



Regeneration – Planning and Building Control

Planning Committee

Report of Head of Planning and Building Control, Regeneration Directorate on 04th April 2013

Planning Committee Content Sheet

Item No	Page No	Application Number	Site Address	Proposal	Recommendation
1	1	13/0061/FL	BLOXWICH LEISURE CENTRE, HIGH STREET, BLOXWICH, WS3 2DA	Proposed new leisure centre.	Grant Permission Subject to Conditions
2	29	13/0175/FL	FORMER W. WESSON & CO. LTD. , BULL LANE, MOXLEY, WS10 8RS	Proposed industrial building (Use Class B2) with ancillary warehousing (Use Class B8) and offices (Use Class B1a) with associated access from Bull Lane, car parking, service area and landscaping.	Grant Permission Subject to Conditions
3	47	13/0074/FL	SATCHWELL GRANGE, WODEN ROAD WEST, WEDNESBURY, WALSALL, WS10 7TB	Proposed substitution of house types to plots 4, 5, 16, 17, 20-23b, 43, 47, 48, 49 and 50 with repositioning of garage to plot 2 and revised materials finish to plots 23a and 23b. (Minor material amendment to planning permission 07/2661/RM/W7 and 08/1637/FL for 232 houses and flats)	Grant Permission Subject to Conditions
4	55	13/0137/FL	FORMER SITE OF WALSALL DEPOT, NORFOLK PLACE, WALSALL	Amendments to planning permissions 10/0763/FL and 11/1364/FL relating to erection of 251 dwellings amending details of phasing and location of	Grant with conditions, subject to no new information raising new material issues

				affordable housing.	
5	69	12/1598/FL	FORMER BARLEY MOW PUBLIC HOUSE, GOSCOTE LANE, WALSALL	Proposed erection of 14 no 3 bedroom houses and associated works.	Grant Permission Subject to Conditions and a Planning Obligation
6	91	13/0008/FL and 13/0090/FL	LAND BEHIND BENTLEY MOOR CLUB, BENTLEY DRIVE, WALSALL, WS2 8RY	13/0008/FL - Repositioning of plots 1-4 and internal amendments to increase the bedrooms from two to three.	13/0008/FL - Grant Permission subject to Conditions and a Deed of Variation
				13/0090/FL - Amendment to plots 5-10 of permission 11/0105/FL to increase by one dwelling now plots 5-11 comprising 5 x 2 bed houses and 2 x 4 bed houses	13/0090/FL - Grant Permission subject to Conditions and a Deed of Variation
7	109	13/0297/FL	WILBRAHAM COURT, WILBRAHAM ROAD, WALSALL, WS2 9PT	Change of use from doctors'/nurses' accommodation (Use Class C3) to a residential unit to provide supported living for adult males (Use Class C2)	Grant with conditions, subject to no new information raising new material issues
8	117	13/0292/FL	MILL GREEN FARM, CHESTER ROAD, ALDRIDGE, WS9 0LR	Demolition of existing commercial buildings, erection of 8 dwellings and garages & associated infrastructure, and removal of bund and hardstanding.	Grant permission subject to conditions subject to no further representations raising material issues.
9	139	12/1036/FL	LAND TO THE REAR OF 10-12 RAVENSCROFT ROAD, WILLENHALL, WV12 4LY	Erection of four 3 bed semi-detached houses at the rear of 10 Ravenscroft Road with access off Chatsworth Close	Grant Permission Subject to Conditions
10	155	12/0869/FL	LAND ADJACENT 38 EASTBOURNE STREET, WALSALL, WS4 2BN	Erection of three storey detached dwelling.	Grant Permission Subject to Conditions
11	167	13/0004/FL	LAND ADJACENT 279 WEST BROMWICH ROAD, WALSALL, WS1 3HD	Change of use of land to provide new access and parking/drop off for new day nursery at the former Delves Clinic, 191a Broadway.	Grant Permission Subject to Conditions

12	177	13/0173/TE	35 PRINCES AVENUE, WALSALL, WS1 2DG	Time extension on 10/0102/FL: New dwelling.	Grant Permission Subject to Conditions
13	189	12/1040/OL	BUILDER'S MERCHANT YARD, GREEN LANE, ALDRIDGE, WS9 0LN	Outline application for two detached dwellings and associated car parking, access, layout and scale for consideration	Grant with conditions, subject to no new information raising new material issues
14	203	13/0235/FL	87 BROADWAY, WALSALL, WS1 3EZ	Resubmission following refusal of 12/1334/FL for conversion of detached house into a house in multiple occupation with 10 en-suite bedrooms including a two storey extension and loft conversion.	Grant Permission Subject to Conditions
15	219	12/1582/FL	18 & 20 ATHLONE ROAD, WALSALL, WS5 3QX	Retrospective - single storey side extensions to 18 & 20 to provide access to both properties.	Refuse
16	227	12/1365/FL	20 ATHLONE ROAD, WALSALL, WS5 3QX	Roof extension and first floor rear extension.	Refuse
17	235	12/1106/FL	18 ATHLONE ROAD, WALSALL, WS5 3QX	Two storey rear and side house extension with first floor alteration at the front of 18 Athlone Road.	Grant Permission Subject to Conditions



Walsall Council

Regeneration Directorate – Planning and Building Control

Planning Committee

Report of Head of Planning and Building Control, Regeneration Directorate on 04/04/2013

Plans list item no: 1.

Reason for bringing to committee: Major Development

Application Number: 13/0061/FL

Application Type: Full application

Applicant: Leisure Services Walsall MBC

Proposal: Proposed new leisure centre.

Location: BLOXWICH LEISURE CENTRE, HIGH STREET, BLOXWICH, WS3 2DA

Ward: Blakenall

Case Officer: Barbara Toy

Telephone Number: 01922 652615

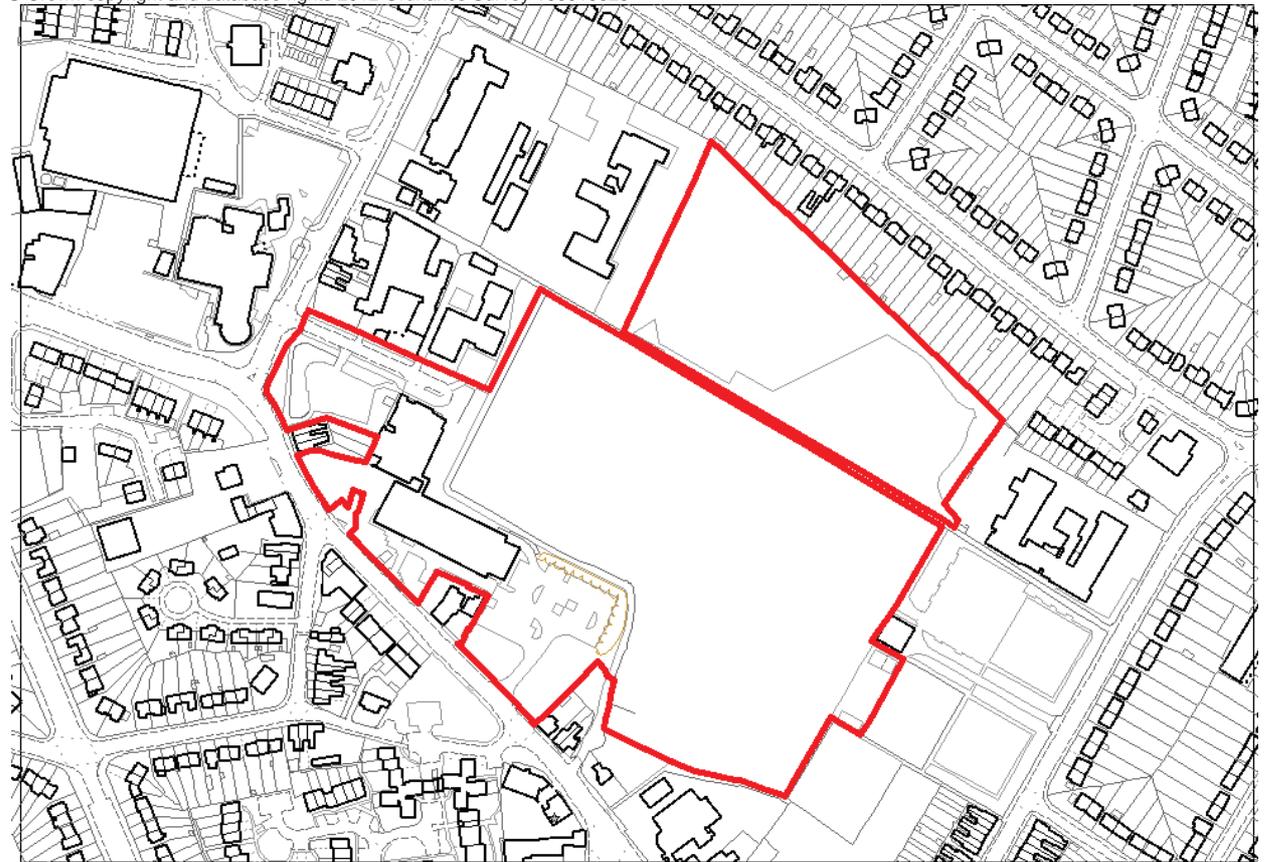
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Agent:

Expired Date: 02/05/2013

Recommendation Summary: Grant Permission Subject to Conditions

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Application and Site Details

The site is situated to the north east of High Street (B4210) which forms part of the District Distributor route through the Borough, and includes an existing leisure centre and function hall (off Field Close) owned and operated by Walsall Council, set back from the road with sports pitches to the rear of the building within Leamore Park. The site also includes an open car park (owned by the Council) at the corner of Pinfold and Field Close (to the north west of the existing leisure centre). The existing leisure centre sits within the Bloxwich District Centre, with Leamore Park sitting outside of the centre.

The site includes an existing footpath around the edge of the park from the 'Slang' (definitive public footpath 21 Walsall through the park to the north) and Field Close through to High Street. The park sits at a lower level than the existing buildings and car park area.

The existing leisure centre is constructed of multi colour brickwork with a steel profiled roof and is of varying ages. The newer element including the swimming pool and fitness suite dates from the 1990's whilst the function hall to the rear (off Field Close) dates back to the 1930's when the original 1920's open lido was enclosed. When the new pool was built in the 1990's the old pool was converted to a function hall. The existing buildings provide the following facilities:

- A free form swimming pool
- 2 Small gyms
- Function hall
- Small meeting room

External facilities include 2 senior and 4 junior football pitches within Leamore Park and a children's playground immediately to the rear of the existing building within the site and bowling green, tennis courts, basket ball court and skate park just outside the site within Leamore Park.

The leisure centre buildings are now beyond the end of their useful life and provide an aging sprawling inefficient facility.

The Lamp Tavern PH, 3 terraced houses and a small storage yard project into the site on the High Street frontage, with further residential properties (houses and flats) situated on the opposite side of High Street. To the south east of the site are further residential properties and Leamore School. The eastern end of Leamore Park includes a pavilion, basketball court, skate park, bowling green, tennis courts, formal gardens and Sunshine Primary school. The northeast boundary of the park are residential properties in Chantry Avenue

Leamore Park is owned by the Council, in trust to the Coal Industry Social Welfare Organisation (CISWO), for the purposes leisure and recreation for the people of Walsall. The new leisure centre will involve a change to the way that the trust land is held and the specific purposes for which it can currently be used.

There are a number of bus stops within walking distance of the site within Pinfold, Field Road and High Street providing frequent bus services for the site.

This application proposes the construction of a replacement leisure centre, new parking area off Field Close, replacement football pitches, replacement children's play area and demolition of the existing leisure centre buildings.

The new building (gross floor area of 4336sqm) would be constructed on part of the sports field within Leamore Park to the rear of the existing building, allowing the existing centre to stay open until the new one is ready for occupation. The new building would be 'L' shaped with a two-storey element at the intersection of the two legs and would back onto the park. The key design feature of the building would be a wave style roof, with exposed glulam

beams, metal cladding and glazing to key elevations to maximize light into the building. The main entrance at the intersection of the two legs of the building facing the new car park. The building would have a maximum height of 12.3m. Lift access would be provided to the first floor facilities.

The following facilities would be provided within the new building:

- 6 lane 25m swimming pool (13m x 25m)
- Teaching/learner pool (13m x 10m)
- DDA/hoist access to both pools
- 4 court sports hall
- 80 station fitness suite
- Dance studio/multi purpose hall
- Health & beauty spa
- 2 Squash courts
- Leisure Trust offices
- Café/bistro and seating area/viewing gallery
- Toilets/changing/buggy park etc

Replacement football pitches (1 x senior and 4 x junior) would be provided within the remainder of Leamore Park and a replacement children's play area provided at the eastern end of the park.

The centre would be open: 0700 – 2230 hours Monday – Friday, 0800 – 2230 hours Saturdays and 0800 – 2130 hours Sundays and Bank Holidays, except for 6 individual days throughout the normal calendar year when the centre would be permitted to remain open until Midnight (for a special event) .

The south-eastern elevation of the sports hall would incorporate a graffiti wall, the south western elevation would include a sports logo and solar panels would be incorporated into the roof design.

The proposals would utilise the existing main vehicle access into the site from High Street as well as the existing access to the Council car park off Field Close. A new vehicle access from Field Close for delivery vehicles, coaches etc would be provided and a new car park on the site of the existing buildings and inclusion of the existing council car park on the corner of Pinfold and Field Close. The new parking area would provide a total of 154 parking spaces including 14 disabled spaces and 9 parent and child spaces and a separate access loop to the rear of the building for deliveries, coaches, minibuses etc with a drop off area. Secure covered cycle parking would be provided to the south east of the main entrance of the building. The proposals also include off site highway works to provide a new pedestrian crossing on High Street.

The proposals include a new boundary treatment, hard and soft landscaping which would include replacement tree planting as a number of trees to the rear of the existing building would be lost to allow for the construction of the new building.

A footpath link would be provided from Field Close around the frontage of the new building and through to the park in the south eastern corner of the site, as well as a link through the new car park to Pinfold, which would provide pedestrian links to the playing pitches and the district centre and a new link from High Street to the main entrance of the building.

This scheme is the result of a major review by the Council of its built leisure provision and development of a Strategic Vision for future provision of community leisure facilities in the Borough. This Vision is based on the provision of strategic leisure sites, providing high

quality, fit for purpose community leisure facilities, required to address the existing low or non-existent physical activity levels in the Borough, as well as the health inequalities. This scheme would form the second stage of the Borough wide Strategy with the redevelopment of Oak Leisure Centre being phase one. The schemes will involve a bid for external funding to Sport England facilities fund.

The following have been submitted in support of the application:

Planning, Design and Access Statement

This provides a background to the project, details of the existing leisure centre, and an analysis of; the proposed development, facilities, layout, landscaping, appearance, access, traffic assessment and travel survey, on-site lighting, foul and storm water, sustainability, planning policy, urban open space, town centre uses, economic impact, energy statement, water and resource management and water conservation.

Transport Statement

The report concludes that there are no transportation reasons why the proposed development of the leisure centre should not proceed. The development would benefit from an enlarged car park for 154 cars, incorporating the existing Council facility at Field Close. The new car park will be capable of accommodating maximum parking demands associated with the new facility as well as existing demands at Field Close. The forecast uplift in trips due to the redevelopment of the site is considered to be modest, with approximately one extra trip every 1 - 2 minutes at peak times (between 1800 – 1900 hours). The traffic impact of the development has been assessed at the junction of Pinfold with High Street, whilst the junction is forecast to experience some problems of capacity these are not significantly added to by the development proposals. An assessment of access by sustainable modes has been undertaken. This has demonstrated that the site benefits from a very permeable local road and footpath network providing good pedestrian access, which will be improved by the development. The centre lies within easy walking distance of significant areas of local population and within easy walking distance of local bus stops and frequent bus services. The highway safety record of local highway network has been reviewed. This revealed that there are no accident cluster sites nearby and the site access has a good safety record. Highway safety will benefit from the inclusion of a new pedestrian crossing on High Street as part of the proposals.

Tree Survey

This concludes that the new building would sit to the east of a linear feature of Lime trees along the western boundary of the park that can be retained and adequately protected during construction. The loss of a significant Sycamore tree (T59) would be a loss to the arboricultural content of the park but the benefits of the proposals outweigh the arboricultural interest the tree presents and there are no other significant trees to be removed. Other tree removals are considered of little arboricultural consequence as they are generally of poor quality so removal and replacement is considered acceptable. Significant areas for replacement planting can be achieved within the grounds and the car park area. The recommendations include details of protective fencing.

Desk Study

The Phase 1 desktop report finds that a geotechnical intrusive investigation will be necessary including geotechnical testing to enable a bearing capacity to be provided along with recommendations for suitable foundation and retaining solutions. The geotechnical investigation should be combined with the geo-environmental investigation. The site is not in the likely zone of influence from recorded past, present and future underground coal workings. However coal exists at shallow depth beneath the site.

Noise Assessment

Noise measurements were obtained from long-term noise survey carried out in October 2012 at a position considered representative of the nearest noise sensitive receptors (NSR). It is concluded that the development will not have any significant adverse noise impact on the amenity of the nearest NSR's. The use of the site will result in additional parking activity, through a worst case assessment it is concluded that noise generated by such activity will be insignificant when compared to the existing noise environment at the site.

Bat Survey

The survey found that there are no roof voids that might potentially be occupied by bats and the interior of the buildings was unsuitable for colonisation by bats. There is no vegetation in the vicinity of the building that has crevices, loose bark or woodpecker holes that might be colonised by bats. The lack of evidence of bats is due not only to the lack of roosting places but also the level of artificial lighting at the site.

Energy Statement

In line with planning policy the building design shall achieve a high standard of energy efficiency, minimise water consumption, use sustainably resourced materials wherever possible and minimise construction waste produced. The building will include combined heat and power (co-generation) through gas boilers and solar collection.

Statement of Community Involvement

Consultation with the local community took place in December 2012 prior to the submission of the application, this included a display at the existing leisure centre, questionnaires, letter drop to surrounding residents, press release as well as consultation with local sports clubs.

The majority of the responses were favourable, but some negative comments included:

- Concerns regarding the provision of solely unisex changing for the pool
- Loss of dedicated spinning studio
- Loss of facilities during construction
- Loss of freeform pool with graduated beach area which encourages young families
- Nothing wrong with the current centre
- Loss of function hall

Relevant Planning History

BC28060P deemed consent for erection of leisure centre 14-11-89.

Relevant Planning Policy Summary

National Planning Policy Framework (NPPF)

The NPPF sets out the Government's position on the role of the planning system in both plan-making and decision-taking. It states that the purpose of the planning system is to contribute to the achievement of sustainable development, in economic, social and environmental terms, and it emphasises a "*presumption in favour of sustainable development*".

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

- Seek to secure high quality design and good standards of amenity for all existing and future occupants of land and buildings
- Take account of the different roles and character of different areas
- Every effort should be made to identify and meet development needs for the area
- Support the transition to a low carbon future
- Contribute to conserving and enhancing the natural environment

- Promote mixed use development and encourage multiple benefits from the use of land, recognising that some open land can perform many functions
- Actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling and focus significant development in locations which are sustainable.
- Take account of and support local strategies to improve health, social and cultural wellbeing for all and deliver sufficient community and cultural facilities and services to meet local needs

Key provisions of the NPPF relevant in this case:

4: Promoting Sustainable Transport

32. All developments that generate significant amounts of movement should be supported by a Transport Statement or Assessment and account should be taken of:

- The opportunities for sustainable transport modes
- Safe and suitable access
- Improvements can be undertaken within the transport network to limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of the development are severe.

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

37. Policies should aim for a balance of land uses within their area so that journey lengths for employment, shopping leisure and other activities can be minimised.

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

7: Requiring Good Design

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

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

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

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

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

8: Promoting Healthy Communities

70. To deliver the social, recreational and cultural facilities and services the community needs, planning policies should:

- plan positively for the provision and use of shared space, community facilities (such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments;
- guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs;

- ensure that established shops, facilities and services are able to develop and modernise in a way that is sustainable, and retained for the benefit of the community;

73. Access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities. Planning policies should be based on robust and up to date assessments of the needs for open space, sports and recreation facilities and opportunities for new provision. The assessments should identify specific needs and quantitative or qualitative deficits or surpluses of open space, sports and recreational facilities in the local area. Information gained from the assessments should be used to determine what open space, sports and recreational provision is required.

74. Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

- an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
- the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
- the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.

On **conditions** the NPPF says:

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

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

The Development Plan

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

Other Relevant National Policy

The Planning System: General Principles

This has not been superseded by the NPPF. Paragraph 15 indicates that a planning application should be determined on its merits in light of all material considerations.

Regional Strategy (RS)

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

It is considered that the relevant RS policy is;

UR4: Social Infrastructure – point (a)i) refers to provision of new social infrastructure in or on edge of appropriate level of centres – can justify edge of local centre and appropriately located on main public transport route between Brownhills, Aldridge, Walsall etc

QE3: Creating a High Quality Built Environment for All

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

QE4: Greenery, Urban Greenspace and Public Spaces – despite some loss of open space, the proposal is increasing the value of recreation provision in the local area through provision of junior pitches, football campus approach with Walsall Wood FC etc

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

Local

The Black Country Core Strategy (BCCS) (2011)

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

This was adopted under the current Local Development Framework system, and the NPPF says that for 12 months from the publication of the national framework “*decision-takers may continue to give full weight to relevant policies*. However, it is more than 12 months since the NPPF was published in March 2012. Now (as with the saved policies of Walsall’s UDP) the NPPF advises that “... *due weight should be given to relevant policies ... according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)*.” To consider the conformity of the BCCS with the NPPF the four Black Country councils have completed a ‘Compatibility Self-Assessment Checklist’ (published by the Planning Advisory Service) and have discussed the results with a Planning Inspector. Whilst there is no formal mechanism to certify that the BCCS is consistent with the NPPF the discussions led officers to the conclusion that the exercise identified no issues that would conflict with the NPPF or require a review of the BCCS in terms of conformity. The results of this assessment are to be published on the BCCS and Council websites and it is planned to report to the Council’s Cabinet to confirm this view. In the absence of evidence to the contrary it is considered that the BCCS policies should be given full weight in planning decisions.

The BCCS states that the councils will create cohesive, healthy and prosperous communities.

The relevant policies are:

Spatial Objective 8

A sustainable network of community services, particularly high quality lifelong learning, health care and sport and recreation facilities, which are easily accessible to all residents at a neighbourhood level.

CEN1: The Importance of the Black Country Centres for the Regeneration Strategy

The Strategic Centres of Brierley Hill, Walsall, West Bromwich and Wolverhampton will provide the main focus for higher order sub-regional retail, office, leisure, cultural and service activities, balanced by a network of Town, District and Local Centres, providing for town centre uses

CEN5 District and Local Centres

Within the District and Local Centres, individual convenience retail developments of up to 500 square metres net and developments for comparison retail, offices or leisure uses of up to 200 square metres gross will be permitted where they satisfy local requirements and are appropriate to the scale and function of that particular centre.

Any proposed development in an edge-of-centre location exceeding these thresholds, whether brought forward through a Local Development Document or planning application, will only be considered favourably if the retail impact assessments contained in the most recent national guidance on retail planning are satisfied. However, if it is considered that development below these thresholds is likely to have a significant impact on centres, then those proposals will be required to carry out an impact assessment.

For District and Local Centres in the Black Country, town centre uses adjoining the centre will be defined as edge-of-centre.

ENV6: Open Space, Sport and Recreation

In addition to the values and functions of open space set out in Government Policy and Guidance, development proposals should recognise the following roles that are of particular importance in the Black Country:

1. Improving the image and environmental quality of the Black Country;
2. Defining and enhancing local distinctiveness;
3. Reducing potential urban heat island effects;
4. Preserving and enhancing diversity in the natural and built environment;
5. Preserving and enhancing industrial, archaeological and architectural heritage, including canals;
6. Providing components of a high quality, multifunctional green space network or “Urban Park”;
7. Enhancing people’s mental and physical well-being;
8. Strengthening (through extension, increased access and enhanced value) the existing greenway network.

Development that would reduce the overall value of the open space, sport and recreation network in the Black Country will be resisted. Development that would increase the overall value of the open space, sport and recreation network will be encouraged, especially in areas of deficiency.

Make more efficient use of urban land by:

- creating more multifunctional open spaces;
- significantly expanding community use of open space, sport and recreation facilities provided at places of education (see Policy HOU5);
- making creative use of land exchanges and disposing of surplus assets to generate resources for investment; and
- increasing access to open space, sport and recreation facilities, including for people with disabilities; 6.29

Publicly accessible urban open space, play and sports facilities all have a vital role to play in helping to promote more healthy lifestyles. As sports participation rates in the Black Country are particularly low, standards set for sports facilities will take into account the need to increase sports participation as well as meet existing needs

ENV7 Renewable Energy

All non-residential developments of more than 1,000 square metres floor space and all residential developments of 10 units or more gross (whether new build or conversion) must incorporate generation of energy from renewable sources sufficient to off-set at least 10% of the estimated residual energy demand of the development on completion. The use of on-site sources, off-site sources or a combination of both

should be considered. The use of combined heat and power facilities should be explored for larger development schemes. An energy assessment must be submitted with the planning application to demonstrate that these requirements have been met.

The renewable energy target may be reduced, or a commuted sum accepted in lieu of part or all of the requirement, only if it can be demonstrated that:

- a variety of renewable energy sources and generation methods have been assessed and costed;
- achievement of the target would make the proposal unviable (through submission of an independently assessed financial viability appraisal); and
- the development proposal would contribute to achievement of the objectives, strategy and policies of the Core Strategy.

ENV3: Design Quality

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

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

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

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

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

The relevant policies are:

GP2: Environmental Protection

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

I. Visual appearance.

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

VII. The adequacy of the access, and parking.

ENV32: Design and Development Proposals.

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

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

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

ENV33: Landscape Design

Good landscape design is an integral part of urban design

LC1: Urban Open Spaces

(a) The Council will seek to retain and enhance existing urban open spaces and redress any deficiencies in the provision or accessibility of these. Proposals for development which would result in the loss of, or otherwise adversely affect, urban open spaces will not be permitted unless it can be demonstrated that none of the following functions would be prejudiced:-

- I. Redressing or avoiding deficiency.
- II. Providing for sport and recreation, both formal and informal.
- III. Providing for children's play.
- IV. Buffering incompatible land uses.
- V. Defining community boundaries.
- VI. Accommodating greenways and other pedestrian and cycle routes.
- VII. Providing for allotment gardens.
- VIII. Contributing to biodiversity.
- IX. Contributing to the urban forest.
- X. Contributing to visual amenity.
- XI. Achieving local community aspirations.

(b) When considering proposals which would result in the loss of, or otherwise adversely affect, urban open spaces, the Council take into account any compensatory provision that is proposed. This might take the form of replacement area(s) of open space or the improvement of existing open spaces in the area.

LC6: Sports Pitches

Proposals which would result in the loss or reduction of sports pitches, public or private, will only be permitted if it can be demonstrated that:

I. A carefully quantified and documented assessment of current and future needs has demonstrated that there is an excess of sports provision and the site is not of good quality or importance to the development of sport; or

II. At least equal compensatory provision will be made in respect of quality, quantity, suitability of location, and subject to equivalent or better management arrangements prior to the commencement of development.

Policy LC7: Indoor Sport including Health and Fitness Centres

(a) The Council will encourage the widest range of indoor sport and recreation, through improvement to existing facilities and provision of new ones. First preference will be given to enhancing and expanding existing sport and recreation centres which are accessible to the whole community. New major facilities will be directed towards the Town and District Centres in accordance with the "sequential approach" and the other policies set out in Chapter 5.

(b) Proposals for development that would result in the loss or reduction of existing facilities will be considered favourably only where it is demonstrated that:-

I. There is no need for the facility and a shortage of similar facilities for indoor sport and recreation would not result; or

II. Adequate compensatory sport and recreation provision will be provided to offset the loss of the existing facility in accordance with the identified need in the locality.

8.34 New developments for indoor sport to the Town, District and Local Centres and other places easily accessible by a choice of means of transport in order to minimise the need to travel, particularly by car.

S1: Definition of Town Centre Uses

(a) For the purposes of this Plan, town centre uses comprise the following:-

V. Hotels, entertainment, leisure, indoor sports, health and fitness centres and other Class C1 & D2 and 'sui generis' uses which attract a significant number of trips....

VI. Public service, cultural, community and health facilities in Class D1 which serve more than local needs in accordance with Policy S6.

T7: Car Parking

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

T8: Walking

To help existing pedestrians and encourage greater use of walking as a healthy and sustainable form of travel the Council will:

V. provide good pedestrian links within a development. All pedestrian links must be safe, direct and convenient and well lit.

T9: Cycling

The Council will assess the suitability of cycle-related improvements:

I The improvement should provide a functional, direct link within and between different communities, centres and other destinations such as leisure facilities

T10: Accessibility Standards – General

(b) Standards will apply to all development proposals with the exception of:

iii. shops, office, leisure and entertainment within or on the edge of a centre.

7.51: Easy walking/cycling distance will depend on local circumstances but the maximum will normally be regarded as 1000m.

T12: Access to Public Transport

(c) Retail, office Health, Educational and Commercial leisure facilities, walking distance from the entrance of the building to a bus stop should be no more than 400m

T13: Parking Provision

Sports Halls, Swimming Pools – 1 car park space pr 22sqm of gross floorspace.

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

Supplementary Planning Documents (SPD)

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

Designing Walsall (Feb 2008)

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

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

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 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: Numerical Guidelines for Residential Development identifies privacy and aspect distances between dwellings including 24m separation between habitable windows for two storeys and above.

Conserving Walsall's Natural Environment (SPD) (April 2008)

Expands on the policies contained within the environment chapter of the UDP. The document provides criteria for European Protected Species survey requirements.

'It is considered in this case that the relevant provisions of Designing Walsall and Conserving Walsall's Natural Environment are consistent with the NPPF.'

Consultations

Transportation – No objections subject to conditions. It is considered that the impacts of the development are not severe, subject to the introduction of the mitigation measures proposed in line with the conclusions of the Transport Statement submitted.

Sport England – No objections subject to a condition to ensure that the new playing field is constructed and laid out in accordance with Sport England guidance. The proposals would constitute a significant investment into sporting provision in this area of Walsall. There would however be an impact on existing playing field provision. The proposals must therefore be assessed in light of Sport England's playing field policy. The aim of this policy is to ensure that there is an adequate supply of quality pitches to satisfy the current and estimated future demand for pitch sports within the area. The policy states that Sport England will oppose the granting of planning permission for any development which would lead to the loss of, or would prejudice the use of, all or any part of a playing field unless, in the judgement of Sport England, one of five specific circumstances applies.

These circumstances, in brief, are as follows. The circumstances have been largely incorporated into the NPPF.

E1 – A robust assessment of need has demonstrated to the satisfaction of Sport England that the playing field affected is surplus to requirements.

E2 – The proposed development is ancillary to the use of the site as a playing field and does not impact on the operation of the playing field.

E3 – The land affected by the development is incapable of forming part of a pitch for formal sport or an associated run off area. (e.g peripheral sloping areas of a site)

E4 – The playing field area lost to development would be replaced by a newly created provision, equivalent or better with regard to quantity, quality and accessibility.

E5 – The development proposed is a sports facility which in the judgement of Sport England is of sufficient benefit to sport to outweigh the impact on the playing field.

The new leisure centre would extend onto approximately 5,400m of current playing field.

This would prevent future continuation of the current pitch layout. However, the application proposes new pitch provision on land which lies between Sunshine Infant School and Blakenhall Junior School.

This land is included within the application and is understood not to have been used for any formal pitch based sports in the past. As the quantitative area of this land (approx. 15,000m²) exceeds that to be developed for the purposes of the leisure centre, this new pitch provision can be seen as direct replacement.

The submitted plans show an indicative future pitch layout which is considered satisfactory.

Overall however, Sport England considers that the application is consistent with exception E4 of our policy in that the area of playing field lost to development will be replaced with new provision.

Pollution Control – Scientific Team – No objections subject to conditions regarding noise mitigation measures, odour control, hours of working on site during construction and opening hours of the centre (including one off events). The use will inevitably have noise associated with persons attending and using the facilities. The submitted noise survey identifies current background levels near to the residential properties in the area and recommends noise limits for plant, machinery and extraction equipment to ensure they will not result in complaints as a result of their usage.

Contaminated Land Team – No objections subject to conditions to ensure site investigation and remediation of any localised ground contamination and ground gas issues associated with the site. The Phase 1 desktop report finds that an intrusive investigation will be necessary prior to development commencing.

Severn Trent Water – No objections subject to a drainage condition and informative to the applicant.

Fire Officer – No objections

Access Officer – No objections

Local Access Forum – No objections. There are numerous footpaths around the site which appear to be retained. The only right of way identified is WAL 21 known as the Slang which runs from Pinfold to Blakenall Lane which would appear to remain intact following completion of the works proposed and urge that access along this route remains available even during the construction phase of the development. The footpaths around the site should be incorporated into the Definitive Map to ensure their continued maintenance in the future.

Rights of Way Officer – No objections. Although there will be the loss of a circular route around Leamore Park on tarmac paths at certain times, it will still be possible to walk around

the park perimeter, albeit with a short walk on a grassed section. New access arrangements will be comparable to present day with some of the new paths located at the front of the building allowing for better natural surveillance. In addition, there will be no significant impact on footpath 21 Walsall (the Slang). It is considered that the proposal will allow a comparable level of public access to present day arrangements. It is envisaged that the new paths will be maintained during routine maintenance of the new leisure centre/Leamore Park and they are not intended to become public rights of way.

Tree officer – No objections subject to conditions regarding replacement trees and tree protection measures. The application will result in the loss of 18 trees to accommodate the layout and 6 due to poor condition. The majority of these trees are of fair to good arboricultural value and would normally look to be retained. However, it is considered that the new development would outweigh the amenity these trees provide and numerous replacement trees are proposed in mitigation that will continue the tree cover in the area. The tree protection measures detailed in the tree report must be adhered to.

Centro – No objections. The site is well served by bus services. The development presents excellent opportunities to provide Real Time Information (RTI) displays for public transport serving the locality. The applicant should contact Centro at the earliest opportunity to discuss.

West Midlands Police – Some concerns raised regarding the open plan nature of the site which is situated in an area that has had a high level of crime in the last 12 months. It is recommended that a secure perimeter around the car parking area is created and a comprehensive monitored CCTV system is provided. The facilities on the site including the main building are isolated with little natural surveillance other than customers and staff which will make the building vulnerable to crime out of opening hours, security of the site is therefore recommended. A defensible space should be provided around the building to reduce damage and crime and hostile planting incorporated to enhance security. The open space to the front of the building could become a target for youths. The footpaths through the site and external public spaces should be suitably lit.

Building Control – No objections in principle. It is acknowledged that the site falls within a coal mining area so a site investigation will be required. Careful consideration of access for all should be made, whilst a sprinkler system is not required for the building, the Fire Service recommend that these are installed into public and commercial buildings. Energy efficiency of the building will need to be assessed.

Natural Environment/Landscaping – No objections on landscaping or ecological terms subject to conditions to ensure a detailed landscaping scheme is submitted for approval which should include both soft and hard landscaping details, future maintenance and details of SUDS and lighting details. There is a large stand of Japanese knotweed around the substation to the rear of the former Bloxwich baths. This should be removed prior to development. This plant is so close to the proposed car park that it cannot be ignored as it will spread by rhizomes and is quite capable of growing through tarmac.

Conservation Officer – No objections but a photographic record of the former swimming baths for the Local History Centre is recommended. This building is neither listed nor locally listed but has local history importance.

Environmental Health – No objections.

Public Lighting – No objections in principle to the general lighting for the site subject to a condition to ensure that the lighting calculations and further details of the lighting design are provided for approval. The design must comply with BS5489:2013 for car parks.

Coal Authority – No objections subject to a condition to require that full site investigation works be undertaken prior to any work on site. The authority concurs with the recommendations of the Desk Study Report that coal mining legacy potentially poses a risk to the proposed development and that intrusive site investigation works should be undertaken prior to development.

District Centre Manager – The Bloxwich Business Partnership fully supports the development which will be a positive investment to the town and attract more football to the centre. The partnership expressed an interest to links with the developer to support each other in strengthening the use of the leisure centre and the shopping facilities.

Coal Industry Social Welfare Organisation (CISWO) – Objection relating to the appropriateness of the scheme for the site having regard to the charitable purposes for which the land is held.

Public Participation Responses

Two letters of objections received.

Objections:

- Allowing large coaches and lorries to exit the site from Field Close onto Pinfold is a concern.
- Already problems from large vehicles existing Pinfold if they need to turn left or right onto High Street, this leads to a back up of traffic back along Field Road and causes problems for traffic trying to exit Church Street (from Asda) and traffic from Pinfold Health Centre.
- Large vehicle will need the road to be clear in both directions so they can use both lanes to turn from Field Close into Pinfold.
- The volume of traffic from this small road is also a concern, the additional cars from the car park as well as the existing traffic from the industrial estate
- Parking for residents already difficult, the development is likely to make this worse.
- Pedestrian crossing of the main leisure centre access on High Street is already bad, this is likely to be made worse, consideration should be given to a zebra crossing across the vehicle entrance to improve pedestrian safety.
- Events till midnight could cause greater parking difficulties.
- Security issues for surrounding residential properties.
- Possible damage to adjoining residential property during construction.
- Boundary treatment to residential properties not specified, needs to ensure security of properties.
- Existing Council car park currently used for residents parking (72a, 72b & 72c High Street) will this still be accessible?

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

Determining Issues

- Principle of the Development
- Design and Layout
- Relationship with Surrounding Occupiers
- Impact on trees and Protected Species
- Parking and Access

Observations

Principle of the development

Leisure uses (including indoor sports) are identified as 'town centre' uses in Walsall's UDP (Policy S1) and the BCCS (Policy CEN1) and this approach is taken forward in the Black Country Validation Checklist, which the Council considers reflects the NPPF (glossary page 53).

National and local planning policy seeks to direct new development for such uses towards town centres (at an appropriate scale), and this approach is set out especially clearly in the BCCS, which is based on a 'centres and corridors' strategy (see Policy CSP1). This strategy seeks to ensure that facilities can be accessible as possible to all sections of the community. The existing leisure centre sits within the Bloxwich district centre whilst the Leamore Park (where the new building will be situated and new playing pitches) sits just outside the district centre boundary.

Bloxwich Leisure Centre is an existing facility and the UDP gives first preference for investment in leisure centres to the enhancement of existing facilities (Policy LC7). Such development should also support the maintenance of a sustainable network of services (BCCS Objective 8) and accord with the NPPF which seeks to plan positively for such facilities, to guard against the loss of facilities and ensure that such facilities can be modified and developed in a sustainable way (para.70).

It is considered the proposals can be supported in principle. The proposal is a town centre use partly within and partly located on the edge of a district centre, there are no other sequentially preferable sites in the centre and the application has demonstrated that an existing facility will be significantly enhanced for the benefit of a wide cross section of local communities in this part of the borough, and can thus be said to be in compliance with UDP Policy LC7.

The proposal involves the building of the new leisure centre on an area of land designated as urban open space. New development that results in the loss of urban open space should not be permitted unless a number of criteria (UDP Policy LC1 a) can be shown not to be compromised. Where there may be a loss of open space, LC1 (b) allows for compensatory provision to be included within new proposals for development.

Despite the proposal leading to a loss of open space, the application satisfies requirements in the NPPF, BCCS (Policy ENV6) and UDP (LC1 and LC6).

The NPPF (para. 74) states that:

"Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

- *an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or*
- *the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or*
- *the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss".*

Walsall Council Playing Pitch Strategy (2010) clearly identifies that there is a surplus of senior football pitches and the need to improve the quality of the pitches at Leamore Park. The proposals would result in the loss of one senior sized (football) playing pitch which is currently unused. The proposals would utilise the area of open space to the north of the Park

(beyond the Slang) and increase the space available for playing pitches, this together with the reduction in the number of pitches by one senior pitch will allow the new pitches to be better distributed to reduce congestion and interference between pitches. The re-laying of the pitches will also improve the quality of the pitches in line with the playing pitch strategy.

The proposal involves the construction of a more modern leisure centre replacing outdated provision. There will also be improvements to access, parking and other non-sport elements of the leisure centre that will make using the facility a much better experience for members of the public than the existing facility. It is considered that the proposals would outweigh any loss of open space, notwithstanding the compensatory provision already considered, for the use of sports and recreation.

It is considered that the principles of the development are in compliance with policies of the NPPF, the BCCS and the UDP.

Sport England consider that the proposals are consistent with exception E4 of their playing fields policy: new provision equivalent or better with regard to quality, quantity and accessibility and has raised no objections to the proposals.

The objection raised by CISWO relates to the appropriateness of the scheme for the site having regard to the charitable purposes for which the land is held. Whilst these matters do need to be resolved with CISWO, and the Council is working towards that goal, they are not planning considerations and so should not serve to prevent the grant of planning permission. The Council's Leisure Services is committed to the replacement of the current leisure centre with a new facility. The grant of planning permission is dependent only upon the appropriateness of the proposal, having regard for the development plan and material planning considerations.

Design and Layout

The scheme has been designed to allow the new centre to be constructed whilst the existing centre continues to operate, to allow space for a larger building with improved facilities and allow for the retention of as many trees as possible around the site. The position of the building within the site is considered appropriate.

The external appearance would be consistent with other strategic leisure sites in the Borough. The rippled wave effect roof design would create an impact, the barrel -vaulted roof would allow daylight into the building and the design lends itself to the span of the roof. The external appearance would be terracotta in colour with glazing to key elevations, to allow light into the building as well as allowing views of activities from the outside. Each elevation would have a mix of materials to assist with breaking up the impact of the building. The modern design of the building is considered appropriate for the location and would enhance the local area.

Whilst the building would be set into the site behind the new parking area with no real street frontage this reflects the current situation with the existing building. The new layout would however provide a more open area to the front of the building allowing views to the main entrance across the car park and surveillance of the car park from the building, improving security over the current situation. The position of the building and its entrance is considered appropriate.

The 'L' shaped building would allow for a central two storey public area on the front of the building with wet facilities in the wing to the left of the main entrance and dry facilities (fitness suite and sports hall) to the right. The layout provides good accessibility for all into and through the building, including a disabled hoist for access to the pool and lift access to the

first floor facilities. It is considered that the shape, design and use of materials for the building and its roof would reduce the overall impact and massing of the building.

Pedestrian links would be provided through the site, allowing good access to the park and playing pitches as well as encouraging the use of alternative modes of transport and shared trips with the district centre.

The vehicle access loop to the rear of the building would keep commercial vehicles, coaches and deliveries etc separate to the new car park and provide safe drop off for schools etc, with a rear access into the building.

The proposals include extensive landscaping (hard and soft), including tree planting to mitigate for the loss of existing trees.

The building would achieve a high level of energy efficiency, minimise water consumption, use sustainably resourced materials wherever possible and minimise construction waste.

Impact on the amenities of surrounding occupiers

The proposals would move the building further away from the closest residential properties on High Street (72 a, b & c), but closer to 4, 6 and 8 High Street to the south east of the main entrance. The separation distance would exceed 50m complying with the 24m separation distance guidelines set out in Designing Walsall Appendix E for two storey development. Whilst this guidance normally relates to separation between residential properties it is a good guide to use for all two-storey development.

The rear boundary of the gardens of 72a, b and c High Street would sit adjacent to part of the new car park, a landscape buffer would be provided to reduce any impact of the movement of cars etc on the residential amenity. The existing boundary treatment would be retained and the proposed landscaping adjacent would add to the security of the properties.

The proposed new vehicle access for delivery vehicles and coaches from Field Close and increased use of the car park access in Field Close would increase the amount of traffic using the close. However the transport statement confirms that the uplift in trips at peak times would only be equivalent to 1 additional trip every 1 – 2 minutes, which would be split with the main High Street access. It is considered that the additional traffic flows would not be severe enough to adversely impact on the amenities of the surrounding residential and commercial properties.

A noise assessment has been undertaken that provides recommendations regarding noise limits for plant and machinery and a condition is recommended to ensure that details of all equipment are submitted for approval prior to installation to ensure no adverse impact on the amenities of the surrounding occupiers.

Parking and Access

The use of the existing vehicle access points off High Street and Field Close are considered appropriate and the new vehicle access from Field Close for service vehicles and coaches would ensure that larger vehicles would be separated from the main car park area and would exit into High Street. The numbers of vehicles using the service route would be limited and vehicles are unlikely to use this facility during peak times as school use of the swimming pool would be restricted to normal school hours.

The access points on both High Street and Field Close for the main car park will split the traffic to and from the site and the transport statement confirms that the uplift in trips due to the redevelopment of the site would be modest with the greatest uplift between 1700 and 2000 hours with a maximum uplift of 39 trips per hour between 1800 – 1900 hours, but split

between two access points. An assessment of the junction of Field Close with Pinfold has been made within the transport statement which concludes that the proposed development would only add one additional vehicle to the existing queuing traffic in Pinfold, which transportation officers consider is not severe enough to impact on the junction.

The proposals include the reuse of the existing Council car park on the corner of Field Close and Pinfold which provides 22 spaces. This would be linked in to the new car park, which would provide a total of 154 spaces (inc 14 disabled spaces and 9 parents and child spaces), an additional 73 spaces. The 1513sqm increase in floor area for the new facility requires 68 additional spaces to comply with the Council's UDP policy T13. The level of parking is considered appropriate for the site as a whole, it is located directly adjacent to the district centre it's a sustainable location with good access to public transport and the car park layout is considered satisfactory.

In addition 6 motorcycle parking spaces and secure covered cycle parking would be provided adjacent to the building in compliance with policy.

A new pedestrian crossing facility is proposed within High Street to link directly to a new footpath to the main entrance of the building. A further pedestrian link from the building across the car park to Pinfold would provide pedestrian links to the district centre and encourage use of sustainable modes of transport. The existing pedestrian link between Field Close and Leamore Park would be re-routed through the site past the main entrance to the building.

Residents concerns regarding pedestrian safety when crossing the existing vehicle access from High Street, is difficult to sustain, as the access would remain the same width as existing and would no longer be the sole access for the site, as it is currently. Trips into and out of the site would be spread between High Street and Field Close. In addition a new pedestrian crossing point within the driveway would reduce the speed of traffic coming out. Pedestrian safety has been assessed as part of the transport statement and it is considered it is satisfactory at the High Street access.

Objectors have raised concerns about parking issues for residents when the centre is open till midnight, a condition is recommended to restrict use till midnight to 6 one off events in any one calendar year, so this would not be a regular occurrence and the new car parking area would be used for such events. Concerns about the continued accessibility of car parking for residents have also been raised. The existing car park at the corner of Field Close and Pinfold is a public car park with no time limit applying to the period of stay and no charge for parking. Nearby residents use it for the parking of their vehicles and deliveries to their homes. The residents have no express right to park and during the period of the works it is anticipated that there will be a time when the car park is unavailable. However, once the development is constructed, a new public car park will be situated in a similar location, as seen on the plans accessible to all.

Objectors have raised concerns about large vehicles exiting from Field Close onto Pinfold and adding to the existing congestion. The scheme has been amended during the course of the application to ensure that the service loop to the rear of the building will operate a one way traffic route accessing via Field Close and exiting via the main access on High Street, which would overcome concerns raised.

The submitted transport statement demonstrates that the distribution of traffic would not have a severe detrimental impact on the surrounding highway network in terms of traffic flows or highway safety given the use of both the existing and proposed access points in both High Street and Field Close. The transport assessment concludes that the proposed

redevelopment would have negligible impact upon the existing highway network and junctions with only one extra trip every minute at peak times generated by the development.

Impact on trees and protected species

The position of the new building would result in the loss of 18 trees to the rear of the existing car park to allow for the repositioning of the building within the park. Whilst these trees are good specimens of fair to good arboricultural value and would normally seek to be retained, in this case the benefits of the improved leisure centre facilities are considered to outweigh the amenity these trees would provide. The submitted landscape plan shows numerous replacement trees to be planted within the landscaped bank between the building and the park around the rear of the new building to continue the tree cover in the area and provide replacement amenity value for those trees lost.

