Belt*) area should remain as it is now to preserve the natural beauty of the land
- This (*Green Belt*) area was an attraction to families to move here
- The Green Belt land offers great views and opportunities for walking
- Loss of outlook for existing residents that face the Green Belt land and have views as far as Barr Beacon
- Loss of open views for existing residents in Hardy Road to the benefit of new residents on Site B
- Loss of Green Belt land for housing development
- No very special circumstances have been demonstrated to allow building on Green Belt land contrary to policy 3.3 of the UDP
- Proposals are contrary to the purposes of the Green Belt in PPG2, they allow urban sprawl, merge Poets and Goscote estates, encroach onto the countryside and doesn't make full use of existing derelict brownfield land
- The brownfield site has more Green Belt land around it to benefit future residents instead of building on "The Lea"
- The applicant's description of the Green Belt land as "underused, poor quality open land" is misleading as the housing that once surrounded it has been demolished – once redeveloped Site J will again be well used by residents
- The land has been allowed to deteriorate through lack of proper maintenance and policing – anti-social behaviour and horse grazing have reduced its attractiveness for residents use
- The site has previously been used for a children's play park, a youth club, social club, football and cricket pitches, anglers using the canal, by Harden School for various activities and still used by dog walkers
- Appreciate the Council's positive action in removing the horses from the land
- Accept new housing is required but this shouldn't be at the expense of existing residents
- Residents resisted development on the Green Belt land previously
- Residents in Hardy Road and Beresford Road have organised a petition against development of the land
- Contamination issues
- Cost of putting services on the land when there are services already on site B
- The former housing sites should be developed for affordable housing
- Building on the existing brownfield land would reduce the expense of putting in services and reduce potential noise and pollution on "The Lea"
- Increased traffic on Goscote Lane
- The Transport Statement makes no mention of pedestrian priority
- The Transport Statement concludes the development will result in queuing traffic in the am peak yet still states minimal impact on transport networks – how can this be?
- Noise and pollution would be considerable on Goscote Lane and may affect peace and tranquillity, particularly as there is a Hospice on the former Goscote Hospital site

- No need for a new bridge to access “Swannies Field” as there is already two accesses and the money could be better spent on other amenities
- The Lea could be enhanced by including a children’s play area if there are S106 funds available
- Lack of time or resources for residents to comment and make their case

Support

- The proposals offer a great benefit to Goscote and is better than having waste ground as long as the right people move here

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

Determining Issues

- Principle of residential development
- Proposed development on Green Belt land
- Relationship to surrounding properties
- Housing Mix/Phasing
- Provision of affordable housing
- Provision for supporting infrastructure (including education, healthcare and open space)
- Layout and Design
- Means of Access and Parking
- Impact on canal and natural environment
- Landscaping/Ecology
- Ground conditions
- Localism Act

Observations

Principle of Development

Housing renewal and the provision of good quality housing in the Goscote area is supported by the BCCS. All but one of the sites (site J) was formerly occupied by housing. The provision of new housing on sites A, B, C and D is acceptable in principle as it brings forward vacant land in accordance with UDP policy ENV14. UDP policy H3 also encourages provision of additional housing through the re-use of previously developed land provided a satisfactory residential environment can be achieved. The housing key diagram in the BCCS identifies the Goscote area as a housing renewal hub that will be a focus for housing renewal activity.

Proposed development on Green Belt land

The proposal includes development of housing on Site J which is Green Belt land and to provide alternative open space on Site B. Proposals for new housing in the Green Belt is inappropriate development in the Green Belt unless justified by very special circumstances. PPG2, and the council’s own policies in the BCCS and the UDP, emphasise the importance of maintaining the Green Belt to assist urban regeneration. The policies also state inappropriate development in the Green Belt would undermine regeneration by diverting investment away from brownfield sites.

In this case it is considered that the proposed “land swap” would assist urban regeneration.

Adjustment to the Green Belt boundary to support regeneration is upheld explicitly by the

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

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Textphone 0845 111 2910, Fax (01922) 623234

RSS, and the proposal would also be in line with the purposes of the Green Belt as stated in policy CSP2 of the BCCS.

The likely cost of addressing the poor ground conditions on Site B compared with those on Site J means that the regeneration of the area as a whole would probably be unviable if development was limited to the “footprint” of the previous housing sites.

In terms of the proposed “Green Belt swap” the social problems that were associated with the former Goscote Estate (Site B) were caused in part by its relatively isolated location with only one point of access. These problems could not be addressed simply by redeveloping on the same site so its proposed change of use to open space as compensatory provision for the loss of Green Belt land on Site J is considered acceptable. The proposed land swap would also result in a larger area of open space on Site B than presently available on Site J – an increase of approximately 2.5 hectares – that will benefit the area.

It is also considered that the inclusion of Site J in the Green Belt does not achieve any of the other purposes set out in PPG2 for the following reasons:

- the site lies between other developed sites so it does not check unrestricted sprawl;
- it does not prevent neighbouring towns from merging into one another;
- it does not assist in safeguarding the countryside from encroachment;
- it does not preserve the setting and special character of historic towns.

Modifications to the Green Belt boundary can only be made through the development plan preparation process, rather than an individual planning application. It is expected that this proposed Green Belt “land swap” will be considered through the forthcoming Site Allocation Document. However, it is considered that inclusion of the majority of Site B in the Green Belt would provide a better match with the purposes of the Green Belt. The site of the former Goscote Estate currently encroaches into the Green Belt towards Rushall and Shelfield.

Local residents consider that no very special circumstances have been put forward by the applicant to justify this land swap and state that it should remain as open space to preserve existing views of the Green Belt and beyond and provide opportunities for leisure activities close to people’s homes. For the reasons given above it is considered that there are very special circumstances to justify development on the Green Belt. They also consider the land swap will benefit the future residents on Site B who will have open views to the Green Belt yet existing residents will lose this benefit. The existing residents are strongly opposed to the land swap. These concerns are addressed below.

Residents comment that the development of Site J would alter the views within the Green Belt. Nevertheless the proposals would not prejudice the purposes of including land in the Green Belt. The details of the new residential development will require approval at reserved matters stage when consideration of siting, materials or design will be made to minimise any potential detrimental impact on the visual amenities of existing residents. In terms of new housing on Site B benefiting from the proposed land swap in terms of outlook it is considered the introduction of new housing will provide improved surveillance and security of the land and benefit the wider area.

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Residents suggest the costs of putting in services on Site J where they already exist on Site B could be saved if the previously developed land was redeveloped rather than the Green Belt. For the reasons stated it is recommended that development of Site J would make for a more coherent urban development to encourage greater community benefits.

Residents are also concerned that the applicant's description of the existing Green Belt land as "underused, poor quality open land" is misleading as the housing that once surrounded it has been demolished and that the land has deteriorated through lack of proper maintenance. It is accepted that the current state of the land does preclude its optimum use by residents but proposals for the replacement open space on Site B are considered adequate compensation for its loss.

Despite the residents concerns, the reasons referred to above are considered very special circumstances to outweigh the harm caused by building houses in the Green Belt and on balance the proposed land swap is acceptable.

Relationship to surrounding properties

Given that the surrounding area is predominantly residential and the proposals are to redevelop former housing sites for residential purposes the uses are considered compatible and would not have any significant impact upon residential amenities. The exception is the proposed residential development of Site J which is presently open Green Belt land. Notwithstanding the Green Belt issues discussed in the previous section of the report, although residential development of Site J would inevitably affect the outlook for existing properties surrounding this site it would not harm residential amenities in terms of privacy or daylighting. The detailed design and layout of the new residential development would be subject to approval of reserved matters.

The development of Site C for residential purposes is acceptable in principle as it was previously developed for flats. There are industrial premises on the opposite side of Slacky Lane that could potentially cause disturbance to future residents so it is recommended that mitigation measures are provided to protect internal and external areas from noise.

Residents are concerned about increased traffic which may cause considerable noise and pollution on Goscote Lane and may also affect the amenities and tranquil setting of the former hospital site which includes a palliative care building. The levels of traffic have been considered in the Transport Assessment and will not significantly affect the local highway network. As for disturbance from noise and pollution, bearing in mind that most of the sites (with the exception of Site J) were previously developed there would not be significantly greater noise and disturbance sufficient to warrant refusal of permission. The palliative care buildings are set back within the landscape setting of the hospital site so increased traffic should not significantly disturb patients.

With regard to the claim that residents have not had sufficient time and do not have the resources to make their case against the proposals the statutory consultation processes for the planning application have been adhered to.

Housing Mix/Phasing

The application indicates there will be a mix of house types across the five sites providing a variety of house types and sizes. This is considered acceptable to cater for a variety of accommodation needs for future residents and although the eventual mix will be agreed at reserved matters stage it does indicate how an appropriate mix can be achieved.

In terms of phasing the applicant has indicated that of the five application sites, Site J will be developed first, followed by Sites A and D, B and C. Although this proposes developing the Green Belt site first they claim this is necessary due to the viability of the overall scheme and that there will be provisions within the Development Agreement drawn up for the sale of the land to secure the provision of open space on site B so reducing any risk. On this basis the phasing is acceptable.

Provision of affordable housing

There is considerable need for affordable housing in Walsall as a whole. The Housing Needs Assessment, which was updated in early 2011, estimated that the total requirement for affordable housing exceeds the total amount of annual new build in all tenures. Provision of this volume of affordable housing would not be achievable. There is a need to provide a balanced mixture of housing tenures and types.