The submitted bat survey found no evidence of bats within the existing building or in the immediate area. This lack of evidence is likely due not only to the lack of roosting places within the existing building, but also due to the lack of productive foraging areas in the vicinity and the level of artificial lighting that exists at the site.

Positive and Proactive working with the applicant

Pre-application consultation resulted in the proposals being reported to the Development Team prior to submission. Further consultation during the course of the application has resulted in the submission of additional information to satisfy concerns that were raised.

Summary of Reasons for Granting Planning Permission

The proposals involve the redevelopment and enhancement of an existing sports facility within and on the edge of a district centre, in a sustainable location with good links to public transport and in walking distance from a large number of residential properties. The proposal will result in significantly enhanced facilities for the benefit of the local community and the principle of the development is considered to be acceptable and in compliance with policy.

Whilst the new centre will be built on land designated as urban open space and result in the loss of one senior football pitch (which is unused), the new provision will have more space around each pitch and will be of a better quality, in line with the Council's Playing Pitch Strategy. Sport England considers that the proposals are consistent with their national playing fields policy and have raised no objections to the proposals.

The modern design, layout and scale of the building is considered appropriate for the location. The position and layout of the building has been designed to make best use of the site and access arrangements.

The ancillary structures to the rear of the building (i.e. sub station, refuse storage etc) will be appropriately designed to ensure no adverse impact on the visual amenity of the area.

The new vehicle access into Field Close, additional parking arrangements and improvements to the pedestrian and cycle links through the site are considered satisfactory and in compliance with policy. Within the submitted transport statement it is demonstrated that the distribution of traffic will not have a severe detrimental impact on the surrounding highway network in terms of traffic flows or highway safety. The highway works outside the site will improve pedestrian accessibility to the site.

The submitted transport statement demonstrates that the distribution of traffic will not have a severe detrimental impact on the surrounding highway network in terms of traffic flows or highway safety given the use of both the existing and proposed access points in both High Street and Field Close. Larger vehicles using the access loop to the rear of the building is only likely to be used outside of peak traffic times, reducing any impact on the highway network.

Whilst it is recognised that the proposals may result in an increase in vehicles in Field Close, the transport statement confirms that the uplift in trips to the site at peak times will only be equivalent to one additional trip every 1 – 2 minutes which will be split between High Street and Field Close.

Pedestrian safety has been considered within the transport statement and is considered satisfactory.

The rear boundary of the gardens of 72a, b and c High Street will sit adjacent to part of the new car park, a landscape buffer would be provided to reduce any impact of the movement of cars etc on the residential amenity. The existing boundary treatment would be retained and the proposed landscaping adjacent would add to the security of the properties.

Whilst nearby neighbours have no express right to park on the existing car park, once the development is completed a new public car park will be in place in a similar location.

Events till midnight will be restricted to 6 occasions in any calendar year and it is considered that the proposals will have no adverse impact on the amenities of the surrounding occupiers.

The development will have no adverse impact on protected species and replacement planting will mitigate for the loss of existing trees.

The proposal is consistent with the NPPF and is considered to accord with the aims and objectives of the Regional Strategy (2008) in particular policies UR4, QE3 and QE4 the Black Country Core Strategy (2011), in particular spatial objective 8 and policies CEN1, CEN5, ENV3, ENV6 and ENV7, Walsall Unitary Development Plan (2005), in particular saved policies GP2, ENV32, ENV33, LC1, LC6, LC7, 8.24, S1, T7, T8, T9, T10, T12 and T13 and Supplementary Planning Documents – Designing Walsall (2008) and Natural Environment (2008).

Recommendation: Grant Permission Subject to Conditions

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

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

2a. No development shall commence until samples of all facing and roofing materials have been submitted to and approved in writing by the Local Planning Authority.

2b. The development shall be fully completed with the approved details and retained as such.

Reason: To ensure the satisfactory appearance of the development.

3a. No development shall commence on site until drainage details for the disposal of surface water and foul sewage have been submitted to and approved in writing by the Local Planning Authority.

3b. The scheme shall be fully implemented in accordance with the approved details before the development is first brought into use.

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

4a. Prior to the commencement of any development on site a full landscape scheme and timetable for implantation of the landscaping works shall be submitted to and approved in writing by the Local Planning Authority. The landscape scheme shall include full details of:

- locations, specifications, planting distances for all planting to be used;
- locations, specifications of all seating, paving, other hard surfaces, boundary treatments and fencing within the site
- details of any Sustainable Urban Drainage systems (SUDs), permeable paving and renewable energies to be employed.
- landscape maintenance/management plan proposals/regimes for a minimum 5 year period after planting.

4b. The approved scheme shall be fully implemented in accordance with the agreed timetable for planting and no later than two years after full completion of the building and retained and managed in accordance with the management plan thereafter.

4c. All planting shall be maintained for a period of 5 years from the full completion of the landscaping scheme. Within this period any trees, shrubs of plant which dies, becomes seriously diseased, damaged or is removed shall be replaced with a tree, shrub or plant of the same or greater size and same species as that originally required to be planted.

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

5. Prior to any development commencing, a method statement for building recording shall be submitted to and agreed in writing by the local planning authority. The method statement should indicate the geographical extent of the recording, its level and type. For the avoidance of doubt the recording should be photographic in nature and at level 1 in accordance with English Heritage's guidance document 'Understanding Historic Buildings: A guide to good recording practice' (2006). The agreed building recording shall be implemented in full and the completed recording shall be submitted to both the local planning authority and the Black Country Archaeologist prior to development commencing.

Reason. The site is in an area of archaeological interest, and an appropriate study is necessary to safeguard the possible historic significance of the site.

6a. Prior to the commencement of any development on site details of the refuse bin storage area, electricity sub station (including its design and finished materials), sprinkler tank and pump (including its design and finished materials), shall be submitted to and approved in writing by the Local Planning Authority.

6b. The approved details shall be fully implemented prior to the first occupation of the premises and thereafter retained.

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

7a. Prior to the commencement of any development on site details of all external lighting within the site in compliance with BS5489:2013 for car parks shall be submitted to and approved in writing by the Local Planning Authority.

7b. The approved details shall be fully implemented prior to the first occupation of the premises and thereafter retained.

Reason: In order to safeguard the amenities of the surrounding residential occupiers.

8a Prior to the commencement of any development, the following details shall be submitted for approval in writing by the Local Planning Authority and in conjunction with the Highway Authority and Walsall Council's Street Lighting partner Amey;

- full engineering details and location of the proposed new pedestrian crossing facility on High Street as specified within the Transport Assessment and approved plans

8b Prior to the occupation of the development, all highway infrastructure works detailed and agreed, shall be fully implemented, completed and brought into use to the satisfaction of the Highway Authority.

Reason: In the interests of the free flow of traffic on the local highway network, highway safety and the satisfactory operation of the development.

9a. Prior to the commencement of development details shall be submitted to the Local Planning Authority setting out where the location of parking for site operatives and visitors has been provided within the application site.

9b. The approved details shall be fully implemented prior to the commencement of the development and thereafter retained, maintained and kept available during construction of the development.

Reason: To prevent indiscriminate parking in the interest of highway safety.

10a. Prior to the commencement of any development, details of wheel-cleaning apparatus shall be submitted to and approved in writing by the Local Planning Authority.

10b. The approved details shall be fully implemented prior to the commencement of the development and thereafter retained, maintained and kept available during construction of the development.

Reason: To ensure that the wheels of vehicles are cleaned before leaving the site in the interest of highway safety.

11a. Prior to the commencement of any part of the development details shall be submitted to the local planning authority for approval in writing for the access, turning areas and parking facilities shown on the approved plan and shall include details that illustrate how these areas will be constructed, consolidated, surfaced, drained, free of loose stone.

11b. The approved details shall be fully implemented to the satisfaction of the local planning authority in conjunction with the highway authority shall be retained and kept available for those uses at all times.

Reason: In the interest of Highway Safety, and ensure the free flow of traffic using the adjoining Highway.

12a. Prior to the commence of this development, details of a method to prevent greases entering the drainage system have been submitted to and approved in writing by the Local Planning Authority.

12b. Prior to first occupation of the building the agreed scheme shall be fully implemented.

12c. The approved equipment shall thereafter be retained and maintained in accordance with the manufacturer's or installer's requirement.

Reason: To prevent grease entering into the drainage system in the interests of the free flow, capacity and the prevention of pollution of the system.

13a. Prior to the commence of this permission, details of the extract systems serving hot food cooking points being shown to be fitted with an odour arrestment system and details of the external finish of the flue have been submitted to and approved in writing by the Local Planning Authority.

13b. The development shall be completed in accordance with the approved details and retained and maintained at all times.

Reason: To safeguard the amenities of the occupiers of nearby adjoining residential premises.

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

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

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

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

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

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

vi) A validation report confirming the details of the measures implemented together with substantiating information and justification of any changes from the agreed remedial arrangements shall be submitted to and accepted in writing by the Local Planning Authority

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

15a. Prior to the commencement of any part the development the tree protection measures as detailed in the Tree Report and Arboricultural Impact Assessment by Tree Health Consulting Ltd dated 18th December 2012 shall be fully implemented on site.

15b. The tree protection measures shall be retained until the completion of the development. The land so enclosed shall be kept clear of all contractors' materials and machinery at all times, as laid out in British Standard 5837:2012.

Reason: To safeguard the retained trees on site.

16a. Prior to the first occupation of the development a Full Travel Plan shall be submitted to, and approved in writing by the Local Planning Authority.

16b. The approved measures set out in the Travel Plan shall be implemented within 6 months of first occupation of the building.

16c. The approved travel plan recommendations shall thereafter retained.

Reason: In order to encourage sustainability at the site and to promote use of alternative modes of transport.

17a. Prior to the first occupation of the development, full details and locations of appropriate signage and lining to enforce the proposed one –way operation of the service road for coaches, service vehicles and deliveries only, shall be submitted to and approved in writing by the Local Planning Authority.

17b. The approved details shall be fully implemented prior to the first use of the building and shall thereafter retained and maintained in good condition.

Reason: In the interest of Highway Safety, and ensure the free flow of traffic using the adjoining Highway.

18. Prior to the first use of the building the flue serving the commercial hot food cooking points shall terminate at least 1 metre above the building roof level or building ridge level (whichever is the highest) and in any case, 1m above the building roof level or building ridge level housing the commercial kitchen/cooking facility.

Reason: To safeguard the amenities of the occupiers of nearby adjoining residential premises.

19. Prior to the first use of the building the new playing field area shall be constructed and laid out in accordance with the standards and methodologies set out in the guidance note “Natural Turf for Sport” (Sport England, 2012)

Reason: To ensure that the new playing field area is provided to an adequate standard and is fit for purpose.

20. The premises shall not be open for use outside the following times: 0700 – 2230 hours Monday – Friday, 0800 – 2230 hours Saturdays and 0800 – 2130 hours Sundays and Bank Holidays, except that on not more than 6 individual days throughout the normal calendar year the premises shall be permitted to remain open for use until Midnight provided that on those individual days the premises shall not be open for use after Midnight until 0800 the following day.

Reason: To safeguard the amenities of the occupiers of nearby adjoining residential premises.

21. Noise from plant, machinery and extraction systems shall be designed, installed and operated, with due regard to the Noise Impact Assessment submitted as part of the application (ref HHACY/50950/R01/PAK, by H and H Acoustic Consultancy Division), to ensure that noise emissions do not give rise to a Rating Level of 5 dB at nearby residential premises as determined in accordance with British Standard BS 4142: 1997 ‘*Method for Rating industrial noise affecting mixed residential and industrial areas*’.

Reason: To safeguard the amenities of the occupiers of nearby adjoining residential premises.

22. No consent is given for signage within the site.

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

23. The existing and proposed pedestrian access routes through the site shall remain available for public access at all times.

Reason: In order to ensure safe and adequate pedestrian access through the site.

24. No demolition, engineering or construction works (including land reclamation, stabilisation, preparation, remediation or investigation) shall take place on any Sunday, Bank Holiday or Public Holiday*, and otherwise such works shall only take place between the hours of 0800 to 1800 weekdays and 0800 to 1400 hours Saturdays. No plant, machinery or equipment associated with such works shall be started up or operational on the development site outside of these permitted hours.

(*Bank and Public Holidays for this purpose shall be: Christmas Day, Boxing Day, New Years Day, Good Friday, Easter Monday, May Day, Spring Bank Holiday Monday and August Bank Holiday Monday.)

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

25. The works hereby approved shall only be carried out in accordance with details contained within drawings:

Location Plan Drawing J2/500 Rev A submitted 28th January 2013

Existing Site Survey Drawing J2/502 submitted 21st January 2013

Existing Site Analysis Drawing J2/501 submitted 21st January 2013

Existing Site Sections Drawing J2/503 submitted 21st January 2013

Proposed Site Plan Drawing J2/504 submitted 21st January 2013

Proposed Site Sections Drawing J2/505 submitted 21st January 2013

Proposed Ground Floor Plan Drawing J2/506 submitted 21st January 2013

Proposed First Floor Plan Drawing J2/507 submitted 21st January 2013

Proposed Roof Plan Drawing J2/508 submitted 21st January 2013

Proposed Elevations sheet 1 of 2 Drawing J2/509 submitted 21st January 2013

Proposed Elevations sheet 1 of 2 Drawing J2/510 submitted 21st January 2013

Proposed Sections sheet 1 of 2 Drawing J2/511 submitted 21st January 2013

Proposed Sections sheet 2 of 2 Drawing J2/511 submitted 21st January 2013 Indicative Soft

Landscaping Proposals DD42020/2 submitted 15th February 2013

Indicative Hard Landscape Proposals DD42020/1 submitted 15th February 2013

Planning Statement submitted 21st January 2013

Transport Statement by Phil Jones Associates dated January 2013, submitted 21st January 2013

Noise Impact Assessment by Acoustic Consultancy Division dated 15th January 2013 submitted 21st January 2013

Bat Survey by Ecology and Land Management dated October 2012, submitted 21st January 2013

Tree Report by A L Smith Tree Health Consulting Ltd Ref THC/2012/12/18 AS dated 18th December 2012, submitted 21st January 2013.

Desk Study Report by Opus dated October 2012, submitted 21st January 2013

Statement of Community Involvement submitted 24th January 2013

Energy Strategy Proposals Statement submitted 21st January 2013.

Reason: In order to define the permission.

Notes to Application

Coal Authority

Under the Coal Industry Act 1994 any intrusive activities, including initial site investigation boreholes, and/or any subsequent treatment of coal mine workings/coal mine entries for

ground stability purposes require the prior written permission of The Coal Authority, since such activities can have serious public health and safety implications. Failure to obtain permission will result in trespass, with the potential for court action. Application forms for Coal Authority permission and further guidance can be obtained from The Coal Authority's website at: <http://coal.decc.gov.uk/en/coal/cms/services/permits/permits.aspx>

Centro

The proposed development presents excellent opportunities to provide Real Time Information (RTI) displays for public transport serving the locality. If the development is approved, the adopted Travel Plan will require that travel information is readily available for staff and visitors within the development. For more information please contact Centro direct 0121 214 7152

Severn Trent Water

Advise that there is a public sewer located within the application site. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent. You are advised to contact Severn Trent Water to discuss your proposals. Severn Trent will seek to assist you obtaining a solution which protects both the public sewer and the building. Please note, when submitting a Building Regulations application, the building control officer is required to check the sewer maps supplied by Severn Trent and advise them of any proposals located over or within 3 meters of a public sewer. In many cases under the provisions of Building Regulations 2000 Part H4, Severn Trent can direct the building control officer to refuse building regulations approval.

If you require any further information please contact Rhiannon Thomas on 01902 793883.

Contaminated Land

CL1

Ground investigation surveys should have regard to current "Best Practice" and the advice and guidance contained in the National Planning Policy Framework 2012; 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.

Building Recording

More info can be found at the following site

<http://www.english-heritage.org.uk/publications/understanding-historic-buildings/>



Walsall Council

Regeneration Directorate – Planning and Building Control

Planning Committee

Report of Head of Planning and Building Control, Regeneration Directorate on 04/04/2013

Plans list item no: 2.

Reason for bringing to committee: Major Application

Application Number: 13/0175/FL

Application Type: Full application

Applicant: Wednesfield Properties Ltd

Proposal: Proposed industrial building (Use Class B2) with ancillary warehousing (Use Class B8) and offices (Use Class B1a) with associated access from Bull Lane, car parking, service area and landscaping.

Location: Former W. Wesson & Co. Ltd. , Bull Lane, Moxley, WS10 8RS

Ward: Darlaston South

Case Officer: Andrew Thompson

Telephone Number: 01922 652603

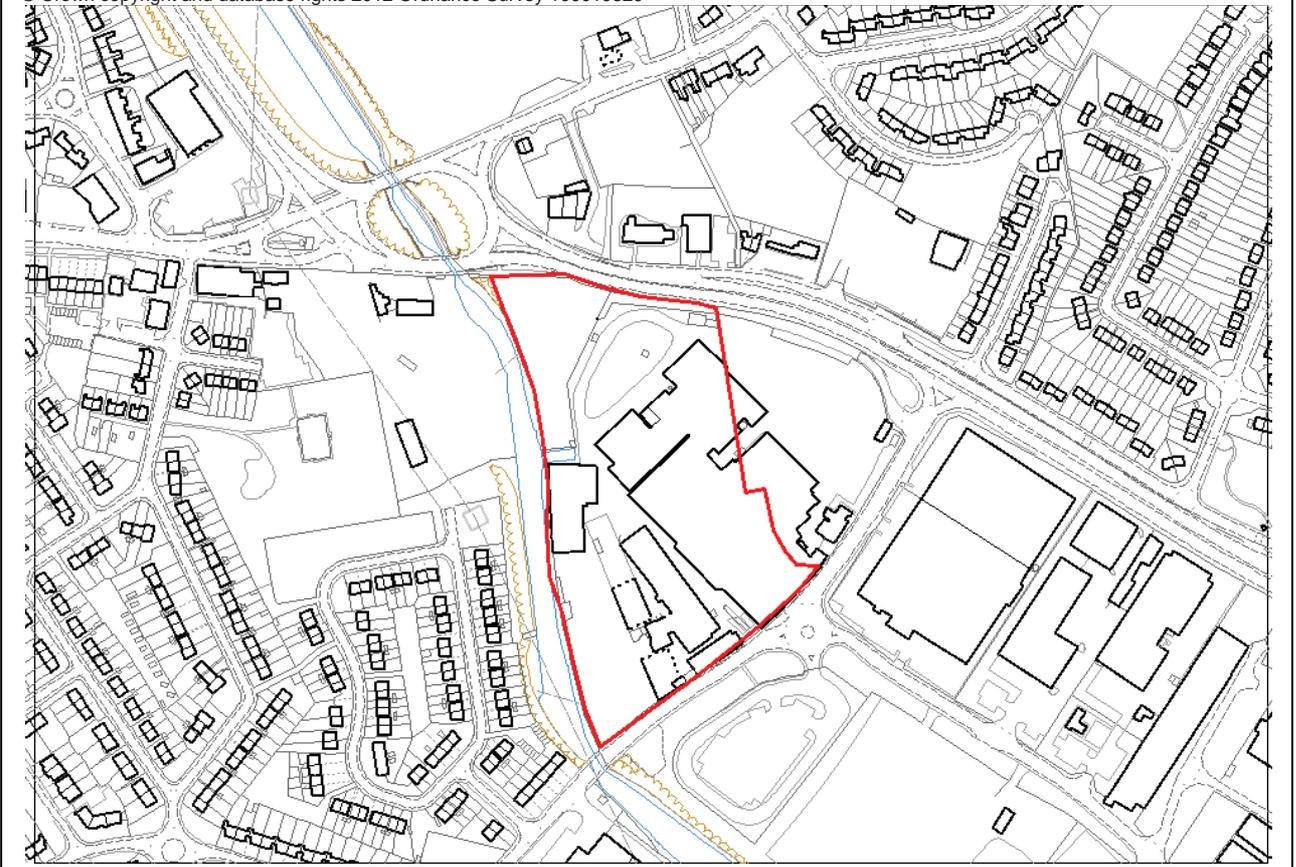
Email: planningservices@walsall.gov.uk

Agent: AJA Architects LLP

Expired Date: 13/05/2013

Recommendation Summary: Grant Permission Subject to Conditions

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Application and Site Details

The application site is the former Wesson Factory site on Bull Lane which fronts the principal Moxley Junction roundabout on the Black Country Route to the northwest of the site and Walsall Canal to the west. The canal is in a cutting and is approximately 4m below the application site.

The application is for the erection of a new industrial building to provide a storage and distribution facility for manufacturing. It would comprise a total of 14,123sqm of building of which 2,000sqm is office accommodation. A total of 225 parking spaces are proposed, some of which will be allocated for disabled use. Covered cycle parking is proposed within the canopy of the building.

The proposals also include a security hut (measuring 6.065m by 3.29m by 3.855m high) and areas of landscaping which will front Bull Lane and the Black Country Route with a single access point off Bull Lane.

The main industrial building would measure 162m by 79m and would be a maximum of 16m high. The proposed building would be of a modern industrial design with a low profiled roof.

The proposed 3 storey office accommodation would wrap around the southeast corner of the main building facing the access point and would be 17.5m high. The proposed office would incorporate brise soleil into the elevations.

The site plan shows an area of land approximately 1.3ha being retained as a future development plot. This 'second phase' falls outside the scope of this application but is considered in this report when assessing impact. It is expected that this part of the former Wesson factory could accommodate around 4,900sqm of development.

The application is supported by the following documents:

The *Design and Access Statement* is prepared to support the proposals and assesses the site in the context of its location, use, access arrangements, the amount of development and landscaping. The proposals include an assessment of the design and purpose to create a modern facility for employment which will bring a vacant and derelict site back into use.

Ecological Assessment -The site supports few habitats of greater than negligible ecological value and few potential/actual ecological constraints to the redevelopment proposals have therefore been identified. The ecological appraisals identified Walsall Canal bordering the west of the site which is of local importance for water voles and the presence of a boundary wall which has the potential to support bats. No evidence during the survey was found of any of the species mentioned above. Due to the known distribution of the species in the immediate area pre-demolition and commencement checks are recommended for bats and breeding birds. Not only can any significant adverse impacts be avoided through a sensitive scheme design but opportunities for enhancement and biodiversity gain can be delivered as an integral part of the proposals.

Flood Risk Assessment – An assessment has been carried out and discussions have been carried out with Severn Trent. The site is in Flood Zone 1 and therefore it is submitted that the location of the development is acceptable. The use of Sustainable Drainage systems have been considered and will be incorporated into the design. The site is not at risk from flooding.

The submitted *Noise Assessment* carried out for this report indicates that the background level of noise affecting the proposed development site is attributable to road traffic noise from surrounding roads and residual noise from surrounding commercial and industrial sites. Assessment of activity noise levels indicates that the noise impact of the proposed

development is unlikely to give rise to noise disturbance at the nearest dwellings on Curtin Drive. It is noted that the predicted noise levels at the dwellings from the proposed development are significantly below the existing ambient noise climate and, consequently, are unlikely to be noticeable. It will be necessary to implement noise limit criteria for any plant installations associated with the proposed new commercial development in order to prevent disturbance at the closest identified residential receptors on Curtin Drive.

A *Transport Assessment and Travel Plan* outlines that the proposed development will have no material adverse impact on the safety or operation of the adjacent highway network. It further concludes that the development is full accordance with the transport policy tests for new developments. The accessibility analysis demonstrates that the site is located in an accessible location with a choice of travel modes. The report provides an assessment of likely traffic generation from the development, having regard to the planning permission already in place on site and demonstrates that there are no specific off-site improvements required to mitigate development impact.

The applicant has also submitted a Site Investigation and Structural Report in relation to mine shafts. This highlights mine shafts, made ground and contamination that will need to be remediated through the development process. Two mine shafts are known on the site.

Relevant Planning History

BC55392P – Extension to existing steel finishing shop. Granted 10/02/2000

BCW622 – Extension for cooling bay building with 18 metre span. Granted 16/05/1997

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

National Planning Policy Framework (NPPF)

The NPPF sets out the Government's position on the role of the planning system in both plan-making and decision-taking. It states that the purpose of the planning system is to contribute to the achievement of sustainable development, in economic, social and environmental terms, and it emphasises a "*presumption in favour of sustainable development*".

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

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

Key provisions of the NPPF relevant in this case:

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

Paragraph 103 – seeks to ensure that development is located in appropriate areas at low risk of flooding and does not exacerbate the risk of flooding.

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

On planning conditions the NPPF says:

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

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

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

The Development Plan

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

Regional Strategy (RS)

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

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

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

The Black Country Core Strategy (BCCS)

This was adopted under the current Local Development Framework system, and the NPPF says that for 12 months from the publication of the national framework "*decision-takers may continue to give full weight to relevant policies*". However, it is more than 12 months since the NPPF was published in March 2012. Now (as with the saved policies of Walsall's UDP) the NPPF advises that "*... due weight should be given to relevant policies ... according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).*" To consider the conformity of the BCCS with the NPPF the four Black Country councils have completed a 'Compatibility Self-Assessment Checklist' (published by the Planning Advisory Service) and have discussed the results with a Planning Inspector. Whilst there is no formal mechanism to certify that the BCCS is consistent with the NPPF the discussions led officers to the conclusion that the exercise identified no issues that would conflict with the NPPF or require a review of the BCCS in terms of conformity. The results of this assessment are to be published on the BCCS and Council websites and it is planned to report to the Council's Cabinet to confirm this view. In the absence of evidence to the contrary it is considered that the BCCS policies should be given full weight in planning decisions.

The BCCS states:

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

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

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

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

The Spatial Objectives include

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

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

CSP3 – Seeks to improve environmental infrastructure

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

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

ENV1 - Adequate information must be submitted with planning applications for proposals which may affect any designated site or any important habitat, species or geological feature to ensure that the likely impacts of the proposal can be fully assessed. Without this there will be a presumption against granting permission.

ENV 3 sets out the criteria for design quality

ENV4 development must enhance the canal corridor.

ENV5 seeks to ensure that new developments mitigate against flood risk and promote sustainable drainage

ENV7 seeks to ensure new development promotes renewable energy provision

Saved Policies of Walsall Unitary Development Plan March 2005

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

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

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

JP1 – designates land allocated for employment uses.

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

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

Supplementary Planning Documents (SPD)

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

Designing Walsall SPD

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

Natural Environment SPD

Policies NE1, NE2, NE3, NE4, NE5, NE8, NE9 & NE10 deal with the need to fully assess protected species, assess, protect and secure compensatory planting for trees. Protection is proposed for protected animals, plants etc.

Consultations

Transportation – No objection subject to conditions relating to the existing access.

Pollution Control

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

Scientific Team – No objection subject to conditions that noise mitigation measures are taken on external plant and machinery and reduce activity to Curtin Drive residents.

Flood Risk Manager - It has not been suitably demonstrated that the developer has sought to deliver greenfield runoff rates for the development.

Environment Agency: Object – the submitted FRA fails to adequately address surface water runoff from the development. In particular the surface water drainage assessment does not comply with ENV5 of the Black Country Core Strategy which states:

- Incorporate Sustainable Drainage Systems (SuDS), unless it would be impractical to do so, in order to significantly reduce surface water run-off and improve water quality. The type of SuDS used will be dependent on ground conditions.
- On sites requiring a Flood Risk Assessment, reduce surface water flows back to equivalent greenfield rates

Natural Environment Team (Ecology) No objection. The landscape proposals for this development will introduce a range of wildlife habitats including tree and shrub belts, meadow and wetland habitats. This will enhance the nature conservation of the canal corridor and create new habitats where there has long been industrial development. Care will be required to ensure that the ground preparation for the habitats is carried out in accordance with good practice and the site is managed for the habitats created. This can be secured through planning condition. There also some technical queries which need to be addressed.

Natural England – No objection - The ecological survey submitted with this application has not identified that there will be any significant impacts on statutorily protected sites, species or on priority Biodiversity Action Plan (BAP) habitats as a result of this proposal. The council should encourage opportunities to incorporate biodiversity in and around the development.

Canal and Rivers Trust – No objection subject to conditions relating to boundary treatment, landscaping and the relationship to the canal.

Landscape Team – No objection. The scheme will need to deal with Japanese Knotweed treatment, boundary treatment and relationship to the canal. A detail planting plan is required.

Severn Trent – No objection subject to a condition relating to precise drainage detail.

Coal Authority – No objection subject to a condition.

Centro – No objection. Welcome that the applicant has submitted a Travel Plan as part of the proposal. As the total number of proposed employees exceeds 80 then the developer (or final occupiers) should be required to affiliate to Company TravelWise and develop a Travel Plan to promote public transport. The developer should also be required to provide secure cycle parking facilities. Centro's Sustainable Travel Team can advise on public transport promotion initiatives and journey planning.

Representations

1 letter from a local resident objecting on the following grounds.

- The lowest point of the proposed building is 16 metres and at its highest 18 metres it would tower over the said skyline dwarfing all other buildings and blotting out the view of Wednesbury from Moxley as a whole. There is enough land space for the said proposal to be a low level building.
- The height of the building will amplify noise, particularly to the canal cutting at the rear of the building – causing a problem from the nature of business and 24 hour working.
- Given the nature of business air quality and pollution will be a major problem, especially given the close proximity of a public park and children's play area
- Why is the intended business being kept secret? The residents of Moxley have the right to know what is planned on our doorstep.
- When Wessons had been demolished that would be the end of an eyesore and improvements would make Moxley a more pleasant and attractive place to live, proposals would put a blot back on the landscape would only take Moxley back 200 years.

1 letter from WHG asking for clarification in relation to the development and their site on Curtin Drive [*Officers replied to the request and no further correspondence has been received*]

The Moxley Regeneration Delivery Group supports the planning application for the development of the former Wessons site for industrial use. This site has been a long standing concern for the community of Moxley, bringing the site back into use is welcome particularly where the proposed development helps to create and sustain local jobs. The group requests that the Local Planning Authority considers the following in determining this planning application:

- That the site is kept secure throughout the development – particularly when considering the recent spate of fires in connection with tyres and other rubbish on this site.
- The developer ensures that the local road network is kept clean during construction through the use of regular road sweepers.
- That the Council works with the developer to help ensure development starts as soon as possible.
- That the Council works with the developer to help ensure that the schemes development uses where possible local supply chain opportunities and local tradesman.
- That the Council works with the developer/end user in helping local people access jobs with the company including apprenticeship opportunities.

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

Determining Issues

- Principle of the Development
- Proposed height and scale of the proposed building

- Relationship to residential properties on Curtin Drive and the surrounding area
- Proposed planting and landscaping
- Relationship to the canal
- Noise and Air Quality
- Car parking and servicing
- Flooding and Drainage
- Potential future development

Observations

Principle of the Development

The application is allocated within the saved policies of the Unitary Development Plan as Core Employment Land. The former buildings on the site totalled approximately 20,750sqm of B1, B2 and B8 industrial activity on the site with limited service yards and car parking. The former factory, which was the subject of a variety of fires, was cleared of former buildings in 2011.

The proposed building is for the erection of a new industrial building to provide a storage and distribution facility for manufacturing. It would comprise a total of 14,123sqm of building of which 2,000sqm is office accommodation

The site is identified in the Employment Land Supply and Black Country Core Strategy as one of the Borough's most important employment sites. The proposed building and continued use of the site for employment is welcomed and strongly supported principle.

Proposed height and scale of the proposed building

The objection of the nearby resident with regard to the size of the building and how this affects the area has been carefully considered. The proposed building is a large industrial building but would be comparable to other industrial buildings in the area, in particular those on Western Way and Southern Way (e.g. the Metal Centre). The building whilst being tall is necessary to meet internal height clearance of 12m and this is typical of modern industrial buildings and needs.

The building would fit comfortably into the site and would be smaller in footprint than the former Wesson factory. The inclusion of significant landscaping is also welcomed.

Whilst the concerns are noted, the proposed scale and mass of the building would present a well-designed and prominent industrial building at the entrance to the employment area and promote a positive working environment that could attract further investment and regeneration.

Relationship to residential properties on Curtin Drive and the surrounding area

The size of the building is the primary concern for local residents. The application site is now cleared and residents have been accustomed to the visual benefits of a vacant site. The proposals however would present a comparable building in comparison to the former buildings and the proposals are a modern version of these buildings.

The building is approximately 33m away from the nearest property and 75m away from the approved WHG development on Curtin Drive. The proposals will not have an adverse impact in terms of loss of light or in terms of the visual impact as the canal. The change in levels with the application site being lower than residential properties should be noted in terms of the reduced visual impact.

Due to the orientation of the building away from residential properties, reducing noise and disturbance, it is not considered that the proposals would have an adverse impact on neighbouring residents.

Proposed planting and landscaping and relationship to the canal

The proposed application has a number of positive landscape features, to Bull Lane and the Moxley Junction of the Black Country New Route. The new landscaping would be a prominent and strong element of visual improvement.

The canal is well below the application site and therefore it is considered that the visual impact of the proposals will be lessened. The Canal and Rivers Trust raise no objection subject to appropriate conditions.

Noise and Air Quality

The comments of neighbouring residents are noted with regard to the impact on the surrounding area. The proposals are of sufficient distance from residential properties and the play area and would not cause material harm. The building is positioned in a manner to shield activity of the site away from housing. In addition landscaping will help buffer the noise and improve the quality of the area.

It is therefore considered, taking into account the building design, orientation and improvement to the area with landscape treatment. The proposals are acceptable.

Car parking and servicing

Car parking standards for new developments are set out in Policy T13 of the Walsall Unitary Development Plan (adopted in 2005). This is a saved policy and therefore remains current.

The standards progressed for B2 uses is 1 car park space per 50sqm up to 250sqm, then 1 space for every additional 100sqm of gross floorspace. The standard for B1 offices is as follows 1 car park space per 30sqm of gross floorspace. Both elements request a minimum of 1 bike locker for every 10 car parking spaces.

Considering the building as a wholly B2 use gives a policy maximum of 142 car parking spaces. In addition to this, the policy requires an additional 10% to be provided for disabled users, which equates to 14 spaces and an overall total of 156 car parking spaces.

However in this case, a significant proportion of the building will be used for office staff (which account for nearly 38% of the staff on site). Adopting the UDP rates for B1a and B2 uses separately results in the provision of 67 spaces for the office element and 124 of the B2 element, a total of 191 spaces. Allowing for 10% disabled parking, this gives an overall total of 211 car parking spaces.

The end user is however concerned that this level will not fully allow for shift change patterns, potential future growth and visitor parking. Therefore a total of 225 spaces are proposed.

It is noted that the application will include the provision of cycle parking and promote sustainable modes of transport through its travel plan and is also likely to result in local job creation.

In this instance, whilst the proposals are above the car parking standards, however for the reasons stated above, in relation to shift patterns and specific requirements, the proposed parking level is acceptable.

Flooding and Drainage

The Environment Agency considers that the submitted FRA fails to adequately address surface water runoff from the development. In particular the surface water drainage

assessment does not comply with ENV5 of the Black Country Core Strategy in particular in relation to the incorporation of Sustainable Drainage Systems and on sites requiring a Flood Risk Assessment, reduce surface water flows back to equivalent greenfield rates. The Environment Agency considers these as meeting the minimum requirements of the NPPF compared with meeting the minimum requirements of ENV5 of the Black Country Core Strategy.

For clarification Policy ENV5 of the BCCS states:

“To assist in both reducing the extent and impact of flooding and also reducing potential urban heat island effects, all developments should:

- a) Incorporate Sustainable Drainage Systems (SUDs), unless it would be impractical to do so, in order to significantly reduce surface water run-off and improve water quality. The type of SUDs used will be dependent on ground conditions;*
- b) Open up culverted watercourses where feasible and ensure development does not occur over existing culverts where there are deliverable strategies in place to implement this;*
- c) Take every opportunity, where appropriate development lies adjacent to the river corridors, or their tributaries or the functional floodplain, to benefit the river by reinstating a natural, sinuous river channel and restoring the functional floodplain within the valley where it has been lost previously;*
- d) On sites requiring a Flood Risk Assessment, reduce surface water flows back to equivalent greenfield rates;*
- e) Create new green space, increase tree cover and/or provide green roofs;”*

The NPPF states at Paragraph 103:

When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment following the Sequential Test, and if required the Exception Test, it can be demonstrated that:

- within the site, the most vulnerable development is located in areas of lowest flood risk unless there are overriding reasons to prefer a different location; and
- development is appropriately flood resilient and resistant, including safe access and escape routes where required, and that any residual risk can be safely managed, including by emergency planning; and it gives priority to the use of sustainable drainage systems.

It is also noted that the NPPF states

“Paragraph 21. Investment in business should not be over-burdened by the combined requirements of planning policy expectations. Planning policies should recognise and seek to address potential barriers to investment, including a poor environment or any lack of infrastructure, services or housing.

Paragraph 186 and 187 states that Local planning authorities (and ergo Statutory Consultees) should approach decision-taking in a positive way to foster the delivery of sustainable development. The relationship between decision-taking and plan-making should be seamless, translating plans into high quality development on the ground and that Local planning authorities should look for solutions rather than problems, and decision-takers at every level should seek to approve applications for sustainable development where possible. Local planning authorities should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area.”

The application proposals include swales and two balancing ponds on the Bull Lane frontage, use of permeable paving to the car parking areas and geocellular/modular

systems. The applicant highlights that the proposed drainage rate has been calculated with reference to the existing hardstanding area and the proposals would achieve a 20% betterment. The method is one that is recommended by Severn Trent Water Limited for brownfield sites. A greenfield run off rate would require 1,567cubic metres of additional capacity being built into the development.

The emphasis of Development Plan and the NPPF is on the delivery of economic delivery and the proposals are looking to deliver a scheme for a specific end user. The application site is in Flood Zone 1 which means that it is in a location at the lowest risk of flooding. This is in accordance with National and Local criteria.

The Black Country Core Strategy objective (in policy ENV5) of seeking to achieve a Greenfield runoff rates are noted and this forms the basis of the objection of the Environment Agency. This is something development “should” seek to meet. It is not a requirement or a minimum level.

The application proposes significant amounts of sustainable drainage systems and sustainability in this regard and offers substantive betterment on the existing situation which is 100% impervious hard surfacing. The proposals offer a substantive list of on-site improvements and the site is approximately 3m above the canal level. There are also contamination issues on the site which prevent soakaways.

It is noted that the existing factory and associated servicing area covered the entire site with no parking area to act as a permeable drainage solution.

It is noted Severn Trent raise no objection. A condition is therefore proposed to ensure the delivery of the proposed swales, balancing ponds and geocellular/modular systems, including the disposal of surface water and foul sewage.

The applicant considers that achieving greenfield run-off rates will result in the scheme being unviable and undeliverable. The applicant highlights **any** additional costs borne by the proposed development will impact on the schemes viability and the development will not proceed.

Therefore balanced against the improvement and betterment to the drainage situation and the high quality landscaping and the economic, environmental and social benefit the proposals are supported and are not, as the Environment Agency claim, contrary to policy. The Environment Agency, as statutory consultee have been invited to subscribe to this assessment.

Potential future development

The site plan shows an area of the around 1.3ha is retained as a future development plot. This falls outside the scope of this application but is considered in this report when assessing impact. It is expected that this site could accommodate around 4,900sqm of development.

The development in principle would be supported subject to satisfactory detail being submitted.

Positive and Proactive working with the applicant

Officers have met and held discussions with the applicant's agent in response to concerns raised to enable full support to be given to the scheme.

Summary of Reasons for Granting Planning Permission

The concerns of the local resident and Environment Agency have been fully considered.

The application site is the former Wesson Factory site on Bull Lane which fronts the principal Moxley Junction roundabout on the Black Country Route to the northwest of the site and Walsall Canal to the west. The canal is in a cutting and is approximately 4m below the application site.

The application is allocated within the saved policies of the Unitary Development Plan as Core Employment Land. The former buildings on the site totalled approximately 20,750sqm of B1, B2 and B8 industrial activity on the site with limited service yards and car parking. The former factory, which was the subject of a variety of fires, was cleared of former buildings in 2011. The proposed building is for the erection of a new industrial building to provide a storage and distribution facility for manufacturing. It would comprise a total of 14,123sqm of building of which 2,000sqm is office accommodation

The proposed building is a large industrial building but would be comparable to other industrial buildings in the area, in particular those on Western Way and Southern Way (e.g. the Metal Centre). The building whilst being tall is necessary to meet internal height clearance of 12m and this is typical of modern industrial buildings and needs. The building would fit comfortably into the site and would be smaller in footprint than the former Wesson factory. The inclusion of significant landscaping is also welcomed.

The building is approximately 33m away from the nearest property and 75m away from the approved WHG development on Curtin Drive. The proposals will not have an adverse impact in terms of loss of light or in terms of the visual impact as the canal and change in levels with the application site being lower should be noted.

Whilst the concerns are noted, the proposed scale and mass of the building and would be a well-designed and prominent building at the entrance to the employment area and promote a positive working environment that would attract further investment and regeneration.

Due to the orientation of the building away from residential properties, reducing noise and disturbance, it is not considered that the proposals would have an adverse impact on neighbouring residents.

It is therefore considered, taking into account the building design, orientation and improvement to the area with landscape treatment will not have an impact on air quality or cause material harm to the noise environment for residents.

A total of 225 car parking spaces are proposed. This will allow for the end user to fully account for shift change patterns, potential future growth and visitor parking. The development includes the provision of cycle parking and will promote sustainable modes of transport through its travel plan and is also likely to result in local job creation. Whilst the proposals are above the car parking standards, however for the reasons stated above, in relation to shift patterns and specific requirements, the proposed parking level is acceptable.

Policy seeks to ensure that new development should reduce surface water flows back to equivalent greenfield rates. The application proposals include swales and two balancing ponds on the Bull Lane frontage, use of permeable paving to the car parking areas and geocellular/modular systems. The applicant highlights that the proposed drainage rate is a 20% betterment on the existing situation. The method is one that is recommended by Severn

Trent Water Limited for brownfield sites the infrastructure surrounding the site supports this use. Greenfield rates would increase the attenuation for Phase 1 will increase to 1567cubic metres, which would require a significant land take which would have knock on affects to the viability of the current scheme and future development.

The application proposes significant amounts of sustainable drainage systems and sustainability in this regard and offers substantive betterment on the existing situation which is 100% impervious hard surfacing. The proposals offer a substantive list of on-site improvements and the site is approximately 3m above the canal level. There are also contamination issues on the site which prevent soakaways.

Achieving greenfield run-off rates will result in the scheme being unviable and undeliverable. Therefore balanced against the improvement and betterment to the drainage situation and the high quality landscaping and the economic, environmental and social benefit the proposals are supported and are not contrary to policy.

The proposed development is considered to comply with the relevant policies of the development plan, in particular policies PA5, PA6, UR1, UR1a, UR1b, UR1c and QE3 of the Regional Strategy, policies CSP3, CSP4, EMP1, EMP2, EMP3, TRAN5, ENV1, ENV3, ENV4 and ENV5 of the Black Country Core Strategy; saved policies GP2, ENV10, ENV32, ENV33, ENV40, JP1, JP5, T7, and T13 of Walsall Unitary Development Plan, and the Council's Supplementary Planning Documents. On balance, having taken into account all material planning considerations, including the aims and objectives of the NPPF and sustainable development, the proposal is acceptable.

Positive and Proactive working with the applicant

Walsall Council seeks to work proactively with owners, developers and their agents in the public interest to promote sustainable developments in the borough. In accordance with paragraphs 186 and 187 of The National Planning Framework we encourage pre application discussion in all formats to help ensure that proposed developments are delivered in the most appropriate way that creates economic growth, suitable housing and other forms of development so long as they safeguard the natural and built environment, highway safety and the amenity of citizens. In this instance the council has been able to support the proposed development and has worked with the applicant as detailed in the planning report.

Recommendation: Grant Permission Subject to Conditions

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

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

2a) No development shall commence until full details of ground preparation including the retention of existing soils, creation of soils and details of soil materials to be imported are submitted to the Local Planning Authority and approved in writing. Information is required for all landscaped areas and shall demonstrate:

- That the soils on the restored site are capable of supporting the vegetation shown on the submitted/ approved landscape scheme.
- That the landscape scheme is compatible with any remediation scheme submitted in support of the application.

The information to be submitted shall also show the location of the various types of soils, sub-soils and soil-making materials where it is required to support the growth of vegetation. If works are not to be carried out over a short period details of phasing shall be provided.

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

Reason: To ensure satisfactory development of the application site and to enhance the appearance of the area.

3a) Notwithstanding the landscape information submitted in support of this planning application no development shall commence until full details of landscaping is submitted to the Local Planning Authority and approved in writing. Information is required for the entire application site and shall provide full details of:

- Proportions (%) of plant species within each proposed plant mix.
- How the plants will be introduced, for example as: seeds, plugs, whips, standards, through natural colonisation and how the land will be prepared.
- Specification of trees and shrubs.
- Plant numbers, weights of seed, density of sowing/ planting.
- Locations of all planting.
- Details of hard landscaping/ lighting and drainage.
- Details of access and circulation.

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

Reason: To ensure satisfactory development of the application site and to enhance the appearance of the area.

4a) Prior to the commencement of development details of the proposed boundary treatments shall be submitted to and agreed in writing by the Local Planning Authority.

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

Reason: To protect the integrity of the canal infrastructure and to prevent a detrimental impact on the appearance of the waterway corridor from the erection of poorly designed boundary treatments.

5a) Prior to the commencement of development, details of the proposed finished levels shall be submitted to and agreed in writing by the Local Planning Authority

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

Reason: In order to assess the appearance of the waterway corridor and ensure satisfactory development of the application site.

6a) Prior to the commencement of any development, the following details shall be submitted for approval in writing by the Local Planning Authority and in conjunction with the Highway Authority and Walsall Council's Street Lighting partner Amey;

- Full engineering details of the proposed improvements to the existing roundabout junction, to include pedestrian crossing facilities on the northern arm, at Bull Lane and Western Way as specified on the approved plans.

- Full engineering details of the proposed new access off Bull Lane as specified on the approved plans.

- Full engineering details of the highway infrastructure works to facilitate the closure of the all existing redundant accesses and vehicular crossovers onto Bull Lane.

b) Prior to the occupation of the development, all highway infrastructure works detailed and agreed, shall be fully implemented, completed and brought into use to the satisfaction of the Highway Authority.

Reason: In the interests of the free flow of traffic on the local highway network, highway safety and the satisfactory operation of the development.

7a) Prior to the commencement of development details shall be submitted to the Local Planning Authority setting out where the location of parking for site operatives and visitors has been provided within the application site.

b) The approved details shall be fully implemented prior to the commencement of the development and thereafter retained, maintained and kept available during construction of the development.

Reason: To prevent indiscriminate parking in the interest of highway safety.

8a) Prior to the commencement of any development, details of wheel-cleaning apparatus shall be submitted to and approved in writing by the Local Planning Authority.

b) The approved details shall be fully implemented prior to the commencement of the development and thereafter retained, maintained and kept available during construction of the development.

Reason: To ensure that the wheels of vehicles are cleaned before leaving the site in the interest of highway safety.

9a) Prior to the commencement of development, details of the proposed lighting for the development including details of foundations, luminance in candelas, hours of operation etc. shall be submitted to and approved in writing by the Local Planning Authority and

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

Reason: The lighting at waterside developments should be designed to minimise the problems of glare, show consideration for bats and unnecessary light pollution should be avoided by ensuring that the level of luminance is appropriate for the location, is sustainable and efficient, and protect the integrity of the waterway infrastructure.

10a) Prior to the commencement of development a schedule of facing material shall be submitted to and approved in writing by the Local Planning Authority.

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

Reason: To ensure the satisfactory appearance of the development.

11a) Before any part of the development is brought into use a management plan showing how the landscape treatment will be established and managed is submitted to the Local Planning Authority and approved in writing. The management plan shall be carried out to an accepted methodology and detail:

- i) How the ecological planting will be established and managed thereafter.
- ii) Management operations to be carried out with proposed dates.
- iii) Monitoring and review to ensure the ecological strip on the eastern edge of the site/ canal frontage develops in accordance with the approved landscape plan.

b) The management shall be carried out in accordance with the approved management plan.

Reason: To ensure satisfactory development of the application site and to enhance the appearance of the area.