Walsall as a whole, and Goscote and Blakenall in particular, are currently characterised by an above average proportion of social housing. There is a need to re-balance this mixture to develop a more cohesive and prosperous community, whilst continuing to provide for equal access to housing for all.

The proposal is for 25 affordable housing units within sites A and D. The applicant points out that these affordable units, combined with 105 affordable housing units that already have permission on sites G and H, equates to 16% affordable housing provision throughout the GLRA as a whole. They request support for this lower provision of affordable housing on the basis that there is a need to rebalance the mix of housing tenure in the GLRA.

Residents consider that the former housing sites should be developed for affordable housing rather than market housing as they are replacing former affordable housing units. As explained there is a need to rebalance the mix of housing tenure in the GLRA so the redevelopment of all of the sites for affordable housing would not achieve this aim.

The applicant has also provided a Viability Assessment to demonstrate the viability of the development proposals as justification as to why they are offering affordable housing below the required level. The District Valuer has reviewed this and states the Gross Development Value of the sites is £111,226,366. Taking into account rental incomes, construction costs, abnormal costs, sales and marketing, professional fees, finance, developers profit of 15%

and land acquisition fees he concludes that the development is not viable. In the circumstances the lower affordable housing provision is considered acceptable.

Provision for supporting infrastructure (including education, healthcare and open space)

The SPD's for Education and Healthcare have recently been revoked but contributions to education and healthcare can still be required in accordance with BCCS policy DEL1 and UDP policies GP3, 8.8 and 8.9 where a need can be demonstrated for particular developments.

Walsall Children's Services has stated that the development would create the need for an additional 1 form of entry (1FE) of accommodation in local primary schools. It is considered that this would be best achieved by increasing two Local Primary Schools by 0.5FE each. An additional contribution would also be required for upgrading the appearance of the approach to a third local school to the benefit of the desirability of the proposed new housing. A contribution of £1.1million would be required towards this provision.

NHS Walsall has indicated that it is highly likely that there will be sufficient capacity in Blakenall and Harden Medical Centres to cater for potential increased patients if this area attracted an inflow from other areas of Walsall. They also note the proposals will increase housing numbers to offset previous losses. In the circumstances no contribution is required towards provision of healthcare facilities.

Under the terms of policies DEL1 of the BCCS, policy LC1 (d) of the UDP and SPD: Urban Open Space the developer is required to contribute towards provision for urban open space. Based on the proposed number of units this would require a contribution of £1,408,360.00.

The developer has provided a Viability Assessment which demonstrates the development would not be viable if the full provision referred to above were required. The District Valuer has reviewed the Viability Assessment and agrees that the development would not be viable if the full provision was required as there is a negative residual land value of over - £1.4 million

Nevertheless, it is proposed to deliver the highway improvements, Education requirements, a level of open space improvements and to develop a new bridge across the Wyrley & Essington Canal as part of the Development Agreement being prepared by the land owners. Conditions are recommended to secure details of these as they are included in the development description.

Conditions are recommended to require the developer to enter into a Section 106 Agreement to ensure provision for supporting infrastructure over and above that already proposed including education and open space.

Residents suggest that there is no need for the new bridge over the canal at the southern end of Site J and that money would be better spent on improvements to the existing Green

Belt or other amenities for the area such as a children's play area. Nevertheless the proposals are considered to benefit all residents in the area.

Layout and Design

The proposal seeks outline consent only so although an indicative layout has been provided the eventual design of the individual sites will be subject to reserved matters approval. The layout does seek to create smaller blocks with housing facing the street and secure private gardens and a hierarchy of streets to improve connectivity to surrounding open space and make it easier for pedestrians. The design and access statement gives a broad indication of the scale and massing of the proposed residential units but this will be subject to reserved matters.

Whilst the illustrative layout shows not all plots achieve the recommended space and separation distances in SPD: Designing Walsall this will be considered at reserved matters stage to achieve the best possible layout without harming residential amenities in terms of privacy, security or aspect.

The Masterplan indicates potential for a new bridge over the Wyrley and Essington Canal and open space improvements at Swannies Field and at the proposed new open space on Site B. These improvements will encourage better use of the sites with improved facilities so are supported. As the proposal is to swap Site J and Site B the proposal does not create entirely new open space in terms of the overall provision, albeit the proposed open space on site B is larger by approximately 2.5 hectares. Implications for future maintenance of a new open space will be included in the Development Agreement.

Means of Access and Parking

The proposed Masterplan indicates a hierarchy of streets from primary routes to courtyard and mews where the aim is to create a safer pedestrian environment and better connectivity throughout the GLRA. The principle of this hierarchy is acceptable as is provision of new access points onto the existing highway network. The Transport Assessment demonstrates that the development will have minimal impact on the local highway network on the basis of the number of proposed dwellings. Conditions are recommended to require an updated Transport Assessment in the event that reserved matters indicates a higher number of dwellings.