12a) Prior to the commencement of development, drainage plans, including details of the proposed swales, balancing ponds and geocellular/modular systems, including the disposal of surface water and foul sewage, to achieve a minimum of 20% betterment on the existing drainage, have been submitted to and approved by the Local Planning Authority.

b) The scheme shall be implemented in accordance with the approved details prior to the first occupation of the development.

Reason: In order to reduce the risk of flooding, pollution and to ensure the development is provided with satisfactory drainage.

13i) Prior to built development commencing a copy of the findings of the site investigation, ground contamination survey and ground gas assessment, together with an assessment of the hazards arising from any land contamination and/or ground gas shall be forwarded to the Local Planning Authority. (see Note for Applicant CL1)

ii) Prior to built development commencing a "Remediation Statement" setting out details of remedial measures to deal with the identified and potential hazards of any land contamination and/or ground gas present on the site and a timetable for their implementation shall be submitted to and agreed in writing by the Local Planning Authority. (see Note for Applicant CL1)

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

iv) 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 ii) of this condition has been amended to address any additional remedial or mitigation works required and agreed in writing by the Local Planning Authority.

v) A validation report confirming the details of the measures implemented together with substantiating information and justification of any changes from the agreed remedial arrangements shall be submitted to and accepted in writing by the Local Planning Authority prior to the development being brought into use. (see Note for Applicant CL2)

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

14. Prior to the occupation of the development hereby approved the access, turning areas and parking facilities shown on the approved plan shall have been properly consolidated, surfaced, drained, free of loose stone and otherwise constructed in accordance with details

to be submitted to and approved in writing by the local planning authority and these areas shall be thereafter be retained and kept available for those uses at all times.

Reason: In the interest of highway safety, and ensure the free flow of traffic using the adjoining Highway.

15. No construction or engineering works, (including land reclamation, stabilisation, preparation, remediation or investigation), shall take place on any Sunday, Bank Holiday or Public Holiday*, and such works shall only take place between the hours of 08.00 to 18.00 weekdays and Saturdays. No plant, machinery or equipment associated with such works shall be started up or operational on the development site outside of these permitted hours. (* Bank and Public holidays for this purpose shall be: Christmas Day; Boxing Day; New Year's Day; Good Friday; Easter Monday; May Day; Spring Bank Holiday Monday and August Bank Holiday Monday)

16. All external mechanical services plant or ventilation openings shall meet the noise limit criteria specified in Report Ref REP_1004811_AM_080213_1, by Hoare Lea Acoustics, 08/02/13.

Reason: To safeguard the amenities of nearby residents

17. No speakers or public address facilities shall be installed externally.

Reason: To safeguard the amenities of nearby residents

18. External lighting shall be directed away from residential properties and as such be in accordance with the guidance by the Institute of Lighting Professionals for the Reduction of Obtrusive Light.

Reason: To safeguard the amenities of nearby residents

19. No additional opening windows or doors (with exception of emergency escape doors) shall be installed in the façade of the building facing the properties on Curtin Drive.

Reason: To safeguard the amenities of nearby residents

20. Emergency escape doors shall be kept closed except for emergency use.

Reason: To safeguard the amenities of nearby residents

21. The development hereby permitted shall be undertaken in accordance with the details shown on following drawings and documents submitted to the Local Planning Authority:
Plans and Drawings:
5363-80; 5363-81 Rev A; 5363-82 Rev A; 5363-83; 5363-84; 5363-85; 5363-86; 5363-87; 5363-88; and 5363-89

Documents:

Design and Access Statement prepared by

Ecological Appraisal prepared by The Environmental Dimension Partnership (EDP) (reference: EDP 1915_01)

Flood Risk Assessment prepared by Stewart & Harris (reference 13022)

Noise Assessment prepared by Hoare Lea (reference Bull Lane Moxley _ REP_1004811_AM_080213_1.doc)

Transport Assessment prepared by David Tucker Associates (reference SJT/TM/15025-01-TA)

Travel Plan prepared by David Tucker Associates (reference SJT/TM/15025-01-TP)

Reason: In order to define the permission.

NOTES 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 Council's Street lighting partner Amey.

Mud on Highway

The attention of the applicant is drawn to the need to keep the highway free from any mud or other material emanating from the application site of any works pertaining thereto.

Drainage

No drainage from the proposed development shall be allowed to discharge into any highway drain or over any part of the public highway.

Contaminated Land

CL1) When making assessments of any contaminants identified as being present upon the land, considering their potential to affect the proposed land use and deciding appropriate remediation targets regard should be had to the advice given in CLR 11 "Model Procedures for the Management of Land Contamination", The Contaminated Land Exposure Assessment (CLEA) model (Latest Version), Science Report – SC050021/SR3 "Updated technical background to the CLEA model" and Science Report – SC050021/SR2 "Human health toxicological assessment of contaminants in soil" or any relevant successors of such guidance. This list is not exhaustive. Assessment should also be made of the potential for contaminants contained in, on or under the land to impact upon ground water. Advice on this aspect can be obtained from the Environment Agency.

CL2) Validation reports will need to contain details of the "as installed" remediation or mitigation works agreed with the Local Planning Authority. For example photographs of earth works, capping systems, ground gas membranes, and structure details should be provided. Copies of laboratory analysis reports for imported "clean cover" materials, manufacturer's specification sheets for any materials or systems employed together with certification of their successful installation should also be submitted. Where appropriate records and results of any post remediation ground gas testing should be included in validation reports. This note is not prescriptive and any validation report must be relevant to specific remedial measures agreed with the Local Planning Authority.



Walsall Council

Regeneration Directorate – Planning and Building Control

Planning Committee

Report of Head of Planning and Building Control, Regeneration Directorate on 04/04/2013

Plans list item no: 3.

Reason for bringing to committee: Major Application

Application Number: 13/0074/FL

Application Type: Full application

Applicant: Bloor Homes Ltd

Proposal: Proposed substitution of house types to plots 4, 5, 16, 17, 20-23b, 43, 47, 48, 49 and 50 with repositioning of garage to plot 2 and revised materials finish to plots 23a and 23b. (Minor material amendment to planning permission 07/2661/RM/W7 and 08/1637/FL for 232 houses and flats)

Location: Satchwell Grange, Woden Road West, Wednesbury, Walsall, WS10 7TB

Ward: Darlaston South

Case Officer: Andrew Thompson

Telephone Number: 01922 652603

Email: planningservices@walsall.gov.uk

Agent:

Expired Date: 19/04/2013

Recommendation Summary: Grant Permission Subject to Conditions

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Application and Site Details

The application seeks to amend two plots of the amended planning permission of the former TRW factory, now known as Satchwell Grange Development. The development was built by two developers with the MarCity (for Accord Housing) now complete and the Bloor Homes is under construction and nearing completion with the final phases under construction.

Proposed substitution of house types within the final phase to plots 4, 5, 16, 17, 20-23b, 43, 47, 48, 49 and 50 of the original planning permission with repositioning of garage to plot 2 and revised materials finish to plots 23a and 23b to include rendering.

The total quantum of development would remain at 227 dwellings with 114 dwellings being delivered on the front of the site. In a mix of the following:

15, 2 bedroom houses
81, 3 bedroom houses
16, 4 bedroom houses
2, 5 bedroom houses

No other changes are required to the original permission.

Relevant Planning History

11/1278/FL - Amendment to substitute house types from 3 bedroom 3 storey to 2 bedroom 2 storey houses on plots 67-70 relating to planning permission 08/1637/FL. Granted 05/01/12

10/0497/FL - Amendment to Plots 72-81 to reduce number of units from 10 to 7 and change house type to larger family houses. Amendment to 08/1637/FL. Granted – 12/07/10

08/1637/FL - Reduction of units from 150 to 118 units as an amendment to planning permission approved under 07/2661/RM/W7 on front portion of site. Granted 10/06/09

07/2661/RM/W7 - Erection of 262 no. dwellings with associated works (Reserved Matters to outline application) – Granted 8th August 2008.

07/0029/OL/W5 - Outline: Residential Development – Granted 14th March 2007.

There have also been a number of applications submitted to discharge conditions relating to the development. Discharge of the conditions is being completed as the phased construction of the development progresses.

Relevant Planning Policy Summary

National Planning Policy

National Planning Policy Framework (NPPF)

The NPPF sets out the Government's position on the role of the planning system in both plan-making and decision-taking. It states that the purpose of the planning system is to contribute to the achievement of sustainable development, in economic, social and environmental terms, and it emphasises a "*presumption in favour of sustainable development*".

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

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

Key provisions of the NPPF relevant in this case:

4: Promoting Sustainable Transport

35. Opportunities for the use of sustainable transport modes should be protected and exploited.

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

6: Delivering a wide choice of high quality homes

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

7: Requiring Good Design

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

57. It is important to plan positively for the achievement of high quality and inclusive design for all development.

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

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

On planning obligations and conditions the NPPF says:

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

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

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

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

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

The Development Plan

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

Regional Strategy (RS)

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

Relevant RS policies are:

CF1 – Seeks to provide housing within major urban areas.

QE3 – seeks to deliver high quality design

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

The Black Country Core Strategy (BCCS)

This was adopted under the current Local Development Framework system, and the NPPF says that for 12 months from the publication of the national framework "*decision-takers may continue to give full weight to relevant policies*". However, it is more than 12 months since the NPPF was published in March 2012. Now (as with the saved policies of Walsall's UDP) the NPPF advises that "*... due weight should be given to relevant policies ... according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).*" To consider the conformity of the BCCS with the NPPF the four Black Country councils have completed a 'Compatibility Self-Assessment Checklist' (published by the Planning Advisory Service) and have discussed the results with a Planning Inspector. Whilst there is no formal mechanism to certify that the BCCS is consistent with the NPPF the discussions led officers to the conclusion that the exercise identified no issues that would conflict with the NPPF or require a review of the BCCS in terms of conformity. The results of this assessment are to be published on the BCCS and Council websites and it is planned to report to the Council's Cabinet to confirm this view. In the absence of evidence to the contrary it is considered that the BCCS policies should be given full weight in planning decisions.

The BCCS states that the councils will create cohesive, healthy and prosperous communities. The relevant policies are:

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

The relevant key policies are:

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

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

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

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

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

HOU2 – Sets criteria for Housing Density, Type and Accessibility

HOU3 – Seeks to deliver affordable housing

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

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

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

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

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

Walsall's Unitary Development Plan (UDP)

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

The relevant policies are:

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

GP3 – seeks to deliver appropriate planning contributions

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

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

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

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

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

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

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

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

Supplementary Planning Documents (SPD)

Designing Walsall SPD

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

Affordable Housing SPD

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

Public Participation Responses

None

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

Determining Issues

- Principle of the change of house type
- Impact on the character of the development
- Discharge of planning conditions
- Impact on the agreed S106 Agreement

Observations

Principle of the change of house type

The principle of residential development is established and the development is well underway with the Bloor Homes element of the development entering the final stages.

The proposals are considered acceptable in principle.

Impact on the character of the development

The result in the physical form of development is altered in terms of the style and height of the building. The proposed footprint of the proposed dwellings would be altered slightly to those already approved with minor changes to the house type with alterations to the internal layout and elevation detail.

The revision to the materials finish will add an interesting feature to the existing street scene and is used elsewhere on the development.

The proposals are therefore considered to be acceptable in terms of the impact on the character of the area.

Discharge of planning conditions

Development on the site has commenced with a number of houses complete and foundation work being carried out. There have been applications to discharge conditions attached to the original planning permission (reference 11/1578/DOC and 12/0975/DOC). Pre-commencement conditions have been completed on the Taylor Wimpey phase of development (the south side). The conditions attached to this permission therefore reflect the updated position.

Impact on the agreed S106 Agreement

The previous S106 Agreement which delivered contributions towards Urban Open Space and Education is not proposed to be altered by the proposals. The level of contributions achieved on the site was heavily discounted from the amount sought to £300,000 with affordable housing already delivered by MarCity on the rear of the site.

The scheme was tested at the time and the trigger point for payment has now passed and payment has been received. As such, no change to the S106 is now proposed.

Summary of Reasons for Granting Planning Permission

The application site is allocated within the Unitary Development Plan as a housing land allocation site under Policy H2.19 of the UDP for 160 dwellings. Whilst the proposals are for a higher density there is no objection in principle to the continuation of progressing housing on this site. As such the principle of housing on the site is accepted and supported. A replacement public car park will also be provided.

The designs are traditional housing designs and are two storeys. The proposals will overall be characteristic of the surrounding area and include design features to build local distinctiveness. Overall, whilst not exceptional or innovative, the proposed designs and layout are considered acceptable.

The proposals include reasonable separation distances when compared to neighbouring land uses and residential occupiers and standards progressed in Designing Walsall SPD. It is considered that the proposals would not result in overlooking or loss of amenity to

neighbouring residents and would form a satisfactory residential environment for its own future residents.

The proposals balance the need for natural environment and access to the canal and providing active and lively frontages that would encourage the use of the canal as a leisure opportunity and route to work. As such Officers consider that the proposals are acceptable subject to the recommendations of British Waterways.

Centro raise no objection to the proposals. Officers have liaised closely with regard to infrastructure provision and the potential for improvement and early delivery would be facilitated through this infrastructure contribution. Future links through the development to the proposed 5Ws route could also be a positive feature for future residents.

The level of infrastructure contributions and affordable housing provision has been tested against the Council's Adopted Supplementary Planning Documents, the national regulations and legislation and independently tested viability assessment. Appropriate levels of contributions have been identified.

As such having taken into account all material considerations and having regard to consultation and public participation responses, the proposals are with accordance with policies CSP1, CSP4, HOU2, HOU4, DEL1, DEL2, TRAN1, TRAN4, ENV1, ENV2, ENV3 and ENV5 of the Black Country Core Strategy; saved policies GP2, GP3, ENV10, ENV14, ENV23, ENV32, ENV33, H4, LC1, T7, T13, of Walsall's Adopted Unitary Development Plan 2005 and the Council's Adopted Supplementary Planning Documents and the aims and objectives of national planning policy is considered to be acceptable.

Recommendation: Grant Permission Subject to Conditions

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

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

2a) This development shall not be carried out other than in conformity with the approved plans and documents, except as may be required by other conditions of planning permission reference 08/1637/FL or

b) In relation to plots 2, 4, 5, 16, 17, 20-23b, 43, 47, 48, 49 and 50 shown on the following plan references:

LOC_01; 6993/001 Revision A6; WRW_MAT_01A;

Plot 4 & 5 – 10.3250-SK01

Plot 16 & 17 – 06.3201

Plots 20 & 21 - 3250/3253-SK01

Plots 22 & 23 – 10.3220-SK-01

Plots 23a & 23b – 3250/3253-SK01 Rev A;

Plot 43 – 06.3202

Plot 47 – 10.4250

Plot 48 – 10.4251

Plot 49 – 10.3254

Plot 50 – 10.3254

3 bed dwelling – 06.3305

Single garage – G01

Reason: To define the permission.

3a) Prior to the occupation of each dwelling the recommended remedial measures set out in the reports to reduce concentrations of contaminants on site, submitted under reference 08/1742/DOC, shall be implemented in accordance with the submitted details.

b) A validation report shall be submitted to the Local Planning Authority shall be submitted within one month from the completion of the development.

Reason: In the interests of human health and the environment.

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

Reason: To protect the amenities of existing and neighbouring residential occupiers.

5 The proposed materials and boundary treatments shall be carried out in accordance with the approved plans set out under Condition 2 of this planning permission or by the details approved under 13/0205/DOC.

Reason: To ensure satisfactory appearance of the development.

6. During construction, facilities shall be provided to prevent any recycled, processed, or re-processed waste materials (including liquids) entering onto public footpaths, the public highway or other premises beyond the curtilage of the development site, including watercourses, drains and sewers, unless by discharge consent issued by the relevant agency.

Reason: To protect the amenities of existing and neighbouring residential occupiers.

7. Before this development is brought into use, the accessways, vehicle parking and manoeuvring areas shown on the approved plans shall be surfaced in tarmacadam (or alternative impervious hardwearing material to be agreed in writing by the Local Planning Authority). The areas shall thereafter be retained and used for no other purpose. The parking spaces have been clearly marked out.

Reason: To ensure satisfactory functioning of the development.

8. All planted and grassed areas and associated protective fencing will be maintained for a period of 5 years from the full completion of the approved landscape scheme under planning permission 08/1637/FL. Within this period:

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

Reason: To ensure satisfactory appearance of the development.



Walsall Council

Regeneration Directorate – Planning and Building Control

Planning Committee

Report of Head of Planning and Building Control, Regeneration Directorate on 04/04/2013

Plans list item no: 4.

Reason for bringing to committee: Major Application

Application Number: 13/0137/FL

Application Type: Full application

Applicant: Mr Mark Horsley

Proposal: Amendments to planning permissions 10/0763/FL and 11/1364/FL relating to erection of 251 dwellings amending details of phasing and location of affordable housing.

Location: FORMER SITE OF WALSALL DEPOT, NORFOLK PLACE, WALSALL

Ward: Birchills Leamore

Case Officer: Andrew Thompson

Telephone Number: 01922 652603

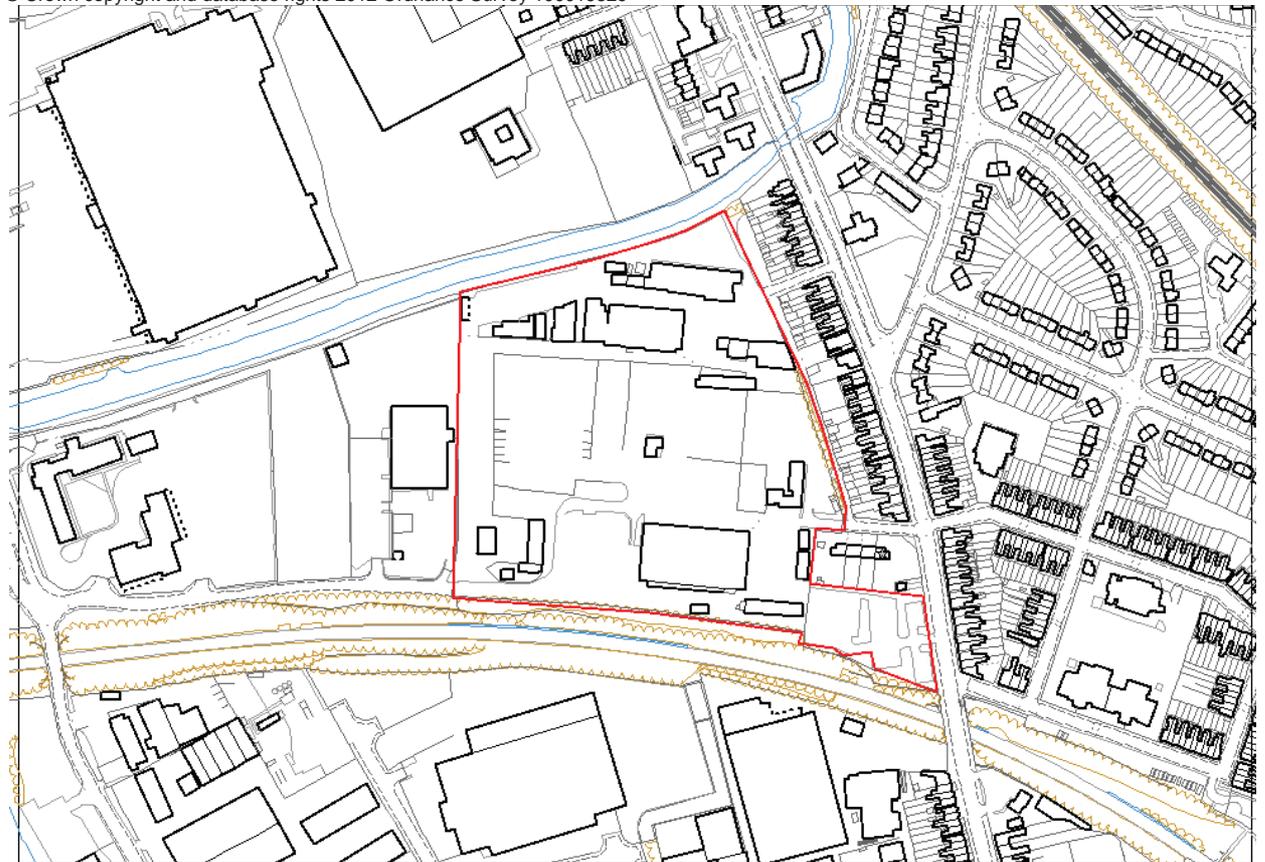
Email: planningservices@walsall.gov.uk

Agent:

Expired Date: 03/05/2013

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

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Application and Site Details

This application represents an amendment to the previous approvals under 11/1364/FL and 10/0763/FL which was granted planning permission for 251 dwellings on former depot at Norfolk Place. The application site is located between the canal to the northern boundary and the cutting to the southern boundary.

Development has commenced on site and two developers, Taylor Wimpey and MarCity are now both building the development.

The application seeks to amend the planning condition relating to the position of affordable housing on site but will also seek to update planning conditions to reflect the position on site.

The current planning condition number 26 states:

“26. Affordable Housing shall be delivered in accordance with the size, location and tenure as set out on Plan Number P105 Rev K. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex B of PPS3 or any future guidance that replaces it.

a) For the avoidance of doubt the plots for affordable housing are:

i) Social rented: Plots 23, 24, 186, 187, 188, 189, 201, 202, 203, 204, 231, 232, 233, 234.

ii) Intermediate rent or shared ownership (to be confirmed prior to the first occupation of the plots): Plots 198, 199, 211 and 212” Walsall Housing strategy have agreed to the attached revised proposed layout and change in tenure (Social to Affordable), which would require the following proposed changes to the condition:

The proposed condition number 26 states:

“26. Affordable Housing shall be delivered in accordance with the size, location and tenure as set out on Plan Number P105 Rev L. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex B of PPS3 or any future guidance that replaces it.

a) For the avoidance of doubt the plots for affordable housing are:

i) *Affordable* rented: Plots 186, 187, 188, 189, 201, 202, 203, 204, 205, 206, 207, 208, 209 and 210

ii) Intermediate rent or shared ownership (to be confirmed prior to the first occupation of the plots): Plots 198,199, 211 and 212”

The affordable housing is now moved site to the northeast of the application site and positioned in a group rather than more distantly separated.

Relevant Planning History

11/1364/FL - Amendments to planning permission 10/0763/FL relating to the erection of 267 dwellings reducing the amount to 251 dwellings, amending details of phasing and location of affordable housing, drainage detail, landscaping, house types, and associated works. Granted 09/12/11

10/0763/FL - Demolition of existing industrial/depot buildings and erection of 264 dwellings – Granted 22/11/2010

Relevant Planning Policy Summary

National Planning Policy

National Planning Policy Framework (NPPF)

The NPPF sets out the Government’s position on the role of the planning system in both plan-making and decision-taking. It states that the purpose of the planning system is to contribute to the achievement of sustainable development, in economic, social and

environmental terms, and it emphasises a “*presumption in favour of sustainable development*”.

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

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

Key provisions of the NPPF relevant in this case:

4: Promoting Sustainable Transport

35. Opportunities for the use of sustainable transport modes should be protected and exploited.

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

6: Delivering a wide choice of high quality homes

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

7: Requiring Good Design

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

57. It is important to plan positively for the achievement of high quality and inclusive design for all development.

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

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

On planning obligations and conditions the NPPF says:

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

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

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

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

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

The Development Plan

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

Regional Strategy (RS)

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

Relevant RS policies are:

CF1 – Seeks to provide housing within major urban areas.

QE3 – seeks to deliver high quality design

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

The Black Country Core Strategy (BCCS)

This was adopted under the current Local Development Framework system, and the NPPF says that for 12 months from the publication of the national framework "*decision-takers may continue to give full weight to relevant policies*". However, it is more than 12 months since the NPPF was published in March 2012. Now (as with the saved policies of Walsall's UDP) the NPPF advises that "*... due weight should be given to relevant policies ... according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).*" To consider the conformity of the BCCS with the NPPF the four Black Country councils have completed a 'Compatibility Self-Assessment Checklist' (published by the Planning Advisory Service) and have discussed the results with a Planning Inspector. Whilst there is no formal mechanism to certify that the BCCS is consistent with the NPPF the discussions led officers to the conclusion that the exercise identified no issues that would conflict with the NPPF or require a review of the BCCS in terms of conformity. The results of this assessment are to be published on the BCCS and Council websites and it is planned to report to the Council's Cabinet to confirm this view. In the absence of evidence to the contrary it is considered that the BCCS policies should be given full weight in planning decisions.

The BCCS states that the councils will create cohesive, healthy and prosperous communities.

The relevant policies are:

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

The relevant key policies are:

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

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

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

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

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

HOU2 – Sets criteria for Housing Density, Type and Accessibility
HOU3 – Seeks to deliver affordable housing
HOU5 – Education and healthcare – seeks well design facilities providing a range of community services and community use.
TRAN4 – creating coherent networks for cycling and walking – seeks to maximise the potential for this in new development. Cycle parking provision should be made.
ENV3 – Design Quality – seeks to promote this aspect of developments
ENV5 – Sets out criteria for Flood Risk, Sustainable Drainage Systems and Urban Heat Island

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

Walsall's Unitary Development Plan (UDP)

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

The relevant policies are:

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

GP3 – seeks to deliver appropriate planning contributions

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

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

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

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

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

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

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

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

Supplementary Planning Documents (SPD)

Designing Walsall SPD

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

Affordable Housing SPD

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

Consultations

Housing Strategy – Support the proposals.

Fire Service – No objection

Natural Environment Team (Ecology) – No objection

WM Police – recommend that the proposals meet secured by design principles.

Public Participation Responses

One letter of objection from a local resident raising the following comments:

- Suffolk Place is unadopted and unsuitable for heavy goods vehicles, emergency services and refuse collection vehicles.
- Anti-social behaviour will spill off the site onto Suffolk Street.
- Loss of trees
- Private right of way across the site not catered for.
- Suffolk Street is the right of access to garages at the rear
- Crime may be a problem in this area.

The consultation period of the site notice expires on 11/04/2013 (the site notice was displayed on 21st March 2013).

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

Determining Issues

- Principle of residential development
- Layout
- Relationship to neighbouring residents and occupiers
- Discharge of planning conditions
- Alterations to the position of affordable housing plots

Observations

Principle of residential development

The application site is allocated within the saved policies Unitary Development Plan as a housing land allocation site under Policy H2.19 of the UDP for 160 dwellings. Whilst the proposals are for a higher density there is no objection in principle to the continuation of progressing housing on this site.

The site also falls within the boundary of the Birchills Strategic Regeneration Framework (SRF) study area. The SRF study will focus on housing-led regeneration in the area and making the most of the town centre's revitalisation for local residents, whilst also considering the long-term sustainability of some of the employment areas in the Birchills area.

The principle of housing on the site continues to be supported.

Layout and right of access

The comments of the local resident are noted. There is no change to the layout, highway arrangement, housetypes or to the elevational treatment. The access proposed for housing allows for a right of access to the canal and details of boundary treatment to Suffolk Place are to be submitted. With the highway arrangement overlooked and well surveilled which will allow for better security on the site and build on good design principles. The area of concern for the local resident was an area of the former depot that was very actively used or monitored and it was therefore easy for crime and anti-social behaviour.

As there is no change to the layout from that approved the layout continues to be acceptable.

Relationship to neighbouring residents and occupiers

The proposals continue to offer reasonable separation distances when compared to neighbouring land uses and residential occupiers and standards progressed in Designing Walsall SPD. In addition there would be additional separation to neighbouring residential properties on Bloxwich Road by the rear service road. It is the view of officers therefore that the proposals would not result in overlooking or loss of amenity to neighbouring residents and would form a satisfactory residential environment for its own future residents.

It is noted that some parking areas are located on the boundary of the application site. Whilst these are prominent features and there will be limited landscaping in this area, the boundary treatment and separation will not result in an adverse impact on neighbouring residents.

Discharge of planning conditions

Development on the site has commenced with a number of houses complete and foundation work being carried out. There have been applications to discharge conditions attached to the original planning permission (reference 11/1578/DOC and 12/0975/DOC). Pre-commencement conditions have been completed on the Taylor Wimpey phase of development (the south side). The conditions attached to this permission therefore reflect the updated position.

Affordable Housing, Education, Urban Open Space and Public Art Contributions

It is noted that the Committee previously approved a reduced offer of 18 dwellings for affordable housing and £188,100 towards Urban Open Space under 11/1364/FL. The S106 agreement has been completed and paid.

A highways agreement is in place to secure the appropriate highway works and the relocation of the public car park.

Affordable Housing Plots were previously approved at plot numbers

- i) Social rented: Plots 23, 24, 186, 187, 188, 189, 201, 202, 203, 204, 231, 232, 233, 234.
- ii) Intermediate rent or shared ownership (to be confirmed prior to the first occupation of the plots): Plots 198, 199, 211 and 212

The amended Affordable Housing Plots are at plot numbers

- i) Social rented: Plots 186, 187, 188, 189, 201, 202, 203, 204, 205, 206, 207, 208, 209 and 210.
- ii) Intermediate rent or shared ownership (to be confirmed prior to the first occupation of the plots): Plots 198, 199, 211 and 212

The amended location improves the management of these properties and is unchanged in terms of being an appropriate number and is therefore supported.

Summary of Reasons for Granting Planning Permission

The application site is allocated within the Unitary Development Plan as a housing land allocation site under Policy H2.19 of the UDP for 160 dwellings. Whilst the proposals are for a higher density there is no objection in principle to the continuation of progressing housing

on this site. As such the principle of housing on the site is accepted and supported. A replacement public car park will also be provided.

The designs are traditional housing designs and are two storeys. The proposals will overall be characteristic of the surrounding area and include design features to build local distinctiveness. Overall, whilst not exceptional or innovative, the proposed designs and layout are considered acceptable.

The proposals include reasonable separation distances when compared to neighbouring land uses and residential occupiers and standards progressed in Designing Walsall SPD. It is considered that the proposals would not result in overlooking or loss of amenity to neighbouring residents and would form a satisfactory residential environment for its own future residents.

The proposals balance the need for natural environment and access to the canal and providing active and lively frontages that would encourage the use of the canal as a leisure opportunity and route to work. As such Officers consider that the proposals are acceptable subject to the recommendations of British Waterways.

Centro raise no objection to the proposals. Officers have liaised closely with regard to infrastructure provision and the potential for improvement and early delivery would be facilitated through this infrastructure contribution. Future links through the development to the proposed 5Ws route could also be a positive feature for future residents.

The level of infrastructure contributions and affordable housing provision has been tested against the Council's Adopted Supplementary Planning Documents, the national regulations and legislation and independently tested viability assessment. Appropriate levels of contributions have been identified.

As such having taken into account all material considerations and having regard to consultation and public participation responses, the proposals are with accordance with policies CSP1, CSP4, HOU2, HOU4, DEL1, DEL2, TRAN1, TRAN4, ENV1, ENV2, ENV3 and ENV5 of the Black Country Core Strategy; saved policies GP2, GP3, ENV10, ENV14, ENV23, ENV32, ENV33, H4, LC1, T7, T13, of Walsall's Adopted Unitary Development Plan 2005 and the Council's Adopted Supplementary Planning Documents and the aims and objectives of national planning policy is considered to be acceptable.

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

1. This development must be begun not later than 5 years after the date of this decision.

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

2. Prior to occupation of the relevant phase of development, all highway infrastructure works, agreed under 11/1578/DOC, including the proposed new junction, all associated estate roads and the public car park as specified within the Transport Assessment and approved plans, shall be completed in accordance with the approved scheme.

Reason: In the interests of the free flow of traffic on the local highway network, highway safety and the satisfactory operation of the development.

3. Parking for site operatives and visitors shall be provided within the application site and such provision shall be retained and kept available during construction of the development.

Reason: To prevent indiscriminate parking in the interest of highway safety.

4. The approved wheel-cleaning apparatus shall be operated and maintained during construction of the development hereby approved.

Reason: To ensure that the wheels of vehicles are cleaned before leaving the site in the interest of highway safety.

5a) The public car park re-location shall be carried out in accordance with the phasing plan submitted under the submitted agreed highways works.

b) Following construction, the proposed public car park shall be thereafter retained as built, and only used for parking for local residents, unless otherwise agreed in writing.

Reason: To prevent indiscriminate parking in the interest of highway safety.

6. The development will be implemented and occupied in accordance with the approved Travel Plan.

Reason: In order to encourage sustainability at the site and to promote use of alternative modes of transport.

7a) The Southern Phase (being developed by Taylor Wimpey under the name of Jubilee Gardens) shall be carried out in accordance with the submitted materials approved under 11/1578/DOC.

b) The Canalside Phase (being developed by MarCity) shall be carried out in accordance with the following materials schedule:

Reason: To ensure the satisfactory appearance of the development.

8i) The remedial measures as set out in the "Remediation Statement" agreed with the Local Planning Authority shall be implemented in accordance with the agreed timetable.

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

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

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

9a) Prior to the commencement of built development on each phase a revised landscaping scheme detailing hard and soft landscaping (including phasing and planting regimes, mitigation recommendations in the Phase 1 & Initial Protected Species Survey (2009) and the *Bat Survey Report* (2009) by Parkwood Consultants and a timetable for

implementation) and a tree protection scheme for trees shall be submitted to and approved in writing by the Local Planning Authority.

- b) The tree protection measures approved under part (a) of this condition shall be implemented prior to the commencement of development of each phase and retained throughout construction of the development.
- c) The landscape scheme approved under part (a) of this condition shall be implemented in accordance with the approved timetable, or such other period as may be agreed in writing by the Local Planning Authority. All planted and grassed areas and associated protective fencing shall be maintained for a period of 5 years from the full completion of the approved scheme. Within this period:
 - (i) grassed areas shall be maintained in a tidy condition;
 - (ii) planted areas shall be maintained in a tidy condition;
 - (iii) any tree, shrub or plant which dies, becomes seriously diseased, damaged or is removed shall be replaced with a tree, shrub or plant of the same or greater size and the same species as that originally required to be planted;
 - (iv) any damage to protective fences shall be made good.

Reason: To ensure the satisfactory appearance of the development.

10. Prior to the occupation of the apartments hereby approved, the location of communal satellite dishes to serve those apartments shall be submitted to and agreed by the Local Planning Authority.

Reason: In order to maintain a satisfactory appearance of the development.

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

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

12. Prior to the commencement of built development on each phase, details of boundary treatment (including bollard or boundary treatment to prevent access to the site from Suffolk Place and suitable barriers and boundary treatments to prevent vehicles from entering the canal and a timetable for implementation) shall be submitted to and approved in writing by the Local Planning Authority. The details shall be implemented in accordance with the approved timetable.

Reason: To ensure the satisfactory appearance of the development.

13. The garages and car spaces to be provided shall be kept available for the parking of motor vehicles at all times. The car parking spaces shall be used solely for the benefit of the occupants of the dwelling of which it forms part and their visitors and for no other purpose and permanently retained as such thereafter.

Reason: In order to provide satisfactory access and parking provision.

14. Notwithstanding the plans submitted, prior to the commencement of each phase of development details of the existing and proposed ground levels and finished floor levels shall be submitted to and agreed in writing by the Local Planning Authority and thereafter implemented in accordance with the agreed details unless otherwise agreed in writing.

Reason: In order to assess, and if necessary mitigate against the impact of the development on the integrity of the waterway and the appearance of the waterway corridor.

15. Notwithstanding the plans submitted prior to the commencement of canalside phase of development (as shown on the submitted phasing plan - P101 RevH) details of the proposed lighting for the development within 75 metres of the canal boundary including details of foundations, luminance in candelas, hours of operation etc. shall be submitted to and approved in writing by the Local Planning Authority and thereafter implemented in accordance with the agreed details unless otherwise agreed in writing.

Reason: The lighting at waterside developments should be designed to minimise the problems of glare, show consideration for bats and unnecessary light pollution should be avoided by ensuring that the level of luminance is appropriate for the location, is sustainable and efficient, and protect the integrity of the waterway infrastructure.

16. Unless otherwise agreed in writing by the Local Planning Authority, notwithstanding the plans submitted prior to the commencement canalside phase of development (as shown on the submitted phasing plan - P101 RevH), details of the proposed access to the towpath be constructed shall be submitted to and agreed in writing by the Local Planning Authority and thereafter implemented in accordance with the agreed details unless otherwise agreed in writing.

Reason: In order to ensure that the integrity of the waterway infrastructure is not compromised, future maintenance provision of the access has been identified and agreed and the proposed access does not have a detrimental impact on the appearance of the waterway corridor.

17. If surface water run-off and ground water is proposed to drain into the waterway due to mitigation measures implemented during construction of the development details shall be submitted for consideration.

Reason: To determine the potential for pollution of the waterway and likely volume of water. Potential contamination of the waterway and ground water from wind blow, seepage or spillage at the site, and high volumes of water should be avoided to safeguard the canal environment and integrity of the canal infrastructure.

18. No demolition, construction or engineering works, (including land reclamation, stabilisation, preparation, remediation or investigation), shall take place on any Sunday, Bank Holiday or Public Holiday*, and such works shall only take place between the hours of 07.00 to 18.00 weekdays and 08.00 to 14.00 Saturdays unless otherwise permitted in writing by the Local Planning Authority. No plant, machinery or equipment associated with such works shall be started up or operational on the development site outside of these permitted hours.

Reason: In the interests of neighbouring residential amenities.

19. Prior to the occupation of each dwelling noise mitigation measures shall fully implemented in accordance with details submitted in the Hoare Lea report (reference 10-03552 – Norfolk Place, Walsall R1).

Reason: In the interests of future residential amenities.

20. Prior to the occupation of each phase of development details of street furniture (including proposed signage) shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details.

Reason: To ensure the satisfactory appearance of the development.

21. Affordable Housing shall be delivered in accordance with the size, location and tenure as set out on Plan Number P105 Rev L. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in National Planning Policy Framework or any future guidance that replaces it.

- a) For the avoidance of doubt the Affordable Housing Plots are at plot numbers
 - i) Affordable rented: Plots 186, 187, 188, 189, 201, 202, 203, 204, 205, 206, 207, 208, 209 and 210.
 - ii) Intermediate rent or shared ownership (to be confirmed prior to the first occupation of the plots): Plots 198, 199, 211 and 212
- b) Prior to the commencement of the above plots the following details shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details.
 - i) the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
 - ii) the arrangements for the transfer of the affordable housing to an affordable housing provider[or the management of the affordable housing] (if no RSL involved)
 - iii) the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
 - iv) the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

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

NOTES FOR APPLICANT:

A)Ground investigation surveys should have regard to current “Best Practice” and the advice and guidance contained in Planning Policy Statement 23 – Planning and Pollution Control; British Standard BS10175: 2001 “Investigation of potentially contaminated sites – Code of Practice”; British Standard BS5930: 1999 “Code of practice for site investigations”; Construction Industry Research and Information Association “Assessing risks posed by hazardous ground gasses to buildings (Revised)” (CIRIA C665); or any relevant successors of such guidance. You are strongly advised to consult with the Local Planning Authority on the construction, location and potential retention of any boreholes installed for the purposes of ground gas and or groundwater before installation of same.

B)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.

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

D) The desk study and site reconnaissance shall have regard to the previous unknown filled ground and materials used and processes carried on. Further details on the matters to be addressed is available in “PPS 23: Planning and Pollution Control”, Annex 2, Development on Land Affected by Contamination”, paragraphs 2.42 to 2.44. and “Model Procedures for the Management of Contamination” (CLR 11, DEFRA/Environment Agency). The results of the desk study and reconnaissance will be used to determine the need for further site investigation and remediation.

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

F) 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.

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

- i). 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;
- ii). internal noise levels within living rooms of residential development shall not exceed a Continuous Equivalent Noise Level, LAeq(16 hour), of 40 dB between the hours 07.00 to 23.00;

H) Unless otherwise specified in a relevant standard, code or guidance, sound level measuring instrumentation shall conform to either ‘Type 1’ of British Standards BS EN 60651: 1994 ‘Specification for sound level meters’ and/or BS EN 60804: 1994 ‘Specification for integrating-averaging sound level meters’ and/or Class 1 of BS EN 61672: 2003 ‘Electroacoustics- Sound Level Meters - Part 1: Specifications which shall have been verified in accordance with British Standard BS 7580 ‘Specification for the verification of sound level meters’ Part 1: 1996 ‘Comprehensive procedure’ or British Standard BS 61672 Electroacoustics- Sound Level Meters - Part 3: Periodic tests, within a preceding 2 year period.

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

Planning Policy Guidance Note PPG 24 ‘Planning and Noise’. 1994; Minerals Policy Statement 2: Controlling and Mitigating the Environmental Effects of Minerals Extraction in

England. 2005; British Standard BS 7445: 2003 "Description and Measurement of Environmental Noise". British Standard BS 7445-1: 2003 - Description and measurement of environmental noise - Part 1: Guide to Quantities and Procedures; British Standard BS 7445-2: 1991 - Description and measurement of environmental noise - Part 1: Guide to the acquisition of data pertinent to land use. British Standard BS 7445-3: 1991 - Description and measurement of environmental noise - Part 3: Guide to application to noise limits. British Standard BS 4142: 1997 – Method for Rating industrial noise affecting mixed residential and industrial areas Calculation of Road Traffic Noise, 1988 Calculation of Railway Noise, 1995 This is not an exhaustive list.

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

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

K) Bank and Public holidays for the purpose of this application 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.

L) Your attention is drawn to the Coal Authority Letter of 24th June 2010 with regard to the proposed development being within an area which could be subject to current coal mining or hazards resulting from past coal mining. Such hazards may currently exist, be caused as a result of the proposed development, or occur at some time in the future.

M) The Council consider the scheme should meet the terms of the Secured by Design concept.



Walsall Council

Regeneration Directorate – Planning and Building Control

Planning Committee

Report of Head of Planning and Building Control, Regeneration Directorate on 04/04/2013

Plans list item no: 5.

Reason for bringing to committee: Major Application (deferred by Committee 7 March 2013)

Application Number: 12/1598/FL
Application Type: Full application

Case Officer: Alison Ives
Telephone Number: 01922 652604
Email: planningservices@walsall.gov.uk
Agent: Mr Pryce

Applicant: Mr John Bowen

Proposal: Proposed erection of 14 no 3 bedroom houses and associated works.

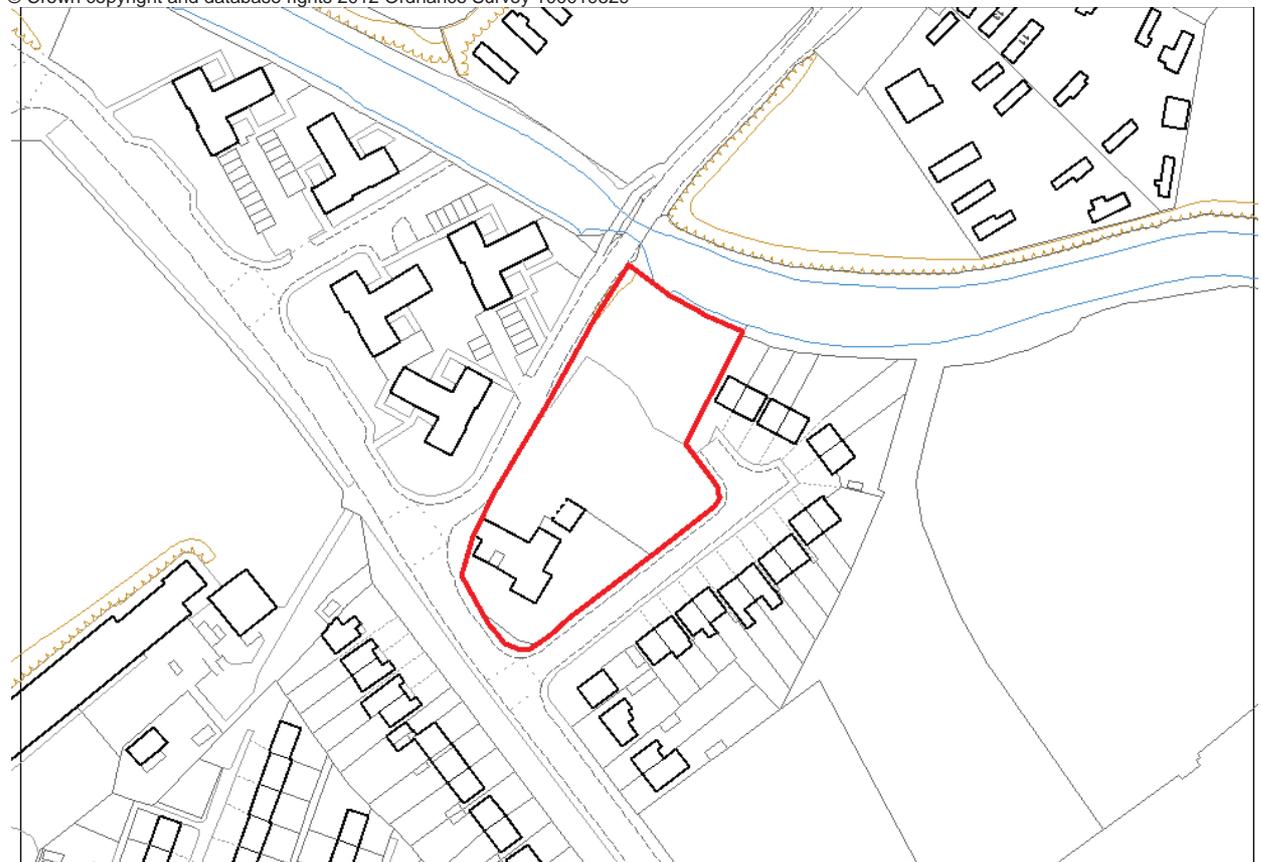
Location: FORMER BARLEY MOW PUBLIC HOUSE, GOSCOTE LANE, WALSALL

Ward: Blakenall

Expired Date: 19/03/2013

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

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Current Status

The application was deferred by Planning Committee on 7th March for the applicant to consider the following matters:

- Review of the design
- Highway visibility
- Ecological issues
- Sustainability build standards
- The request that the applicant's liaise with local residents

The applicant has responded as follows: -

Review of the design

The views of local residents have been expressed through the application process and at Planning Committee so a public consultation exercise event is unlikely to produce any different responses. The feedback we have is that local residents do not want any new housing facing Henley Close and would prefer back gardens backing onto the highway in Henley Close to enable retention of the fence. This type of layout would be contrary to officer's recommendations and conflicts with advice in SPD Designing Walsall and could be refused on this basis. In light of this it is requested that the application is reported back to Planning Committee and determined on the basis of the submitted scheme.

In addition the design changes made throughout the application process were to address residents concerns as much as possible and provide a scheme that integrates with the existing properties.

Highway visibility

A plan has been provided that demonstrates the visibility splays for all accesses achieve a 2.4m X 43m visibility splay which is the standard requirement for a 30 mph road as this is.

Ecological issues

The optimum time to carry out a reptile survey is April and May and it is considered that the previous condition as drafted in the report (6a & 6b) will address this. Landscaping to the canal corridor is a matter that can also be addressed by condition to create a wildlife habitat. The buffer strip alongside the canal will be under separate ownership to the future occupiers. The dense planting will prevent access from the new dwellings and this will be covenanted. Boundary treatment comprises a 1.2m high post and rail fence to afford views over the canal without shading the canal corridor. The landscaping areas will be maintained by a landscape management company.

Sustainability build standards

The build construction of the proposed houses will be to latest building regulation standards which incorporates sustainable measures.

The request that the applicant's liaise with local residents

See comments above under the review of the design.

The original report now follows with updates to reflect the comments in the supplementary paper of the 7th March committee. Comments on the Black Country Core Strategy have also been updated.

Application and Site Details

The proposal is for erection of 14 houses on vacant land formerly occupied by the Barley Mow Public House and its car park. There are 4 detached houses facing Henley Close, 4 semi-detached houses facing Livingston Road and 6 houses (2 pairs of semis and 2 detached houses) sharing a parking court off Goscote Lane. Plots 7-10 back onto the canal

where it is proposed to create a 3m wide landscape buffer. The houses on plots 9 and 10 are positioned in line with the existing house 34 Henley Close but the perimeter fencing at the head of Henley Close is to remain preventing access through.

The proposal includes a new 2m wide footway along Goscote Lane. The parking court for the Goscote Lane properties utilises the existing access and is gated. Each house has 2 off-street parking spaces. A new access between the two pairs of semis facing Livingstone Road is also included to provide driveways for plots 2 and 3. There is a sewer easement which passes in front of the houses on Goscote Lane and returns along the rear of plots 7-10.