As part of the development of Site B off-site highway works are proposed at Goscote Lane/Harden Road junction to accommodate the potential increase in the number of vehicles. A condition is recommended to require submission of details and implementation of the highway works prior to the occupation of any dwellings throughout the site. It is anticipated that reserved matters will address this. Submission of details and implementation of mitigation measures necessary to address any detrimental impact on road safety will also be required.

Residents are concerned about the level of increased traffic and congestion; particularly on Goscote Lane and the risks this will pose to residents trying to visit the proposed new open space on Site B. However, the proposals include improvements to the Goscote Lane/Harden Road junction to ease traffic congestion in this location and improved pathways throughout

the sites will aim to provide direct routes to the new open space. Although the residents consider pedestrian priority has not been given consideration the Masterplan and Design and Access Statement clearly explain how it is intended to improve pedestrian access and movement throughout the GLRA. Any amendments to existing public rights of way will be subject to a statutory procedure so a note to applicant is recommended regarding this.

A condition is recommended to extinguish all redundant highways on Site B which is proposed to change to open space.

The level of parking is also considered acceptable given the mix of houses proposed but will be subject to change depending on the eventual mix approved under reserved matters.

Given the proximity of Site C to a narrow bridge it is recommended that there is no access from Slacky Lane.

Impact on canal and natural environment

The indicative layouts show development close to the Wyrley and Essington Canal. British Waterways and Council officers are concerned that this could potentially impact on the integrity of the waterway, ecological habitats or visual amenity from the canal. Nevertheless there are no objections in principle to the outline proposals subject to detailed design of the individual sites to address these matters and conditions to require details and appropriate mitigation where necessary.

The proposals for Site J include a new canal footbridge, the design of which is to be determined at a later stage hence a condition is recommended.

Landscaping/Ecology

The council's ecologist has no fundamental objections to the proposals, although has concerns about the canal frontage treatments in sites A, C and J. There is a danger that the ability of the Wyrley and Essington Canal SLINC to support a range of species and function as a canal could be compromised if development encroaches close to the edge of the canal. It is recommended that the approach to development on the canal frontages, particularly in sites A, C and J is revised to provide a wider corridor and create areas where access to the canal edge is prevented to provide refuges for wildlife. Further survey work will be required along the canal corridor as detailed proposals come forward. At present there is no evidence that any protected species are present on the sites. Of the European Protected Species, bats are unlikely to be present as all the housing has been demolished and there are few, if any, trees which could contain a bat roost. Great crested-newts are most unlikely on any site and otter is equally unlikely. Therefore the Local Planning Authority is not required to consider the Three Tests under the Habitats Regulations in determining this application. If subsequent survey work along the canal frontages unexpectedly unearths a protected species, the Local Planning Authority will have to determine the reserved matter applications in accordance with legislation and guidance, which may include the Three Tests. If any permission granted ensures wide protected corridors along the canal frontages there will be sufficient land to undertake suitable mitigation at the detailed design stage. The proposal to create an open space with wildlife habitats on Site B is strongly supported.

The council's ecologist is currently in discussion with Natural England to seek the lifting of the Natural England objection. The applicant's ecological consultant recommended that further surveys for protected species were required. However, there is little evidence that any of the species were present when the sites were used for housing or have colonised since. There has also been further site clearance since these reports were written in 2009. It is unlikely that protected species will be present and therefore further surveys are not justified in this instance. The exceptions are on the sites where there is a canal frontage and if it is possible to identify a corridor where no development is permitted until further targeted survey work is carried out, this may resolve Natural England's objection. Discussions with Natural England are continuing and the latest situation will be presented to the Planning Committee.

Appropriate landscaping must be submitted for approval at reserved matters stage which must protect, create and enhance existing habitats. Notwithstanding the above, planning conditions are recommended to ensure appropriate landscaping and lighting and protection and mitigation for any potential protected species. The quality of the design and layout will contribute to conserving the natural environment in the vicinity of these sites.

Ground conditions

There is a history of coal mining in the area and evidence of contamination and made ground on all sites. Supporting information has been provided but further work is recommended to fully investigate the implications prior to commencement of any development. Pollution control officers recommend conditions to ensure implementation of works to investigate and remediate any localised ground contamination and ground gas issues associated with the development. Subject to these works all contamination and/or ground conditions can be satisfactorily addressed and would not preclude development of the site. Resident's objections regarding how contamination issues will be dealt with has therefore been addressed.

Localism Act

Section 143 of the Localism Act 2011 (Applications for planning permission: local finance considerations) came into force on 15 January 2012.

This amends Section 70 of the Town and Country Planning Act 1990 (determination of applications for planning permission: general considerations) say that:

- as well as having regard to the provisions of the development plan, so far as material to the application, and to any other material considerations;
- the local planning authority shall have regard to any local finance considerations, so far as material to the application.

Local finance considerations are defined as;

- (a) a grant or other financial assistance that has been, or will or could be, provided to a relevant authority by a Minister of the Crown, or
- (b) sums that a relevant authority has received, or will or could receive, in payment of Community Infrastructure Levy.

The Act does not state that in respect of a determination, regard must be had to any particular consideration nor does it state the weight that should be given to a particular consideration. These are matters for the decision maker.

In Walsall, whilst Cabinet has resolved that work should be started towards a Community Infrastructure Levy regime, the operation of such a regime is some way off. However, the Council has and will continue to receive New Homes Bonus from the Government and this will be material in respect of applications for new housing, including this application.

The New Homes Bonus award to Walsall for 2012-2013, and for each of the 4 years after that, was published in December 2011. Future awards would be for 4 years, then 3 years, then 2 years and finally for 1 year. Based on the provision of 792 new homes during 2010-2011 the award of £1,095,219.00 (which included a premium for affordable housing but also a deduction for an increase in vacancies) meant that – as a rough average - each additional home generated an annual grant to the council of approximately £1,380.00. In future New Homes Bonus awards might be offset against reductions in the 'formula grant' the Council will receive from Government.

Summary of Reasons for Granting Planning Permission

The principle of residential development of sites A, B, C and D is acceptable as they were previously developed residential sites and the proposals make more effective use of this previously developed land.

Residential development of Site J is inappropriate development in the Green Belt but the applicant has demonstrated very special circumstances to outweigh the harm as it would assist urban regeneration and the land does not presently achieve the purposes of including land in the Green Belt. The proposed Green Belt land swap would also result in a larger area of open space. Resident's objections with regard to lack of very special circumstances to justify the development of Green Belt land and appropriateness of exchanging the open space to Site B have been considered in reaching this view.

Residential development is considered compatible with the surrounding area. Although the outlook from existing housing towards Site J would be altered the proposed development would not harm residential amenities to such a degree as to affect daylighting or privacy or to warrant refusal, despite existing residents concerns which have been considered. As Site C is closer to commercial/industrial premises noise mitigation measures are recommended. The potential increased traffic will have no significantly greater impact on noise and disturbance than when previously developed (except Site J) and on balance, despite resident's concerns, will not harm the amenities of the former Goscote Hospital Site which lies in a landscaped setting.

The mix of house types is considered acceptable although the eventual mix will be subject to reserved matters approval. Resident's concerns regarding the proximity of housing and potential height of buildings have been considered. The phasing proposes development of

Site J first due to viability issues but the replacement open space on Site B will be secured through the Development Agreement which is considered acceptable. The remainder of the phasing is also acceptable.

The lower level of affordable housing provision is justified as it will help re-balance the mix of housing in Goscote and Blakenall to provide a greater number of market housing. Although residents are concerned about the lack of affordable housing throughout the proposed development there are other sites in the Goscote Lane Regeneration Area (Sites G and H) will help achieve 16% affordable housing which despite being below the usual requirement is acceptable in this instance for the reason specified.

In terms of education the proposal would require provision of additional classrooms and an upgrade to the entrance to another school. Provision for open space is also required. The applicant's Viability Assessment has been reviewed by the District Valuer. It has been demonstrated that the proposals are not viable if these measures are required. It is intended to recommend a conditional permission to require provision for education and urban open space in the event that a positive residual land value is achieved. This takes into account concerns about pressure on existing facilities in the area.

The proposals include highway improvements at the junction of Goscote Lane/Harden Road, open space improvements on Swannies Field and the proposed open space and a new footbridge over the canal which will be secured by the Development Agreement and conditions included to secure details of these measures.

Indicative layouts showing how the development could be accommodated to create smaller blocks, improve connectivity and security have been supplied. Not all layouts achieve the recommended standards but will be subject to approval at reserved matters stage when the detailed design will be explained further to provide a layout with appropriate privacy and aspect.

Access and parking is acceptable in principle including the new access points onto the existing highway network. Provision of highway improvements and potential traffic calming will be secured by conditions. The parking is appropriate for the mix of housing indicated. It is recommended that there will be no access from Slacky Lane as this is too close to the bridge. The representations received regarding potential impact on highway safety has been addressed by requiring mitigation measures for traffic calming where required.

The indicative layout shows development closer to the canal but the detailed design can address any potential implications upon the integrity of the canal or ecological habitats. The concerns of Natural England have been fully considered yet further surveys are not justified.

Ground conditions will be remediated prior to commencement of any development on site and appropriate mitigation implemented to address concerns of residents.

Section 143 of the Localism Act 2011 came into force on 15 January 2012 amending Section 70 of the Town and Country Planning Act 1990. Councils are to have regard to the

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

provisions of the development plan, so far as material to the application, and to any other material considerations including any local finance considerations, so far as material to the application. These are defined as;

- (a) a grant or other financial assistance that has been, or will or could be, provided to a relevant authority by a Minister of the Crown, or
- (b) sums that a relevant authority has received, or will or could receive, in payment of Community Infrastructure Levy.