The existing trees at the corner of Henley Close/Livingstone Road are to be removed along with any trees within the visibility splay on Goscote Lane near Goscote Works Bridge. New tree planting is proposed throughout the site including front and rear gardens of the proposed houses.

The site has boundaries to Livingstone Road, Goscote Lane and Henley Close and the Wyrley and Essington Canal adjoins the northern boundary. Goscote Works Bridge over the canal is near the north-western corner of the site. Henley Close is a cul-de-sac of predominantly semi-detached houses. There are blocks of three storey flats opposite at the junction of Livingstone Road and Goscote Lane. The site is relatively flat.

House type A (plots 7 & 8) is a three storey house with rooms in the roof and a Juliet balcony on the front elevation. House type Eb (plots 1-4 and 11-13) is a two storey house with the corner plots having a side facing bay window at ground floor. House type H1 (plots 5 & 6) are angled two-storey houses. House type Ha (plots 9, 10 & 14) are detached two storey houses with a two storey projecting gable with feature staircase window.

The site area is 0.39 hectares giving a density of 36 dwellings per hectare.

The developer requests that the trigger for provision of urban open space is deferred until first occupation of the dwellings.

The Design & Access Statement – Describes the site and location, design of the proposals and access, sustainability, landscape design, ecology and refuse collection and the policy context. It concludes the proposals are a viable option for redevelopment of this vacant site, the design takes account of existing properties in Henley Close, maximise amenity benefits, create a secure environment, respect views and create a sustainable development.

The Pre-Development Tree Survey – Identifies 5 individual trees and two groups of trees on the site and proposed works to accommodate the development.

The Bat and Bird Survey – States there was no evidence of bats using the former building or of birds nesting. Redevelopment offers opportunities to create new roosting opportunities under ridge tiles of new dwellings.

The Extended Phase 1 Survey – Identifies vegetated gravel/rubble where the former public house stood, semi-mature and mature trees and the canal. There were no structures or trees suitable for bat roosting but the adjacent canal may be used for bat foraging. No badgers or otters were evidenced but the banks of the canal are suitable for water vole although none were found a water vole survey is recommended. The grassland habitat may also be suitable for reptiles. It states new gardens will replace existing habitats providing foraging for bats, a water vole survey and reptile survey should be undertaken, protection of nesting birds during construction and provision of nesting boxes. A buffer zone along the canal would enhance conservation benefits.

The Water Vole Survey – Found no evidence of water vole within the site or along the 1km stretch of canal. Water voles are not a constraint to development but it is recommended that a 3m buffer zone is incorporated with vegetation protected from encroachment by future residents.

The Phase 1 Geo-Environmental Assessment – Examines the geology, radon and coal mining constraints, environmental setting, on and off site receptors and a geotechnical assessment. It identifies potential development constraints as potential cellars for the former public house or backfilled cellars of a former boiler house near the Goscote Works Bridge, potential asbestos contamination and potential for tree roots to require specific foundation design.

Relevant Planning History

11/1431/PD – Demolition of public house – Approved December 2011.

Rear part of site only

06/1987/FL/E2 – Erection of 14 flats – Refused for four reasons broadly relating to (1) poor layout, over-dominant parking areas, inappropriate siting and design and inadequate landscaping (2) inadequate information to assess the impact of the development on the canal embankment (3) inadequate information on landscaping and ecological habitats (4) Unacceptable pressure on education and open space provision in the locality. The application was dismissed at Appeal in November 2007.

Relevant Planning Policy Summary

National Planning Policy Framework (NPPF)

The NPPF sets out the Government's position on the role of the planning system in both plan-making and decision-taking. It states that the purpose of the planning system is to contribute to the achievement of sustainable development, in economic, social and environmental terms, and it emphasises a "*presumption in favour of sustainable development*".

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

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

Key provisions of the NPPF relevant in this case:

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

Paragraph 9 encourages sustainable development that involves seeking positive improvements in the quality of the built, natural and historic environment, as well as in people's quality of life such as improving the conditions in which people live and widening the choice of high quality homes.

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

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

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

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

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

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

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

Paragraph 111 encourages the effective use of land by re-using land that has been previously developed (brownfield land), provided that it is not of high environmental value.

Paragraph 118 aims to conserve and enhance biodiversity and protect habitats.

Paragraph 120 states the effects of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area or proposed development to adverse effects from pollution, should be taken into account. Contamination or land stability issues should be addressed by the developer.

On **planning conditions** the NPPF says:

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

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

The Development Plan

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

Regional Strategy (RS)

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

Relevant RS policies are:

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

CF4: Encourages opportunities for re-use of redundant employment land and premises in urban areas for housing purposes.

CF5: Seeks to create more balanced and mixed communities through provision of a range of housing types and tenures within new housing development.

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

QE3: Promotes high quality design.

The Black Country Core Strategy (BCCS) (2011)

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

This was adopted under the current Local Development Framework system, and the NPPF says that for 12 months from the publication of the national framework “*decision-takers may continue to give full weight to relevant policies*. However, it is more than 12 months since the NPPF was published in March 2012. Now (as with the saved policies of Walsall’s UDP) the NPPF advises that “... *due weight should be given to relevant policies ... according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)*.” To consider the conformity of the BCCS with the NPPF the four Black Country councils have completed a ‘Compatibility Self-Assessment Checklist’ (published by the Planning Advisory Service) and have discussed the results with a Planning Inspector. Whilst there is no formal mechanism to certify that the BCCS is consistent with the NPPF the discussions led officers to the conclusion that the exercise identified no issues that would conflict with the NPPF or require a review of the BCCS in terms of conformity. The results of this assessment are to be published on the BCCS and Council websites and it is planned to report to the Council’s Cabinet to confirm this view. In the absence of evidence to the contrary it is considered that the BCCS policies should be given full weight in planning decisions.

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

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

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

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

The Spatial Objectives include

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

The above are supported by the following policies:

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

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

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

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

- The need for a range of types and sizes of accommodation to meet sub regional and local needs
- The level of accessibility
- The need to achieve high quality design and minimise amenity impacts

ENV1: Safeguards nature conservation resources.

ENV2: Development should preserve and enhance local character.

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

ENV4: The canal network must be safeguarded and protected and enhanced for its nature conservation value and to enhance visual amenity amongst other matters.

ENV7: residential developments of 10 units or more gross (whether new build or conversion) must incorporate generation of energy from renewable sources sufficient to off-set at least 10% of the estimated residual energy demand of the development on completion.

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

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

Walsall's Unitary Development Plan (UDP)

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

The relevant policies are:

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

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

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

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

ENV18: The Council will ensure the protection, positive management and enhancement of trees and hedgerows.

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

3.116 & ENV32: seeks the design of residential developments to create high quality living environments, well integrated with surrounding land uses and local character. Poorly designed development which fails to properly take account of the context or surroundings

will not be permitted. Designing out crime' through design, layout, landscaping and boundary treatments is encouraged.

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

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.

LC8: Seeks to protect local community facilities including public houses.

T7 – Car Parking

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

T8: Development should seek to provide and improve pedestrian routes.

T11: Where pedestrian links are considered to be substandard measures must be taken to improve them.

T13: Parking Provision

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

1, 2 and 3 bed houses 2 spaces per unit

Supplementary Planning Documents (SPD)

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

Designing Walsall SPD

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

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

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

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

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

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

Conserving Walsall's Natural Environment SPD

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

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

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

Urban Open Space (SPD) (April 2006)

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

Consultations

Transportation – No objections subject to conditions to provision of visibility splays, details of highway works and surfacing car parking areas. The parking provision at 200% accords

with policy T13. The developer should enter into agreements under the Highways Acts for adoptable highway works which is recommended as a note for applicant.

Pollution Control (Scientific Team) – Recommend that construction times are controlled by condition and acoustic glazing and ventilation installed in bedrooms fronting Livingstone Road.

Pollution Control (Contaminated Land) – No objections subject to works being implemented to investigate and remediate any localised ground contamination and ground gas issues as recommended in the Geo-Environmental Assessment (dated 5th September 2011 reference AJM/19563). Conditions to address these concerns have been provided.

Landscape – Full details of landscaping and boundary treatments should be secured prior to commencement of any development.

Ecology – Concern about the relationship of housing to the canal corridor which should be resolved. No reptile survey has been provided despite the recommendation in the ecology report. Conditions should be imposed to address bat and bird issues. Comments will be updated at committee.

Tree Officer – No objections subject to a condition to secure implementation of the measures identified in the tree survey.

Canal & River Trust – No objections subject to conditions to secure details of boundary treatments, finished levels and details of lighting to protect the canal corridor.

Inland Waterways – No objections. Fencing at the rear of plots 7-10 should be lower to give views over the canal.

Natural England – The supporting information has not identified there will be any significant impacts on statutorily protected sites, species or on priority Biodiversity Action Plan habitats. The Council should consider opportunities to incorporate biodiversity measures throughout the development.

Police Architectural Liaison Officer – No objections in principle. As there is a high level of recorded crime in the area Secured by Design criteria should be encouraged. Parking for plots 1 and 4 is still vulnerable but would be acceptable if retractable bollards are included. Boundary fencing and gates should be secured to deter criminals.

Fire Service – No objections.

Severn Trent Water – No objections subject to provision of drainage details which can be secured by condition.

Public Participation Response

There are 11 letters of objection from residents in Henley Close plus objections from Councillor Smith. The objections are summarised as follows: -

- Henley Close is narrow and the proposal would lead to increased vehicles, parking congestion and highway safety issues
- It is already difficult for residents in Henley Close to reverse off drives with vehicles parked on street opposite
- Inadequate parking which may encourage on-street parking
- Refuse and emergency vehicles already have to negotiate parked vehicles
- Concern that building contractors will park vehicles in Henley Close
- Object to opening up the cul-de-sac in Henley Close

- Visibility at the junction of Livingstone Road with Goscote Lane and Henley Close should be maintained – fences or refuse bins could impair this
- Henley Close cannot accommodate more driveways
- All new houses should face and use the access off Goscote Lane
- Adverse impact on the outlook for existing residents
- Overdevelopment of the site when there are vacant properties available nearby
- The boundary fence at the head of Henley Close should be retained
- Object to the introduction of alleyways as they create a security issue
- Proximity of new dwellings to existing properties may block light
- No access from the canal should be allowed as this encourages misuse by criminals
- Enlarging the cul-de-sac with more houses is out of keeping and results in extra noise and disturbance
- What impact will there be on local schools and public transport?
- Have all previous objections on the earlier scheme been addressed?
- The new access between plots 2 and 3 creates a highway safety hazard and may interrupt junction visibility
- The developer has fenced off land that is outside the earlier boundary fence of the pub and may have been required for safety purposes
- Photos demonstrating parking congestion in Henley Close are provided

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

Determining Issues

- Principle of residential development
- Layout and Design
- Relationship to the canal
- Relationship to adjoining properties
- Access and parking
- Provision for urban open space
- Local Finance Considerations

Observations

Principle of residential development

The public house had been closed for a number of years and was demolished last year. There is no justification to retain the site for this use and given that it is a brownfield site in an urban area residential redevelopment is appropriate. Development of the land at the rear of the park, which was subject to an earlier refusal for residential development and was dismissed at appeal but the Inspector, who considered the site was acceptable in principle for residential development.

Despite objectors concerns that there is no need for the development as there are vacant properties nearby housing is the most appropriate use of the site and will assist the regeneration of the borough by developing a currently vacant site.

Layout and Design

The proposal creates new housing with direct frontages to Henley Close, Livingstone Road and Goscote Lane and clearly defined public and private areas. The layout of the houses is considered appropriate to the surrounding context and is designed to achieve the Council's space and separation distances in respect of existing housing. Where distances between facing elevations are below 24m (between plot 1 and 2 Henley Close, plot 5 and the flats at 173-189 Goscote Lane, plots 6 and 7 and between plot 11 and 34 Henley Close) this is across a highway where overlooking is more likely to be from users of the highway than occupiers of new dwellings. Each property has ample garden space. The density is 36 dwellings per hectare slightly less than the Henley Close development at 42 dwellings per

hectare. This is considered appropriate and does not create a cramped overdevelopment of the site.

Objectors consider no new properties should face or be served off Henley Close and the boundary fence at the head of cul-de-sac should be retained. Some objectors also object to enlarging Henley Close as they consider this would be out of keeping and result in additional noise and disturbance. The proposals do not open up Henley Close which remains a cul-de-sac and the provision of 5 additional houses served off Henley Close is considered not to create significant additional disturbance.

Although there are trees to be removed on the corner of Livingstone Road and Henley Close the tree officer does not object and there is adequate replacement planting throughout the site to compensate for this.

The Police consider that boundary fencing should be increased in height from 1.8 to 2.1m to deter crime, including the boundary with the canal. Objectors are also concerned about unauthorised access from the canal. The rear gardens of the proposed houses have secure boundary fencing and where there are boundaries exposed within the street the house types incorporate side facing bay windows to increase natural surveillance. The parking court will also be controlled by a gated access and there is no public access to the canal from the street, in order to secure this boundary. Final details of boundary treatments are recommended to be submitted for approval.

Some objections relate to an earlier layout that included narrow private access to remote parking spaces that could be a security issue but these have now been removed. With regard to whether all previous objections have been addressed in terms of the earlier application dismissed at appeal this was for development of only part of the site and was a scheme for flats which is entirely different from that now proposed. It was also a different developer. Nevertheless the key concerns in relation to scale, layout and relationship to the canal and surrounding properties have been addressed in this alternative proposal.

The proposal offers a mix of house type and size and the design of the houses is appropriate in this area.

With regard to the potential impact on local school provision and public transport the size of the development does not trigger any policy requirement for provision towards these matters.

The first layout indicated a footpath link to the canal at the rear of the site for the benefit of occupiers. This raised concerns from the Police, Ecology officer and residents. The scheme has been amended so that there is now a 3m landscape buffer along the boundary with the canal which will prevent unauthorised access from the canal and enhance the ecological habitats to benefit wildlife. This addresses the concerns raised.

On balance the layout and design is considered acceptable.

Relationship to the canal

The proposals have been amended to incorporate a 3m wide landscape buffer to the canal at the rear of plots 7-10 which will protect the embankment and provide an enhanced ecological habitat. It will also prevent encroachment by residents onto the canal edge. Inland Waterways and the Canal & River Trust support the proposals subject to provision of details of boundary treatments, finished levels and any lighting to protect the canal corridor. Appropriate conditions are included.

The Phase1 Survey recommended that a Reptile survey was carried out. This has not been provided but a condition is recommended to secure this and any appropriate mitigation prior to any development commencing.

Relationship to adjoining properties

The proposed layout maintains adequate distance between existing and proposed residential properties. There are some instances where the distance between dwellings is less than 24m but this is across a highway. For example there is 18m between plot 11 and 34 Henley Close, 20m between plot 1 and 2 Henley Close, 20.5m between plot 5 and the three storey flats in Goscote Lane. There is a highway intervening between these areas so the potential for the new development to significantly affect the privacy of existing residents is low.

Objectors have raised concerns over the proximity of the new dwellings and potential impact on loss of light. The closest distance between dwellings is 18m and as the dwellings are closest dwellings are only two storeys high this will not significantly affect the outlook or daylight of existing residents.

Access and parking

The proposal includes five new properties accessed off Henley Close, 2 off Livingstone Road and 7 off Goscote Lane. Each property has its own driveway and 2 off-street parking spaces which comply with Council policy despite objectors concerns that there is not enough parking to serve the development. There is a gated parking court serving plots 6-10 off Goscote Lane where parking is secure and well observed. The introduction of just two driveways off Livingstone Road is considered appropriate and although they are located between two road junctions the Transportation officer is satisfied this will not cause significant highway safety issues. There is no proposal to open up the cul-de-sac and create a through road as residents have objected to.

Only 2 corner plots (1 & 4) have a driveway which is not immediately visible from their front door but they are accessible from the gardens and are observed by other properties so are likely to be used by occupiers. The police recommend these spaces are bollarded to improve security but this would detract from the appearance of the development and given the above comments is considered unnecessary.

Residents in Henley Close object to the introduction of any new properties accessed off the close as there are existing difficulties with parking congestion, refuse collection access and in manoeuvring off drives. They are also concerned that construction traffic may utilise Henley Close creating further problems. As stated the development provides adequate off street parking to serve each property in accordance with Council policy. The likelihood of visitors parking on street is no greater than for existing residents in Henley Close. There are no parking restrictions in Henley Close. Although objectors state the road is narrow the carriageway is at least 5.5m wide with footways on each side so is not considered so narrow as to be dangerous. The photos demonstrating parking congestion in Henley Close do not conclusively show introduction of further vehicles would create a hazard. In the circumstances, even with increased vehicle numbers the proposal will not create significant highway safety issues in Henley Close.

There is adequate space in gardens to store refuse bins so they would only be on the footway on collection day for a limited period. Transportation officers are satisfied that this would not cause any significant interruption to visibility of either of the highway junctions which have adequate visibility.

The proposal has incorporated properties facing Henley Close to create an active street frontage and offers improved security benefits and increased surveillance. If all new houses

faced Goscote Lane as requested by the objectors this would result in a poor street scene to Henley Close with properties “turning their back” on existing properties and vulnerable garden boundaries.

The introduction of the new access between plots 2 and 3 meets the minimum junction spacing requirements and the Transportation officer is satisfied this arrangement is acceptable and will not cause a significant highway safety hazard as visibility is adequate.

The fenced off land at the front of the site is all within the applicant’s ownership and does not form part of a highway visibility.

The access and parking provision proposed for the development is considered acceptable.

Provision for urban open space

In accordance with the provisions of policies DEL1 of the BCCS, policies GP3 and LC1 of the UDP and SPD Urban Open Space the proposals trigger the requirement for provision of urban open space. This equates to a contribution of £28,770.00 for a development of this size. The developer has agreed to enter into a S106 Agreement to secure this provision. The request that the trigger for payment is deferred until first occupation is considered reasonable and should be included in any S106 Agreement.

Local Finance Considerations

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

This application proposes 14 new homes.

The New Homes Bonus award to Walsall for 2012-2013, and for each of the 4 years after that, was published in December 2011. Future awards would be for 4 years, then 3 years, then 2 years and finally for 1 year. Based on the provision of 411 new homes during 2011-2012 the award to the Council was £576,927. Taking into account the delivery of homes in previous years, the total amount awarded this year was £2,583,252. This figure (which included a premium for affordable housing) meant that – as a rough average - each additional home generated an annual grant to the council of approximately £1,380. In future New Homes Bonus awards may be offset against reductions in the ‘formula grant’ the Council will receive from Government.

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

Positive and Proactive working with the applicant

Officers have discussed the scheme with the applicant’s agent and in response to concerns raised, amended plans and supporting information has been submitted to enable full support to be given to the scheme.

Recommendation

Grant permission subject to conditions and a S106 Agreement to secure provision for urban open space.

Summary of Reasons for Granting Planning Permission

The public house had been closed for a number of years before being demolished so there is no justification to retain the site for this use. Development of a brownfield site for residential development is appropriate as supported by a previous appeal Inspector. Housing is the most appropriate use of the site and will assist the regeneration of the borough by developing a currently vacant site.

The proposal creates new housing with direct road frontages and clearly defined public and private areas and is considered appropriate in this area. There is adequate space and separation between dwellings and where there are distances below 24m this is across a highway. Each property has ample garden space. The proposals do not open up the cul-de-sac in Henley Close despite objectors concerns and provision of 5 additional houses served off Henley Close is considered not to create significant additional disturbance.

The tree officer does not object to removal of trees as there is adequate replacement planting throughout the site to compensate for this. Boundary treatment and security throughout the site are considered adequate and final details will be secured by condition to address police concerns.

Some objections relate to an earlier layout that included narrow private access to remote parking spaces that could be a security issue but these have now been removed. The earlier application dismissed at appeal related to development of flats on only part of the site so entirely different from that now proposed. Nevertheless the key concerns in relation to scale, layout and relationship to the canal and surrounding properties have been addressed in this alternative proposal. The mix of house types and design of the houses is appropriate in this area.

With regard to the potential impact on local school provision and public transport the size of the development does not trigger any policy requirement for provision towards these matters.

A 3m landscape buffer is provided along the boundary with the canal which will prevent unauthorised access and enhance the ecological habitats to benefit wildlife. It will also prevent encroachment by residents onto the canal edge and conditions are recommended to require details of levels, boundary treatments and lighting to address consultee requirements.

The Phase1 Survey recommended that a Reptile survey was carried out. This has not been provided but a condition is recommended to secure this and any appropriate mitigation prior to any development commencing.

There are some instances where the distance between existing and proposed dwellings is less than 24m but this is across a highway so the potential for the new development to significantly affect the privacy of existing residents is low. Even the closest properties are 18m away from each other so will not significantly affect the outlook or daylight of existing residents.

The parking provision accords with Council policy despite objectors concerns that there is not enough parking to serve the development. The Transportation officer is satisfied that introduction of two driveways off Livingstone Road will not cause significant highway safety issues. It is considered unnecessary to require parking for plots 1 and 4 to have bollards as they are well observed.

Residents in Henley Close object to the introduction of any new properties accessed off the close citing existing difficulties with parking congestion, refuse collection access and in

manoeuvring off drives. They are also concerned that construction traffic may utilise Henley Close creating further problems. The development provides adequate off street parking to serve each property and requirement for visitors parking on street the same as for existing residents in Henley Close. The carriageway is at least 5.5m wide with footways on each side so is not considered so narrow as to be dangerous. In the circumstances, even with increased vehicle numbers the proposal will not create significant highway safety issues in Henley Close. Transportation officers are satisfied that there is adequate junction visibility. To position the houses so they all face Goscote Lane would result in a poor street scene to Henley Close with properties “turning their back” on existing properties and vulnerable garden boundaries.

The access and parking provision proposed for the development is considered acceptable.

The developer has agreed to enter into a S106 Agreement to secure provision for urban open space.

This application proposes 14 new homes and consideration should be given to the New Homes Bonus but the weight that should be given to this, including in relation to other issues, is a matter for the decision-maker.

In light of the above the proposals are considered to accord with the aims and objectives of the National Planning Policy Framework and sustainable development, the aims and objectives of the Black Country Core Strategy policies in particular CSP1, CSP2, CSP4, TRAN1, HOU2, ENV1, ENV2, ENV3, ENV4, ENV7 and DEL1, the aims and objectives of the Walsall Unitary Development Plan saved policies GP2, GP3, H3, ENV14, ENV18, ENV23, ENV32, ENV33, 3.116, 3.117, LC1, LC8, T7, T8, T11 and T13 and Supplementary Planning Documents: Designing Walsall, Conserving Walsall’s Natural Environment and Urban Open Space.

Recommendation: Grant Permission Subject to Conditions and a Planning Obligation

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

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

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

- i) Prior to built development commencing a site investigation, ground contamination survey and assessment of ground gas, having regard to current best practice shall be undertaken. (see Note for Applicant CL1)
- ii) Prior to built development commencing a copy of the findings of the site investigation, ground contamination survey and ground gas assessment, together with an assessment of the hazards arising from any land contamination and/or ground gas shall be forwarded to the Local Planning Authority. (see Note for Applicant CL2)
- iii) Prior to built development commencing a “Remediation Statement” setting out details of remedial measures to deal with the identified and potential hazards of any land contamination and/or ground gas present on the site and a timetable for their implementation shall be submitted to and agreed in writing by the Local Planning Authority. (see Note for Applicant CL2)

- iv) The remedial measures as set out in the “Remediation Statement” required by part iii) of this condition shall be implemented in accordance with the agreed timetable.
- v) If during the undertaking of remedial works or the construction of the approved development unexpected ground contamination not identified by the site investigation required by part i) of this condition is encountered development shall cease until the “Remediation Statement” required by part iii) of this condition has been amended to address any additional remedial or mitigation works required and agreed in writing by the Local Planning Authority.
- vi) A validation report confirming the details of the measures implemented together with substantiating information and justification of any changes from the agreed remedial arrangements shall be submitted to and accepted in writing by the Local Planning Authority prior to the development being brought into use. (see Note for Applicant CL3)

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

3a. No development shall take place until suitable noise mitigation measures to protect internal areas to Plots 1 to 4 have been agreed in writing with the local planning authority to demonstrate acoustic glazing and ventilation (minimum Rw of 38 dB) in bedrooms and a reasonable level of glazing in other habitable rooms (minimum Rw of 31 dB).

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

Reason: To protect the amenities of future occupiers from traffic noise.

4a. 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.

4b. The development shall be completed with the approved details and retained as such.

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

5a. No development shall commence until samples of all facing and roofing materials have been submitted to and approved in writing by the Local Planning Authority.

5b. The development shall be completed with the approved details and retained thereafter.

Reason: To ensure the satisfactory appearance of the development.

6a. No development shall commence and no works of site clearance or demolition shall take place until a reptile survey has been carried out and a Scheme of Reptile Mitigation has been submitted in writing to the Local Planning Authority for approval. The Scheme of Reptile Mitigation shall include clear and specific measures to safeguard protected species identified on the site; details of the location of any reptile-exclusion fencing to be installed during the carrying out of works; measures necessary to protect species for which the site is habitat rich; details of habitat enhancement and future management; and any other compensation/mitigation measures appropriate for the safeguarding of reptiles on the site.

6b. The development shall be implemented in accordance with the measures set out in the approved Scheme of Reptile Mitigation and under the supervision of a suitably qualified ecologist.

Reason: To ensure safeguarding of reptiles on the site and protection of habitats.

7a. No development shall commence until a landscape scheme has been submitted and approved in writing by the Local Planning Authority. The scheme shall incorporate full details and specifications, planting numbers and locations and shall incorporate planting of native seed/ fruit to create a landscape which provides a foraging resource for bats, birds and invertebrates.

7b. The approved landscape plan shall be implemented before any part of the development is brought into use.

7c. All planting shall be maintained for a period of 5 years from the full completion of the scheme. Within this period any trees, shrubs or plants which dies, becomes seriously diseased, damaged or is removed shall be replaced with a tree, shrub or plant of the same or greater size and same species as that originally required to be planted.

Reason: To enhance the nature conservation value of the neighbourhood in accordance with UDP policy ENV23: Nature Conservation and New Development.

8a. Prior to the commencement of any construction works on site the recommendations and guidelines detailed in the tree survey by Midland Tree Surgeons dated 9 November 2011, shall be adhered to and the protection of the retained trees full implemented until completion of the development.

8b. The land enclosed in accordance with part 5a of this condition shall be kept clear of all contractor's materials and machinery at all times, as laid out in British Standard 5837.

Reason: To safeguard trees to be retained on site.

9a. Prior to the commencement of the development and notwithstanding the details shown on the approved planning layout (AAH4970/04 Rev E) full details of all boundary treatments shall be submitted to and approved in writing by the local planning authority.

9b. The development shall be implemented in accordance with the approved details and retained thereafter.

Reason: To preserve the visual amenities of the area including the canal.

10a. Prior to the commencement of the development and notwithstanding the site sections shown on drawing AA/4970/11 full details of finished levels (to include finished garden levels adjacent to the canal) shall be submitted to and approved in writing by the local planning authority.

10b. The development shall be implemented in accordance with the approved details and retained thereafter.

Reason: To preserve the visual amenities of the area including the canal.

11a. Prior to the commencement of site clearance or development, a scheme for the erection of bird boxes on the site shall be submitted for approval by the Local Planning Authority.

11b. The approved scheme shall be installed before any part of the development is brought into use and retained thereafter with access openings maintained free of obstructions at all times.

Reason: To protect local bird populations.

12a. No external lighting scheme shall be installed to rear of plots 7, 8, 9 and 10 other than in accordance with the requirements set out below.

- i. There shall be no direct illumination of the new bat roosts installed.
- ii. Any lighting installed shall be low wattage down lights to provide security and safety lighting which will be set no higher than head height.
- iii. Any security lighting shall use PIR's to ensure they turn off automatically once movement has ceased.

12b. Prior to the installation of any lighting in accordance with condition 12a details of proposed lighting including details of foundations, luminance in candelas and hours of operation shall be submitted to and approved in writing by the Local Planning Authority.

12c. The development shall be implemented in accordance with the approved details and retained thereafter.

Reason: To conserve local bat populations along the canal corridor and protect the integrity of the waterway infrastructure in accordance with policies ENV3 and ENV4 of the adopted Black Country Joint Core Strategy.

13a. Prior to the first occupation of the dwellings a scheme for the provision of bat roosting sites as set out on pages 14-16 of S Christopher Smith's bat report dated 12 January 2012 shall be installed within the houses of plots 9 and 10

13b. The approved bat roosting sites shall be retained thereafter with access openings maintained free of obstructions at all times.

Reason: To conserve local bat populations.

14. No planting or structures shall be introduced onto that part of the existing embankment in Goscote Lane that falls within the 2.4m x 43m visibility splay in a northerly direction at the new access point, as shown on the approved drawing AAH4970/04 Rev E.

Reason: To ensure adequate visibility at the access point along Goscote Lane is retained at all times, in the interests of highway safety.

15a. Prior to the development first coming into use, full engineering details of all adoptable highway works, including the new footway and access point on Goscote Lane, new vehicle footway crossings in Henley Close and tactile pedestrian crossings at the Goscote Lane/Livingstone Road junction and the Henley Close/Goscote Lane junction, shall be submitted to and approved by the Local Planning Authority in consultation with the Highway Authority.

15b. The approved details shall be fully implemented prior to the first occupation of any new dwelling on the development and retained thereafter.

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

16. All new driveway access points on Henley Close shall have 2.4m x 3.4m pedestrian visibility splays within which no planting or structures exceeding 600mm in height above ground level shall be permitted.

Reason: In the interests of highway safety.

17a. Prior to the first occupation of any new dwelling, all accesses, vehicle hard standing and parking areas serving that dwelling shall be fully consolidated, hard surfaced and drained.

17b. These areas shall thereafter be retained and used for no other purpose.

Reason: To ensure adequate off street parking is available and retained, to minimise on street parking in the interests of highway safety.

18. All site clearance and building dismantling shall take place outside the bird nesting season (the bird nesting season is March to September inclusive). Where this is unavoidable a breeding birds survey (particularly looking for black redstart and peregrine falcon) shall be undertaken by a suitably qualified and experienced ecologist prior to any works commencing. If breeding birds are discovered site clearance and other operations should be delayed until young birds have fledged. All wild birds, their nests and eggs are protected by the Wildlife and Countryside Act 1981 and subsequent amending legislation. It is an offence to damage or destroy a nest of a wild bird. If nesting birds are discovered clearance works should be delayed and advice sought from the ecologist or Natural England.

Reason: To protect local bird populations.

19. No development within Classes A (enlargement, improvement or alteration to the dwelling) and E (buildings within the curtilage) of Part 1 and Class A (fences, walls or means of enclosure) of Part 2 to Schedule 2 of the Town and Country Planning (General Permitted Development Order 1995) (Amendment No.2)(England) Order 2008, or succeeding Orders shall be carried out to the dwellings on plots 7, 8, 9 and 10 which back on to the canal, as appropriate, without the prior submission and approval of a planning application.

Reason: To protect the canal corridor from encroachment.

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

* Note - Bank Holidays and Public holidays for this purpose shall be taken to include: 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.

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

- Location Plan (AAH4970/05) received 26/11/12
- Planning Layout (AAH4970/04 Rev E) received 12/2/13
- House Type A (AAH4970/01) received 26/11/12

- House Type Ebington (Eb) Detached (AAH4970/02) received 26/11/12
- House Type H1 (AAH4970/10) received 26/11/12
- House Type Ha (AAH4970/03) received 18/12/12
- Street Scene to Livingstone Rd (AAH4970/06) received 26/11/12 (to be updated)
- Site Sections (AAH4970/11) received 18/12/12
- Landscape Strategy (LS-01) received 18/12/12 (to be updated)
- Topographical Survey as of 18/10/11 (WH/R-S5500/201) received 26/11/12
- Design & Access Statement prepared by RPS (AA4970) received 26/11/12
- Pre-Development Tree Survey prepared by Midland Tree Surgeons Ltd received 26/11/12
- Bat and Bird Survey prepared by Christopher Smith MRICS received 26/11/12
- Extended Phase 1 Survey prepared by Absolute Ecology Wildlife Surveys received 26/11/12
- Water Vole Survey prepared by Absolute Ecology Wildlife Surveys received 26/11/12
- Phase 1 Geo-Environmental Assessment prepared by GIP received 18/12/12

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

Notes to applicant – Public Sewer

There is a public sewer located within the application site. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent. The developer is advised to contact Severn Trent Water to discuss the proposals. Severn Trent will seek to assist the developer in obtaining a solution which protects both the public sewer and the building. Please note, when submitting a Building Regulations application, the building control officer is required to check the sewer maps supplied by Severn Trent and advise them of any proposals located over or within 3 metres of a public sewer. In many cases under the provisions of Building Regulations 2000 Part H4, Severn Trent Water can direct building control officers to refuse building regulations approval. If you require any further information please contact Rhiannon Thomas on 01902 793883.

Note to applicant – adopted highways

The developer will be required to enter into an agreement under S38/278 of the Highways Act 1980 in respect of all adoptable highway works.

Notes for Applicant – Contaminated Land

CL1

Ground investigation surveys should have regard to current “Best Practice” and the advice and guidance contained in the National Planning Policy Framework (2012); 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.



Walsall Council

Regeneration Directorate – Planning and Building Control

Planning Committee

Report of Head of Planning and Building Control, Regeneration Directorate on 04/04/2013

Plans list item no: 6.

Reason for bringing to committee: Major application

Application Number: 13/0008/FL

Application Type: Full application

Applicant: Ravenscroft Developments Ltd

Proposal: Repositioning of plots 1-4 and internal amendments to increase the bedrooms from two to three.

Location: LAND BEHIND BENTLEY MOOR CLUB, BENTLEY DRIVE, WALSALL, WS2 8RY

Ward: Pleck

Case Officer: Alison Ives

Telephone Number: 01922 652604

Email: planningservices@walsall.gov.uk

Agent: Paul Coles

Expired Date: 04/03/2013

Recommendation Summary: Grant Permission subject to Conditions and a Deed of Variation

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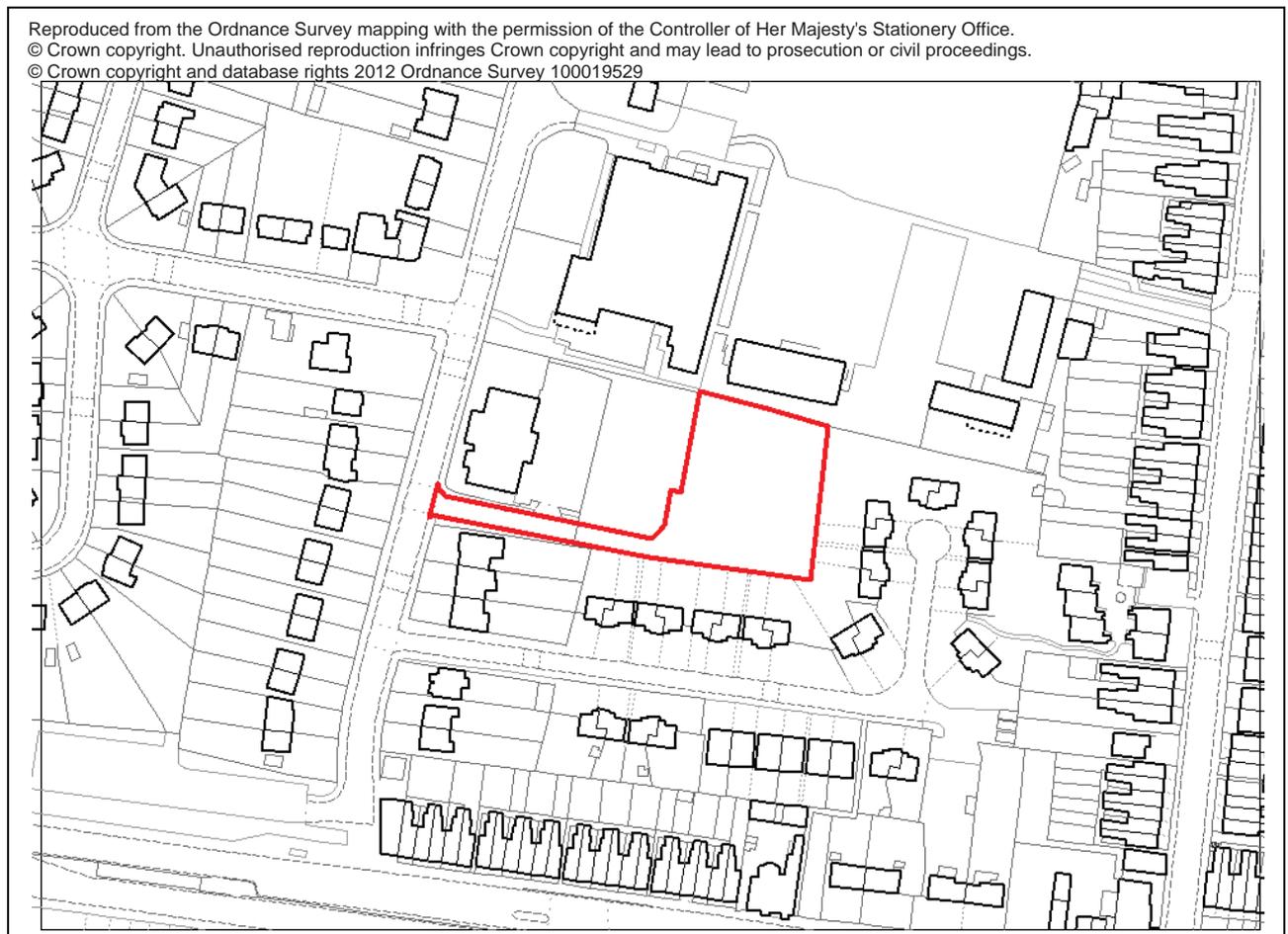
Reason for bringing to committee: Major application

Application Number: 13/0090/FL
Application Type: Full application

Case Officer: Alison Ives
Telephone Number: 01922 652604
Email: planningservices@walsall.gov.uk
Agent: Paul Coles

Applicant: Ravenscroft Developments Ltd
Proposal: Amendment to plots 5-10 of permission 11/0105/FL to increase by one dwelling now plots 5-11 comprising 5 x 2 bed houses and 2 x 4 bed houses
Location: LAND BEHIND BENTLEY MOOR CLUB, BENTLEY DRIVE, WALSALL, WS2 8RY
Ward: Pleck
Expired Date: 29/04/2013

Recommendation Summary: Grant Permission subject to Conditions and a Deed of Variation



Application and Site Details

There are two applications relating to the approved residential development site at the rear of Bentley Moor Club, Bentley Drive.

The first application, reference 13/0008/FL, is for repositioning plots 1-4 and internal amendments to the house types to increase the number of bedrooms from two to three. The plots are repositioned further forward by 1200mm to increase the size of the rear gardens. The third bedroom is created by splitting the front bedroom into 2 smaller bedrooms requiring an additional window to the front elevation.

The second application, reference 13/0090/FL, is to amend the approved plots 5-10 and increase the number of plots by one to 11 in total. Plots 5 and 6 have been increased from 3 to 4 bed houses and the sloping roof above the attached garage changed to a full height building extension. Plots 7 & 8 are reduced from 3 to 2 bed houses and an additional plot added to create the terrace. Plots 10 and 11 are also 2 bed houses. The footprint of the houses have been reduced narrowed by up to 1m to give space for the extra house (creating the terrace). The scheme now comprises two pairs of semi-detached houses and a terrace of three houses. The appearance is broadly the same with the exception of the change to plots 5 and 6.

Plots 2 and 3 have detached garages at the end of the garden. Plots 5 and 6 have attached garages at the side. All other plots have off street parking on a driveway in front of the dwellings.

Following permission in 2007 for a replacement club house and erection of 14 dwellings only the new club house has been constructed so far. A school adjoins the northern boundary at a higher ground level and there are bungalows in Bentley Place to the south and east. The access is shared with the club but the proposals introduce a new cul-de-sac to serve the new houses.

The Design & Access Statement – Describes the site and planning history, the development proposals, layout, landscape, design and access. It concludes the design appearance remains the same, the units have been amended to suit market demand for smaller starter units.

Relevant Planning History

11/0105/FL – New residential development (amendment to previously approved scheme) – Granted subject to conditions and a Deed of Variation to the existing S106 Agreement – July 2012. The change was to create 10 dwellings instead of 14. The Deed was to secure a contribution for open space and for the Council to refund an overpayment from the earlier education contribution which was no longer required as part of this scheme.

05/2300/FL/W5 – Demolition of existing club and construction of a new clubhouse & 14 dwellings – Granted subject to conditions and a S106 Agreement (Unilateral Undertaking) – May 2007. The Agreement was to secure a contribution of £26,677.14 towards provision of secondary school education provision.

10/0160/FL – New residential development comprising 18 dwellings – Refused March 2010. Two reasons were given broadly relating to (1) poor design (2) failure to provide for education, public art, open space or affordable housing.

Relevant Planning Policy Summary

National Planning Policy Framework (NPPF)

The NPPF sets out the Government's position on the role of the planning system in both plan-making and decision-taking. It states that the purpose of the planning system is to contribute to the achievement of sustainable development, in economic, social and environmental terms, and it emphasises a "*presumption in favour of sustainable development*".

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

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

Key provisions of the NPPF relevant in this case:

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

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

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

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

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

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

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

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

On **planning conditions** the NPPF says:

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

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

The Development Plan

Planning law requires that planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a

material consideration in planning decisions but recognises that what it terms 'Local Plan' policies should not be considered out-of-date simply because they were adopted prior to the publication of the framework.

Regional Strategy (RS)

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

Relevant RS policies are:

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

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

QE3: Promotes high quality design.

The Black Country Core Strategy (BCCS) (2011)

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

This was adopted under the current Local Development Framework system, and the NPPF says that for 12 months from the publication of the national framework "*decision-takers may continue to give full weight to relevant policies*". However, it is more than 12 months since the NPPF was published in March 2012. Now (as with the saved policies of Walsall's UDP) the NPPF advises that "*... due weight should be given to relevant policies ... according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)*." To consider the conformity of the BCCS with the NPPF the four Black Country councils have completed a 'Compatibility Self-Assessment Checklist' (published by the Planning Advisory Service) and have discussed the results with a Planning Inspector. Whilst there is no formal mechanism to certify that the BCCS is consistent with the NPPF the discussions led officers to the conclusion that the exercise identified no issues that would conflict with the NPPF or require a review of the BCCS in terms of conformity. The results of this assessment are to be published on the BCCS and Council websites and it is planned to report to the Council's Cabinet to confirm this view. In the absence of evidence to the contrary it is considered that the BCCS policies should be given full weight in planning decisions.

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

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

The Spatial Objectives include

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

The above are supported by the following policies:

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

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

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

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

- The need for a range of types and sizes of accommodation to meet sub regional and local needs
- The level of accessibility
- The need to achieve high quality design and minimise amenity impacts

ENV2: Development should preserve and enhance local character.

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

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

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

Walsall's Unitary Development Plan (UDP)

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

The relevant policies are:

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

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

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

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

ENV18: The Council will ensure the protection, positive management and enhancement of existing woodlands, trees and hedgerows.

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

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

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

T7 – Car Parking

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

T8: Development should seek to provide and improve pedestrian routes.

T11: Where pedestrian links are considered to be substandard measures must be taken to improve them.

T13: Parking Provision

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

2 and 3 bed houses – 2 spaces per unit.

Supplementary Planning Documents (SPD)

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

Designing Walsall SPD

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

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

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

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

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

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

Urban Open Space (SPD) (April 2006)

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

Consultations

Transportation – No objections subject to completion and retention of parking areas. The adoptable access road remains unchanged and the parking provision at 200% accords with policy. Full details of adopted highway works should be provided as part of an agreement under S38 of the Highways Act 1980 – a note for applicant is recommended.

Pollution Control (Scientific Team) – No objections but recommend the same conditions are imposed as for the earlier permission.

Pollution Control (Contaminated Land) – Support the development subject to works being carried out to investigate and remediate any localised ground contamination and ground gas issues. Conditions to address these concerns are recommended.

Landscape – Further details of hard and soft landscaping are required.

Severn Trent Water – No objections subject to provision of drainage details which can be secured by condition.

Fire Service – No objections.

Public Participation Response

None received.

Determining Issues

- Principle of residential development
- Layout and Design
- Relationship to adjoining properties
- Access and parking
- Provision for urban open space
- Local Finance Considerations

Observations

Principle of residential development

The principle of residential development of this brownfield site in an established urban area has already been accepted by grant of earlier planning permissions.

Layout and Design

The layout of the housing on this site is generally the same as before with one additional house. The changes to plots 1-4 do not have any significant impact on the street scene within the cul-de-sac, still give ample space for parking and allows larger rear gardens. The design of plots includes one additional window to the front elevation serving the additional bedroom. This is acceptable.

Plots 5-11 at the head of the cul-de-sac are in broadly the same position as previously approved. Although the footprint of the house types is smaller the appearance of the dwellings is still appropriate and there is ample garden space and parking.

Relationship to adjoining properties

The nearest residential properties are bungalows in Bentley Place but the separation distance between the existing bungalows and proposed housing is acceptable as it achieves the recommended distances in SPD: Designing Walsall. Due to the reduction in the footprint of the dwellings on plots 5-11 they are marginally further away from the bungalows by 1m. In the circumstances the proposed amendments have no significant impact on the outlook, daylight or privacy of surrounding occupiers.

The relationship between the new dwellings and the club house and school is no different to the earlier scheme and is acceptable.

Access and parking

The design of the access remains as approved previously. There is sufficient off street parking to serve the needs of the development given the size of the dwellings. The Transportation officer is satisfied with the means of access and parking.

Provision for urban open space

In accordance with the provisions of policies DEL1 of the BCCS, policies GP3 and LC1 of the UDP and SPD Urban Open Space the proposals trigger the requirement for provision of urban open space. This equates to a contribution of £19,590.00 for a development of this size.

In compliance with the original S106 Agreement relating to permission 05/2300/FL/W5 the developer paid a contribution of £26,677.14 towards education provision for 14 dwellings. A Deed of Variation to the original S106 Agreement was completed in relation to the amended application 11/0105/FL for 10 dwellings. At that time the education contribution was no longer required but the proposals triggered a requirement for a contribution towards provision of open space which equated to £15,019.00. The Council repaid the developer the overpayment from the earlier contribution for education provision (£11,658.14).

The current scheme triggers a contribution of £19,590.00 towards open space. A further Deed of Variation to the S106 Agreement is required to secure the balance of the contribution for open space which equates to £4571.00. The developer has agreed to provide this.

Local Finance Considerations

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

This application proposes 11 new homes.

The New Homes Bonus award to Walsall for 2012-2013, and for each of the 4 years after that, was published in December 2011. Future awards would be for 4 years, then 3 years, then 2 years and finally for 1 year. Based on the provision of 411 new homes during 2011-2012 the award to the Council was £576,927. Taking into account the delivery of homes in previous years, the total amount awarded this year was £2,583,252. This figure (which included a premium for affordable housing) meant that – as a rough average - each additional home generated an annual grant to the council of approximately £1,380. In future New Homes Bonus awards may be offset against reductions in the 'formula grant' the Council will receive from Government.

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

Positive and Proactive working with the applicant

Officers have discussed issues with the applicant's agent and in response to concerns raised, amended plans and supporting information has been submitted to enable full support to be given to the scheme.

Recommendation

Grant permission for both applications subject to conditions and completion of a Deed of Variation to the S106 Agreement to secure urban open space provision.

Summary of Reasons for Granting Planning Permission

The principle of residential development of this brownfield site in an established urban area has already been accepted by grant of earlier planning permissions.

The layout of the housing on this site is generally the same as before with one additional house. The appearance of the dwellings will not have any significant impact on the street scene and gives ample space for parking and adequate gardens.

The distance between the proposed houses and nearest residential properties in Bentley Place is acceptable and has no significant impact on the outlook, daylight or privacy of surrounding occupiers. The relationship between the new dwellings and the club house and school is no different to the earlier scheme and is acceptable.

The design of the access remains as approved previously and there is sufficient off street parking to serve the needs of the development. The Transportation officer is satisfied with the means of access and parking.