The Act does not state that in respect of a determination, regard must be had to any particular consideration nor does it state the weight that should be given to a particular consideration. These are matters for the decision maker. The New Homes Bonus award to Walsall for 2012-2013, and for each of the 4 years after that, was published in December 2011. Future awards would be for 4 years, then 3 years, then 2 years and finally for 1 year. In future New Homes Bonus awards might be offset against reductions in the 'formula grant' the Council will receive from Government.

In light of the above the proposals are considered to accord with the aims of policies CSP1, CSP2, CSP3, CSP4, CSP5, DEL1, DEL2, HOU1, HOU2, HOU3, TRAN2, ENV1, ENV2, ENV3, ENV4, ENV5, ENV6, ENV7, ENV8 and WM5 of the Black Country Core Strategy, policies GP2, 3.6, 3.7, GP3, ENV2, 3.3, ENV10, ENV14, ENV23, ENV24, ENV32, 3.116, 3.117, ENV33, ENV40, H1, H3, 8.8, 8.9, T4, T7, T8, T10(a), T11, T13, LC1, LC6, LC8 and 8.36 of Walsall Unitary Development Plan and Supplementary Planning Documents Designing Walsall, Conserving Walsall's Natural Environment, Urban Open Space and Affordable Housing.

Recommendation: Delegate to the Head of Planning and Building Control to resolve objections from Natural England, to draft and finalise planning conditions and subject to referral to the National Planning Casework Unit the recommendation is to grant outline consent for the residential development and grant full permission for change of use to open space subject to conditions.

1. Application for the approval of reserved matters must be made not later than the expiration of three years beginning with the date of this permission.

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

2. The development to which the permission relates must be begun not later than the expiration of 2 years from the final approval of the reserved matters application, or the last reserved matters approval.

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

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

- a) Appearance
- b) Landscaping
- c) Layout
- d) Scale

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

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

For the purposes of this condition each site shall be considered as a separate entity. The parts of this condition state which sites need to comply.

- i) Prior to built development commencing a site investigation, ground contamination survey and assessment of ground gas, having regard to current best practice shall be undertaken at Site C. (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 for Site C. (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 for Sites A,B,C,D & J. (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 for Sites A,B,C,D & J.
- 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 for Sites A, B, C, D & J.
- 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 for Sites A,B,C,D & J. (see Note for Applicant CL3)

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

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

Reason: To protect the residential amenities of nearby residents.

6a. No development shall take place on site C until suitable mitigation measures to protect internal and/or external areas from noise have been agreed in writing with the local planning authority.

6b. The development shall not be occupied until such measures have been fully implemented.

Reason: To protect the residential amenities of future occupiers.

7a. Prior to the commencement of any development, with the exception of Site C, full engineering details of the proposed highway improvements to the Harden Road/Goscote Lane roundabout, as identified in the Transport Assessment, shall be submitted for technical approval in writing by the Local Planning Authority.

7b. The approved highway improvements to the Harden Road/Goscote Lane roundabout shall be fully implemented prior to the first occupation of any dwelling on the development, with the exception of Site C and thereafter retained.

Reason: To ensure the satisfactory completion and operation of the development and in the interests of highway safety in accordance with policy GP2, ENV32, T4 and T5.

8a. No more than 780 dwellings shall be built on the site unless an updated Transport Assessment to demonstrate that there will be no detrimental impact on the local highway network has been submitted to and agreed in writing by the Local Planning Authority.

8b. Prior to the first occupation of any dwelling, any mitigation measures necessary to address detrimental impact on road safety as a result of the development identified in any updated Transport Assessment, shall be fully implemented and brought into use in accordance with the agreed details.

Reason: To ensure that there is no detrimental impact on the highway network and in accordance with Policy T4 and GP2.

9a. Prior to the commencement of any development, with the exception of Site C, any mitigation measures necessary to address any detrimental impact on road safety as a result of the development as identified within the accident analysis report contained within

Addendum Transport report, shall be shall be submitted for technical approval in writing by the Local Planning Authority.

9b. Prior to the first occupation of any dwelling on the development, with the exception of Site C, the approved road safety mitigation measures, shall be fully implemented and brought into use in accordance with the agreed details.

Reason: In the interests of highway safety.

10a. Prior to the commencement of the development of Site J, details of the proposed pedestrian/cycle bridge over the canal to the Swannies Field Public Open Space shall be submitted to and agreed in writing by the local planning authority.

10b. The agreed bridge details shall be fully implemented and retained thereafter.

Reason: To provide adequate pedestrian/cycle links to the development and the Public Open Space and in accordance with Policy GP2, T8 and T11.