The balance of contributions required towards provision for open space will be secured by a Deed of Variation to the existing S106 Agreement.

Section 143 of the Localism Act requires the local planning authority to have regard to 'local finance considerations' when determining planning applications. In Walsall at the present time this means there is need to take account of New Homes Bonus monies that might be received as a result of the construction of new housing. This application proposes 11 new homes. The weight that should be given to this, including in relation to other issues is a matter for the decision-maker.

In light of the above the proposals are considered to accord with the aims and objectives of the National Planning Policy Framework and sustainable development, the aims and objectives of the Black Country Core Strategy policies in particular CSP1, CSP2, CSP4, TRAN1, HOU2, ENV2, ENV3 and DEL1, the aims and objectives of the Walsall Unitary Development Plan saved policies GP2, GP3, H3, ENV14, ENV18, ENV32, ENV33, 3.116, 3.117, LC1, T7, T8, T11 and T13 and Supplementary Planning Documents: Designing Walsall and Urban Open Space.

Recommendation: Grant Permission subject to Conditions and a Deed of Variation

Conditions to be attached to 13/0008/FL

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

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

2a. 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.

2b. The development shall be completed in accordance with the approved details and retained as such.

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

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

- i) Prior to built development commencing a site investigation, ground contamination survey and assessment of ground gas, having regard to current best practice shall be undertaken. (see Note for Applicant CL1)
- ii) Prior to built development commencing a copy of the findings of the site investigation, ground contamination survey and ground gas assessment, together with an assessment of the hazards arising from any land contamination and/or ground gas shall be forwarded to the Local Planning Authority. (see Note for Applicant CL2)
- iii) Prior to built development commencing a “Remediation Statement” setting out details of remedial measures to deal with the identified and potential hazards of any land contamination and/or ground gas present on the site and a timetable for their implementation shall be submitted to and agreed in writing by the Local Planning Authority. (see Note for Applicant CL2)
- iv) The remedial measures as set out in the “Remediation Statement” required by part iii) of this condition shall be implemented in accordance with the agreed timetable.
- v) If during the undertaking of remedial works or the construction of the approved development unexpected ground contamination not identified by the site investigation required by part i) of this condition is encountered development shall cease until the “Remediation Statement” required by part iii) of this condition has been amended to address any additional remedial or mitigation works required and agreed in writing by the Local Planning Authority.
- vi) A validation report confirming the details of the measures implemented together with substantiating information and justification of any changes from the agreed remedial arrangements shall be submitted to and accepted in writing by the Local Planning Authority prior to the development being brought into use. (see Note for Applicant CL3)

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

4a. No development shall be carried out until full details of the proposed boundary treatment of the site, including any retaining walls or structures have been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall include any internal site divisions and boundaries to the new clubhouse.

4b. The approved scheme shall be implemented before the development is brought into use and shall be thereafter retained.

Reason: To safeguard the amenities of the occupiers of adjoining premises and future occupants and to ensure the satisfactory appearance of the development.

5a. No development shall be commenced until a protocol to ensure that the immediately surrounding highways are not adversely affected by the deposition of materials from vehicles leaving the site in connection with the construction phase (this may involve the use of a

wheel wash, road sweepers, etc.) has been submitted to and approved in writing by the Local Planning Authority.

5b. The agreed details shall be implemented and maintained at all times during construction of the development.

Reason: To prevent mud being deposited on the public highway and in the interests of highway safety.

6a. No development shall commence until a landscape scheme has been submitted and approved in writing by the Local Planning Authority. The scheme shall incorporate full details and specifications of topsoil specification and depth, details of proposed species, planting size, density, ground surface treatment, tree support and pit details, root barriers, mulching and protective measures.

6b. The approved landscape plan shall be implemented before any part of the development is brought into use.

6c. All planting shall be maintained for a period of 5 years from the full completion of the scheme. Within this period any trees, shrubs or plants which dies, becomes seriously diseased, damaged or is removed shall be replaced with a tree, shrub or plant of the same or greater size and same species as that originally required to be planted.

Reason: To enhance the nature conservation value of the neighbourhood in accordance with UDP policy ENV23: Nature Conservation and New Development.

7a. Prior to the commencement of development a schedule of facing materials to be used in the external walls and roofs shall be submitted and approved in writing by the Local Planning Authority.

7b. The approved details shall be implemented and thereafter retained.

Reason: To ensure the satisfactory appearance of the development.

8a. Prior to development commencing, details of a noise insulation scheme for habitable rooms, including bedrooms of the dwellings and all areas of the new clubhouse, shall be submitted to and approved in writing by the Local Planning Authority.

8b. The approved scheme shall be implemented to the satisfaction of the Local Planning Authority. Such measures shall take into account the guidance and criteria contained in British Standards BS8233 : 1999 Sound Insulation and Noise Reduction for buildings - Code of Practice and World Health Organisation Guidelines for Community Noise 1999 and shall be completed prior to the development coming into use.

Reason: To provide a satisfactory living environment and safeguard the amenities of future and existing occupiers.

9. No development shall be carried out until full details of existing and proposed levels of the site, accessway and floor levels have been approved in writing by the Local Planning Authority. The submitted details shall include full details of any retaining structures required to ensure the stability of the site or adjoining land. The approved details shall be fully implemented and maintained thereafter.

Reason: To ensure the satisfactory appearance of the development and to ensure the visual amenity of the area.

10a. Prior to the first occupation of any dwelling on the development, all access ways, parking and vehicle hard standing areas serving that dwelling shall be fully consolidated, hard surfaced and drained and brought into use.

10b. These areas shall thereafter be retained and used for no other purpose.

Reason: To ensure the provision of appropriate parking.

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, or succeeding Orders, there shall be no vehicular access to the site other than through the approved access, without the prior submission and approval of a planning application.

Reason: In the interests of highway safety.

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

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

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

* Note - Bank Holidays and Public holidays for this purpose shall be taken to include: 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.

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

- Location Plan (P1-210-100) received 2/1/13
- Site Plan & Sections (P1-210-100) received 2/1/13
- Block Plan (P1-210-200) received 2/1/13
- House Type C – Plots 1-4 (P1-210-10) received 2/1/13

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

Note to applicant – S38 Highway Adoption

Full details of all adopted highway works shall be submitted to the Highway Authority for technical approval, including construction specifications, layout, drainage and lighting. Tactile dropped crossings will be required at the access road and club building entrances. The developer will also be required to enter into an agreement under S38 of the Highways Act 1980 in respect of the adoptable highway works.

Notes for Applicant – Contaminated Land

CL1: Ground investigation surveys should have regard to current “Best Practice” and the advice and guidance contained in the National Planning Policy Framework (2012); 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.

Conditions to be attached to 13/0090/FL

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

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

2a. 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.

2b. The development shall be completed in accordance with the approved details and retained as such.

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

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

- i) Prior to built development commencing a site investigation, ground contamination survey and assessment of ground gas, having regard to current best practice shall be undertaken. (see Note for Applicant CL1)
- ii) Prior to built development commencing a copy of the findings of the site investigation, ground contamination survey and ground gas assessment, together with an assessment of the hazards arising from any land contamination and/or ground gas shall be forwarded to the Local Planning Authority. (see Note for Applicant CL2)
- iii) Prior to built development commencing a “Remediation Statement” setting out details of remedial measures to deal with the identified and potential hazards of any land contamination and/or ground gas present on the site and a timetable for their implementation shall be submitted to and agreed in writing by the Local Planning Authority. (see Note for Applicant CL2)
- iv) The remedial measures as set out in the “Remediation Statement” required by part iii) of this condition shall be implemented in accordance with the agreed timetable.
- v) If during the undertaking of remedial works or the construction of the approved development unexpected ground contamination not identified by the site investigation required by part i) of this condition is encountered development shall cease until the “Remediation Statement” required by part iii) of this condition has been amended to address any additional remedial or mitigation works required and agreed in writing by the Local Planning Authority.
- vi) A validation report confirming the details of the measures implemented together with substantiating information and justification of any changes from the agreed remedial arrangements shall be submitted to and accepted in writing by the Local Planning Authority prior to the development being brought into use. (see Note for Applicant CL3)

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

4a. No development shall be carried out until full details of the proposed boundary treatment of the site, including any retaining walls or structures have been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall include any internal site divisions and boundaries to the new clubhouse.

4b. The approved scheme shall be implemented before the development is brought into use and shall be thereafter retained.

Reason: To safeguard the amenities of the occupiers of adjoining premises and future occupants and to ensure the satisfactory appearance of the development.

5a. No development shall be commenced until a protocol to ensure that the immediately surrounding highways are not adversely affected by the deposition of materials from vehicles leaving the site in connection with the construction phase (this may involve the use of a wheel wash, road sweepers, etc.) has been submitted to and approved in writing by the Local Planning Authority.

5b. The agreed details shall be implemented and maintained at all times during construction of the development.

Reason: To prevent mud being deposited on the public highway and in the interests of highway safety.

6a. No development shall commence until a landscape scheme has been submitted and approved in writing by the Local Planning Authority. The scheme shall incorporate full details and specifications of topsoil specification and depth, details of proposed species, planting size, density, ground surface treatment, tree support and pit details, root barriers, mulching and protective measures.

6b. The approved landscape plan shall be implemented before any part of the development is brought into use.

6c. All planting shall be maintained for a period of 5 years from the full completion of the scheme. Within this period any trees, shrubs or plants which dies, becomes seriously diseased, damaged or is removed shall be replaced with a tree, shrub or plant of the same or greater size and same species as that originally required to be planted.

Reason: To enhance the nature conservation value of the neighbourhood in accordance with UDP policy ENV23: Nature Conservation and New Development.

7a. Prior to the commencement of development a schedule of facing materials to be used in the external walls and roofs shall be submitted and approved in writing by the Local Planning Authority.

7b. The approved details shall be implemented and thereafter retained.

Reason: To ensure the satisfactory appearance of the development.

8a. Prior to development commencing, details of a noise insulation scheme for habitable rooms, including bedrooms of the dwellings and all areas of the new clubhouse, shall be submitted to and approved in writing by the Local Planning Authority.

8b. The approved scheme shall be implemented to the satisfaction of the Local Planning Authority. Such measures shall take into account the guidance and criteria contained in British Standards BS8233 : 1999 Sound Insulation and Noise Reduction for buildings - Code of Practice and World Health Organisation Guidelines for Community Noise 1999 and shall be completed prior to the development coming into use.

Reason: To provide a satisfactory living environment and safeguard the amenities of future and existing occupiers.

9. No development shall be carried out until full details of existing and proposed levels of the site, accessway and floor levels have been approved in writing by the Local Planning Authority. The submitted details shall include full details of any retaining structures required to ensure the stability of the site or adjoining land. The approved details shall be fully implemented and maintained thereafter.

Reason: To ensure the satisfactory appearance of the development and to ensure the visual amenity of the area.

10a. Prior to the first occupation of any dwelling on the development, all access ways, parking and vehicle hard standing areas serving that dwelling shall be fully consolidated,

hard surfaced and drained and brought into use.

10b. These areas shall thereafter be retained and used for no other purpose.

Reason: To ensure the provision of appropriate parking.

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, or succeeding Orders, there shall be no vehicular access to the site other than through the approved access, without the prior submission and approval of a planning application.

Reason: In the interests of highway safety.

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

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

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

* Note - Bank Holidays and Public holidays for this purpose shall be taken to include: 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.

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

- Location Plan (P1-210-1000) received 22/1/13
- Site Plan & Sections (P1-210-3000A) received 22/1/13
- House Type A – Plots 5 & 6 (P1-210-20A) received 22/1/13
- House Type B - Plots 7-9 (P1-210-30A) received 22/1/13
- House Type B – Plots 10 & 11 (P1-210-40A) received 22/1/13
- Design & Access Statement received 22/1/13

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

Note to applicant – S38 Highway Adoption

Full details of all adopted highway works shall be submitted to the Highway Authority for technical approval, including construction specifications, layout, drainage and lighting. Tactile dropped crossings will be required at the access road and club building entrances. The developer will also be required to enter into an agreement under S38 of the Highways Act 1980 in respect of the adoptable highway works.

Notes for Applicant – Contaminated Land

CL1: Ground investigation surveys should have regard to current “Best Practice” and the advice and guidance contained in the National Planning Policy

Framework (2012); 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.



Walsall Council

Regeneration Directorate – Planning and Building Control

Planning Committee

Report of Head of Planning and Building Control, Regeneration Directorate on 04/04/2013

Plans list item no: 7.

Reason for bringing to committee: Requires Delicate Judgment

Application Number: 13/0297/FL
Application Type: Full application

Case Officer: Andrew Thompson
Telephone Number: 01922 652603
Email: planningservices@walsall.gov.uk

Applicant: Walsall NHS Trust

Agent:

Proposal: Change of use from doctors'/nurses' accommodation (Use Class C3) to a residential unit to provide supported living for adult males (Use Class C2)

Location: WILBRAHAM COURT, WILBRAHAM ROAD, WALSALL, WS2 9PT

Ward: Pleck

Expired Date: 08/05/2013

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

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Application and Site Details

The application relates to the relocation of the business that is currently located at 2 Bescot Road to Wilbraham Court which is an unused premises as part of Walsall Manor Hospital estate and was formerly used as accommodation for doctors and nurses.

The relocation is necessary due to Compulsory Purchase Order relating to the Darlaston junction improvements.

The application site has its own established car parking area and setting and is located at the entrance to the main hospital campus off Moat Road.

The total floorspace of the building is approximately 400sqm over two floors and used to accommodate 8 flats. There are 6 car parking spaces.

In support of the application, the future end user highlights:

Beswick House provides the Council with 20 units of specialist supported accommodation for vulnerable men with complex needs who are homeless or at risk of homelessness. The scheme is staffed 24 hours a day to deliver specialist support.

Clients are seen as having complex needs when they have a range of needs in addition to homelessness or at risk of homelessness. Some have learning disabilities, mental ill health, offending backgrounds, physical or sensory disability, substance misuse etc and may be supported following assessment of risk and safeguarding. In all instances the service will work with statutory agencies and appropriate partners to ensure needs are met to enable move on into appropriate accommodation.

Without the provision of a Beswick House service the council would struggle to effectively prevent homelessness and discharge its statutory duties under Housing Legislation that would affect the individual's choice, ability to live independently, offending behaviour, anti social behaviour in the community, A& E throughput, use of B & B as emergency accommodation and delayed hospital discharges.

If Beswick House are granted permission to use Wilbraham Court, this will allow them to continue providing the council with a core supported accommodation unit for clients with complex needs, together with dispersed houses for those clients ready to move into more independent accommodation with the intention of moving into their own accommodation.

The physical design of Wilbraham Court provides Beswick House with 4 x 4 bed roomed flats which have shared kitchen and bathroom facilities. Currently Beswick House provides clients with all meals because they do not have the space to provide clients with kitchen facilities. The design of Wilbraham Court will enable Beswick House to deliver a service that will promote greater independent living skills

Relevant Planning History

No relevant planning history.

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

National Planning Policy

National Planning Policy Framework

The NPPF sets out the Government's position on the role of the planning system in both plan-making and decision-taking. It states that the purpose of the planning system is to contribute to the achievement of sustainable development, in economic, social and environmental terms, and it emphasises a "*presumption in favour of sustainable development*".

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

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

Key provisions of the NPPF relevant in this case:

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

7: Requiring Good Design

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

57. It is important to plan positively for the achievement of high quality and inclusive design for all development.

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

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

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

The Development Plan

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

Regional Strategy (RS)

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

Relevant RS policies are:

CF1 – Seeks to provide housing within major urban areas.

QE3 – seeks to deliver high quality design

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

The Black Country Core Strategy (BCCS)

This was adopted under the current Local Development Framework system, and the NPPF says that for 12 months from the publication of the national framework "*decision-takers may continue to give full weight to relevant policies*". However, it is more than 12 months since the NPPF was published in March 2012. Now (as with the saved policies of Walsall's UDP) the NPPF advises that "*... due weight should be given to relevant policies ... according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).*" To consider the

conformity of the BCCS with the NPPF the four Black Country councils have completed a 'Compatibility Self-Assessment Checklist' (published by the Planning Advisory Service) and have discussed the results with a Planning Inspector. Whilst there is no formal mechanism to certify that the BCCS is consistent with the NPPF the discussions led officers to the conclusion that the exercise identified no issues that would conflict with the NPPF or require a review of the BCCS in terms of conformity. The results of this assessment are to be published on the BCCS and Council websites and it is planned to report to the Council's Cabinet to confirm this view. In the absence of evidence to the contrary it is considered that the BCCS policies should be given full weight in planning decisions.

The BCCS states that the councils will create cohesive, healthy and prosperous communities.

The relevant policies are:

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

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

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

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

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

HOU3 – Seeks to deliver affordable housing

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

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

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

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

Walsall's Unitary Development Plan (UDP)

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

The relevant policies are:

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

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

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

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

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

H5 -The Council will promote and encourage the provision of housing for people with special needs, including single people, the elderly, ethnic minorities, people with disabilities and any other groups who require specialist accommodation.

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

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

Supplementary Planning Documents (SPD)

Designing Walsall SPD

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

Consultations

Transportation – No objection

Pollution Control

Contaminated Land Team – No objection

Representations

None received. The period for receipt of representations expires on the 3rd April

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

Determining Issues

- Principle of the use
- Impact on the character of the area
- Servicing and car parking

Observations

Principle of the use

The application is for the re-use of an existing two storey building which forms part of the wider hospital estate. The application site is on the entrance to the hospital. The proposed use is a relocation of the current use of the property at 2 Bescot Road which has to be demolished as part of the works to improve the junction.

The proposals are for a care based facility with a residential character. The application property is self-contained and separate from other residential properties and this will allow for effective management. The proposals are therefore acceptable in principle and being close to the hospital allows a beneficial relationship to be formed.

The use is considered acceptable in principle in this location.

Impact on the character of the area

The proposals are residential in character and the application site is separated by an access road to hospital car parking and Moat Road. The proposals will result in no external alterations to the building.

The amenity area is overgrown due to the lack of use of the building. Bringing the building back into use will allow for maintenance and improvement to this area.

It is considered that the proposals will have no material adverse impact on the character of the area.

Servicing and car parking

The proposals are served by a private courtyard which has its own turning area and provides 6 car parking spaces which are already laid out.

It is considered that the proposals will provide adequate on street car parking.

Positive and Proactive working with the applicant

Officers have met and discussed with the applicant's agent in response to concerns raised to enable full support to be given to the scheme.

Summary of Reasons for Granting Planning Permission

The application to Wilbraham Court which is an unused premises as part of Walsall Manor Hospital estate and was formerly used as accommodation for doctors and nurses.

The proposed use, a care based operation under use class C2, is a relocation of the current use of the property at 2 Bescot Road which has to be demolished as part of the works to improve the junction under the Darlaston junction improvements.

The application property is self-contained and separate from other residential properties and this will allow for effective management. The proposals are therefore acceptable in principle and being close to the hospital allows a beneficial relationship to be formed.

There are no external changes to the proposals, and bringing the building back into use will allow for maintenance and improvement to the amenity area which is overgrown. The proposals are served by a private courtyard which has its own turning area and provides 6 car parking spaces. It is considered that the proposals will provide adequate off street car parking.

The proposed development is considered to comply with the relevant policies of the development plan, in particular policies CF1 and QE3 of the Regional Strategy, policies CSP3, CSP4, and ENV3 of the Black Country Core Strategy; saved policies GP2, ENV10, ENV14, H5, ENV32, ENV33 and T13 of Walsall Unitary Development Plan, and the Council's Supplementary Planning Documents. On balance, having taken into account all material planning considerations, including the aims and objectives of the NPPF and sustainable development, the proposal is acceptable.

Positive and Proactive working with the applicant

Walsall Council seeks to work proactively with owners, developers and their agents in the public interest to promote sustainable developments in the borough. In accordance with paragraphs 186 and 187 of The National Planning Framework we encourage pre application discussion in all formats to help ensure that proposed developments are delivered in the most appropriate way that creates economic growth, suitable housing and other forms of development so long as they safeguard the natural and built environment, highway safety and the amenity of citizens. In this instance the council has been able to support the proposed development and has worked with the applicant as detailed in the planning report.

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

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

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



Walsall Council

Regeneration Directorate – Planning and Building Control

Planning Committee

Report of Head of Planning and Building Control, Regeneration Directorate on 04/04/2013

Plans list item no: 8.

Reason for bringing to committee: Departure from the Development Plan

Application Number: 13/0292/FL

Application Type: Full application

Applicant: CALA Homes (Midlands) Ltd

Proposal: Demolition of existing commercial buildings, erection of 8 dwellings and garages & associated infrastructure, and removal of bund and hardstanding.

Location: MILL GREEN FARM, CHESTER ROAD, ALDRIDGE, WS9 0LR

Ward: Aldridge Central & South

Case Officer: Alison Ives

Telephone Number: 01922 652604

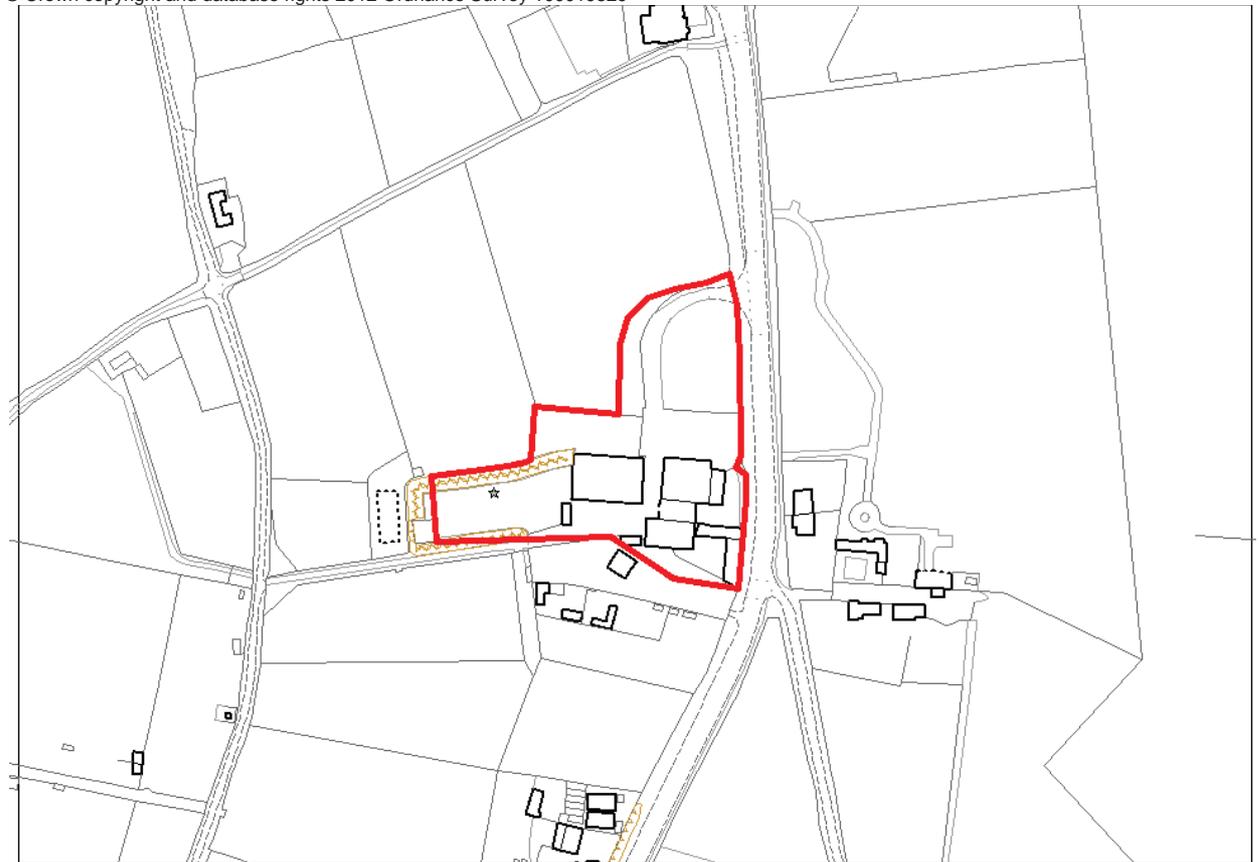
Email: planningservices@walsall.gov.uk

Agent:

Expired Date: 29/04/2013

Recommendation Summary: Grant permission subject to conditions subject to no further representations raising material issues.

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Application and Site Details

The proposal is for demolition of existing commercial buildings at Mill Green Farm and erection of 8 detached dwellings with garages and associated infrastructure plus removal of a bund and hardstanding to the rear of the buildings.

The site is in the Green Belt and is on the west side of Chester Road which forms the Borough boundary with Lichfield District Council. There is a group of large industrial buildings on the site (formerly agricultural and storage buildings) occupied for a variety of uses which share an access. A detached house, 724 Chester Road, adjoins the southern boundary, there are a group of dwellings opposite on Chester Road and the Plough & Harrow Pub to the north. The site is at 2-2.5m higher ground level than Chester Road. The remainder of land surrounding the site is largely agricultural and horse paddocks. There is a large stable building to the rear of the site.

The proposal utilises the existing access to the site which is proposed to be gated with separate vehicle and pedestrian access gates. The plans also illustrate a new footway from this access and a crossing point adjacent to the central refuge on Chester Road. The access road within the site sweeps round an open grassed area and it is proposed to carry out new planting on either side of this. There are two plots at the head of the access (plots 3 & 4) which then branches out to two arms of a cul-de-sac. Plots 1 & 2 face Chester Road and plots 5, 6, 7 & 8 are located at the rear of the site within a courtyard. The proposed houses are broadly in the position of existing commercial buildings on the site.

Planning permission for erection of 5 larger dwellings on the site was granted in December 2010. The current application differs in so far as the application site has been extended to include the open grassed area between Chester Road and the access road and to include the bunded area of hardstanding at the rear of the site. The developers advise this is to enable incorporation of a Sustainable Urban Drainage System (SuDS) at the front of the site and to undertake engineering operations to remove the bund and large area of hardstanding at the rear of the commercial buildings.

By extending the site boundary from the earlier permission the developers have incorporated a 16m strip of land at the rear of the residential development site which now forms the rear gardens of plots 6, 7 & 8, although the houses themselves remain within the earlier application site boundary. This land presently forms part of the commercial site and is covered in hardstanding. A new hedge is proposed along the rear garden boundary of these plots. Beyond the gardens is the bunded area of extensive hardstanding referred to above. A 2m wide strip of planting is proposed off site along the northern boundary alongside plot 8 to help screen the development.

The proposed two storey houses each have 5 bedrooms and a generous floor space in excess of 278 sqm. The design is traditional with hipped roofs, projecting gables, chimneys, porches and some individual features such as projecting first floor galleries. The height of the houses ranges between 9m and 10.5m. Plots 1, 2, 3, 6 & 7 have attached double garages, plots 5 & 8 have attached triple garages and plot 4 has a detached double garage. There is a floor space above most garages allowing for further accommodation.

The supporting information confirms that the proposed development will be designed to achieve the Code for Sustainable Homes Level 3 and meet or exceed the minimum requirements of Building Regulations.

The application site is 1.21 hectares. The aggregated footprint of the existing buildings on the site is 2496 sqm. The aggregated footprint of the proposed dwellings, including their garages, is 1380 sqm, a significant reduction of 1116 sqm. The proposals also include

removal of three areas of hardstanding equating to 4166 sqm plus the earth bund at the rear of the site.

The Design & Access Statement – Describes the site and surrounding context, the background history, design principles, the appearance and landscaping of the proposed development and the sustainability development strategy.

The Planning Statement – Explains the increased number of smaller dwellings is more deliverable for the site than the earlier approval for 5 dwellings. The application site boundary has increased from the approved scheme to include land between the access and Chester Road to create a Sustainable Urban Drainage System (SUDS) and land at the rear to remove an unsightly bund and large area of hardstanding. The statement describes the site and surroundings, planning history and discusses relevant planning policy. It assesses the key planning issues relating to Green Belt and provision of Aspirational Housing and concludes that the scheme aims to deliver a scheme that can attract Class A/B households. The statement points out that policy has changed so redevelopment of brownfield sites in the Green Belt is not inappropriate if new development does not have a materially greater impact on the openness of the Green Belt and purposes of including land within it. The scheme meets the definition of sustainable development in the NPPF as it provides an economic role by regenerating the site and providing construction jobs, a social role in providing aspirational housing as required in the BCCS and an environmental role in improving the appearance and openness of the Green Belt. A schedule of existing tenants is appended.

The Housing Market Report – Explains the site is 1.5 miles from Little Aston a highly regarded private residential area. Whilst the Little Aston area attracts Class A/B households, the application site does not command the same demand for high value homes and the ceiling price is likely to be around £900,000. This translates to smaller dwellings than those on the approved scheme for 5 dwellings (around 4000 sq ft [371 sqm] instead of 5-6000 sq ft [464-557 sqm]). To be successful the scheme needs to attract wealthy buyers from Walsall and Aldridge who aspire to live in a more exclusive residential area. To appeal to this market sector the development offers highly specified individual detached homes within a size range of 3000-4000 sq ft (278 – 371 sqm) within a secure environment. This equates to a selling price range of £800,000 - £900,000 and provides an appropriate alternative to Little Aston for the aspirational buyer. For this market in this area detached dwellings with their own parking are recommended.

The Bat Survey Report – Highlights that a survey of the buildings was carried out on 19th March 2013 and found the buildings to be of negligible or low potential to support roosting bats and no evidence of a roost was identified during the survey. Given the above the presence of a bat roost is not a statutory constraint to the proposed development and no further survey work is necessary to support the application. Enhancements could be provided as part of the application including 9 bat boxes on retained mature trees on the site boundary. Demolition of two of the buildings should be carried out in a precautionary manner and should be completed outside the main bird breeding season.

The Phase 1 & 2 Geo-Environmental Assessment – Identifies potential sources of risk from the site which are not significant except in limited contamination areas. It recommends further work including limited additional investigation of the buildings and tank footprints and location and treatment of a former well in the south east of the site plus remediation.

Transport Statement – Reviews the existing conditions, impact of the proposed development and trip generation. It concludes that parking and access for the development accords with recommended standards and provides appropriate space for manoeuvring refuse and emergency vehicles. The comparison of trip generation between the existing use and

proposed development demonstrates an overall net traffic reduction of 68 two-way vehicles for the 12 hour period, a reduction in total vehicle movements and removal of HGV's. There will be no material impact on the highway network.

Relevant Planning History

10/1096/FL – Erection of 5 houses with associated works, demolition of existing B1, B2 and B8 buildings – Granted subject to conditions – December 2010. The applicant demonstrated very special circumstances to justify inappropriate development in the Green Belt. The houses were set out in a crescent with longer rear gardens adjoining the boundary with 724 Chester Road. The site did not include the bunded area of hardstanding at the rear of the existing commercial buildings.

12/0101/FL – Variation of condition 2 of permission 10/1096/FL to replace the red line boundary of the site to include additional land in B1, B2, B8 use increasing the size of the land from 0.79 – 0.83 hectares – No decision to date. The applicant has been advised that this change cannot be dealt with as a variation of condition application as it changes the site boundary.

Older applications relating to the existing use

02/0521/FL/E2 – Continuation of the use of former agricultural buildings for B1 (business), B2 (general industrial) and B8 (storage and distribution) uses – Granted December 2002.

BC59353P – Retrospective application for change of use of agricultural buildings to business use (Class B1, B2 & B8) – Refused December 1999.

Relevant Planning Policy Summary

National Planning Policy Framework (NPPF)

The NPPF sets out the Government's position on the role of the planning system in both plan-making and decision-taking. It states that the purpose of the planning system is to contribute to the achievement of sustainable development, in economic, social and environmental terms, and it emphasises a "*presumption in favour of sustainable development*".

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

- find ways to enhance and improve places in which people live their lives
- always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings
- take account of the different roles and character of different areas, promoting the vitality of our main urban areas
- encourage the effective use of land by reusing land that has previously been developed

Key provisions of the NPPF relevant in this case:

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

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

Paragraph 49 advises housing applications should be considered in the context of the presumption in favour of sustainable development.

Paragraph 50 aims to deliver a wide choice of high quality homes and advises local planning authorities to plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community.

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

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

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

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

Paragraph 79 states the fundamental aim of the Green Belt is to prevent urban sprawl by keeping land permanently open and the essential characteristics of Green Belts are their openness and permanence.

Paragraph 80 identifies the purposes of the Green Belt.

Paragraph 81 encourages local planning authorities to enhance beneficial use of the Green Belt including retaining and enhancing landscapes, visual amenity and biodiversity or improving damaged and derelict land.

Paragraph 87 states inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Paragraph 88 states very special circumstances will not exist unless the potential harm to Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

Paragraph 89 states the construction of new buildings are inappropriate in the Green Belt except for specific uses including limited infilling or partial or complete redevelopment of previously developed sites (brownfield land) whether redundant or in continuing use which would not have a greater impact on the openness of the Green Belt or purpose of including land within it than the existing development.

On **planning conditions** the NPPF says:

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

On **decision-taking** the NPPF sets out the view that local planning authorities should approach decision taking in a positive way to foster the delivery of sustainable development and look for solutions rather than problems and work proactively with applicants to secure

developments that improve the economic, social and environmental conditions of the area. Pre-application engagement is encouraged.

The Development Plan

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

Regional Strategy (RS)

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

Relevant RS policies are:

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

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

QE3: Promotes high quality design.

The Black Country Core Strategy (BCCS) (2011)

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

This was adopted under the current Local Development Framework system, and the NPPF says that for 12 months from the publication of the national framework "*decision-takers may continue to give full weight to relevant policies*". However, it is more than 12 months since the NPPF was published in March 2012. Now (as with the saved policies of Walsall's UDP) the NPPF advises that "*... due weight should be given to relevant policies ... according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)*." To consider the conformity of the BCCS with the NPPF the four Black Country councils have completed a 'Compatibility Self-Assessment Checklist' (published by the Planning Advisory Service) and have discussed the results with a Planning Inspector. Whilst there is no formal mechanism to certify that the BCCS is consistent with the NPPF the discussions led officers to the conclusion that the exercise identified no issues that would conflict with the NPPF or require a review of the BCCS in terms of conformity. The results of this assessment are to be published on the BCCS and Council websites and it is planned to report to the Council's Cabinet to confirm this view. In the absence of evidence to the contrary it is considered that the BCCS policies should be given full weight in planning decisions.

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

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

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

3. Economic Prosperity Attract new employment opportunities and investment in innovation and new technology, deliver a network of successful strategic, town, district and local centres and the infrastructure and raw materials needed to support the local economy,

improve the wealth and image of the Black Country and support initiatives to lift educational and skills performance.

The Spatial Objectives include

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

The above are supported by the following policies:

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

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

CSP4: A high quality of design of the built and natural environment is required.

HOU2: Density and form of new housing should be informed by the need for a range of types and sizes of accommodation, level of accessibility and need to achieve a high quality design and minimise amenity impacts.

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

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

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

ENV5: Seeks to minimize the probability and consequences of flood risk, to assist in reducing the extent and impact of flooding developments should incorporate Sustainable Drainage Systems (SUDS), unless it would be impractical to do so, in order to significantly reduce surface water run-off and improve water quality.

Walsall's Unitary Development Plan (UDP)

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

The relevant policies are:

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

ENV1: Defines the purpose of the Green Belt.

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

ENV3: Identifies more detailed considerations for proposals in the Green ENV4:

Redevelopment of major developed sites may be permitted provided they have (i) no greater impact (and where possible less impact) than the existing development on the openness and purposes of the Green Belt, (ii) the height of existing buildings is not exceeded and (iii) the area to be covered by buildings would not occupy a larger area than the aggregate floor area

of the existing buildings, unless it would achieve a reduction in height which would benefit visual amenity.

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

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

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

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.

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

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

JP7: When windfall sites come forward for redevelopment these will be safeguarded for appropriate employment uses unless there are exceptional circumstances where it may be more appropriate to consider other uses such as housing due to the relationship of the site to the surrounding land uses or because the site is not well located to serve the needs of modern industry.

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

T7 – Car Parking

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

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

T10 (a): Refers to accessibility standards.

T13: Development will provide adequate on-site parking to meet its own needs, and that there will be no adverse effect on highway safety and the environment.

4 bedroom houses and above – 3 spaces per unit

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

Supplementary Planning Documents (SPD)

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

Designing Walsall SPD

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

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

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

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

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

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

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

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.

It is considered in this case that the relevant provisions of SPD Conserving Walsall's Natural Environment are consistent with the NPPF.

Consultations

Transportation – No objections in principle. Policy T13 requires 3 parking spaces for a 4+ bedroom dwelling which the development achieves by providing garaging plus driveway parking for at least 3 vehicles on each plot. The vehicle trip based analysis undertaken compares the trip generation of the existing site with that predicted to be generated by the proposed residential development. The analysis shows a net reduction of vehicle movements compared to the existing use particularly HGV trips. This demonstrates the proposed development will considerably reduce the vehicle movements to and from the site and on Chester Road. The existing private access road is more than adequate to serve the proposed 8 residential units. A turning facility for refuse wagons is to be provided.

Pollution Control (Scientific Team) – No objections but it is recommended that construction times are controlled by condition to minimise impacts on neighbouring residential premises and that the developer submits a demolition working plan. It is also recommended that acoustic glazing and ventilation is installed in habitable rooms with facades fronting onto Chester Road for Plots 1 – 3.

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 site. Conditions to address these concerns have been provided.

Ecology – Objects subject to receipt of an updated bat survey. The original bat survey was carried out in July 2010 and should be reviewed to ensure the recommendations remain valid before any decision is made on the current application. Comments on the updated bat survey now received will be reported at Committee. Landscaping should also be included to screen the development and incorporate native species that will have ecological benefits.

Landscape – A detailed landscaping scheme is required. Structural planting to screen or blend the proposed development into the landscape is required. The scheme incorporates more extensive hard landscaping than previously approved. Details of hard and soft landscaping are required.

Fire Service – No objections.

Severn Trent Water – No objections subject to provision of satisfactory drainage details. A condition is recommended to secure this.

Public Participation Response

There is 1 letter of objection to the proposals which is summarised as follows: -

- Tenants have been given 16 weeks to quit with no provision for alternative premises
- Loss of jobs and business rates
- No compensation has been offered

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

The publicity period for this application expires on 9 April 2013 hence the recommendation to grant subject to no new representations being received raising new material planning issues.

Determining Issues

- Whether the development is appropriate development in the Green Belt
- Impact on the character and openness of the Green Belt
- Loss of employment uses
- Layout and Design
- Relationship between existing and proposed properties
- Ecology
- Access and Parking

Observations

Whether the development is appropriate development in the Green Belt

The proposed development is confined within the existing developed part of the site where the industrial buildings and hardstanding areas are. The NPPF states the fundamental aim of the Green Belt is to prevent urban sprawl by keeping land permanently open and the essential characteristics of Green Belts are their openness and permanence. As the development does not encroach beyond the existing developed part of the site the openness of the Green Belt is maintained. The removal of the bund and extensive hardstanding area on land at the rear is considered to improve the openness. Although the site boundary has been extended the proposed buildings do not encroach further into the countryside that would result in urban sprawl. The National Planning Casework Unit has already determined not to intervene in the decision to approve the application for 5 dwellings (10/1096/FL) and as the current proposal has no significantly greater impact on the Green Belt it is recommended that this case does not require their further consideration.

Paragraph 89 of the NPPF states the construction of new buildings are inappropriate in the Green Belt except for specific uses including limited infilling or partial or complete redevelopment of previously developed sites (brownfield land) whether redundant or in continuing use which would not have a greater impact on the openness of the Green Belt or purpose of including land within it than the existing development. The redevelopment of this previously developed commercial site for residential purposes is appropriate in accordance with this and does help regeneration by providing aspirational housing. The principle of erection of 5 dwellings on the site has already been established by permission 10/1096/FL.

The footprint of the proposed dwellings is 1116 sqm less than the footprint of the existing buildings on site which will offer benefits to the openness and character of the Green Belt despite the increase in the number of dwellings from 5 to 8 since the earlier permission. There are further benefits from removal of 4166 sqm of hardstanding and the bund at the rear. For these reasons the proposals will have no greater impact on the openness of the Green Belt.

The proposed houses vary in height up to a maximum 10.5m which exceeds the height of the existing commercial buildings which are 8m high. Nevertheless the proposals are considered acceptable as the appearance, scale and massing of the houses is an improvement upon the present buildings and creates a greater openness.

The surrounding area is rural in character with small groups of dwellings surrounded by fields. The appearance of the existing group of industrial buildings on the site is considered to detract from the appearance of the Green Belt as the scale and size of the buildings

present a massive outline from viewpoints outside the site. The proposed dwellings are a reduced size which coupled with the additional landscaping will improve the appearance of the site from surrounding viewpoints. The roofs of the houses, although higher are less extensive and more varied thus breaking up the mass and providing a break in the skyline. For these reasons the proposals are considered to enhance the visual appearance of the site within the Green Belt.

The Transport Statement demonstrates the proposals will result in a net reduction of vehicle movements compared to the existing use particularly HGV trips. It also offers the benefit of removing the need for HGV's to visit the site. The reduction of traffic and removal of industrial traffic from this rural area will improve the character of the site and the Green Belt.

The supporting justification to policy HOU2 of the BCCS states the Black Country suffers from a lack of housing choice, which limits its ability to attract more households in Social Groups A and B and goes on to state that it will be important to achieve a level of transformation necessary to attract A/B households. The proposals offer such an opportunity to provide 8 large aspirational houses set within generous plots that would attract entrepreneurs and business managers to live within the Borough. Aspirational new housing can only be provided in the form of low density, low rise schemes on greenfield sites peripheral to the existing built up area. Mill Green Farm is one such site and the proposal offers the opportunity to provide this choice of housing. The developer's Housing Market Report further explains that the amended scheme for 8 houses is more deliverable than the earlier scheme for 5 dwellings and will provide an appropriate alternative to Little Aston for the aspirational buyer and that for this market in this area detached dwellings with their own parking are recommended.

In conclusion the cumulative benefits of the proposals referred to above are considered sufficient to demonstrate that this development is appropriate at this Green Belt site.

Impact upon the character and openness of the Green Belt

The proposal to remove the industrial sheds on the site which are of vast scale and size and replace them with houses will reduce the scale and massing of buildings on the site. Despite the houses having a ridge height up to 2.5m taller it is considered that their overall reduced scale and size will be an improvement to the character and openness of the Green Belt.

Although the access within the site is larger than the earlier permission for 5 houses it is still considered to be an improvement on the large areas of hardstanding currently within the site and to the rear. On balance, and with use of appropriate surface materials this will have less of an impact on the character or openness of the Green Belt than the existing development at the site.

Nevertheless it is recommended that permitted development rights for extensions, alterations to the roofs, porches, outbuildings and hard surfacing are removed to enable control over future development at the site that may reduce the openness of the Green Belt or adversely affect the character.

Loss of employment uses

The site is not an allocated employment site within the UDP and there is a history of enforcement seeking to terminate the employment uses at the site.

The objector's concerns that tenants have only been given 16 weeks to quit with no provision for alternative premises, and that no compensation has been offered is a private matter between the land owner and their tenants. On the earlier scheme the land owner confirmed that they own alternative premises in Aldridge that could accommodate any displaced businesses. Regardless of whether the tenants take up this offer there are

alternative premises available in the Borough that would allow for businesses to continue and maintain employment.

The site is considered as part of Walsall's industrial land supply but as it is one of a number of small isolated industrial and quasi-industrial activities taking place in the Green Belt it only contributes marginally to the industrial land supply. It is not in an allocated employment site in the development plan and therefore displacement to a more central employment area is preferred rather than the present rural location.

The site is a distance from any employment catchment and as a whole is not well located for the needs of modern industry. Consequently it is an exceptional site under policy JP7 (d) and there is no objection to redevelopment for residential purposes.

The supporting evidence demonstrates that 5 of the 16 units available on the site are vacant and 2 of the units are occupied by A1 retail uses therefore not compliant with the permitted use of the site for B1, B2 or B8 uses. There are low numbers of staff employed at the site (29 in total). Given that there are alternative premises available within 2km of the site at Westgate and Anglian Road it is considered that the risks arising from loss of employment on this site are outweighed by the benefits the proposed development has upon the Green Belt.

Layout and Design

The proposals differ from the earlier permission in so far as there are 3 extra houses, the houses have a smaller floor space and there are now two arms of a cul-de-sac rather than a single row of dwellings which arc back from Chester Road into the site. The new housing is still located in broadly the same areas as the existing buildings on the site which is acceptable. Two plots face Chester Road and although the land is elevated from Chester Road new hedge planting is proposed along this frontage which is in keeping with the surroundings and will help assimilate the new development into its surroundings. Plots 3 & 4 are located at the head of the approach from the access road providing an attractive end stop and the new courtyard created by plots 5-8 is considered appropriate. Houses are clearly defined within the new cul-de-sac.

The layout is designed to maintain privacy between the proposed dwellings. The closest houses are plots 2 and 5 but the latter is designed so that the main aspect is to the front and side of the dwelling to provide adequate separation and reduce potential for significant overlooking. All houses have private and secure gardens which are south or west facing and exceed the minimum garden areas recommended in SPD: Designing Walsall.

The design of the houses is acceptable and considered an appropriate and high quality style of architecture that will enhance the appearance of the site. The accommodation provides the type of accommodation that is considered to attract aspirational buyers.

The layout includes planting of hedges and trees around the perimeter of the site to provide screening, as well as planting in front and back gardens and the introduction of the new hedge at the rear and 2m wide off-site landscape belt to the north of plot 8. These are considered to enhance the appearance of the site and despite landscape officer concerns about lack of details regarding planting species these can be secured by condition. The removal of the bund and hardstanding at the rear of the site will also enhance the appearance of the site and the wider setting within the Green Belt.

In light of the above comments it is considered that the layout and design of the proposals area acceptable.

Relationship between existing and proposed properties

The nearest house is 724 Chester Road to the south and 669/671 Chester Road opposite. Plot 5 has a main aspect facing the boundary and gable elevation of 724 but is an average of 20m away. This is acceptable despite the fact that there is accommodation in the roof space at 724 that includes a second floor window in the gable. There will not be significant overlooking and additional landscaping will help screen garden areas. Plot 6 is set further back than 724 and is angled so that there are no directly facing elevations. The relationship to 724 is considered acceptable and will not cause undue harm to residential amenities in terms of privacy or outlook.

Plots 1 & 2 are over 45m away from the houses 669/671 Chester Road opposite the site. This is adequate distance to protect privacy and outlook for existing and proposed occupiers.

The enhancement of landscaping throughout the site and removal of the industrial buildings will improve the outlook from surrounding occupiers and provide a more compatible relationship than the existing unrestricted industrial uses.

The relationship between existing and proposed housing is considered to be acceptable.

Ecology

The Council Ecologist requested an updated bat survey which has been provided. This demonstrates the existing buildings are of negligible or low potential to support roosting bats and no evidence of a roost was identified during the survey. A precautionary approach to demolition is recommended. Conditions are recommended to secure appropriate mitigation. The Ecologist comments will be updated at Committee.

Access and Parking

The proposed access is via the existing access to the north of the site and is acceptable. Each of the proposed houses has at least three off-street parking spaces which accords with requirements of policy T13. The proposed number of vehicle movements is also greatly reduced from the existing industrial uses and it is considered that the type of traffic will have less of an impact on the highway network than the existing number of vehicles which includes HGV's visiting the site.

Although the site is located in a rural area, there are facilities within the outskirts of Aldridge 2km distant that can be reached by walking, cycling or public transport such as schools, shops, public houses and employment. There are bus stops within 750m of the site. The proposals reduce the overall level of traffic to the site and may also reduce commuting distances for entrepreneurs with businesses in the Borough. The proposals are large houses where there is adequate garage space for storage of bicycles to encourage home owners to use alternative travel.

The proposals include improvements to pedestrian access at the front of the site by provision of a new footway extending from the site along Chester Road to a point adjacent to the existing central refuge to make crossing Chester Road safer for pedestrians.

The access and parking are acceptable.

Positive and Proactive working with the applicant

Officers have met with the applicant's and their agent and in response to concerns raised, amended plans and supporting information has been submitted to enable full support to be given to the scheme.