11. Prior to the commencement of the development on Site B, all redundant existing public highways within the site shall be extinguished under the provisions of S247 of the Town and Country Planning Act 1990.

Reason: To ensure the satisfactory completion of the development.

12. Prior to the commencement of the development on Site J all redundant existing public rights of way within the site shall be extinguished under the provisions of S257 of the Town and Country Planning Act 1990.

Reason: To ensure the satisfactory completion of the development.

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

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

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

14a. Prior to the commencement of development samples of all facing, roofing and hard surfacing materials plus details of all boundary treatments shall have been submitted to and approved in writing by the Local Planning Authority.

14b. The development shall be completed with the approved details and retained thereafter.

Reason: To ensure the satisfactory appearance of the development.

15a. Prior to the commencement of any development on Sites A, B or C Tree Surveys to BS5837: 2005 standards shall be submitted for approval in writing by the Local Planning Authority.

15b. The findings shall inform the design and layout of the development at Reserved Matters stage.

Reason: To ensure adequate protection for retained trees on site.

16a. Prior to the commencement of the development details of landscaping shall be submitted for approval. The landscaping shall incorporate the following;

- A high proportion of native species tree and shrub planting especially in proximity to the canal.
- Habitat features unavoidably lost shall be replaced.
- Existing habitats shall be enhanced where appropriate.
- New habitats shall be created, particularly native meadow grasslands.
- Ornamental planting to encourage insects and other wildlife.

16b. 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.

17a. Prior to the commencement of the development a scheme to provide bat boxes, bat tubes and bat bricks incorporated into new buildings shall be submitted for approval in writing of the Local Planning Authority.

17b. The approved scheme shall be fully implemented and retained thereafter.

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

18a. Prior to the commencement of development of Site A, a further Extended Phase 1 Habitat Survey shall be carried out to inform a more sympathetic canal frontage treatment (as part of the reserved matters submission) and that there will be no adverse impact on any protected species especially within a 30 metre corridor of the edge of the canal. It is expected that local Biodiversity Action Plan habitats will be retained and incorporated into the design and layout.

18b. The agreed recommendations of the extended phase 1 habitat survey shall be fully implemented in the development of Site A, including habitat creation & enhancement plus the retention of any habitat found that supports protected species.

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

19a. Prior to the commencement of the development of Site B, a further Extended Phase 1 Habitat Survey shall be carried out to inform the design and development of the site (submitted as part of the reserved matters submission). It is expected that local Biodiversity Action Plan habitats will be retained and incorporated into the design and layout.

19b. The agreed recommendations of the extended phase 1 habitat survey shall be fully implemented in the implementation of the development of Site B, including habitat creation & enhancement plus the retention of any habitat found that supports protected species.

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

20a. Prior to the commencement of development of Site C, a further Extended Phase 1 Habitat Survey shall be carried out to inform a more sympathetic canal frontage treatment (submitted as part of the reserved matters submission) and that there will be no adverse impact on any protected species especially within a 10 metre corridor of the edge of the canal. It is expected that local Biodiversity Action Plan habitats will be retained and incorporated into the design and layout.

20b. The agreed recommendations of the extended phase 1 habitat survey shall be fully implemented in the development of Site C, including habitat creation & enhancement plus the retention of any habitat found that supports protected species.

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

21a. Prior to the commencement of the development full details of all external lighting, particularly to the open space areas shall be submitted to and agreed in writing by the Local Planning Authority. The lighting shall be designed to retain dark corridors particularly along the canal corridor.

21b. The agreed scheme shall be fully implemented and thereafter retained in accordance with the agreed details.

Reason: To protect the visual amenities of the area and ensure proper regard is taken to the impact on protected species.

22. Prior to the commencement of the development full details of the following matters shall be submitted to and approved in writing by the Local Planning Authority: -

- i. Improvements to the Open Space
- ii. Highway Improvements to junction of Goscote Lane/Harden Road
- iii. Traffic Calming measures

The development shall be carried out in accordance with the agreed details and retained thereafter.

Reason: To protect the visual amenities of the area.

23a. No development shall commence on each site unless details of proposed levels across that site has been submitted to and agreed in writing by the local planning authority.

23b. The development shall be carried out in accordance with the agreed details.

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

24. Residential premises with a frontage facing towards Goscote Lane shall feature glazing that has an acoustic insulation specification of Rw 38 in respect of habitable rooms.

Reason: To protect the residential amenities of future occupiers.

25. All site clearance shall take place outside the bird breeding season unless carried out under the supervision of a qualified and experienced ecologist.

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

26. During construction all open trenches or hazardous areas should be securely fenced off to prevent animals becoming trapped.

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

27. There shall be no direct frontage access from Site C onto Slacky Lane.

Reason: In the interests of highway safety.