Recommendation

Grant permission subject to conditions subject to no further representations raising material issues.

Summary of Reasons for Granting Planning Permission

The development does not encroach beyond the existing developed part of the site so the openness of the Green Belt is maintained. The removal of the bund and hardstanding area on land at the rear is considered to improve the openness. Although the site boundary has been extended the proposed buildings do not encroach further into the countryside that would result in urban sprawl. The redevelopment of this previously developed commercial site for residential purposes is considered appropriate and provides an opportunity for regeneration and providing aspirational housing. The principle of erection of 5 dwellings on the site has already been established by permission 10/1096/FL.

The footprint of the proposed dwellings is less than the footprint of the existing buildings on site benefiting the openness and character of the Green Belt despite the increase in the number of dwellings from 5 to 8. The appearance, scale and massing of the houses is an improvement upon the present buildings and creates a greater openness and enhances the visual appearance of the site within the Green Belt.

The reduction of traffic and removal of industrial traffic from this rural area will improve the character of the site and the Green Belt.

The proposals offer the opportunity to deliver large aspirational houses to attract entrepreneurs and business managers to live within the Borough. The amended scheme for 8 houses is more deliverable than the earlier scheme for 5 houses and will provide an appropriate alternative to Little Aston for the aspirational buyer.

Overall the reduced scale and size of the houses compared to the industrial sheds will be an improvement to the character and openness of the Green Belt. Although the access road within the site is larger than the earlier permission for 5 houses it is still considered to be an improvement on the large areas of hardstanding currently within the site and to the rear. It is recommended that permitted development rights for extensions, alterations to the roofs, porches, outbuildings and hard surfacing are removed to enable control over future development at the site that may reduce the openness of the Green Belt or adversely affect the character.

The site is not an allocated employment site within the UDP and there is a history of enforcement seeking to terminate the employment uses at the site. The objector's concerns that tenants have only been given 16 weeks to quit with no provision for alternative premises, and that no compensation has been offered is a private matter between the land owner and their tenants. There are alternative premises available in the Borough that would allow for businesses to continue and maintain employment. Displacement of the commercial activities to a more central employment area is preferred rather than the present rural location. It is considered that the risks arising from loss of employment on this site are outweighed by the benefits the proposed development has upon the Green Belt.

The proposals differ from the earlier permission in so far as there are 3 extra houses, the houses have a smaller floor space and there are now two arms of a cul-de-sac rather than a single row of dwellings which arc back from Chester Road into the site. The layout and

design of the new housing is considered acceptable and achieves an adequate level of amenity. New planting will enhance the appearance of the site and despite landscape officer concerns about lack of details regarding planting species these can be secured by condition. The removal of the bund and hardstanding at the rear of the site will also enhance the appearance of the site and the wider setting within the Green Belt.

The layout ensures there will not be any significant harm to residential amenities in terms of privacy or outlook for existing or proposed occupiers. The enhancement of landscaping throughout the site and removal of the industrial buildings will improve the outlook from surrounding occupiers and provide a more compatible relationship than the existing unrestricted industrial uses.

An updated bat survey which has been provided which demonstrates the existing buildings are of negligible or low potential to support roosting bats and no evidence of a roost was identified during the survey. A precautionary approach to demolition is recommended. Conditions could be attached to any permission to secure appropriate mitigation.

The proposed access is via the existing access to the north of the site and is acceptable and each house has at least three off-street parking spaces which accords with requirements of policy T13. The number of vehicle movements will also be reduced and the type of traffic will have less of an impact on the highway network than the existing number of vehicles which includes HGV's visiting the site.

Although the site is located in a rural area, there are facilities within the outskirts of Aldridge 2km distant that can be reached by walking, cycling or public transport such as schools, shops, public houses and employment. The proposals are large houses where there is adequate garage space for storage of bicycles to encourage home owners to use alternative travel.

The proposals include improvements to pedestrian access at the front of the site by provision of a new footway extending from the site along Chester Road to a point adjacent to the existing central refuge to make crossing Chester Road safer for pedestrians.

In light of the above the proposals are considered to accord with the aims and objectives of the National Planning Policy Framework and sustainable development, the aims and objectives of the Black Country Core Strategy policies in particular CSP2, CSP3, CSP4, TRAN1, HOU2, ENV2, ENV3 and ENV5, the aims and objectives of the Walsall Unitary Development Plan saved policies GP2, ENV1, ENV2, ENV3, ENV14, ENV18, ENV23, ENV32, ENV33, ENV40, JP7, H3, T7, T8, T10 and T13 and Supplementary Planning Documents: Designing Walsall and Conserving Walsall's Natural Environment.

Recommendation: Grant permission subject to conditions subject to no further representations raising material issues.

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

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

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

- i) Prior to built development commencing a site investigation, ground contamination survey and assessment of ground gas, having regard to current best practice shall be undertaken. (see Note for Applicant CL1)
- ii) Prior to built development commencing a copy of the findings of the site investigation, ground contamination survey and ground gas assessment, together with an assessment of the hazards arising from any land contamination and/or ground gas shall be forwarded to the Local Planning Authority. (see Note for Applicant CL2)
- iii) Prior to built development commencing a "Remediation Statement" setting out details of remedial measures to deal with the identified and potential hazards of any land contamination and/or ground gas present on the site and a timetable for their implementation shall be submitted to and agreed in writing by the Local Planning Authority. (see Note for Applicant CL2)
- iv) The remedial measures as set out in the "Remediation Statement" required by part iii) of this condition shall be implemented in accordance with the agreed timetable.
- v) If during the undertaking of remedial works or the construction of the approved development unexpected ground contamination not identified by the site investigation required by part i) of this condition is encountered development shall cease until the "Remediation Statement" required by part iii) of this condition has been amended to address any additional remedial or mitigation works required and agreed in writing by the Local Planning Authority.
- vi) A validation report confirming the details of the measures implemented together with substantiating information and justification of any changes from the agreed remedial arrangements shall be submitted to and accepted in writing by the Local Planning Authority prior to the development being brought into use. (see Note for Applicant CL3)

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

3a. 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. Drainage details shall incorporate sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development

3b. The development shall be completed in accordance with the approved details and retained as such.

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

4a. Prior to the commencement of the development measures for controlling dust, flying debris, and drag-out from the site shall be submitted to the local planning authority for approval in writing.

4b. All agreed measures shall be implemented and maintained throughout the duration of demolition operations and construction activities, as stated within the planning statement that accompanied the application.

Reason: To protect the amenities of surrounding occupiers during demolition and construction.

5a. No development shall commence until a hard landscape scheme detailing all hard and soft landscape proposals has been submitted and approved in writing by the Local Planning Authority. This shall include full planting details of the 2m wide landscape buffer indicated on drawing SL01 Rev E. The scheme shall incorporate full details and specifications of the following matters:

Hard landscaping

- i. Full technical specifications of walls, fences, gates (boundary and internal, showing height and location), paving (materials and layout)
- ii. For better durability/lifespan, fence posts should be reinforced concrete rather than timber and concrete gravel boards should be included.

Soft landscaping

- iii. Topsoil specification
- iv. Topsoil depth for shrub planting areas (at least 450mm)
- v. Ground preparation for any planting and seeding/turfing areas, including the requirement to de-compact formation level below any top soiling following inevitable heavy trafficking by construction plant
- vi. Full details of proposed species, planting size, density, ground surface treatment, tree support and pit details, root barriers, mulching are required, together with any protective measures where planting is adjacent or in vehicular zones.
- vii. Spring bulbs should be considered in the planting scheme for the value they give in marking seasonal change and early nectar for insects
- viii. The intended 5 year establishment maintenance proposals
- ix. Landscape architectural expertise should be sought at an early stage, to work with other design professions to ensure well thought out building layout, external spaces and design detailing. A directory of landscape architectural practices is available online at www.landscapeinstitute.org

5b. The approved landscape plan shall be implemented before any part of the development is brought into use.

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

Reason: To enhance the appearance of the site.

6a. No built development shall commence until proposals to incorporate bat roosting features into the proposed buildings have been submitted to and approved in writing by the Local Planning Authority.

6b. The approved scheme shall be incorporated into the development before any part is brought into use and retained thereafter.

Reason: to conserve local bat populations.

7a. Prior to the commencement of development a schedule of facing materials to be used in the external walls and roofs shall be submitted and approved in writing by the Local Planning Authority.

7b. The approved details shall be implemented and thereafter retained.

Reason: To ensure the satisfactory appearance of the development.

8a. Prior to the first occupation of the development hereby permitted, the proposed access road, turning areas and parking facilities shown on the approved plan shall be consolidated, surfaced, drained, free of loose stone and otherwise constructed in accordance with details to be submitted to and approved in writing by the Local Planning Authority. The proposed realigned private access road and turning areas shall be constructed to a specification suitable to cater for the use by a 26 tonne fully loaded refuse wagon.

8b. The access road, turning and parking areas shall be thereafter be retained and used for no other purpose.

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

9a. Prior to the commencement of the development, full engineering and technical details of the adoptable footway and pedestrian crossing point on Chester Road, shown on drawing SL01 Rev E dated 13/02/12, shall be submitted to the Local Planning Authority for approval in writing.

9b. The approved footway and crossing point details shall be fully implemented prior to the first occupation of any dwelling on the development.

Reason: To ensure the satisfactory completion of the development and in accordance with UDP Policy T8 and T11.

10. No part of the proposed development shall at any time be served by any vehicle access point other than the northern most access point shown on the approved plan.

Reason: In the interests of highway safety.

11. No ground fires shall be permitted on the demolition/construction site.

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

12. Habitable rooms on Plots 1, 2 and 3 with facades fronting onto Chester Road shall have acoustic glazing and ventilation with a weighted sound reduction index, R_w , of not less than 38dB.

Reason: To protect the amenities of future occupiers.

13a. No external lighting shall be installed in front or rear gardens without the written consent of the Local Planning Authority. Any proposed lighting scheme submitted for Local Planning approval shall comply with the following requirements:

- i. Any external lighting must be downward directed, shaded with a sharp cut-off and must not illuminate roof or hedges at any height.
- ii. Security lighting switched on by any kind of detector must be separated from the detector and set either directly below it and at least 1 metre away or level with it and over 2 metres away.

13b. No external lighting scheme other than that permitted by the Local Planning Authority is permitted.

Reason: To conserve local bat populations.

14. No development within Classes A (enlargement, improvement or alteration to the dwelling), B (addition to roof), C (alteration to roof), D (porch) , E (buildings within the curtilage) F (hard surface) and G (replacement chimney) of Part 1 to Schedule 2 of the Town and Country Planning (General Permitted Development Order 1995) (Amendment No.2)(England) Order 2008, or succeeding Orders shall be carried out to the dwelling or on the site, as appropriate, without the prior submission and approval of a planning application.

Reason: To protect the openness and character of the Green Belt and to comply with policy ENV2 of Walsall's Unitary Development Plan.

15a. No development shall take place until details showing the proposed means of (i) insulating the buildings, (ii) recycling surface water and 'grey water' from the proposed dwellings, and any other measures that may be required to achieve a satisfactory sustainability standard have been submitted to and approved in writing by the Local Planning Authority.

15b. Development shall be carried out in accordance with the approved details, and the dwellings shall not be occupied before the approved facilities have been installed and made available for use by the occupiers of the dwellings.

Reason: in order to secure the commitment made by the applicant to secure sustainable means of construction, to Level 3 of the Code for Sustainable Homes.

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

* Note - Bank Holidays and Public holidays for this purpose shall be taken to include: 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.

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

- Site Location Plan
- Site Layout (SL01 Rev E) received 20/3/13
- Materials Layout (ML01 Rev A) received 20/3/13
- Plot 1 Floor Plans & Elevations (P.1.pe Rev A) received 20/3/13
- Plot 2 Floor Plans & Elevations (P2.pe Rev A) received 20/3/13
- Plot 3 Floor Plans & Elevations (P3.pe Rev A) received 20/3/13
- Plot 4 Floor Plans & Elevations (P4.pe Rev A) received 20/3/13
- Garage for Plot 4 Elevations & Floor Plans (P.4.G.pe) received 25/3/13
- Plot 5B2 Floor Plans & Elevations (P5.pe Rev A) received 20/3/13
- Plot 6 Floor Plans & Elevations (P6.pe Rev A) received 20/3/13
- Plot 7 Floor Plans & Elevations (P7.pe Rev A) received 20/3/13
- Plot 8 Floor Plans & Elevations (P8.pe Rev A) received 20/3/13

- Design & Access Statement prepared by Cala dated March 2013 (Cala130106) received 1/3/13
- Planning Statement prepared by Cala dated March 2013 received 1/3/13
- Housing Market Report prepared by Cala received 1/3/13
- Phase 1 & Phase 2 Geo Environmental Statement prepared by GEG Geo Environmental Group dated February 2013 (GEG-13-266 PI_PII) received 1/3/13
- Transport Statement prepared by Phil Jones Associates dated March 2013 (1066) received 1/3/13
- Bat Survey Report prepared by FPCR dated March 2013 received 22/3/13
- Topographical Survey (6792a)

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 the National Planning Policy Framework 2012; 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 – Highways

If the access road serving the development is to remain private as indicated by the proposed installation of gates across the access road entrance which would not be permissible across a public highway. If it is the developer’s intention to request the Council as the Highway Authority to adopt the proposed access road as a highway maintainable at the public expense then the access road gates shall be permanently removed and, prior to the commencement of the development, full engineering details of the layout, alignments, widths and levels of the proposed access road, together with all necessary drainage arrangements and run off calculations, shall be submitted for approval in writing to the Local

Planning Authority and an agreement under Section 38 of the Highways Act 1980 entered into. Any agreement for street lighting shall be agreed in writing with Walsall Metropolitan Borough Council's street lighting partner Amey.

The developer will be expected to enter into an agreement under S278 of the Highways Act 1980 with regard to the proposed adoptable footway and pedestrian crossing point on Chester Road.



Walsall Council

Regeneration Directorate – Planning and Building Control

Planning Committee

Report of Head of Planning and Building Control, Regeneration Directorate on 04/04/2013

Plans list item no: 9.

Reason for bringing to committee: Significant community interest

Application Number: 12/1036/FL

Application Type: Full application

Applicant: Mr & Mrs Reeves

Proposal: Erection of four 3 bed semi-detached houses at the rear of 10 Ravenscroft Road with access off Chatsworth Close

Location: LAND TO THE REAR OF 10-12 RAVENSCROFT ROAD, WILLENHALL, WV12 4LY

Ward: Short Heath

Case Officer: Devinder Matharu

Telephone Number: 01922 652602

Email: planningservices@walsall.gov.uk

Agent: Castle Architectural Design

Expired Date: 29/10/2012

Recommendation Summary: Grant Permission Subject to Conditions

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Application and Site Details

The application proposes the erection of four, 3 bed semi detached houses to the rear of 10 Ravenscroft Road with access from Chatsworth Close. Plots A and C would be positioned to sit adjacent numbers 21 and 50 Chatsworth Close and plots B and D adjacent 6 and 8 Magnolia Grove. The properties would:

- measure 6m in width by 7.5m in length and 7.5m high.
- be constructed out of brick and tile with timber cladding.
- Have a tiled canopy above the front door.
- Plots A and B would have rear garden lengths of 10.8m and a total amenity area of 69 and 71 square metres.
- Plots C and D have rear garden lengths of 10.2m and have total amenity areas of 65 square metres.

A rear garden length of 11m would be retained for 12 Ravenscroft Road with a total amenity area of 75 square metres.

The development would meet the Sustainable Homes Code level 4.

The application site forms the rear garden of number 10 Ravenscroft Road. The rear garden of number 10 is "L" shaped and extends out towards behind the rear garden of 12 Ravenscroft Road. The existing rear garden of number 10 Ravenscroft Road is approximately 70m long from the rear elevation of the main house. The rear garden of number 12 Ravenscroft Road is approximately 15m in length. Towards the bottom of the garden of number 10, past the rear garden boundary of number 12, to the north is Chatsworth Close and to the south is Magnolia Grove. To the west of the site beyond the rear garden boundary are numbers 32 and 34 Alton Avenue.

The rear garden is relatively flat with a row of Poplar trees along the boundary with numbers 32 and 34 Alton Avenue.

Chatsworth Close is a modern 1980's housing development of 29 houses. The style and design of the houses are basic and have houses have porches, tiled canopies, bay and bow windows and single storey extensions at the front of the properties. The houses are constructed out of a dark red brick.

Magnolia Grove a recent open plan housing development of 10 houses. The style and design of the houses are modern and houses have projecting front garages, tiles canopies, bay windows, gable features and gable roofs. The houses are constructed out of a red multi brick.

Ravenscroft Road is accessed from both Ashmore Lake Road and Pool Hayes Lane. The houses on Ravenscroft Road are Edwardian and vary from detached to semi detached houses. The style and houses along Ravenscroft Road vary and include double front bay windows, chimneys, porches and tiled canopies. The houses are constructed out of a mixture of brick and render. Houses have low boundary walls and fences with hedges behind. There are speed humps along Ravenscroft Close

The site is located approximately 1140m from the edge of Lane Head local centre, approximately 290m from Ashmore Lake Road where bus services 340, 341, 342 and 369 operate between Walsall and Willenhall, providing a range of services from 20 to 30 minutes during the day and every 60 minutes in the evenings and Sundays.

The density of development in the immediate vicinity of the site in Chatsworth Close, Magnolia Grove and Ravenscroft Road averages 48 dwellings per hectare (dph), the development would have a density of 40 dph.

The development would meet the Sustainable Homes Code Level 3.

The following documents have been submitted in support of the application:

Design and Access Statement – the site is within a residential area, the area is well linked to surrounding areas by public transport, the division of the site into 4 plots of a similar size, an extension of Chatsworth Close and the proposed design will harmonise the area.

Tree survey – which states that the majority of the trees and shrubs are in a poor condition and suggested to be removed.

Flooding details – a plan showing the flooding zones in the area and a response from the Environment Agency advising the site is outside the blue area and this generally means the chance of flooding each year from rivers is 1 in 1000 years or less.

Relevant Planning History

09/0184/FL - Two-storey side extension and rear single-storey extension, granted subject to conditions 2009.

BC57398P - 8 Private detached houses and access road. Land at the Cottage, & r/o 2-8, Ravenscroft Road. Granted subject to condition 2001.

02/1274/FL/W4 - Re-positioning of plots 6 & 7 following planning approval ref: BC57398P to allow for 3m drainage easement. Granted subject to conditions 2002.

Relevant Planning Policy Summary

National Planning Policy Framework (NPPF)

The NPPF sets out the Government's position on the role of the planning system in both plan-making and decision-taking. It states that the purpose of the planning system is to contribute to the achievement of sustainable development, in economic, social and environmental terms, and it emphasises a "*presumption in favour of sustainable development*".

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

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

Key provisions of the NPPF relevant in this case:

4: Promoting Sustainable Transport

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

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

6: Delivering a Wide Choice of High Quality Homes

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

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

7: Requiring Good Design

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

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

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

11. Conserving and enhancing the natural environment

118. opportunities to incorporate biodiversity in and around developments should be

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encouraged.

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

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

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

The Development Plan

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

Other Relevant National Policy

The Planning System: General Principles

This has not been superseded by the NPPF. Paragraph 15 indicates that a planning application should be determined on its merits in light of all material considerations.

Regional Strategy (RS)

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

It is considered that the relevant RS policy is;

QE1: Conserving and enhancing the natural environment

protect and enhance the distinctive character of different parts of the Region as recognised by the natural and character areas

QE3: Creating a High Quality Built Environment for All

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

CF4: The reuse of Land and buildings for housing

Optimise opportunities for new housing development.

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

Local

The Black Country Core Strategy (BCCS) (2011)

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

This was adopted under the current Local Development Framework system, and the NPPF says that for 12 months from the publication of the national framework "*decision-takers may continue to give full weight to relevant policies*". However, it is more than 12 months since the NPPF was published in March 2012. Now (as with the saved policies of Walsall's UDP) the NPPF advises that "*... due weight should be given to relevant policies ... according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)*." To consider the conformity of the BCCS with the NPPF the four Black Country councils have completed a

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'Compatibility Self-Assessment Checklist' (published by the Planning Advisory Service) and have discussed the results with a Planning Inspector. Whilst there is no formal mechanism to certify that the BCCS is consistent with the NPPF the discussions led officers to the conclusion that the exercise identified no issues that would conflict with the NPPF or require a review of the BCCS in terms of conformity. The results of this assessment are to be published on the BCCS and Council websites and it is planned to report to the Council's Cabinet to confirm this view. In the absence of evidence to the contrary it is considered that the BCCS policies should be given full weight in planning decisions.

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

The relevant policies are:

HOU2: Housing Density, Type and Accessibility

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

ENV2: Historic Character and Local Distinctiveness

proposals will be expected to preserve and, where appropriate, enhance local character and distinctiveness.

ENV3: Design Quality

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

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

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

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

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

The relevant policies are:

Policies GP2, 3.6, 3.7 seek to make a positive contribution to the quality of the environment, whilst protecting people and not permitting development which would have an unacceptable adverse impact on the environment. Considerations to be taken into account in the assessment of development proposals include:

I. Visual appearance.

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

VII. The adequacy of the access, and parking.

3.113, 3.114, 3.115, ENV32 & 3.116: new development should be considered in relation to its setting and should create high quality of built and landscape design, well integrated with surrounding land uses and local character. 'Designing out crime' through design, layout, landscaping and boundary treatments is encouraged.

ENV14 encourages the development of previously developed land.

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

ENV17 new planting will be encouraged.

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

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

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

T7: Car Parking

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

T10: Accessibility Standards – General

(b) Standards will apply to all development proposals with the exception of:

i small residential developments within existing residential areas including infill plots

7.51: Easy walking/cycling distance will depend on local circumstances but the maximum will normally be regarded as 1000m.

T13: Parking Provision

3 bedroom houses and above, 2 spaces per unit

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

Supplementary Planning Documents (SPD)

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

Designing Walsall (Feb 2008)

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

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

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

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

Annexe E: Numerical Guidelines for Residential Development identifies privacy and aspect distances between dwellings including 24m separation between habitable windows for two storeys and above, 13m separation between habitable room windows and blank walls exceeding 3 metres in height, 45° code, garden dimensions of 12m in length and 68m² for housing and 20m² per dwelling where communal provision is made, setbacks 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 (April 2008)

Expands on the policies contained within the environment chapter of the UDP. The document provides criteria for European Protected Species survey requirements.

Consultations

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

Pollution Control Scientific Team – No objection subject to a condition controlling construction noise.

Pollution Control Contaminated Land Team – No objection.

Fire Service – No objection.

Severn Trent Water – No objection subject to drainage condition.

Arboricultural Officer – No objection subject to conditions to seek landscaping and tree planting.

Natural Environment – No objection.

Public Participation Responses

Fifteen letters from fourteen residents have been received objecting to the proposal on the following grounds:

- Should build on brownfield sites not garden land
- Cleared demolition sites are available in Willenhall
- No justification for new housing
- Noise
- Overlooking
- Dust
- Spoil privacy and quietness of area
- Flooding risk in Chatsworth Close due to poor drainage & site set on higher land
- Loss of trees & green space
- Loss and impact on wildlife
- No suitable playing facilities for children
- Inadequate facilities for construction workers
- Access and parking issues - no parking facilities for construction workers, congestion, increase in traffic, obstruction to existing residents drives, underestimated parking for new homes, Ravenscroft Road and Chatsworth Close hazard with limited vision and manoeuvrability, Chatsworth Close narrow and not suitable for construction vehicles, access should be from magnolia Close, parking problems, no visitor parking, additional cars hazard for children playing out in street, turning circle blocked with cars, on street parking due to properties having no off road parking, bins not collected due to existing on street parking problems, proposed parking for houses parallel with no space to manoeuvre and impact on emergency services access.
- Financial gain
- Houses to be rented out
- Cultivating land in front of site on Chatsworth Close, residents can claim land.
- Devalue of property.

One letter has been received which has been signed on behalf of 4 residents. Their only concern that they don't want the poplar trees taken down but would like them topped to allow light into their gardens.

Councillor S Coughlan has objected to the proposal on the following grounds:
overshadowing

- Loss of outlook
- Highway issues – traffic generation, vehicle access, highway safety
- Loss of trees
- Nature conservation
- Risk of flooding
- landscaping

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

Determining Issues

- Principle of the Development
- Design and Layout

- Impact on the Amenities of Surrounding Occupiers
- Impact on Trees and wildlife
- Parking and Access
- Local Finance Considerations

Observations

Principle of the Development

The proposed houses are within a residential area within walking distance of Lane Head local centre. The centre is only marginally over the maximum 1000m convenient walking distance as defined in paragraph 7.51 of the UDP, and in this respect the circumstances of the site is not dissimilar to the surrounding houses. In principle the proposal is considered to be consistent with guidance in the NPPF, BCCS and UDP in this regard.

Whilst residential gardens are not defined as 'brown-field' land, this does not preclude development. In this case, it is considered that the design approach ensures that the proposals would not harm the amenity of adjacent residents and would not adversely impact on the character of the area.

Whilst a market need may not be evident this does not prevent the residential development of a windfall site in compliance with policy H3.

Residents have stated the proposal would result in financial gain. Profitability is not a material consideration in this case.

Design and Layout and impact on surrounding occupiers

The proposed houses would be adjacent to numbers 21 and 50 Chatsworth Close and 6 and 8 Magnolia Grove with relatively similar plot sizes to the properties on both Magnolia Grove and Chatsworth Close. The design of the proposed houses would be similar to the houses on Chatsworth Close, although they would be smaller footprint than the properties on both Chatsworth Close and Magnolia Grove.

Chatsworth Close has an urban character and environment with houses with street frontages and gardens to their rears. The proposal reflects the character of Chatsworth Close.

Designing Walsall requires that housing proposals either provide a rear garden length of 12m or a total amenity area of 68 square metres. In this case, the total amenity area for two houses exceeds the 68 square metres. Plots C and D have rear gardens of 65 square metres and whilst this is just below the Council's minimum standards by 3 square metres, it is considered in this case, it would not be a reason for refusal as the rear garden sizes are similar to those adjacent properties on Chatsworth Close and Magnolia Grove. The private amenity to be retained for 12 Ravenscroft Road would be 75 square metres which exceeds the Designing Walsall's annex E standards. The private rear gardens would provide children a safe play area.

The ridge height of the proposed houses would be similar to the existing houses on Chatsworth Close reducing any visual impact within the street scene.

Residents' concerns regarding the site being set at a higher level than Chatsworth Close, and existing drainage and flooding problems in the area. The application site is at the same level as Chatsworth Close. Severn Trent Water has no objection to the proposal subject to drainage details being submitted and agreed at a later stage via an appropriate safeguarding condition. Replacement tree planting within the sites and permeable hard surfaces on the drive ways would assist with natural water drainage into the ground.

The proposed houses have no side facing windows. The habitable room separation distance from the rear elevation of numbers 10 and 12 Ravenscroft Road to the rear elevation of the plots A and B exceeds the Council's 24m separation distance by 2.6m and 4.2m. The habitable room separation between the rear elevation of numbers 30 and 32 Alton Avenue to

the rear elevation of plots C and D exceeds the Council's 24m separation distance by 9.5m and 9.9m.

The construction period would be for a limited period of time and any disruption during this period from construction vehicles, access and loss of amenity issues is not sufficient to sustain a reason for refusal. Parking is available along Ravenscroft Road which could be used during the construction phase of the development. A condition restricting the hours of construction work on site to during the day would protect the amenity of surrounding residential occupiers during the building period.

It is unlikely the construction of additional houses in a residential area would unduly spoil the privacy and quietness of the area.

Facilities for construction workers; is a matter for the Health and Safety Executive.

Loss of outlook and devaluing of properly are not material planning considerations.

Residents wanting to claim part of the land in front of Chatsworth Close is a civil matter to be pursued outside of the planning legislation.

The density of the site is 40 dwellings per hectare, reflecting the character of both Chatsworth Close and Magnolia Grove. It is considered that the proposed houses would not result in overdevelopment or overcrowding of the site.

Impact on Trees and wildlife

The Natural Environment Team have confirmed all site clearance work should be undertaken outside of the bird nesting season and where this is unavoidable a breeding birds survey shall be undertaken prior to any works commencing to ensure site clearance work and other works be delayed until young birds have fledged. This can be sought by an appropriate condition.

The majority of the trees within the rear garden of 10 Ravenscroft Road are a mixture of evergreen and deciduous trees including fruit trees and whilst these do attribute to the character of the area their removal is considered acceptable subject to adequate replacement planting being sought by condition. The Arboricultural Officer has highlighted that the 5 Lombardy poplar trees to be retained on the western boundary, in the rear garden of plots C and D are not the best trees to be retained in a residential development with small rear gardens. These trees will dominate both plots and cause shading in the late afternoon/evening and this may lead to some or all of them being removed with the consequent loss of amenity, and in this case in the future, replacement tree planting would be sought by way of condition.

Parking and Access

The proposal provides 2 off road parking spaces for each of the houses in line with Policy T13 of the UDP. The vehicular access to the site would be from Chatsworth Close and Transportation have no objection to the proposal. There is adequate off road parking for the proposed houses that would reduce reliance for any on street parking along Chatsworth Close.

The traffic from 4 additional houses would not unduly impact on the safe operation of the public highway network and Chatsworth Close. Transportation have no objection to the proposal. The proposed driveway would be a shared surface for both vehicles and pedestrians.

The Fire Officer has no objection to the proposal as the proposed houses would be accessible to emergency vehicles from Chatsworth Close.

It is considered that 4 houses would not significantly increase traffic and congestion or add to the ambient noise of passing vehicles to cause significant noise pollution issues or access and traffic issues to warrant refusal of the scheme.

Residents have stated that their drives are blocked by vehicles at present and so is the turning circle, vehicular obstructions are matters for the Highways Enforcement and the Police to enforce.

The issue of wheelie bins not being collected on bin collection days is not a material planning consideration; this is a matter for street pride to review their operating procedures.

Local Finance Considerations

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

This application proposes 4 new homes.

The New Homes Bonus award to Walsall for 2012-2013, and for each of the 4 years after that, was published in December 2011. Future awards would be for 4 years, then 3 years, then 2 years and finally for 1 year. Based on the provision of 411 new homes during 2011-2012 the award to the Council was £576,927. Taking delivery of homes in previous years the total amount awarded this year was £2,583,252 (which included a premium for affordable housing) meant that – as a rough average - each additional home generated an annual grant to the council of approximately £1,380. In future New Homes Bonus awards might be offset against reductions in the 'formula grant' the Council will receive from Government.

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

Positive and proactive working with the applicant

The applicant undertook pre-application advice and was advised the layout of the houses reflected the character of both Chatsworth Close and Magnolia Close and in principle the development of the site for houses would be supported.

Summary of Reasons for Granting Planning Permission

The proposed houses are situated within a well established residential area in a sustainable location. Whilst the proposals would result in the development of a residential garden, appropriate development which meets policy requirements can supported. The design approach ensures the proposals would not harm the amenity of adjacent residents and would not adversely impact on the character of the area.

The sizes of the plots are sufficient to accommodate 4 additional houses with appropriate amenity space being provided for the proposed houses with adequate amenity space being retained for the existing property. Two of the proposed houses have rear garden of 65

square metres, 3 square metres below the residential standards. However, in this case, it would not be a reason for refusal as the rear garden sizes are similar to those adjacent properties on Chatsworth Close and Magnolia Grove. The private rear gardens would provide children a safe place to play.

Whilst a market need may not be evident this does not prevent the residential development of a windfall site in compliance with policy H3.

Loss of outlook, devaluing of property and profitability are not material planning considerations in this case.

The design, layout and plot sizes of the proposed houses would be similar to the houses on Chatsworth Close reflecting the character of Chatsworth Close and as such the proposal is considered acceptable in this instance. It is unlikely the construction of additional houses in a residential area would unduly spoil the privacy and quietness of the area. The density of the site is reflective of the character of Chatsworth Close and Magnolia Grove and therefore would not result in overdevelopment or overcrowding of the site.

Drainage, replacement tree planting and details of permeable hard surfaces on the drives can be sought at a later date. Breeding birds would be protected by condition.

The proposal would not unduly result in overlooking or loss of privacy to adjoining residential occupiers as the proposal exceeds the habitable room separation distances and there are no side facing windows. The proposal is unlikely to result in overlooking or loss of privacy of these properties.

The traffic from 4 additional houses would not unduly impact on the safe operation of the public highway network, Chatsworth Close. The proposed driveway would be a shared surface for both vehicles and pedestrians.

The Fire Officer has no objection to the proposal as the proposed houses would be accessible to emergency vehicles from Chatsworth Close.

It is considered that 4 houses would not significantly result in an increase in traffic and congestion or add to the ambient noise of passing vehicles to cause significant noise pollution issues or access and traffic issues to warrant refusal of the scheme.

Construction work on site can be controlled through condition to protect the amenity of surrounding residential occupiers.

Facilities for construction workers are a matter for the Health and Safety Executive.

Residents wanting to claim land that they have been cultivating is a civil matter to be pursued outside of the planning legislation.

The proposal provides 2 off road parking spaces for each of the houses in line with Policy T13 of the UDP. There is adequate off road parking for the proposed houses that would prevent any on street parking along Chatsworth Close.

Vehicular obstructions are matters for the Highways Enforcement and the Police to enforce.

The issue of wheelie bins not being collected on bin collection days is not a material planning consideration; this is a matter for street pride to review their operating procedures.

Section 143 of the Localism Act requires the local planning authority to have regard to 'local finance considerations' when determining planning applications. In Walsall at the present time this means there is a need to take account of New Homes Bonus monies that might be received as a result of the construction of new housing. This application proposes 2 new homes. The local finance contributions are weighed in this decision but are not considered to be a determinative issue.

The proposal is consistent with the NPPF and is considered to accord with the aims and objectives of the Regional Strategy (2008), the Black Country Core Strategy (2011), in particular policies HOU2, ENV3 and ENV2, Walsall Unitary Development Plan (2005), in particular saved policies GP2, 3.6, 3.7, 3.113, 3.114, 3.115, 3.116, 3.117, ENV14, ENV18, ENV17, ENV32, ENV33, H3, T7, T10, 7.51 and T13 and Supplementary Planning Documents – Designing Walsall (2008) and Natural Environment (2008).

Recommendation: Grant Permission Subject to Conditions

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

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

2a. Prior to the commencement of this permission samples of all facing, roofing and driveway surface materials shall be submitted to and approved in writing by the Local Planning Authority.

2b. The development shall be fully completed with the approved details and retained as such.

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

3a. Prior to the commencement of this permission drainage details for the disposal of surface water and foul sewage shall be submitted to and approved in writing by the Local Planning Authority.

3b. The scheme shall be fully implemented in accordance with the approved details before the development is first brought into use.

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

4a. Notwithstanding the landscaping details submitted for plots A - drawing number 076113C/4 submitted 15th February 2013, B drawing number 076113C/5 submitted 3 December 2012, C - drawing number 076113C/2 submitted 17th October 2012 and D – drawing number 076113C/3 submitted 17th October 2012 and prior to the commencement of this permission, a detailed landscaping scheme illustrating/detailing:

- Measures to protect existing features during the construction
 - All shrub and tree planting within the site
 - planting densities
 - planting numbers
 - size of plants to be planted
 - soil depth
 - soil specification
 - all proposed hard surfaces
 - all boundary walls and fences
 - access features
 - details of all existing hedges and trees to be retained
 - details of existing vegetation to be protected during the construction phase
- shall be submitted to and approved in writing by the Local Planning Authority.

4b. The boundary fences / walls shall be erected prior to the first occupation of the proposed dwelling.

4c. The approved landscaping scheme shall be implemented within 12 months of any part of the development being brought into use.

4d. Within 5 years from the date of planting, any tree, shrub or plant which dies, becomes seriously diseased, damaged or is removed within shall be replaced with a tree, shrub or plant of the same or greater size and the same species as that originally required to be planted.

Reason: In order to safeguard the satisfactory appearance and safety of the development of the application site.

5a. Prior to the commencement of this permission, details of all external lighting shall be submitted to and approved in writing by the Local Planning Authority. The details shall include manufacturer's details.

5b. All external lighting shall be carried out in accordance with the approved details and retained and maintained at all times.

Reason: To protect the amenity of adjoining residential occupiers.

6a. If is the developer's intention to offer the proposed cul-de- sac extension for adoption as highway maintainable at public expense then, prior to the commencement of any adoptable works, full engineering details shall have received technical approval in writing from the Local Planning Authority in consultation with the Local Highway Authority. Details shall include the following;-layout, alignments, widths and levels, together with all necessary drainage arrangements, run off calculations, adoptable street lighting (if required and shall be with the agreement in writing with Walsall Council's Street lighting partner Amey).

6b. The development shall be completed in accordance with the approved works and works shall meet all statutory requirements.

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

7a. If is the developer's intention for the cul de sac extension to remain private, then prior to the development first coming into use, the proposed access point onto the public highway shall be constructed to a specification to be approved and agreed in writing by the Local Planning Authority.

7b. The development shall be completed in accordance with the approved works and works shall meet all statutory requirements.

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

8a. In this condition 'retained tree' means an existing tree or hedge which is to be retained in accordance with the approved plans and particulars; and paragraphs (i) and ii) below shall have effect until the expiration of 5 years from the first occupation of the development.

(i) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority. Any topping or lopping shall be carried out in accordance with British Standard 3998 (tree work) and in accordance with any supplied arboricultural method statement.

(ii) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and

species, details of which shall be submitted to and approved in writing by the Local Planning Authority. Only the approved tree shall be planted.

- (iii) Following the completion of any arboricultural works but before any equipment, materials or machinery are brought onto the site in connection with the development, protective fencing and ground protection such as geomembrane or scaffold boards shall be installed around all retained trees in accordance with details that first shall be submitted to and agreed in writing by the borough council. Such protection shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition nor shall any fires be started, no tipping, refuelling, disposal of solvents or cement mixing carried out and ground levels within those areas shall not be altered, nor shall any excavation or vehicular access be made.
- (iv) Prior to the commencement of works on site and after the installation of the tree protection in accordance with (c) above the Council's arboricultural officer shall be notified to allow a full inspection of the protection measures.

Reason: To preserve and enhance the visual amenities of the locality in accordance with Policy ENV18 of the Walsall UDP 2005, and Policy NE9 of the SPD Conserving Walsall's Natural Environment.

9a. Prior to the first occupation of either of the new dwellings, the extended private shared access drive and the vehicle hard standing and driveways areas serving that dwelling shall be fully consolidated, hard surfaced and drained.

9b. These areas shall thereafter be retained and used for no other purpose.

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

10. All site clearance shall take place outside the bird-nesting season (the bird nesting season is March to September inclusive). Where this is unavoidable a breeding birds survey shall be undertaken by a suitably qualified and experienced ecologist prior to any works commencing. If breeding birds are discovered site clearance and other operations should be delayed until young birds have fledged. All wild birds, their nests and eggs are protected by the Wildlife and Countryside Act 1981 and subsequent amending legislation. It is an offence to damage or destroy a nest of a wild bird. If nesting birds are discovered clearance works should be delayed and advice sought from the ecologist or Natural England.

Reason: To protect local wildlife.

11. No demolition, engineering or construction works (including land reclamation, stabilisation, preparation, remediation or investigation) shall take place on any Sunday, Bank Holiday or Public Holiday*, and otherwise such works shall only take place between the hours of 0700 to 1800 weekdays and 0800 to 1400 hours Saturdays. No plant, machinery or equipment associated with such works shall be started up or operational on the development site outside of these permitted hours.

(*Bank and Public Holidays for this purpose shall be: Christmas Day, Boxing Day, New Years Day, Good Friday, Easter Monday, May Day, Spring Bank Holiday Monday and August Bank Holiday Monday.)

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

12. Notwithstanding the provision of the Town and Country Planning (General Permitted Development) (Amendment) (N02) (England) Order 2008, or succeeding Orders, no works shall be carried out under Part 1, Classes A to E.

Reason: To enable the Local Planning Authority to retain effective control over future development of this site.

13. The works hereby approved shall only be carried out in accordance with details contained within drawings:

- Location plan, existing and proposed block plan drawing number 076113C/amended 5 submitted on 20th March 2013.
- Existing and proposed street scenes drawing number 076113C/04/amended 4 submitted on 20th March 2013.
- Semi detached houses on Plots A and B layouts and elevations drawing number 076113C/amended 02 submitted on 20th March 2013.
- Semi detached houses on Plots C and D layouts and elevations drawing number 076113C/amended 03 submitted on 20th March 2013.

Reason: To define the permission.



Walsall Council

Regeneration Directorate – Planning and Building Control

Planning Committee

Report of Head of Planning and Building Control, Regeneration Directorate on 04/04/2013

Plans list item no: 10.

Reason for bringing to committee: Contrary to policy

Application Number: 12/0869/FL
Application Type: Full application

Case Officer: Devinder Matharu
Telephone Number: 01922 652602
Email: planningservices@walsall.gov.uk
Agent: Mr Grahame Wiggin

Applicant: Grahame Wiggin Directors Pension Fund

Proposal: Erection of three storey detached dwelling.

Location: LAND ADJACENT 38 EASTBOURNE STREET, WALSALL, WS4 2BN

Ward: St. Matthews

Expired Date: 24/09/2012

Recommendation Summary: Grant Permission Subject to Conditions

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Application and Site Details

The application proposes the erection of a 3 storey 3 bedroom detached house with an integral garage, car-port with a rear single storey element. Pitched roof dormers are proposed on the front and rear of the house. A glazed bay window is proposed on the first floor at the rear measuring 1.4m in length by 3.3m wide.

The dimensions of the main house would be 10.4m length 6.6m wide and 8.2m high with the single storey element being 2.3m in length beyond the rear elevation of the main house and would sit across the full width of the house and would be 2.7m high.

The rear garden would be 16.5m in length and would have a total amenity area of 122 square metres.

The proposed house would be built to level 3 code for sustainable homes.

The application site sits adjacent 38 Eastbourne Street and is overgrown with vegetation.

At its closest point to the application site, number 38 is 2m from the boundary providing a side vehicular access to the rear garden of number 38. Number 38 has a rear two-storey wing 4m from the application house main northern wall and a single storey element at the rear of this wing. The main elevation of number 38 has habitable room windows at ground and first floor and two habitable room windows on the rear wing facing the application site.

Numbers 38 and 36 Eastbourne Street are semi detached late Victorian houses with number 38 having a front ground floor bay window and externally finished in white render and 36 having double fronted bays and mock timber and being predominately brick built with white render between the ground and first floor bay windows. Outside the application site is a lighting column and outside number 36 Eastbourne Street a speed hump.

Along Eastbourne Street there are a mixture of Victorian housing from terraced to semi detached. The houses have different architectural features with flat and pitched roof, square, round and hexagonal shaped bays, mock timber framing on the gable feature, brick and render, chimneys, decorative brick work and decorative frame on the roof. The properties have small front gardens that have brick wall boundaries with the highway. Residents rely on on-street parking facilities. Opposite the application site is a garage belonging to 39 Westbourne Street.

The site is surrounded by residential properties that have two storey rear wings. Parallel to the site is a strip of land accessed from Eastbourne Street that belongs to number 15 Westbourne Street. The rear garden of 15 Westbourne Road extends across the rear of the application site and beyond this garden are numbers 37, 39 and 41 Westbourne Street. These here properties have rear two storey wings. Side facing the application site are the rear gardens of numbers 15 to 27 (odd) Westbourne Street.

A Design and Access Statement has been submitted which states:

- Approval given previously for the proposed dwelling under reference 08/0621/FL.
- Site previously houses 3 terrace properties.
- Eastbourne Street has a variety of architectural styles
- Due to the narrowness of the plot a deeper building would provide appropriate amenity space.
- The first floor rear bay window would have obscure glazing facing Eastbourne Street.
- Bus routes accessible by walking to Westbourne Street
- Arboretum and town centre within walking distance.

The Council's historical records show the site houses 3 houses from 1954 to 1976.

Relevant Planning History

08/0621/FL. Site of 40-42 Eastbourne Street. Erection of three storey detached dwelling, granted subject to conditions, 3 September 2008.

Relevant Planning Policy Summary

National Planning Policy Framework (NPPF)

The NPPF sets out the Government's position on the role of the planning system in both plan-making and decision-taking. It states that the purpose of the planning system is to contribute to the achievement of sustainable development, in economic, social and environmental terms, and it emphasises a "*presumption in favour of sustainable development*".

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

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

Key provisions of the NPPF relevant in this case:

4: Promoting Sustainable Transport

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

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

6: Delivering a Wide Choice of High Quality Homes

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

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

7: Requiring Good Design

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

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

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

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

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

11. Conserving and enhancing the natural environment

118. opportunities to incorporate biodiversity in and around developments should be encouraged.

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

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

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

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

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

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

The Development Plan

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

Other Relevant National Policy

The Planning System: General Principles

This has not been superseded by the NPPF. Paragraph 15 indicates that a planning application should be determined on its merits in light of all material considerations.

Regional Strategy (RS)

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

It is considered that the relevant RS policy is;

QE1: Conserving and enhancing the natural environment protect and enhance the distinctive character of different parts of the Region as recognised by the natural and character areas

QE3: Creating a High Quality Built Environment for All

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

CF4: The reuse of Land and buildings for housing. Optimise opportunities for new housing development.

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

Local

The Black Country Core Strategy (BCCS) (2011)

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

This was adopted under the current Local Development Framework system, and the NPPF says that for 12 months from the publication of the national framework "*decision-takers may continue to give full weight to relevant policies*". However, it is more than 12 months since

the NPPF was published in March 2012. Now (as with the saved policies of Walsall's UDP) the NPPF advises that "... *due weight should be given to relevant policies ... according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).*" To consider the conformity of the BCCS with the NPPF the four Black Country councils have completed a 'Compatibility Self-Assessment Checklist' (published by the Planning Advisory Service) and have discussed the results with a Planning Inspector. Whilst there is no formal mechanism to certify that the BCCS is consistent with the NPPF the discussions led officers to the conclusion that the exercise identified no issues that would conflict with the NPPF or require a review of the BCCS in terms of conformity. The results of this assessment are to be published on the BCCS and Council websites and it is planned to report to the Council's Cabinet to confirm this view. In the absence of evidence to the contrary it is considered that the BCCS policies should be given full weight in planning decisions.

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

The relevant policies are:

HOU2: Housing Density, Type and Accessibility

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

ENV2: Historic Character and Local Distinctiveness

proposals will be expected to preserve and, where appropriate, enhance local character and distinctiveness.

ENV3: Design Quality

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

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

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

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

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

The relevant policies are:

Policies GP2, 3.6, 3.7 seek to make a positive contribution to the quality of the environment, whilst protecting people and not permitting development which would have an unacceptable adverse impact on the environment. Considerations to be taken into account in the assessment of development proposals include:

I. Visual appearance.

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

VII. The adequacy of the access, and parking.

3.113, 3.114, 3.115, ENV32 & 3.116: new development should be considered in relation to its setting and should create high quality of built and landscape design, well integrated with surrounding land uses and local character. Designing out crime' through design, layout, landscaping and boundary treatments is encouraged.

ENV14 encourages the development of previously developed land.

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

ENV17 new planting will be encouraged.

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

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

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

T7: Car Parking

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

T13: Parking Provision

3 bedroom houses and above, 2 spaces per unit

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

Supplementary Planning Documents (SPD)

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

Designing Walsall (Feb 2008)

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

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

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

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

Annexe E: Numerical Guidelines for Residential Development identifies privacy and aspect distances between dwellings including 24m separation between habitable windows for two storeys and above, 13m separation between habitable room windows and blank walls exceeding 3 metres in height, 45° code, garden dimensions of 12m in length and 68m² for housing and 20m² per dwelling where communal provision is made, setbacks to avoid terracing and provision of boundary walls. Although failure to comply with these guidelines may not by itself be a reason for refusal of an application, it will be a factor to be used in determining whether a proposal would be compatible with the wider character of the area or the existing dwelling or the amenity of neighbours

Consultations

Transportation – No objection subject to conditions relating to parking and access.

Pollution Control Contaminated Land Team – No objection.

Pollution Control Scientific Team – No objection subject to a noise condition to control construction times.

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

Fire Service – No objection.

Ecology Officer – No objection.

Police – No objection but comments that the developer should be mindful of Secure by Design.