28. No more than 15 dwellings shall be built on the application site unless the developer has made appropriate provision towards affordable housing on the site, or any alternative provision as may be agreed in writing by the local planning authority.

Reason: To ensure adequate provision for affordable housing in accordance with policies HOU3 of the BCCS and policy GP3 of the UDP and Supplementary Planning Document: Affordable Housing.

29. No more than 10 dwellings shall be built on the application site unless the developer has made appropriate provision for education facilities and urban open space, or any alternative provision as may be agreed in writing by the local planning authority.

Reason: To ensure adequate provision for education and urban open space in accordance with policies DEL1 of the BCCS and policies GP3, 8.8 and LC1 of the UDP and Supplementary Planning Document Urban Open Space.

30. The proposed development shall be carried out in accordance with the agreed Phasing Plan (4070-00-106) received 27/01/12.

Reason: To ensure the satisfactory development of the site.

31. 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.

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

Reason: In order to protect the residential amenities of nearby occupiers.

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

- Location Plan
- Proposed Plot Layouts (4070-00-102) received 27/01/12
- Site A Proposed Layout (4070-20-201) received 27/01/12
- Site B Proposed Layout (4070-20-202) received 27/01/12
- Site C Proposed Layout (4070-20-203) received 27/01/12
- Site D Proposed Layout (4070-20-204) received 27/01/12
- Site J Proposed Layout (4070-20-205) received 27/01/12
- Change of Use Plan (4070-20-222) received 27/01/12
- Phasing Plan (4070-00-106) received 27/01/12
- Schedule of Floor Areas (Goscote/HPA/Plan Reference E) received 27/01/12
- Proposed Green Belt Swap Plots B & J (4070-00-103) received 27/01/12
- Land Ownership Plan – WHG & Walsall Council Land (4070-00-104) received 27/01/12
- Land Ownership Plan British Waterways (4070-00-105) received 27/01/12
- Movement & Access (4070-00-111) received 27/01/12
- Future Proposals for Goscote Greenspace Infrastructure Illustrative Plan (Goscote/HPA/Plan Reference M) received 27/01/12
- Design & Access Statement prepared by Sheppard Robson (Goscote/HPA/Doc 2) received 27/01/12
- Masterplan Design Guide prepared by Sheppard Robson – Revised January 2012 (Goscote/HPA/Doc3) received 27/01/12
- Planning Statement in relation to Goscote Regeneration Corridor Residential Sites (sites A, B, C, D and J) prepared by GVA – January 2012 (Goscote/HPA/Doc4) received 27/01/12
- Transport Assessment prepared by JMP – 19 December 2011 (Goscote/HPA/Doc7) received 27/01/12

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- Travel Plan prepared by JMP – 29 June 2011 (Goscote/HPA/Doc8) received 27/01/12
- Flood Risk Assessment prepared by JMP- 19 December 2011 (Goscote/HPA/Doc9) received 27/01/12
- Site J – Geotechnical & Geoenvironmental Report prepared by RSK Group plc – October 2010 (251135-01(00) received 27/01/12

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

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.

Note for applicant – Noise Mitigation

In regard to designing and achieving acceptable noise mitigation measures to protect internal and/or external residential areas, and for suitable criteria in respect to this, reference can be made to guidance and criteria contained in British Standard BS 8233: 1999 ‘Sound insulation and noise reduction for buildings – Code of practice’, British Standard BS 4142: 1997 ‘Method for Rating industrial noise affecting mixed residential an industrial areas’ and World Health Organisation 2000 ‘Guidelines for Community Noise’ and World Health Organisation 2009 ‘Night Noise Guidelines for Europe’.

The following have general relevance:

- a) Internal noise levels within bedrooms of residential development shall not exceed a Continuous Equivalent Noise Level, LAeq 8 hours, of 30 dB together with a maximum instantaneous level# of 45 dB LAFmax, between the hours 23.00 to 07.00;
Not to be exceeded for more than 10 instances.
- b) Internal noise levels within living rooms of residential development shall not exceed a Continuous Equivalent Noise Level, LAeq 16 hours, of 40 dB between the hours 07.00 to 23.00;

Note for applicant – S278 Works

No work on the public highway should commence until any engineering detail of improvements to the public highway have been approved by the Highway Authority, and an agreement under S278 of the Highways Act 1980 entered into. Any agreement for street lighting should be agreed in writing with Walsall Metropolitan Borough Councils Street lighting partner Amey.

Note for applicant – Public Rights of Way

Notwithstanding the comments of the Public Rights of Way officer and the Ramblers Association, no development shall commence that directly affects any existing public rights of way until an appropriate legal Order has been confirmed to extinguish or divert the public rights of way.

Notes for applicant – British Waterways

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”.

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.

The proposed development includes a bridge crossing of the waterway. Such crossing will require prior consent of British Waterways in the form of a commercial agreement.