Environmental Health – No objection

Arboricultural Officer – No objection

Public Participation Responses

Two letters have been received objecting to the proposal on the grounds of:

- Overlooking
- Loss of privacy
- Height of building
- Out of character
- House too large
- 2 two storey houses should be built.

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

Determining Issues

- Principle of the Development
- Design and Layout
- Impact on the amenities of Surrounding Occupiers
- Landscape
- Parking and Access
- Local Finance Considerations

Observations

Principle of the Development

Between 1954 to 1976 the current application site and the side access adjacent, to the rear of numbers 13 to 27 Westbourne Road had 3 terraced houses on it. The site is within a residential area and the principle of residential development at this site is considered acceptable.

Design and Layout

The houses along Eastbourne Street vary in style and design. The proposed dwelling with the vertical emphasis of the windows would break up the mass of the proposed house. The dormer windows in the roof are small and the overall appearance of the dwelling is considered acceptable.

The size, scale and height of the proposed house would reflect the proportions and height of 38 Eastbourne Street; the plot is narrow with a strip of land having been sold to a third party for rear access which further reduces the size of the plot. It is considered that the scale and size of the proposed dwelling is acceptable for this small plot.

The design of the proposed house would add character and interest to the end of Eastbourne Street blending into the street scene.

Designing Walsall requires that housing proposals either provide a rear garden length of 12m or a total amenity area of 68 square metres; In this case, the proposal exceeds both the rear garden length and total amenity area by 4.5m and 54 square metres.

Any development of more than a single house would result in narrower houses that would not be able to achieve the off street parking requirements set out in UDP Policy T13.

Impact on the amenities of Surrounding Occupiers

Towards the rear of the site is the rear garden of 15 Westbourne Road and beyond this are the rear gardens of numbers 37, 39 and 41 Westbourne Street. These three properties have rear two storey wings. The separation distance from the rear elevation of these wings and the rear of the application house exceeds the Council's 24m separation distance by 18.5m, 20.5m and 22.5m

The separation distance between the rear wings of numbers 15 to 27 (odd) Westbourne Road to the side wall of the proposed house exceeds the Council's 13m separation distance between habitable room windows and blank walls over 3m high by 6.5m and 6.3m.

The rear of the proposed house has a bay glass window, to protect the amenities of the occupiers of 38 Eastbourne Street and 25 and 23 Westbourne Street obscure glazing to the sides of this glass bay should be incorporated into the development, this can be secured by condition.

It is considered that the proposal would not have an overbearing impact upon the amenities of the surrounding residential occupiers in terms of loss of privacy or overlooking.

The single storey rear element of the of the new house would meet the 45 degree code in assessing the loss of light to the ground floor rear kitchen window of 38 Eastbourne Street.

The rear two storey wing of 38 Eastbourne Street has a ground floor dining room window. The separation distance between this window and the rear single storey element of the proposed house is 4.1m. The Council's separation distance between blank walls and habitable room windows only applies when the blank wall exceeds 3m high. In this case, the blank wall is 2.7m high, so technically the standards would not apply. However, in this case, the rear single storey element has a flat roof and it is considered ambient light would still be obtainable to this window without having a significant impact upon the amenities of the occupiers of number 38 by way of loss of light. Overall, it is considered, that in this instance, the proposal would not have an overbearing impact upon the amenities of the occupiers of 38 Eastbourne Street sufficient to warrant refusal of this application.

Landscape

The proposal looks to provide planting to the front of the site, whilst no details have been provided, these can be secured by condition to ensure the development visually enhances the street scene.

Parking and Access

The proposal would provide 2 off road parking spaces in line with Policy T13 of the UDP.

Local Finance Considerations

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

This application proposes the erection of 1 house.

The New Homes Bonus award to Walsall for 2012-2013, and for each of the 4 years after that, was published in December 2011. Future awards would be for 4 years, then 3 years, then 2 years and finally for 1 year. Based on the provision of 792 new homes during 2010-

2011 the award of £1,095,219 (which included a premium for affordable housing but also a deduction for an increase in vacancies) meant that – as a rough average - each additional home generated an annual grant to the council of approximately £1,380. In future New Homes Bonus awards might be offset against reductions in the ‘formula grant’ the Council will receive from Government.

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

Positive and Proactive Statement

The agent has revised the design of the front elevation to remove the single bay window at first floor to a 3 panel flat window.

Summary of Reasons for Granting Planning Permission

The site is within a residential area and the principle of residential development at this site is considered acceptable.

The vertical emphasis of the windows would break up the mass of the proposed house. The dormer windows in the roof are small and the overall appearance of the dwelling is considered acceptable. The size, scale and height of the proposed house would be reflective of the proportions and height of 38 Eastbourne Street. It is considered that the scale and size of the proposed dwelling is acceptable for this small plot.

The design of the proposed house would add character and interest to the end of Eastbourne Street blending into the street scene.

Any intense development of more than a single house would result in narrower houses that would not be able to achieve the parking requirements as set out in Policy T13 of the UDP.

The proposal would appear not to have an overbearing impact upon the amenities of the surrounding residential occupiers in terms of loss of privacy or overlooking.

The proposed development would meet the 45 degree code on loss of light from the ground floor rear kitchen window of 38 Eastbourne Street to the single storey rear element of the proposal. The proposal would not have an overbearing impact upon the amenities of the occupiers of 38 Eastbourne Street to warrant refusal of the application.

On the rear two storey wing of 38 Eastbourne Street there is a ground floor dining room window. The separation between this window and the rear single storey element of the proposed house is 4.1m. The Council's separation distance between blank walls and habitable room windows only applies when the blank wall exceeds 3m high. In this case, the blank wall is 2.7m high, technically the standards would not apply. However, in this case, the rear storey element has a flat roof and it is considered ambient light would still be obtainable to this window without having a significant impact upon the amenities of these occupiers by way of loss of light.

Landscaping can be agreed at a later stage.

The proposal provides 2 off road parking spaces in line with policy.

Section 143 of the Localism Act requires the local planning authority to have regard to 'local finance considerations' when determining planning applications. In Walsall at the present time this means there is a need to take account of New Homes Bonus monies that might be received as a result of the construction of new housing. This application proposes 8 new homes. The local finance contributions are weighed in this decision but are not considered to be a determinative issue.

The proposal is consistent with the NPPF and is considered to accord with the aims and objectives of the Regional Strategy (2008) in particular Policies QE1, QE3 and CF4, the Black Country Core Strategy (2011), in particular policies HOU2, ENV3 and ENV2, Walsall Unitary Development Plan (2005), in particular saved policies GP2, 3.6, 3.7, ENV32, 3.113, 3.114, 3.115, 3.116, ENV33, 3.117, ENV14, ENV18, ENV17, ENV40, H3, T7, and T13 and Supplementary Planning Documents – Designing Walsall (2008) in particular Policies DW3, DW9 and DW10.

Recommendation: Grant Permission Subject to Conditions

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

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

2a. Prior to the commencement of this permission details of:

- facing materials
- roofing materials
- driveway surface materials
- paving details

shall be submitted to and approved in writing by the Local Planning Authority.

2b. The development shall be completed with the approved details and retained as such.

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

3a. Prior to the commencement of this permission drainage details for the disposal of surface water and foul sewage shall be submitted to and approved in writing by the Local Planning Authority.

3b. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

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

4a. Prior to the commencement of this permission, details of any external lighting to be installed shall be submitted to and approved in writing by the Local Planning Authority.

4b. The development shall be completed with the approved details and retained and maintained at all times.

Reason: To prevent light pollution and to protect the amenity of surrounding residential occupiers.

5a. Prior to the commencement of this permission details of a new vehicular footway crossing to serve the proposed driveway shall be submitted to and approved in writing by the Local Planning Authority.

5b. The development shall be completed in accordance with the approved details and retained and maintained at all times.

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

6a. Prior to the commencement of this permission, a landscaping scheme illustrating/detailing:

- all planting within the site
 - planting densities
 - planting numbers
 - size of plants to be planted
 - soil depth
 - soil specification
 - all proposed hard surfaces
 - all boundary walls and fences
 - access features
 - details of all existing hedges and trees to be retained
 - details of existing vegetation to be protected during the construction phase
- shall be submitted to and approved in writing by the Local Planning Authority.

7b. The boundary fences / walls shall be erected prior to the first occupation of the proposed dwelling.

7c. The approved landscaping scheme shall be implemented within 12 months of any part of the development being brought into use.

7d. Within 5 years from the date of planting, any tree, shrub or plant which dies, becomes seriously diseased, damaged or is removed shall be replaced with a tree, shrub or plant of the same or greater size and the same species as that originally required to be planted.

Reason: In order to safeguard the satisfactory appearance and safety of the development of the application site.

8a. Prior to the development first coming into use, the proposed driveway/parking area shall be fully consolidated, hard surfaced and drained.

8b. The driveway/parking area shall thereafter be retained and used for no other purpose.

Reason: To ensure the satisfactory completion and operation of the development and to accord with parking policy T13.

9. No demolition, engineering or construction works (including land reclamation, stabilisation, preparation, remediation or investigation) shall take place on any Sunday, Bank Holiday or Public Holiday*, and otherwise such works shall only take place between the hours of 0700 to 1800 weekdays and 0800 to 1400 hours Saturdays. No plant, machinery or equipment associated with such works shall be started up or operational on the development site outside of these permitted hours.

(*Bank and Public Holidays for this purpose shall be: Christmas Day, Boxing Day, New Years Day, Good Friday, Easter Monday, May Day, Spring Bank Holiday Monday and August Bank Holiday Monday.)

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

10. The side window panels of the proposed glass bay window on the rear elevation of the proposed house shall be obscurely glazed to meet Pilkington level 4 or equivalent and be retained thereafter.

Reason: To safeguard the amenities of the occupiers of adjoining premises and to comply with policy GP2 of Walsall's Unitary Development Plan.

11. The works hereby approved shall only be carried out in accordance with details contained within these drawings subject any other requirements within the other conditions:

- GWPF/036A – block plan submitted on 10th July 2012.
- GWPF/034A – amended front elevation submitted 30 October 2012.
- GWPF/035 – floor plans submitted 10th July 2012.
- Ground floor plan submitted 30 July 2012.
- GWPF/031 – site layout and ground floor submitted 30 July 2012.
- GWPF/034a – proposed “hidden” side elevation, side elevation and rear elevation submitted 10th July 2012.
- GWPF/041 – Sections submitted 7th August 2012.

Reason: To define the permission.



Walsall Council

Regeneration Directorate – Planning and Building Control

Planning Committee

Report of Head of Planning and Building Control, Regeneration Directorate on 04/04/2013

Plans list item no: 11.

Reason for bringing to committee: Departure from the Development Plan

Application Number: 13/0004/FL
Application Type: Full application

Case Officer: Barbara Toy
Telephone Number: 01922 652615
Email: planningservices@walsall.gov.uk

Applicant: Mr Jagjit Gill

Agent:

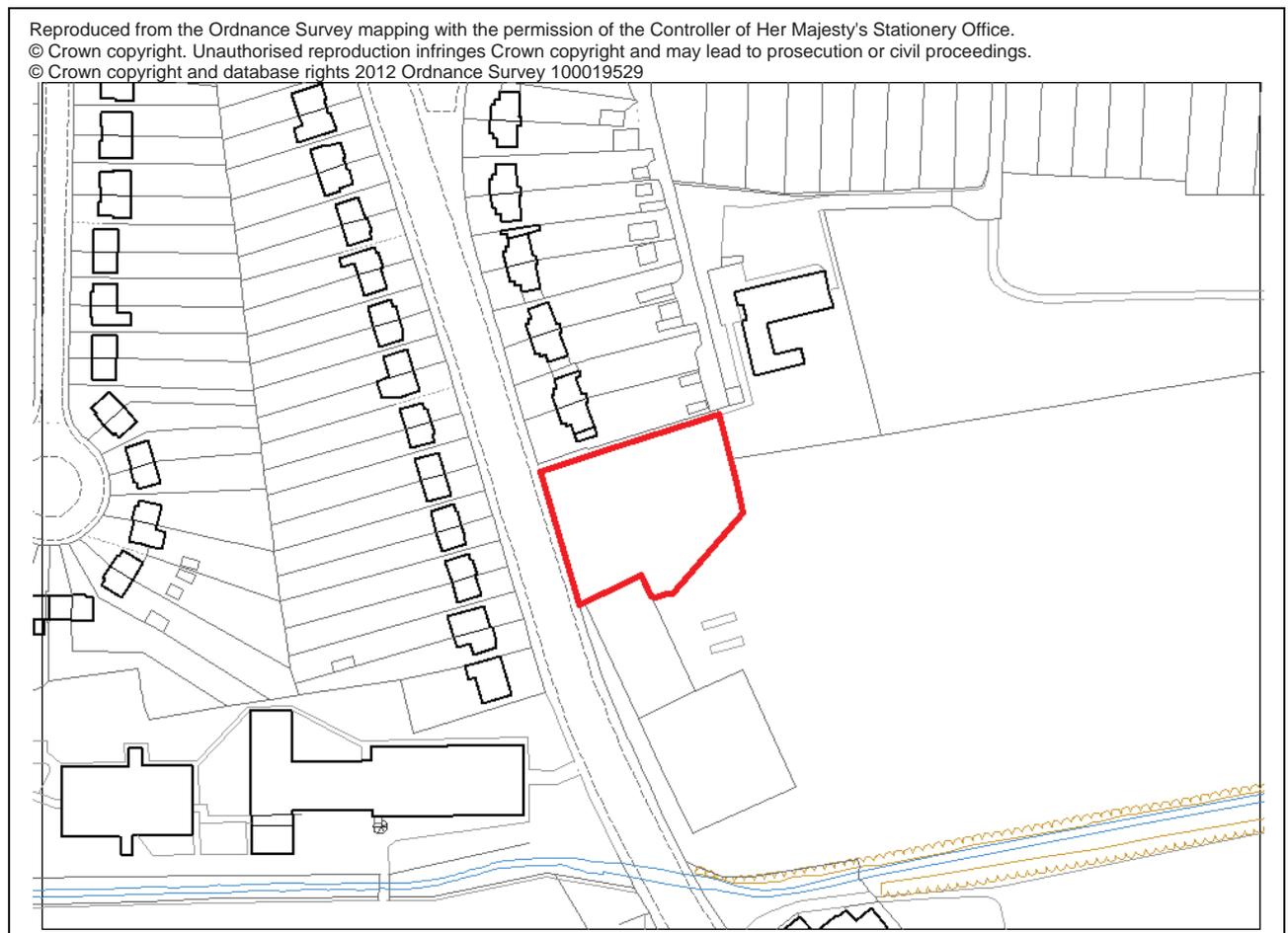
Proposal: Change of use of land to provide new access and parking/drop off for new day nursery at the former Delves Clinic, 191a Broadway.

Location: LAND ADJACENT 279 WEST BROMWICH ROAD, WALSALL, WS1 3HD

Ward: Palfrey

Expired Date: 09/05/2013

Recommendation Summary: Grant Permission Subject to Conditions



Application and site details

The site is situated on the eastern side of West Bromwich Road (district distributor route) and comprises an area of vacant land with a number of mature trees and overgrown landscaping. The site was formerly occupied by Fullbrook Nursery School that was demolished a number of years ago. The site is enclosed by poor quality fencing and a pedestrian access gate onto West Bromwich Road. The site is owned by the Council and the applicant is in negotiations to lease the land. The site is situated within the designated Green Belt and less than 200m to the Fullbrook local centre to the north on Broadway (Strategic Highway Network).

Immediately to the north and west on the opposite side of West Bromwich Road are semi detached houses. To the south is an area of urban open spaces. To the north east is the former Delves clinic, which is currently accessed off Broadway, which is set to open as a children's day nursery.

The application proposes a change of use of the land to provide a new vehicle access off West Bromwich Road to a new parking and drop off area for the proposed new day nursery in the former Delves clinic to the rear.

The proposals would provide a new vehicle access, double access gates 6m wide together with new 2m high fencing to the frontage of the site (vertical bar colour coated green), 6 parking spaces to the south of the site, 2m wide pedestrian access gate from the site into the former clinic site to the rear, a hardstanding (5m x 11.4m) adjacent to the eastern boundary for emergency vehicles (fire appliance) and pedestrian footpath and access gate.

Four existing mature trees within the site would be retained, four trees in poor condition would be removed, replacement tree planting provided, a 'no-dig' area provided adjacent to the retained trees and new landscaping to the southern and eastern boundaries.

The following information has been submitted in support of the proposals:

Justification for the use of the Land within the Green Belt

To provide a safe off street parking and drop off area for parents of the new day nursery, to prevent on street parking that would impact on highway and pedestrian safety. The existing access to the nursery site off Broadway is too narrow for fire appliance, the proposals would provide much needed access for emergency vehicles.

Statement Re Trees, Tree plan and Method Statement for 'no-dig' surface

This provides details of the trees to be retained and removed and replacement planting as well as details of the proposed 'no-dig' surface beneath the retained trees.

Relevant planning History

Former Fullbrook Nursery and Delves Clinic

BC55456P, outline for residential development and change of use of existing access to Delves Clinic to allotment use, refused 07-04-00.

Reason for refusal – unacceptable detrimental impact on the Green Belt, extending the urban area with development inappropriate in the Green Belt.

Relevant Planning Policy Summary

National Planning Policy Framework (NPPF)

The NPPF sets out the Government's position on the role of the planning system in both plan-making and decision-taking. It states that the purpose of the planning system is to contribute to the achievement of sustainable development, in economic, social and environmental terms, and it emphasises a "*presumption in favour of sustainable development*".

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

- Proactively drive and support sustainable economic development to deliver business, taking account of the needs of the residential and business communities.
- Take account of the different roles and character of different areas
- Contribute to conserving and enhancing the natural environment
- Encourage the effective use of land by reusing land that has been previously developed

Key provisions of the NPPF relevant in this case:

1: Building a strong, competitive economy

18. The Government is committed to securing economic growth in order to create jobs.

19. The planning system should do everything it can to encourage sustainable economic growth

7: Requiring good design

58. High quality development will be expected to include/meet the following criteria:

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

64. Permission should, be refused for development of poor design

9: Protecting Green Belt Land

87. As with previous Green Belt policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

88. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

89. A local planning authority should regard the construction of new buildings as inappropriate in Green Belt. Exceptions to this are:

- limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.

Annex 2: Glossary - **Previously developed land:** Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or has been occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill purposes where provision for restoration has been made through development control procedures; land in built-up areas such as private residential gardens, parks, recreation grounds and allotments; and land that was previously-developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape in the process of time.

11: Conserving and Enhancing the Natural Environment

109. The Planning System should contribute to and enhance the natural and local environment by:

- Protecting and enhancing valued landscapes

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

The Development Plan

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

Regional Strategy (RS)

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

Relevant RS policies are:

QE3 - Creating a high quality built environment for all,

QE6 - The conservation, enhancement and restoration of the Region's landscape

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

Local

The Black Country Core Strategy (BCCS) (2011)

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

This was adopted under the current Local Development Framework system, and the NPPF says that for 12 months from the publication of the national framework "*decision-takers may continue to give full weight to relevant policies*. However, it is more than 12 months since the NPPF was published in March 2012. Now (as with the saved policies of Walsall's UDP) the NPPF advises that "*... due weight should be given to relevant policies ... according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)*." To consider the conformity of the BCCS with the NPPF the four Black Country councils have completed a 'Compatibility Self-Assessment Checklist' (published by the Planning Advisory Service) and have discussed the results with a Planning Inspector. Whilst there is no formal mechanism to certify that the BCCS is consistent with the NPPF the discussions led officers to the conclusion that the exercise identified no issues that would conflict with the NPPF or require a review of the BCCS in terms of conformity. The results of this assessment are to be published on the BCCS and Council websites and it is planned to report to the Council's Cabinet to confirm this view. In the absence of evidence to the contrary it is considered that the BCCS policies should be given full weight in planning decisions.

The relevant policies are:

CSP2: Green Belt boundaries will be maintained and protected from inappropriate development.

ENV1: Safeguards nature conservation by ensuring development is not permitted where it would harm designated sites including Site of Importance for Nature Conservation. Adequate information must be provided with planning applications to ensure the likely impacts are fully assessed.

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

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

Walsall's Unitary Development Plan (UDP)

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

The relevant policies are:

GP2: Environmental Protection

The Council will not permit development which would have an unacceptable adverse impact on the environment.

3.3: Inappropriate development within the Green Belt will not be allowed unless justified by very special circumstances.

3.6 seeks environmental improvement resulting from development.

3.9 high priority will be given to maximising the re-use and reclamation of derelict and previously developed land.

ENV1: Defines the extent of the Green Belt.

ENV2: Control of Development in the Green Belt

b): The re-use of existing buildings within the Green Belt will be acceptable provided that:

i. This would not have a materially greater impact than the present use on the openness and purposes of the Green Belt.

ii. It does not involve any building extension or associated uses of land around the building which would conflict with the openness and purposes of the Green Belt.

iii. The buildings are of permanent and substantial construction and are capable of conversion without major or complete reconstruction.

iv. The form, bulk and general design of the buildings are in keeping with their surroundings.

e) states where development is consistent in principle with the purposes of the Green Belt, the Council will require that its siting, design, form, scale and appearance is compatible with the character of the surrounding area.

ENV3: Detailed Evaluation of Proposals within the Green Belt

States that where development is acceptable in principle in the Green Belt (under Policy ENV2) the Council will also assess proposals for their impact on the Green Belt in terms of the following factors:-

I. The detailed layout of the site.

II. The siting, design, grouping, height and scale of buildings, structures and associated outdoor equipment.

III. The colour and suitability of building materials, having regard for local styles and materials.

iv. The opportunities to use redundant land and buildings for suitable alternative uses.

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

ENV18: Seeks to ensure protection, positive management and enhancement of existing woodlands, trees and hedgerows.

ENV32: Design and Development Proposals.

Poorly designed development or proposals which fail to properly take account of the context or surroundings will not be permitted. Detailed criteria are listed for consideration when assessing the quality of design of any development proposal including:- the appearance, materials, height, proportion, scale and mass of the proposed buildings, the visual relationship of the proposal with adjacent areas, the street and the character of the surrounding neighbourhood, the effect on the local character of the area.

ENV33: Promotes good landscape design, including in prominent locations and / or where there are features the council requires to be retained or enhanced.

T7 – Car Parking

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

T13: Parking Provision

Developers must demonstrate provision of adequate on site car parking to meet its own needs and that there will be no adverse effect on highway safety and the environment.

Designing Walsall (SPD) (Feb 2008)

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

Conserving Walsall's Natural Environment (SPD) (April 2008)

Expands on the policies contained within the environment chapter of the UDP. The document provides criteria for European Protected Species survey requirements.

Consultations

Transportation – No objections subject to conditions to ensure the new access gates are set back 5m into the site and the new vehicle access is provided.

Tree Officer – No objections subject to conditions to ensure replacement trees and landscaping are provided and further details of the no-dig construction are provided. The revised plans are considered acceptable with no objections to removal of trees T5, T6, T7 and T8 providing replacement trees and landscaping are provided. The location of the new pedestrian access gate and pathway are acceptable.

Early Years Team – Support for the proposals which would mean that the proposed day nursery which is much needed in the area could go ahead.

Natural Environment – No objections subject to replacement planting

Fire Officer – Satisfactory for fire service access.

Public Participation

None

Determining Issues

- Impact on the openness and character of the Green Belt
- Site Layout
- Impact on trees
- Impact on the amenities of the surrounding occupiers
- Access and Parking

Observations

Impact on the openness and character of the Green Belt

UDP saved policy ENV2 and paragraph 87 of the NPPF state that there will be a general presumption against inappropriate development in the Green Belt, except in very exceptional circumstances.

The proposed access and parking area would be regarded as inappropriate development, as the use would not fall within the exceptions identified in paragraph 89 of the NPPF or ENV2 of the UDP.

The application puts forward the following very special circumstances to outweigh the harm to the character and openness of the Green Belt:

The site is situated in a sustainable location with good public transport links and within 200m of the Fullbrook local centre.

Local residents have welcomed the proposals as they would improve the general appearance of the site and prevent the gathering of youths and anti social behaviour.

The site was formerly occupied by Fullbrook nursery school, a local authority facility. The building had a footprint of approx 180sqm with additional hardstanding around the building covering approx 50% of the site. The building was demolished a number of years ago and the site has remained vacant and is now overgrown with poor boundary treatment to the street frontage. The proposals would result in reuse of vacant previously developed land, which has a poor appearance.

Delves clinic set to the rear of the site is accessed via a long narrow access drive adjacent to 191 Broadway. The access is approx 120m long and single track with a sharp bend, which does not allow access by a fire appliance. The proposals would allow the reuse of this vacant building by providing access for emergency vehicles.

The proposals would allow for the reuse of the Delves clinic as a children's day nursery for approx 60 children and would create approx 14 jobs.

The proposals would allow for off street parking and drop of area for the proposed new children's day nursery at Delves clinic, this would improve both pedestrian and highway safety on West Bromwich Road.

The proposals would improve the general appearance of the site through the provision of new fencing and gates, clearance of the overgrown site, maintenance of the existing trees, replacement planting for trees that need to be removed and new landscaping to the south and eastern boundaries. The proposals involve no built form and the retention of the trees on the frontage and replacement planting would continue the existing views of the site from West Bromwich Road. It is considered that the proposals would have no adverse impact on the openness and character of the green belt.

It is considered that the above very special circumstances outweigh the harm to the Green Belt of this inappropriate development.

Site layout

The proposed layout of the site and the new access has been determined by the existing trees on the site to ensure their retention.

The site layout has been amended during the course of the application to provide a hardstanding for a fire appliance with pedestrian access only through to the clinic site. This would ensure no adverse impact on the large Norway Maple tree on the boundary between the application site and the clinic.

The hardstanding for the fire appliance would be sufficiently close to the building to allow fire service access.

Impact on trees

The revised proposals would allow for the retention of the mature trees on the site and replacement planting for the trees in poor condition that need to be removed. The position of the trees on the frontage of the site will continue to screen the majority of the site from the road and continue the existing views of the site.

Impact on the amenities of the surrounding occupiers

The site is currently unused and unmaintained and is used by youths and attracts anti social behaviour. Whilst the new vehicle access would allow for vehicle comings and goings to the site, the access is set away from the nearest house and it is considered that the proposed use would have no adverse impact on the amenities of the surrounding residential occupiers.

Access and Parking

The proposals would improve both pedestrian and highway safety by providing off street parking and dropping off facilities for the proposed day nursery. This would prevent on street parking in West Bromwich Road to the detriment of the free flow of traffic.

Delves clinic has an existing car park that would be used by staff and long term parking and would provide sufficient parking spaces for the proposed use. The new facilities would provide additional drop off short term parking and access for emergency vehicles. Transportation have raised no objections.

Conclusion

On balance and on the basis that the proposals would; include no built form, would reuse previously developed land, would allow for the reuse of vacant premises which would create much needed nursery places and 14 jobs, provide safe off street parking and drop off area, provide appropriate fire service access to an existing building that currently has none, allow for existing trees to be retained and screen the site and reduce the likelihood of anti social behaviour, it is considered that no additional harm is likely to occur which will have a greater impact on the Green Belt and which would outweigh the harm caused by the proposed inappropriate development in the Green Belt.

The proposed use would create no adverse impact on the openness and character of the Green Belt.

Whilst the proposals represent a departure from the Walsall Unitary Development Plan (2005), the size of the development is such that it would fall below the threshold identified in Circular 02/09 for referral of Green Belt development to the National Planning Unit, so no referral is required.

Positive and Proactive working with the applicant

During the course of the application the applicant has provided amended plans to amend the design of the access for emergency vehicles, the style of fencing and gates and details of replacement tree planting.

Summary of Reasons for Granting Planning Permission

On balance and on the basis that the proposals will; include no built form, will reuse previously developed land, will allow for the reuse of vacant premises which would create much needed nursery places and 14 jobs, provide safe off street parking and drop off area to improve highway and pedestrian safety, provide appropriate fire service access to an existing building that currently has none, allow for existing trees to be retained and screen

the site and reduce the likelihood of anti social behaviour, it is considered that no additional harm is likely to occur which will have a greater impact on the Green Belt and which would outweigh the harm caused by the proposed inappropriate development in the Green Belt.

The proposed use would create no adverse impact on the openness and character of the Green Belt.

The use will have no adverse impact on the amenities of the surrounding occupiers.

The proposed layout would provide appropriate access for emergency services to the proposed day nursery on the adjoining site.

In light of the above the proposals are considered to be consistent with the NPPF and accord with the aims and objectives of the Regional Strategy (2008) policy QE3 and QE6, the Black Country Core Strategy (2011) policies CSP2, ENV1 and ENV2 and Walsall Unitary Development Plan (2005) in particular saved policies GP2, 3.3, 3.6, 3.9, ENV1, ENV2, ENV3, ENV14, ENV18, ENV32, ENV33 T7 and T13.

Recommendation: Grant Permission Subject to Conditions

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

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

2a. No development shall be carried out until details of the no-dig driveway beneath the canopy of T2 Maple, have been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include a scaled cross-sectional drawing indicating existing and proposed ground levels, the location of the existing tree (T2 Maple) and the specifications for the no-dig drive (including the depth of the Cellweb material and the finishing treatment).

2b. The approved details shall be fully implemented prior to the first use of the site for the use hereby approved.

Reason: To safeguard the trees on the site.

3a. No development shall be carried out until a landscaping scheme for the southern and eastern boundaries of the site have been submitted to and approved in writing by the Local Planning Authority.

3b. The scheme shall be completed in accordance with the approved details before the development is first occupied.

3c. 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 plant which dies, becomes seriously diseased, damaged or is removed shall be replaced with a tree. Shrub or plant of the same or greater size and same species as that originally required to be planted.

Reason: In order to define the permission, to safeguard the visual amenity and natural environment of the area and to provide habitat for local wildlife.

4a. No development shall be carried out until the specification of the new vehicle access has been submitted to and approved in writing by the Local Planning Authority.

4b. the vehicle crossing shall be constructed in accordance with the approved details prior to the first use of the site for the use hereby approved.

Reason: In the interests of highway safety.

5. Prior to the first use of the site for the use hereby approved the emergency vehicle hardstanding identified on drawing 001 submitted 15th March 2013 shall be hatched and clearly marked for emergency vehicle use only.

Reason: In order to provide satisfactory access for emergency vehicles at all times.

6a. Replacement tree planting shall be provided in accordance with the scheme hereby approved, as detailed in the 'Statement Regarding the Tree Situation at the Proposed Nursery Drop-off Site' and accompanying site plan submitted on 14th March 2013.

6b. The approved scheme shall be implemented in accordance with any agreed phasing or within one year of any part of the development being brought into use or such other period of time as may be agreed in writing by the Local Planning Authority.

Reason: To ensure the satisfactory appearance of the development.

7. The new vehicle access gates shall be set back 5m from the adjoining carriageway edge and shall open into the site only.

Reason: In the interests of highway safety.

8. This permission relates to:

Site Location Plan submitted 14th March 2013

Site layout Plan (including fencing and gate details) submitted 14th March 2013

Justification of use of Land within the green Belt Location (13/0004/FL) submitted 14th March 2013

Statement Regarding the tree Situation at the Proposed Nursery Drop-off Site and accompanying site layout plan (detailing replacement tree planting) submitted 14th March 2013

Method Statement for the installation of Cellweb Tree Root Protection System submitted 14th March 2013

Standard information sheet for CellWeb TRP submitted 14th March 2013.

Reason: In order to define the permission.



Walsall Council

Regeneration Directorate – Planning and Building Control

Planning Committee

Report of Head of Planning and Building Control, Regeneration Directorate on 04/04/2013

Plans list item no: 12.

Reason for bringing to committee: Significant Community Interest

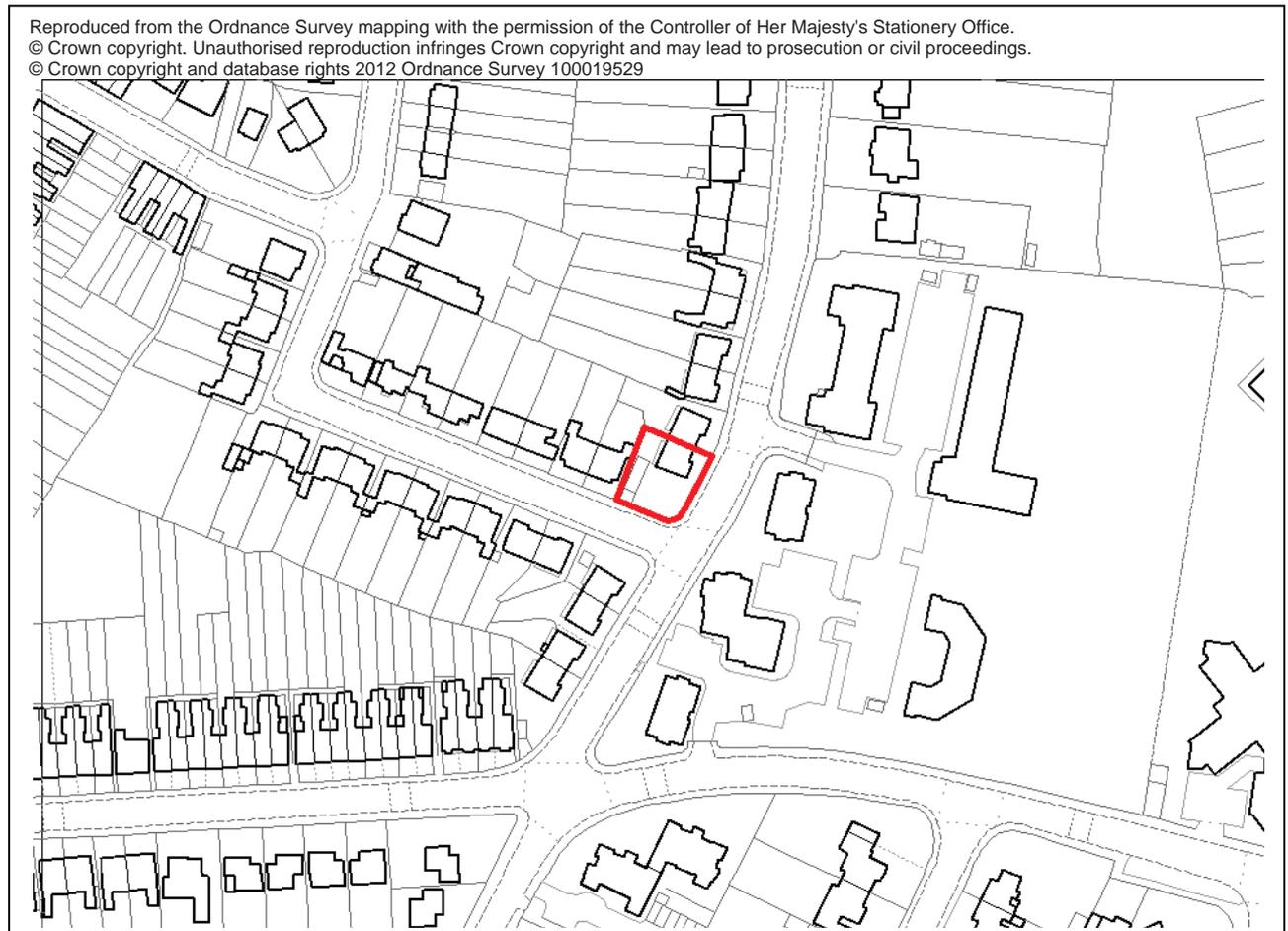
Application Number: 13/0173/TE
Application Type: Extend Time Limit

Case Officer: Barbara Toy
Telephone Number: 01922 652615
Email: planningservices@walsall.gov.uk
Agent: Philip Taylor Associates

Applicant: Mr Mohammed Nazar
Proposal: Time extension on 10/0102/FL: New dwelling.
Location: 35 PRINCES AVENUE, WALSALL, WS1 2DG
Ward: Paddock

Expired Date: 07/02/2013

Recommendation Summary: Grant Permission Subject to Conditions



Application and Site Details

The site is on the western side of Princes Avenue on the corner of Willows Road, and comprises land to the side of No 35 Princes Avenue, a two storey traditional semi detached Edwardian house, with entrance door on the side elevation.

Princes Avenue and Willows Road contains similar semi detached houses within a residential area comprising detached, semi detached and terraced houses. On the opposite side of Princes Avenue are three storey modern apartment blocks within Lorimers Grove and Shrubbery Close, set behind a high boundary wall.

The application is a time extension application of planning permission 10/0102/FL for creation of new dwelling house which was granted consent subject to conditions on 7th April 2010.

The approved house comprised a two and a half storey, two bed house on the corner, with entrance door facing Willows Road, vehicle access and two off street parking spaces off Willows Road and garden area (68sqm) to the side of the house. The accommodation comprised a hall, kitchen/dining and WC at ground floor level together with a car port, bedroom and living room at first floor and a second bedroom and bathroom at second floor. The proposals included a driveway off Princes Avenue for two parking spaces and 68sqm of amenity space set to the rear for the existing house at No35. The house was been designed to address the corner.

The agent has confirmed that the houses will be constructed to Level 3 of Code for Sustainable Homes.

Relevant Planning History

10/0102/FL, new dwelling, granted subject to conditions 07-04-10.

11/0220/MA, omission of carport roof and re-instatement of previously closed off windows, minor amendment to planning permission 10/0102/FL, approved 29-03-11.

Relevant Planning Policy Summary

National Planning Policy Framework (NPPF)

The NPPF sets out the Government's position on the role of the planning system in both plan-making and decision-taking. It states that the purpose of the planning system is to contribute to the achievement of sustainable development, in economic, social and environmental terms, and it emphasises a "*presumption in favour of sustainable development*".

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

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

Key provisions of the NPPF relevant in this case:

4: Promoting Sustainable Transport

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

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

6: Delivering a Wide Choice of High Quality Homes

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

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

7: Requiring Good Design

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

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

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

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

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

On **planning conditions** the NPPF says:

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

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

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

The Development Plan

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

Regional Strategy (RS)

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

It is considered that the relevant RS policy is;

QE3: Creating a High Quality Built Environment for All

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

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

Local

The Black Country Core Strategy (BCCS) (2011)

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

This was adopted under the current Local Development Framework system, and the NPPF says that for 12 months from the publication of the national framework "*decision-takers may continue to give full weight to relevant policies*". However, it is more than 12 months since the NPPF was published in March 2012. Now (as with the saved policies of Walsall's UDP) the NPPF advises that "*... due weight should be given to relevant policies ... according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)*". To consider the conformity of the BCCS with the NPPF the four Black Country councils have completed a 'Compatibility Self-Assessment Checklist' (published by the Planning Advisory Service) and have discussed the results with a Planning Inspector. Whilst there is no formal mechanism to certify that the BCCS is consistent with the NPPF the discussions led officers to the conclusion that the exercise identified no issues that would conflict with the NPPF or require a review of the BCCS in terms of conformity. The results of this assessment are to be published on the BCCS and Council websites and it is planned to report to the Council's Cabinet to confirm this view. In the absence of evidence to the contrary it is considered that the BCCS policies should be given full weight in planning decisions.

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

The relevant policies are:

HOU2: Housing Density, Type and Accessibility

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

ENV2: Historic Character and Local Distinctiveness

States that development proposals will be expected to preserve and, where appropriate, enhance local character and distinctiveness.

ENV3: Design Quality

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

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

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

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

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

The relevant policies are:

GP2: Environmental Protection

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

I. Visual appearance.

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

VII. The adequacy of the access, and parking.

ENV32: Design and Development Proposals.

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

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

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

H3: Windfall Sites on Previously Developed Land

The Council will encourage the provision of additional housing through the re-use of previously developed windfall sites.

T7: Car Parking

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

T13: Parking Provision

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

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

Supplementary Planning Documents (SPD)

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

Designing Walsall (Feb 2008)

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

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

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

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

Annexe E: Numerical Guidelines for Residential Development identifies privacy and aspect distances between dwellings including 24m separation between habitable windows for two storeys and above, 13m separation between habitable room windows and blank walls

exceeding 3 metres in height, 45° code, garden dimensions of 12m in length and 68m² for housing and 20m² per dwelling where communal provision is made, set backs to avoid terracing and provision of boundary walls. Although failure to comply with these guidelines may not by itself be a reason for refusal of an application, it will be a factor to be used in determining whether a proposal would be compatible with the wider character of the area or the existing dwelling or the amenity of neighbours.

Consultations

Transportation – No objections.

Pollution Control – Scientific Team - no objections subject to mitigation measures to protect nearby dwellings from noise during construction. Condition recommended.

Contaminated Land Team – no specific requirements.

Fire Officer – Satisfactory.

West Midlands Police – no objections.

Public Participation

One letter of support received which considers that the new house will sit very well in the area.

Two letters of objection received (one of behalf of a further neighbour).

Objections:

- Change the traditional style and aspect of Princes Avenue and Willows Road
- The Avenue has a long history and the properties are of a superior style and size, a small modern construction would not be appropriate.
- Three years on from the approval things have changed, the property will be built to let, there are already a number of vacant houses and flats in the area, do we need another vacant property left to be vandalised and squatted in?
- In the current climate is there enough provision for good insulation, solar panels etc in the build?
- Need assurance that the construction of this house will not cause damage to adjacent properties, if subsidence is there sufficient insurance to pay for repairs?
- The development would raise the density to above average for the area, considering the number of empty properties do we need another new build?
- Continued objection to living rooms being at 45 degree angle to the road, which is maintained would be a distraction to drivers particularly at night.
- The property is situated at a busy junction.
- Danger that additional vehicles will park on street at a busy corner.

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

Determining Issues

- Material changes in planning circumstances.
- Character of the area, design, layout, impact on residential amenity and parking
- Local Finance Considerations

Observations

Planning Circumstances

Since the previous application was considered, key planning policy changes have taken place; the adoption of the National Planning Policy Framework (2012) and the adoption of the Black Country Core Strategy (2011). However these do not have implications for the determination of this application in deed they support the redevelopment of such sites which are in good accessible locations, have good transport links and enhance and conserve the built environment

There have been no other material alterations to the proposals, the economic downturn in the market has been a factor in the implementation of the previous approval, the extension of the time limit will therefore allow the development to go ahead in the future as and when the situation improves.

Principle of development, character of the area, design, layout, impact on residential amenity and parking

The principle of a new residential property on the site was established through the previous approval. The density of the development (52 dwellings per hectare) was considered appropriate on the site which sits in a sustainable location within walking distance of Walsall Town Centre and a local bus service runs along Princes Avenue. The area is characterised by a range of housing densities up to 64 dwellings per hectare for the apartment development opposite the site. The plot is considered sufficiently large to accommodate a dwelling.

The proposed house would be situated on the corner with an angled two storey gable element addressing the corner, with traditional square bay at ground floor to match others in the surrounding area (including No 35) and a squared bay style entrance door to the Willows Road elevation. The house is therefore considered to address the corner well, and providing habitable room windows to both street frontages.

Whilst the house is two and a half storeys the second floor rooms are located within the roof space, with roof lights facing the street, and the overall height of the building reflects the surrounding properties in terms of scale.

The gable feature, square bay and chimney incorporated within the design are all key features of properties in the surrounding area and the house would be constructed from traditional brick and render with a tiled roof to match the existing properties.

Whilst the footprint of the proposed house is smaller than those in the immediate vicinity, it fits well within the plot and includes design features common to the properties in the area.

An amenity space of approx 68sqm (in compliance with Appendix E of Designing Walsall) would be provided to the side of the house adjacent to the side boundary with 2 Willows Road, with approx 36sqm enclosed as private space. Amenity space is normally expected to be situated at the rear of the dwelling, where it would be shielded from views from the street. In this case the side garden has been designed to provide some privacy to that part which is away from the street frontage. This approach is considered acceptable in the context of the overall design approach at the site.

Whilst the proposals would remove an existing open corner, the distance from the side of the existing house (No 35) to the back of pavement in Willows Road is significantly greater than other corner plots in the vicinity. The house follows the existing well established building lines of both Princes Avenue and Willows Road and has been carefully designed to fit the plot and fit with the existing architecture and character of the area, addressing the corner and both street frontages.

Whilst the pattern of development in the area is quite traditional, comprising plots with frontages and rear gardens, the eastern side of Princes Avenue comprises a significantly different form of development being apartments within three storey blocks, enclosed by a high boundary wall at back of pavement. This provides a variety of development in the area, into which the proposals would fit comfortably. The proposals would provide a two bedroom house, adding to the mix of housing.

The proposals provide an appropriate level of off street parking for the proposed house and the existing property at No 35 in compliance with policy T13.

The comments from residents regarding on street parking at a busy junction were considered under the original application when Transportation confirmed that there are no recorded injury accidents and Princes Avenue benefits from traffic calming measures which results in low traffic speeds, a new dwelling in this location is unlikely to have any detrimental impact on highway safety.

Objectors have commented on the number of existing vacant properties in the area and questioned the need for a further property. Whilst a market need may not be evident this does not prevent the residential development of a windfall site in compliance with policy H3.

Property insulation would be dealt with under Building Regulations and damage to an adjacent property during construction would be a civil matter and covered by separate legislation.

Local Finance Considerations

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

This application proposes one new home.

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 411 new homes during 2011-2012 the award to the Council was £576,927. Taking into account the delivery of homes in previous years, the total amount awarded this year was £2,583,252. This figure (which included a premium for affordable housing) meant that – as a rough average - each additional home generated an annual grant to the council of approximately £1,380. In future New Homes Bonus awards may be offset against reductions in the 'formula grant' the Council will receive from Government.

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

Positive and Proactive working with the applicant

Officers have confirmed to the applicant that the submitted details are acceptable and no further changes have been requested.

Summary of Reasons for Granting Planning Permission

The extension of the time limit to allow implementation of planning application reference number 10/0102/FL dated 7th April, 2010, is considered to be appropriate in order to secure the redevelopment of this site.

The principle of a new residential property on the site was established through the previous approval. The proposals will provide a new residential property on a windfall site in compliance with policy H3 of the UDP. The house has been designed to fit the plot, following the existing building lines of both Princes Avenue and Willows Road and is considered to sit well within the street scene and the character of the area. The design incorporates traditional architectural features and materials from the immediate vicinity and addresses the corner.

The off street parking facilities for the new house and the existing house at No 35 Princes Avenue comply with policy and an appropriate level of amenity space for both the proposed and existing houses will comply with policy. It is considered that a new dwelling in this location is unlikely to have any detrimental impact on highway safety.

The proposals would add to the mix of housing types in the area. The density at 52 dwellings per hectare is considered appropriate and fits with the character of the area that provides a wide range of densities.

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

Property insulation will be dealt with under Building Regulations and damage to adjacent properties is a civil matter dealt with under separate legislation.

As such the development is considered to be consistent with the aims and objectives of the NPPF and sustainable development, the Regional Strategy in particular policy QE3, the Black Country Core Strategy policies HOU2 and ENV3, Walsall's Unitary Development Plan (UDP) policies GP2, ENV32, H3, T7 and T13 and Supplementary Planning document: Designing Walsall (2008).

Recommendation: Grant Permission Subject to Conditions

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

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

2a. No development shall commence until samples of all facing and roofing materials have been submitted to and approved in writing by the Local Planning Authority.

2b. The development shall be completed with the approved details and retained as such.

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

3a. No development shall commence on site until details of the disposal of both surface and foul water drainage have been submitted to and approved in writing by the Local Planning Authority.

3b. The development shall be completed with the approved details and retained as such.

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

4a. No development shall be carried out until full details of existing and proposed levels of the site, access way and floor levels for the proposed dwellings, have been approved in writing by the Local Planning Authority. The submitted details shall include full details of any retaining structures required to ensure the stability of the site and any drainage or other works necessary to facilitate this development.

4b. The development shall be carried out and retained in accordance with these approved details.

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

5a. No development shall commence on site until details of a landscaping scheme, are submitted to and approved by the Local Planning Authority.

5b. The scheme shall be completed in accordance with the approved details before the development is occupied.

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

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

6. Prior to the first occupation of the development the existing vehicular footway crossing made redundant by the development hereby approved shall be reinstated back to verge and full height kerbed footway to a specification to be approved and agreed in writing by the Local Planning Authority, and any works shall meet all statutory requirements.

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

7a. Prior to commencement of any development on site, details of boundary treatment to the frontage, corner and side elevations shall be submitted to and approved in writing by the Local Planning Authority.

7b. The approved details shall be fully implemented prior to first occupation of the dwelling hereby approved and thereafter retained.

Reason: In order to ensure the satisfactory appearance of the development.

8a. No development shall take place until details showing the proposed means of (i) insulating the buildings, (ii) recycling surface water and 'grey water' from the proposed dwellings, and any other measures that may be required to achieve a satisfactory sustainability standard have been submitted to and approved in writing by the Local Planning Authority.

8b. Development shall be carried out in accordance with the approved details, and the dwellings shall not be occupied before the approved facilities have been installed and made available for use by the occupiers of the dwellings.

Reason: in order to secure the commitment made by the applicant to secure sustainable means of construction, to Level 3 of the Code for Sustainable Homes.

9. No demolition, engineering or construction works (including land reclamation, stabilisation, preparation, remediation or investigation) shall take place on any Sunday, Bank Holiday or Public Holiday, and otherwise such works shall only take place between the hours of 0700 to

1800 weekdays and 0800 to 1400 hours Saturdays. No plant, machinery or equipment associated with such works shall be started up or operational on the development site outside of these permitted hours.

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

10. The works hereby approved shall only be carried out in accordance with details contained within amended drawing Nos 1916-10, 1916-11 Rev C, 0916-12 Rev B, 0916-13 Rev B, 0916-14 Rev B, 0916-15 Rev B and 0916-16 submitted on 11th March 2010 and Design and Access Statement submitted on 13th January 2010.

Reason: In order to define the permission.



Walsall Council

Regeneration Directorate – Planning and Building Control

Planning Committee

Report of Head of Planning and Building Control, Regeneration Directorate on 04/04/2013

Plans list item no: 13.

Reason for bringing to committee: Departure from the Development Plan

Application Number: 12/1040/OL
Application Type: Outline Application

Case Officer: Barbara Toy
Telephone Number: 01922 652615
Email: planningservices@walsall.gov.uk
Agent: Brophy Riaz & Partners

Applicant: Mr Chris Harris

Proposal: Outline application for two detached dwellings and associated car parking, access, layout and scale for consideration

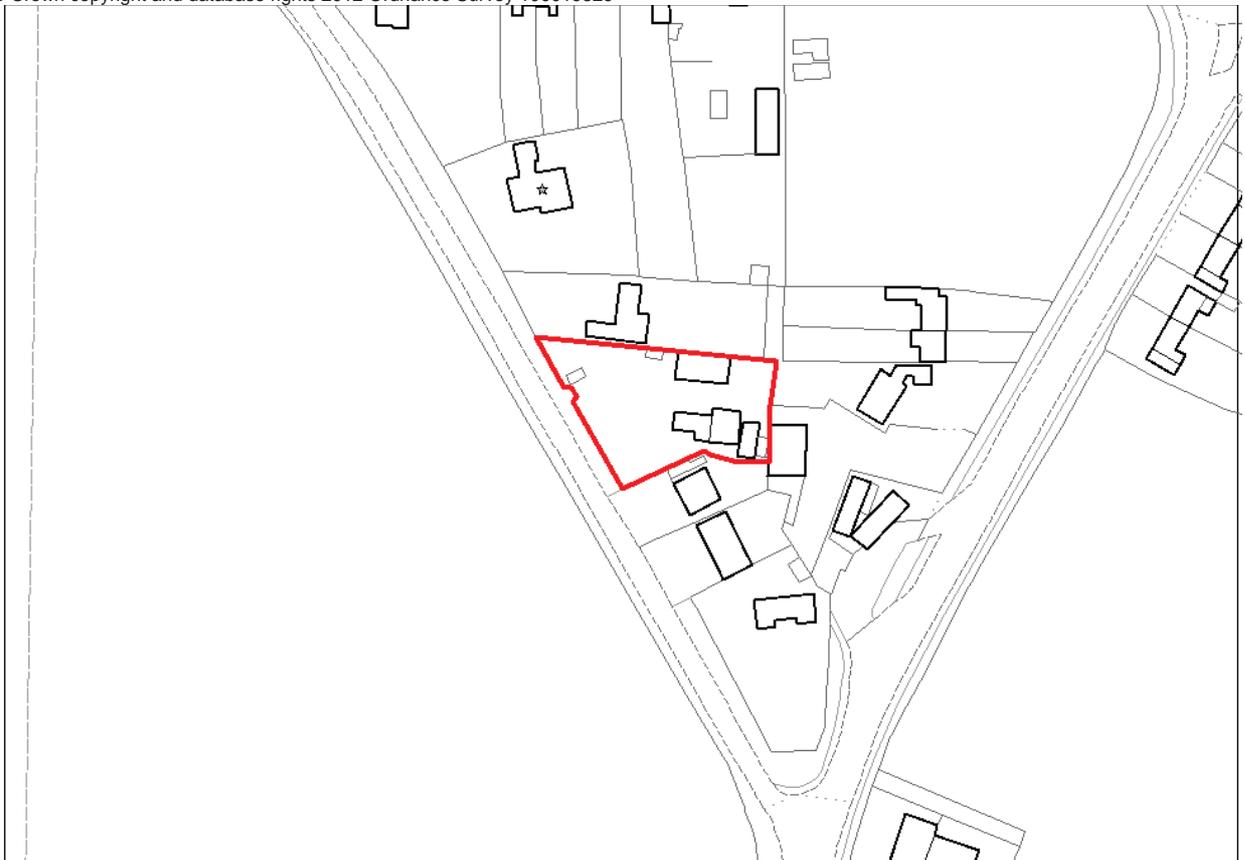
Location: BUILDER'S MERCHANT YARD, GREEN LANE, ALDRIDGE, WALSALL, WS9 0LN

Ward: Aldridge Central & South

Expired Date: 16/10/2012

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

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Application and Site Details

The site is situated on the eastern side of Green Lane and includes a vacant builders merchants yard. The site has a number of existing single storey storage buildings (total 273sqm footprint) and concrete hardstanding over the remainder of the site.

The site sits within the designated Green Belt.

Immediately to the north is a two storey house (No 5), set at an angle to the road, with bungalow beyond, to the south a two storey house (No 21), facing the road, and bungalow all fronting Green Lane. To the east a bungalow fronting Chester Road and a storage yard for vehicles with a large storage building set to the rear boundary. To the west open fields with Bliss Sand and Gravel quarry beyond. A mature hedge forms the boundary to the fields. The site sits within a 'triangular island' of development between Green Lane, Little Aston Road and Chester Road.

Green Lane has no formal public footpaths but has a scrub area of land on the frontage of the site adjacent to the road which is highway land. A regular bus service into Walsall and Birmingham runs along Little Aston Road approx 140m to the north of the site. Aldridge District Centre lies approx 1400m to the north west of the site.

This outline application proposes redevelopment of the site to provide two detached houses and associated parking, with access, layout and scale for determination at this stage with appearance and landscaping reserved for future consideration. The proposals would provide two large detached houses (5 bedrooms) set within the existing building line of Green Lane. The houses would appear two storey but would also include one bedroom within the roof space. An integral garage and front driveway parking would be provided together with large rear gardens (317 and 389sqm). A separation of 3m would be provided between the two houses and between the new house and No 5 Green Lane to the north and 6m between the new house and No 21 Green Lane to the south. The houses would be set at an angle to the road with a projecting front gable feature parallel to the road.

The agent has confirmed that the houses will be constructed to Level 3 of Code for Sustainable Homes.

The following have been submitted in support of the proposals:

A Design and Access Statement

This provides an introduction and description of the site and its context, the proposals and design approach, development within the Green Belt, discussion on issues raised on previous withdrawn application, sustainability, transport issues, discussion on supporting statements and conclusion.

Relevant Planning History

12/0726/OL, outline for the erection of 3 x 5 bed houses, access, layout and scale for determination. Application withdrawn 02-08-12

Relevant Planning Policy Summary

National Planning Policy Framework (NPPF)

The NPPF sets out the Government's position on the role of the planning system in both plan-making and decision-taking. It states that the purpose of the planning system is to contribute to the achievement of sustainable development, in economic, social and environmental terms, and it emphasises a "*presumption in favour of sustainable development*".

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

- planning should be genuinely plan-led... should provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency
- not simply be about scrutiny, but instead be a creative exercise in finding ways to enhance and improve the places in which people live their lives
- proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs;
- always seek high quality design and a good standard of amenity for all existing and future occupants of land and buildings;
- take account of the different roles and character of different areas, promoting the vitality of our main urban areas;
- support the transition to a low carbon future in a changing climate... encourage the reuse of existing resources, including conversion of existing buildings
- contribute to conserving and enhancing the natural environment
- encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value
- actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable

Key provisions of the NPPF relevant in this case:

3. Supporting a prosperous rural economy

28. Planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development.

4. Promoting sustainable transport

29. The transport system needs to be balanced in favour of sustainable transport modes, although it is recognised that opportunities to maximise sustainable transport opportunities will vary from urban to rural areas.

6. Delivering a wide choice of high quality homes

47. To boost significantly the supply of housing, local planning authorities should:

- use their evidence base to assess needs for market and affordable housing in the housing market area,
- identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements (plus a 5% buffer, which might have to be increased to 20% “where there has been a record of persistent under-delivery”).

48. Local planning authorities may make an allowance for windfall sites in the five-year supply if they have compelling evidence that such sites have consistently become available in the local area

50. To deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities,

52. The supply of new homes can sometimes be best achieved through planning for larger scale development, such as new settlements or extensions to existing villages and towns that follow the principles of Garden Cities. Working with the support of their communities, local planning authorities should consider whether such opportunities provide the best way of achieving sustainable development. In doing so, they should consider whether it is appropriate to establish Green Belt around or adjoining any such new development.

55. To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may

support services in a village nearby. Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances

7. Requiring good design

58. High quality development will be expected to include/meet the following criteria:

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

64. Permission should, be refused for development of poor design

9. Protecting Green Belt land

79. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

80. Green Belt serves five purposes:

- to check the unrestricted sprawl of large built-up areas;
- to prevent neighbouring towns 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.

81. Once Green Belts are defined, authorities should plan positively to enhance the beneficial use of the Green Belt such as improve damaged and derelict land.

87. As with previous Green Belt policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

88. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

89. A local planning authority should regard the construction of new buildings as inappropriate in Green Belt. Exceptions to this are:

- buildings for agriculture and forestry;
- provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it;
- the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
- the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- limited infilling in villages, and limited affordable housing for local community needs under policies set out in the Local Plan; or
- limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.

Annex 2: Glossary - **Previously developed land:** Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or has been occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill purposes where provision for

restoration has been made through development control procedures; land in built-up areas such as private residential gardens, parks, recreation grounds and allotments; and land that was previously-developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape in the process of time.

11. *Conserving and Enhancing the Natural Environment*

109. The Planning System should contribute to and enhance the natural and local environment by:

- Protecting and enhancing valued landscapes

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

The Development Plan

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

Regional Strategy (RS)

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

The RSS envisages retention of the Green Belt in areas such as Walsall as part of an 'urban renaissance' strategy for the major urban areas, which include the built up areas of the borough, not the Green Belt (Policies UR1 and UR1A). Other key planning policies in this case are

CF1 – Authorities should create a variety and choice of housing within the Major Urban Areas

CF2 – Beyond the Major Urban Areas in locations such as this housing should be restricted to meeting local needs with priority to include the re-use of previously developed land.

QE3 - Creating a high quality built environment for all,

QE6 - The conservation, enhancement and restoration of the Region's landscape

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

Local

The Black Country Core Strategy (BCCS) (2011)

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

This was adopted under the current Local Development Framework system, and the NPPF says that for 12 months from the publication of the national framework "*decision-takers may continue to give full weight to relevant policies*. However, it is more than 12 months since the NPPF was published in March 2012. Now (as with the saved policies of Walsall's UDP) the NPPF advises that "*... due weight should be given to relevant policies ... according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)*." To consider the conformity of the BCCS with the NPPF the four Black Country councils have completed a 'Compatibility Self-Assessment Checklist' (published by the Planning Advisory Service) and

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have discussed the results with a Planning Inspector. Whilst there is no formal mechanism to certify that the BCCS is consistent with the NPPF the discussions led officers to the conclusion that the exercise identified no issues that would conflict with the NPPF or require a review of the BCCS in terms of conformity. The results of this assessment are to be published on the BCCS and Council websites and it is planned to report to the Council's Cabinet to confirm this view. In the absence of evidence to the contrary it is considered that the BCCS policies should be given full weight in planning decisions.

The key planning policies include 2a and 2b Vision: to include the creation of a network of sustainable communities' right across the Black Country. This will be achieved, in part, by creating environments which offer opportunities for active lifestyles and healthy choices, including provision for outdoor recreation within the urban fabric of the Black Country.

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

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

CSP2: Green Belt boundaries will be maintained and protected from inappropriate development.

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

ENV1: Safeguards nature conservation by ensuring development is not permitted where it would harm designated sites including Site of Importance for Nature Conservation. Adequate information must be provided with planning applications to ensure the likely impacts are fully assessed.

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

ENV3: Encourage high quality design that stimulates economic, social and environmental benefits.

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

- The need for a range of types and sizes of accommodation to meet sub regional and local needs
- The level of accessibility
- The need to achieve high quality design and minimise amenity impacts

TRAN1: The development of transport networks in the Black Country is focused on a step change in public transport provision serving and linking centres, improving sustainable transport facilities and services across the area, improving connectivity to national networks and improving the efficiency of strategic highway routes.

TRAN2: Planning permission will not be granted for development proposals that are likely to have significant transport implications unless applications are accompanied by proposals to provide an acceptable level of accessibility and safety by all modes of transport to and from all parts of a development including, in particular, access by walking, cycling, public transport and car sharing.

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

Walsall's Unitary Development Plan (UDP)

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

framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)".

Key references to saved UDP policies are:

3.3 The character and function of the Green Belt (which includes most of Walsall's countryside) will continue to be safeguarded as part of the wider West Midlands Green Belt. Inappropriate development will not be allowed in the Green Belt unless justified by very special circumstances.

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

3.3: Inappropriate development within the Green Belt will not be allowed unless justified by very special circumstances.

ENV1: Defines the extent of the Green Belt.

ENV2: Highlights considerations of proposals within or adjacent to the Green Belt, and it includes a presumption against new buildings in the Green Belt, subject to exceptions similar to the approach in the NPPF although the NPPF now takes a more permissive approach to the extension or replacement of existing buildings (not just dwellings) and in respect of limited infilling or partial or complete redevelopment of previously developed sites. In both cases this is subject to the impact on the Green Belt. Development is inappropriate if it conflicts with the openness and purposes of the green belt. ENV2(b) states re-use of existing buildings in the Green Belt will be acceptable provided that it does not involve any building extension or associated uses of land around the building that would conflict with the openness and purposes of the Green Belt.

ENV3: Detailed Evaluation of Proposals within the Green Belt - Proposals will be assessed for their impact on;

I. The detailed layout of the site.

II. The siting, design, grouping, height and scale of buildings, structures and associated outdoor equipment.

III. The colour and suitability of building materials, having regard for local styles and materials.

vi. The impact on significant views, viewpoints and topographical features.

IX. Any other relevant considerations identified in GP2.

ENV4: Permits the limited infilling of major developed sites in the Green Belt, subject to certain criteria. It is considered these criteria are consistent with the NPPF, but the NPPF applies this approach to all previously developed sites that are defined as brownfield land.

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

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

ENV18: Seeks to ensure protection, positive management and enhancement of existing woodlands, trees and hedgerows.

ENV32: Seeks the design of developments to create high quality environments, well integrated with surrounding land uses and local character. Poorly designed development which fails to properly take account of the context or surroundings will not be permitted.

ENV33: Promotes good landscape design, including in prominent locations and / or where there are features the council requires to be retained or enhanced.

T7: Car Parking

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

T13: Parking Provision

4 bedroom houses and above 3 spaces per unit

It is considered in this case that the relevant provisions of Walsall's saved UDP are consistent with the NPPF with two sets of exceptions. The first relates to the NPPF's acceptance of extension or alteration to or replacement of existing buildings. The second,

which is more important in this case, is that the NPPF will allow the limited infilling or the partial or complete redevelopment of previously developed sites (where they are defined as brownfield land) and provided there will not be a greater impact on the openness of the Green Belt and the purpose of including land within it.

Supplementary Planning Documents (SPD)

On the basis that relevant Unitary Development Plan policies are consistent with NPPF, the related Supplementary Planning Documents will also be consistent provided they are applied in a manner consistent with National Planning Policy Framework policy. The relevant Supplementary Planning Document's are:

Designing Walsall SPD

Aims to promote a high quality environment and high standards of urban and landscape design throughout the Borough and identifies the basis on which the design of buildings and spaces will be considered during the development control process.

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

DW1: New development must show that its design maximises energy efficiency in terms of layout, orientation and sustainable use of resources;

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

DW3: Design should respect and enhance local identity;

DW6: New development should contribute to creating a place that has a clear identity;

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

DW10: New development should make a positive contribution to creating a sustainable environment.

It is considered in this case that the relevant provisions of Designing Walsall Supplementary Planning Document are consistent with the NPPF.

Consultations

Transportation - no objections

Pollution Control Scientific Team - No objections subject to condition to restrict hours of working on site.

Pollution Control Contaminated Land Team – No objections subject to conditions to ensure works to investigate and remediate any localised ground contamination and ground gas issues associated with the site.

Natural Environment (Ecology) - No objections to the principle of the use, no requirements for a bat survey.

Fire Service – No objections.

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

Public Participation Responses

None

Determining Issues

- Whether the very special circumstances put forward justify inappropriate residential development in the green belt
- Design and Layout and Impact on the Green Belt
- Local Finance Considerations

Observations

Whether the very special circumstances put forward justify inappropriate residential development in the green belt

The site lies within the West Midlands Green Belt as identified in Walsall's adopted Unitary Development Plan (UDP).

The site consists of previously developed land now unoccupied but previously used over a number of years as a builders merchants yard with a number of single storey storage buildings still within the site, on this basis it is considered that the site falls within the definition of previously developed land provided in Annex 2 of the NPPF.

The new buildings would be considered as inappropriate development within the Green Belt in terms of UDP policy ENV3 as the site is not a major development site. However para 89 of the NPPF provides exceptions to inappropriate development. This allows limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land) whether redundant or in continued use, which would not have a greater impact on the openness of the Green Belt and the purpose for including land within it, than the existing development.

The proposals would provide a complete redevelopment of previously developed brownfield land that is no longer in use and has a poor appearance within the general street scene. In this case an assessment of the impact the proposals would have on the openness of the Green Belt and on the purpose of including land in the Green Belt must be made.

The proposed development would remove a non-conforming use within a predominantly residential area within the Green Belt.

The existing yard includes a number of storage buildings scattered across the site totalling approx 273sqm footprint, with the remainder of the site comprising concrete hard standing. Whilst the footprint of the proposed houses would total 296sqm approx 23sqm more than the existing buildings, there is evidence that the previous use also included open storage and temporary storage (sheds etc) within the yard area, reducing the openness of the site and providing a poor appearance, as well as poor quality chain link fencing to enclose the site.

The existing structures on site are only single storey and the proposed houses would be two storey similar to the adjoining houses either side. The new houses would be positioned along the existing building line with a gap of 3m between them and gaps of 3m and 6m to the existing houses immediately to the north and south, allowing direct views between each structure which is currently unavailable. It is considered that the proposed houses would create improved views across the site, into and from the Green Belt and would have no adverse impact on the openness of the Green Belt.

The proposals would also remove a large expanse of hard standing by incorporating large rear gardens and landscaping to the frontage around the driveway, improving the 'green' aspects of the site.

The site sits within a 'triangular island' of development including well spaced detached two storey and single storey buildings of domestic scale. The proposals would follow the surrounding pattern of development and would not extend the sprawl of the urban area, but infill a small site within an area of built form with a conforming use.

In line with para 80 of the NPPF the development would assist in urban regeneration by allowing the recycling of a derelict site in the Green Belt. The proposals would not conflict with the purpose for including land in the Green Belt.

In this instance whilst the proposals would be regarded as inappropriate development in terms of UDP policy the proposals would be regarded as appropriate development in terms of the NPPF and as such the issue of very special circumstances does not need to be discussed.

Access, Layout and Scale and Impact on the Green Belt

The application is in outline only with access, layout and scale for determination at this time.

Access

The proposed layout includes two new vehicle access points from Green Lane, one for each house. Transportation have no objections to the position of these access points and the level of parking proposed would comply with policy T13.

Layout

The proposals would provide two large detached houses to continue the building line of the existing residential properties in Green Lane. The properties would have substantial gaps between them and between them and the adjoining houses either side, maintaining the surrounding pattern of development.

Within the 'triangular island' of development the density of development varies from 7.2 – 10 dwellings per hectare, the proposals would sit comfortably with this in providing a density of 11 dwellings per hectare.

The footprint of the properties would reflect those in the immediate vicinity and each would have a rear private garden of well over 300sqm far exceeding the 68sqm required by Appendix E of Designing Walsall. The proposed layout would fully comply with the separation distances required by Appendix E and fully comply with the 45 degree code in relation to each other and to the adjoining properties.

The houses would follow the existing building line of Green Lane. The houses would be set at an angle to Green Lane, as No 5 to the north, but a two storey gable feature on the frontage would follow the line of the road, as No 21 and No 23 to the south, providing the link between the houses that face the road and those that are angled to the road.

The layout of the properties is considered appropriate.

Scale

Whilst the houses would appear two storey a bedroom would be accommodated within the roof space. The scale, bulk and massing of the houses would reflect the other houses in the immediate vicinity and would sit comfortably in this location. The scale of the properties is considered appropriate.

It is considered that the access, layout and scale of the development would be appropriate for the location and would have no adverse impact on the openness and character of the Green Belt.

Local Finance Considerations

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

This application proposes 2 new homes.

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

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

Positive and Proactive working with the applicant

During the course of the application the applicant has provided conformation of the ownership of the land and amended plans to ensure compliance with the 45 degree code and to amend to design and reduce the overall size of the roof.

Summary of Reasons for Granting Planning Permission

The site comprises previously developed land within the Green Belt. It is considered that development will have no greater impact on the openness of the Green Belt over the existing use and buildings and will have no adverse impact on the purpose for including the land in the Green Belt and as such under paragraph 89 of the NPPF the proposals would be considered appropriate development in the Green Belt.

The proposals will remove a non conforming use in a residential area and the footprint of the buildings would be only 23sqm larger than the existing buildings. The proposals will improve the overall appearance of the site.

The proposals will comply with guidance in Designing Walsall in relation to separation distances, garden areas and the 45 degree code and it is considered that the proposals will have no adverse impact on the amenities of the surrounding occupiers.

The access, layout and scale of the proposals are considered appropriate to fit within the street scene and the Green Belt location.

The proposal is consistent with the NPPF and is considered to accord with the aims and objectives of the Regional Strategy (2008) policies CF1, CF2, QE3 and QE6, the Black Country Core Strategy (2011), in particular policies 2a, 2b, CSP2, CSP4, HOU2, ENV3 and ENV2, Walsall Unitary Development Plan (2005), in particular saved policies 3.3, 3.6, 3.7, GP2, ENV1, ENV2, ENV3, ENV14, ENV18, ENV32, ENV33, H3, T7, and T13 and Supplementary Planning Documents – Designing Walsall (2008).

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

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:-

- C) The external appearance
- E) The landscaping of the site

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

4a. No development shall commence until samples of all facing and roofing materials have been submitted to and approved in writing by the Local Planning Authority.

4b. The development shall be completed in accordance with the approved details and retained as such.

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

5. The reserved matters application shall include details of boundary treatment and the surfacing of the proposed driveways.

Reason: To ensure the satisfactory appearance of the development.

6a. No development shall commence on site until details of the disposal of both surface water and foul sewage have been submitted to and approved in writing by the Local Planning Authority.

6b. The development shall be completed with the approved details and retained as such.

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

7. Prior to the commencement of any development on site in order to address potential impact from land contamination the following matters shall be addressed:

- I. Prior to built development commencing a site investigation, ground contamination survey and assessment of ground gas, having regard to current best practice shall be undertaken. (see Note for Applicant CL1)
- II. Prior to built development commencing a copy of the findings of the site investigation, ground contamination survey and ground gas assessment, together with an assessment of the hazards arising from any land

contamination and/or ground gas shall be forwarded to the Local Planning Authority. (see Note for Applicant CL2)

- III. Prior to built development commencing a "Remediation Statement" setting out details of remedial measures to deal with the identified and potential hazards of any land contamination and/or ground gas present on the site and a timetable for their implementation shall be submitted to and agreed in writing by the Local Planning Authority. (see Note for Applicant CL2)
- IV. The remedial measures as set out in the "Remediation Statement" required by part iii) of this condition shall be implemented in accordance with the agreed timetable.
- V. If during the undertaking of remedial works or the construction of the approved development unexpected ground contamination not identified by the site investigation required by part ii) of this condition is encountered development shall cease until the "Remediation Statement" required by part iii) of this condition has been amended to address any additional remedial or mitigation works required and agreed in writing by the Local Planning Authority.
- VI. A validation report confirming the details of the measures implemented together with substantiating information and justification of any changes from the agreed remedial arrangements shall be submitted to and accepted in writing by the Local Planning Authority prior to the development being brought into use. (see Note for Applicant CL3)

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

8a No development shall take place until details showing the proposed means of (i) insulating the buildings, (ii) recycling surface water and 'grey water' from the proposed dwellings, and any other measures that may be required to achieve a satisfactory sustainability standard have been submitted to and approved in writing by the Local Planning Authority.

8b. Development shall be carried out in accordance with the approved details, and the dwellings shall not be occupied before the approved facilities have been installed and made available for use by the occupiers of the dwellings.

Reason: in order to secure the commitment made by the applicant to secure sustainable means of construction, to Level 3 of the Code for Sustainable Homes.

9. No demolition, engineering or construction works (including land reclamation, stabilisation, preparation, remediation or investigation) shall take place on any Sunday, Bank Holiday or Public Holiday*, and otherwise such works shall only take place between the hours of 0800 to 1800 weekdays and 0800 to 1400 hours Saturdays. No plant, machinery or equipment associated with such works shall be started up or operational on the development site outside of these permitted hours.

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

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

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended), no development within Schedule 2, Part 1, A, B, E and F shall be carried out to the houses hereby approved, without the prior approval of a planning application.

Reason: To enable the Local Planning Authority to retain effective control over the site to protect the amenities of the area and the Green Belt.

11. This permission relates to:

Drawing 2271/03 Rev G submitted 13th February 2013

Design and Access Statement submitted on 21st August 2013.

Reason: In order to define the permission.

Notes to Applicant

Contaminated Land

CL1

Ground investigation surveys should have regard to current "Best Practice" and the advice and guidance contained in Planning Policy Statement 23 – Planning and Pollution Control; British Standard BS10175: 2001 "Investigation of potentially contaminated sites – Code of Practice"; British Standard BS5930: 1999 "Code of practice for site investigations"; Construction Industry Research and Information Association "Assessing risks posed by hazardous ground gasses to buildings (Revised)" (CIRIA C665); or any relevant successors of such guidance. You are strongly advised to consult with the Local Planning Authority on the construction, location and potential retention of any boreholes installed for the purposes of ground gas and or groundwater before installation of same.

CL2

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

CL3

Validation reports will need to contain details of the "as installed" remediation or mitigation works agreed with the Local Planning Authority. For example photographs of earth works, capping systems, ground gas membranes, and structure details should be provided. Copies of laboratory analysis reports for imported "clean cover" materials, manufacturer's specification sheets for any materials or systems employed together with certification of their successful installation should also be submitted. Where appropriate records and results of any post remediation ground gas testing should be included in validation reports.

This note is not prescriptive and any validation report must be relevant to specific remedial measures agreed with the Local Planning Authority.



Walsall Council

Regeneration Directorate – Planning and Building Control

Planning Committee

Report of Head of Planning and Building Control, Regeneration Directorate on 04/04/2013

Plans list item no: 14.

Reason for bringing to committee: Significant community interest

Application Number: 13/0235/FL

Application Type: Full application

Applicant: Mark Price

Proposal: Resubmission following refusal of 12/1334/FL for conversion of detached house into a house in multiple occupation with 10 en-suite bedrooms including a two storey extension and loft conversion.

Location: 87 BROADWAY, WALSALL, WS1 3EZ

Ward: Palfrey

Case Officer: Alison Ives

Telephone Number: 01922 652604

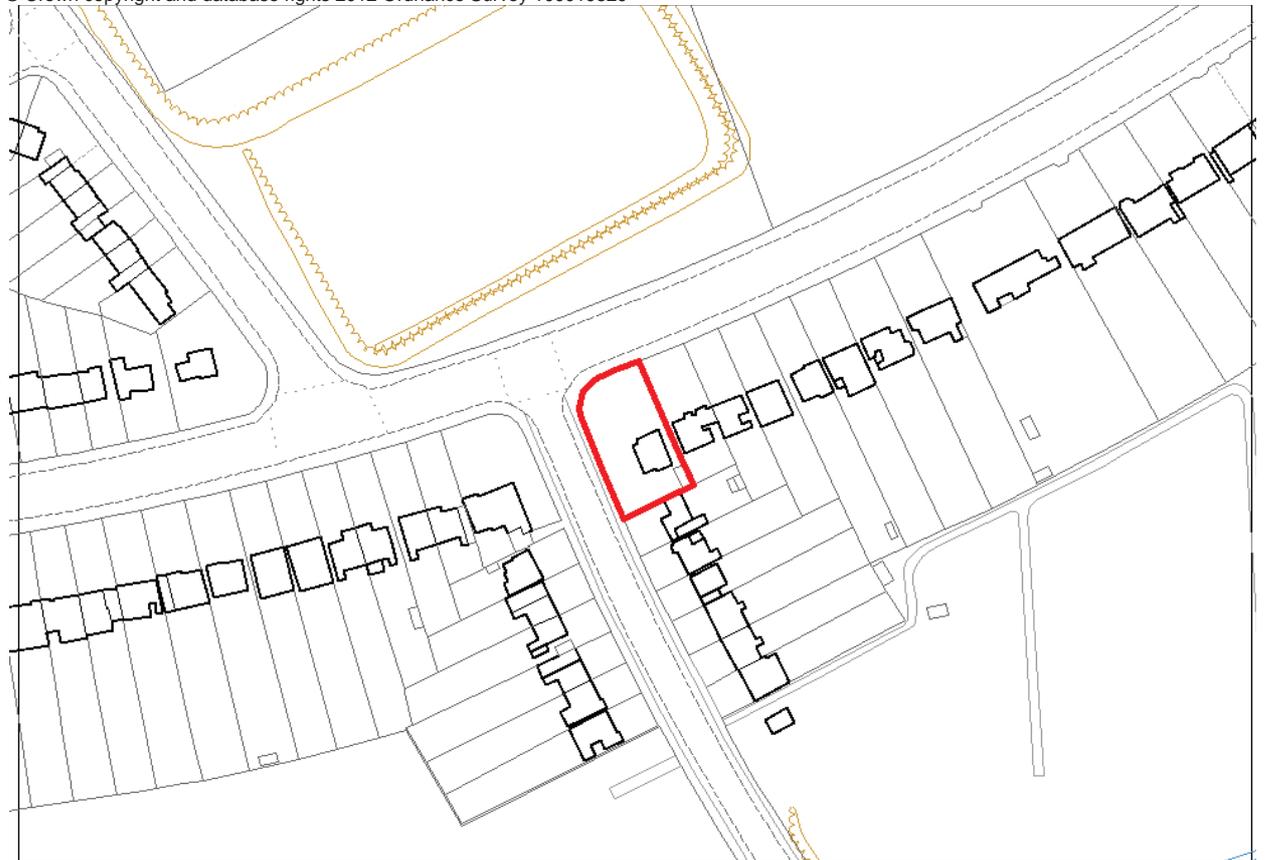
Email: planningservices@walsall.gov.uk

Agent:

Expired Date: 15/04/2013

Recommendation Summary: Grant Permission Subject to Conditions

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Application and Site Details

The application is a resubmission following refusal of application 12/1334/FL and seeks permission for conversion and extensions to a detached house to create a house in multi-occupation with 10 en-suite bedrooms. The proposals include a two storey side extension, first floor rear extension and loft conversion with flat roof dormer window at the rear.

The property is located at the junction of Broadway and Delves Green Road, opposite Walsall Rugby Club. There are large detached and semi-detached houses in large plots surrounding the site. The house is a 3 bedroom property with enclosed rear garden and car port but almost the entire front and side garden is hard surfaced and used for parking for staff and patients of Walsall Chiropractic Clinic at 81 Broadway. There is also a Euro Bin on the site frontage of 87 which may belong to the chiropractors not the occupiers of 87. There are vehicle entrances on Broadway and Delves Green Road and a post box adjacent to the highway in Delves Green Road.

The proposed two storey side extensions face Delves Green Road. The ground floor element is 4.2m wide and 11m long projecting 2m from the rear of the existing house. The first floor of this extension is shorter at 8.2m long and draws level with the rear of the main dwelling with main windows facing Delves Green Road. There are 3 bedrooms on the ground floor plus a communal lounge and kitchen, 5 bedrooms on the first floor and 2 bedrooms on the second floor (roof). A first floor extension on the rear corner of the house above an existing part of the building is also proposed. A loft conversion is proposed in the roof space of the original house and includes a box dormer on the rear elevation. The loft conversion creates an area 7.4m X 5.5m.

The proposal includes changing the vehicle access off Broadway to a pedestrian access only and utilising the existing vehicle access off Delves Green Road to serve the development. The layout shows 15 car parking spaces at the front and side of the property and a covered bike shelter adjacent to the existing gable of the property next to 85 Broadway. The proposals also create an enlarged rear garden 20m wide and between 7-8m long (approximately 188m²).

Relevant Planning History

12/1334/FL – Conversion of detached house into student accommodation comprising 11 en-suite bedrooms with shared kitchen facilities including a two storey extension and loft conversion - Refused December 2012. There were 2 reasons for refusal broadly relating to (1) cramped overdevelopment due to lack of shared facilities and garden space resulting in a poor quality living environment for future occupiers (2) Insufficient information to demonstrate there is adequate parking to cater for students and the chiropractor business.

03/2204/FL/W3 – Change of use from a vacant residential property to a children's day nursery and car parking for 81 Broadway – Refused March 2004 for five reasons broadly relating to increased traffic movements detrimental to the safety and free flow of traffic, poor visibility at the access, poor parking layout that would adversely affect vehicle manoeuvring and detrimental affect on neighbours amenities due to noise, activities and disturbance.

03/1869/FL/H3 – Single storey side/rear extension and rear conservatory – Granted subject to conditions September 2003.

03/0631/FL/H1 – Retrospective use of front garden as car park for chiropractors at no.81 and erection of wall, railings and gates – Granted subject to condition in August 2003. The condition stipulates the car park shall only be used by occupiers of or visitors to numbers 81 and 87 Broadway.

Relevant Planning Policy Summary

National Planning Policy Framework (NPPF)

The NPPF sets out the Government's position on the role of the planning system in both plan-making and decision-taking. It states that the purpose of the planning system is to contribute to the achievement of sustainable development, in economic, social and environmental terms, and it emphasises a "*presumption in favour of sustainable development*".

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

- find ways to enhance and improve places in which people live their lives
- always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings
- take account of the different roles and character of different areas, promoting the vitality of our main urban areas
- encourage the effective use of land by reusing land that has previously been developed

Key provisions of the NPPF relevant in this case:

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

Paragraph 32 states all developments should have safe and suitable access to the site for all people.

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

Paragraph 38 considers large scale residential developments and states where practical key facilities such as local shops should be within walking distance of most properties.

Paragraph 49 advises housing applications should be considered in the context of the presumption in favour of sustainable development.

Paragraph 50 aims to deliver a wide choice of high quality homes and advises local planning authorities to plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community.

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

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

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

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

On **planning conditions** the NPPF says:

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

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

The Development Plan

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

Regional Strategy (RS)

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

Relevant RS policies are:

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

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

QE3: Promotes high quality design.

The Black Country Core Strategy (BCCS) (2011)

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

This was adopted under the current Local Development Framework system, and the NPPF says that for 12 months from the publication of the national framework "*decision-takers may continue to give full weight to relevant policies.* However, it is more than 12 months since the NPPF was published in March 2012. Now (as with the saved policies of Walsall's UDP) the NPPF advises that "*... due weight should be given to relevant policies ... according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).*" To consider the conformity of the BCCS with the NPPF the four Black Country councils have completed a 'Compatibility Self-Assessment Checklist' (published by the Planning Advisory Service) and have discussed the results with a Planning Inspector. Whilst there is no formal mechanism to certify that the BCCS is consistent with the NPPF the discussions led officers to the conclusion that the exercise identified no issues that would conflict with the NPPF or require a review of the BCCS in terms of conformity. The results of this assessment are to be published on the BCCS and Council websites and it is planned to report to the Council's Cabinet to confirm this view. In the absence of evidence to the contrary it is considered that the BCCS policies should be given full weight in planning decisions.

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

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

The Spatial Objectives include

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

The above are supported by the following policies:

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

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

CSP4: A high quality of design of the built and natural environment is required.

HOU2: Density and form of new housing should be informed by the need for a range of types and sizes of accommodation, level of accessibility and need to achieve a high quality design and minimise amenity impacts.

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

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

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

Walsall's Unitary Development Plan (UDP)

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

The relevant policies are:

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

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

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.

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

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

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

H5: Encourages provision of housing for people with special needs including single people and the elderly.

H7: Establishment of houses in multi-occupation will be encouraged if it can be demonstrated that there is no harm to the amenity of occupants of neighbouring buildings or intended occupiers, no harm to the character or appearance of the surrounding area and where it would not impair the free flow of traffic or highway safety.

T7 – Car Parking

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

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

T10 (a): Refers to accessibility standards.

T13: Development will provide adequate on-site parking to meet its own needs, and that there will be no adverse effect on highway safety and the environment.

Flats with communal parking – 1.5 spaces per unit

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

Supplementary Planning Documents (SPD)

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

Designing Walsall SPD

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

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

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

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

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

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

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

Other relevant legislation

Circular 08/2010 – Changes to Planning Regulations for dwellinghouses in multiple occupation

Identifies that large houses in multi occupation – those where there are more than six people sharing – are unclassified by the Use Classes order and therefore are considered to be “sui generis”.

Consultations

Transportation – No objections. The proposals show 13 parking spaces + 2 disabled spaces which equates to 130% provision excluding the two disabled spaces. Policy T13 specifies parking provision for flats with unallocated parking is 150% so the proposed provision is slightly below this level. Taking into account the development is for students where car ownership levels may be slightly lower than general and the development looks to provide secure cycle storage, overall the Highway Authority considers the application acceptable.

Fire Service – No objections.

Public Participation Response

There are 6 letters of objection to the proposals which are summarised as follows: -

- There is adequate student accommodation at the university site
- Objects to the development of a hostel – who will be the occupiers?
- The use as an HMO should be carefully monitored
- The proposal is out of keeping with the area and unwelcome by the community
- The area is a quiet residential area and the development is out of keeping
- Creation of 10 bed-sits in a predominantly family and elderly residential area is in appropriate and adversely affects the character of the area
- Residential amenities have already been disturbed by noise and light from the use of all weather playing fields at the university opposite
- Noise and disturbance from student occupiers, particularly at night time
- Anti-social behaviour
- Increased potential for litter
- Loss of privacy
- The bike store and amenity space is next to 85 Broadway and would affect privacy and residential amenities, particularly if used for a smoking shelter
- Increased parking, congestion and highway safety issues in the vicinity including pedestrian safety
- The car park is still used an overflow car park for the chiropractors at 81 and is always busy so the development would result in additional traffic, vehicular access and highway safety issues
- Insufficient parking for the accommodation at 81 and chiropractor's clinic at 87 who share the parking
- When the access off Broadway is closed to vehicles there will be increased parking, congestion and highway safety problems in Delves Green Road as this will be the only vehicle access
- The vicinity of Delves Green Road is already congested by vehicles using the post box, allotments, school traffic, lorries using the road as a short cut, Sunday league football and rugby teams
- Inconsiderate parking blocks driveways
- Trees for removal may be covered by a Tree Preservation Order?
- How will sewerage be dealt with from 10 en-suite units?
- Who is the get rich quick owner of the property?
- Lack of consultation on use of the car park for the chiropractor business
- Loss of property value (*not a material planning consideration*)

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

Determining Issues

- Whether the proposals overcome reasons for refusal of application 12/1334/FL in terms of:
 - Cramped overdevelopment and lack of shared facilities and garden space for future occupiers
 - Demonstration that there is adequate parking

- Other matters
 - Principle of providing a House in Multi-Occupation (HMO) accommodation
 - Layout and Design
 - Relationship to surrounding properties
 - Access and Parking

Observations

Whether the proposals overcome reasons for refusal of application 12/1334/FL in terms of:

Cramped overdevelopment and lack of shared facilities and garden space for future occupiers

The proposals have been amended so that the number of en-suite rooms is reduced from 11 to 10. The drawings also demonstrate that there is a separate lounge and larger kitchen to serve the number of occupiers. An additional 10m² of communal living space is available. These enhanced shared facilities at the premises create an improved residential environment for occupiers.

Changes to the car parking layout to remove a proposed additional vehicle access off Delves Green Road allows more space to create an enlarged garden for use by occupiers. The garden space is now wider creating a more useable space and provides approximately 188m² which equates to 18.8m² per occupier. Despite being marginally below the recommended 20m² per unit this is considered acceptable as there is access to alternative provision such as playing fields in the vicinity.

For the above reasons the proposals are considered to address the first reason for refusal of application 12/1334/FL.

Demonstration that there is adequate parking

The proposed layout includes 13 parking spaces and 2 disabled spaces to cater for 10 units. This equates to 130% parking excluding the disabled spaces which is slightly below the recommended 1.5 spaces per unit in policy T13. Given the type of accommodation car ownership is likely to be lower and the site is in a highly sustainable location close to local bus routes this marginal under-provision is acceptable. The proposal to convert the Broadway access for pedestrians only will benefit the free flow of traffic on Broadway which is a red route. The parking layout is satisfactory and the reduction in the height of fencing adjacent to the access off Delves Green Road will improve vehicle/pedestrian intervisibility. This improves pedestrian safety at the access to address residents concerns. The Transportation officer is satisfied with the amended parking proposals.

Objectors are concerned that the site is still used as overflow parking for the chiropractor business at 81 Broadway and that by adding 10 new residential units there will be inadequate parking leading to an increase in on-street parking, congestion and highway safety hazards in the Delves Green Road. They also consider that the closure of the Broadway access to vehicles will create more problems in Delves Green Road which is already congested and has on-street parking issues.

Residents have also claimed a lack of consultation on the use of the car park for the chiropractor business. This was approved in 2003 following a period of public consultation and was considered appropriate at that time.

The applicant confirms the chiropractor business is a separate business and should not influence the parking at the site. Despite the grant of permission for use of the front garden at 87 Broadway for parking for the chiropractor business at no. 81 it is recommended that a condition is imposed to restrict parking at the site for use by occupiers of 87 only. The parking is adequate to serve the development itself. With regard to closure of the Broadway access to vehicles, this will benefit the free flow of traffic on the red route. As the access in Delves Green Road is an existing access it could be utilised for any number of vehicles presently using the site for parking. In the circumstances re-use of this access is considered appropriate and will not cause significant highway safety or parking issues in Delves Green Road despite residents concerns.

In view of the above comments the amended proposals are considered to address the second reason for refusal of application 12/1334/FL.

Other matters

Principle of providing a House in Multi-Occupation (HMO) accommodation

The current property is a three bedroom detached house, currently vacant and in a poor state of repair. The principle of bringing this back into use for a residential purpose is acceptable. The existing 3 bedroom house could currently accommodate a family of 4/5 occupiers or a larger family with the addition of the proposed extensions. Although the nature of houses in multi-occupation is different to that of a single dwelling it is not totally unacceptable provided a satisfactory layout and design is achieved as essentially the character of the property remains residential.

Residents in the surrounding area are concerned that the creation of student accommodation in a predominantly family oriented/elderly residential area is not welcomed as it would be out of character and unacceptable creating an unwanted precedent. The re-use of the property for a residential purpose including as an HMO is considered appropriate provided the layout and design are acceptable as this is a sustainable location in an urban location. As the property is on the edge of the residential area bordering the strategic highway network it is also considered a less sensitive location to provide for such accommodation. As each case is considered on its merits the principle of providing HMO accommodation in this location would not set any precedent for determination of future applications.

Objectors consider there is sufficient student accommodation at the university without the need to convert this house for student accommodation. The principle of providing student accommodation is acceptable regardless of whether there is already provision in the vicinity.

Loss of property value is not a material planning consideration despite residents concerns. Residents are also concerned about the potential future occupiers as they consider the proposals similar in character to a hostel. Creation of 10 en-suite rooms with shared accommodation is defined as a large house in multi occupation (more than 6 people sharing) and is a sui generis use class. Any change of use to a hostel would require permission. HMO's are monitored and licensed by Housing Services so the local planning authority would be altered to any future change of use.

On balance provision of a House in Multi-Occupation in this location is considered acceptable and would not harm the character of the area.

Layout and Design

The proposed extensions to the house maintain the character of the existing design and meet the separation distances recommended in SPD Designing Walsall so cause no significant harm to the residential amenities of neighbouring properties in terms of outlook, privacy or daylight. The first floor extensions at the rear of the property comply with 45 degree code guidelines in relation to the adjacent house 85 Broadway and the side extensions are adequate distance away from the nearest properties at 89 Broadway and 1 Delves Green Road so as to not adversely affect residential amenities. Despite the inclusion of a dormer window at the rear and accommodation in the loft space, ordinarily this would be permitted development for householders and causes no greater overlooking than from the existing property. On balance the proposed extensions are acceptable and cause no significant harm to neighbour's amenity in terms of overlooking, loss of privacy or loss of daylight.

The submitted layout indicates that trees are to be removed as part of the proposals and neighbours have raised this as a concern. The trees are not protected by a Preservation Order so these works could be carried out without the need for planning permission. On balance their removal will not harm the character of the area significantly.

The proposed conversion to create the HMO, which could be occupied by students, has been reduced from 11 to 10 en-suite bedrooms with a larger kitchen and separate living room at ground floor. This improves the facilities available to future occupiers and addresses officer's earlier concerns. The plans have also been amended to show a single bed only in each bedroom rather than a double bed. Although there is still space for a double bed in each room which could potentially result in a higher occupation rate the proposals achieve satisfactory standards in terms of shared accommodation and parking. Housing Standards has previously advised that there should be a cooking appliance and kitchen sink for every 5 occupiers. The enlarged kitchen allows space for additional sinks and cooking appliances and addresses earlier concerns about lack of shared provision.

The developer proposes to extend the present rear garden by removing a galvanised fence and widening the garden so that it spans the entire plot and provides approximately 188m². This provides 18.8m² per occupier and despite being short of the recommended amenity standards is considered acceptable as it is a useable space.

An objector is concerned how sewerage will be dealt with from 10 en-suite units. A condition to secure appropriate drainage is recommended.

It is considered that the level of accommodation has been improved and the layout and design addresses the reasons for refusal of the earlier scheme.

Relationship to surrounding properties

The relationship of the extensions to the property to neighbouring properties is referred to above when assessing the design and is considered not to have any significant impact on the amenities of surrounding occupiers in terms of loss of outlook, daylight or privacy. Although the bike shelter is adjacent to 85 Broadway this would not have a significant impact on neighbour's privacy as this area could be just as likely to be utilised for bike storage if the property remained as a dwellinghouse. Likewise if occupiers use the area as a smoking shelter this is no different to any neighbour being allowed to smoke in their own garden.

Objectors are also concerned about the intensification of the occupation of the premises, particularly if used by students and the potential for anti-social noisy behaviour, night time disturbance or increased litter. They claim that the use of the all weather playing fields at the university opposite has already had an adverse impact on residential amenity. The scale of the proposals has been reduced from 11 to 10 bedrooms and the design of the extensions is

considered appropriate and in keeping with the surrounding area. An extended house of this size could accommodate a larger family that would be likely to lead to increased comings and goings than the existing house and bearing this in mind the reduction in the number of bedrooms would not create a significant impact on the character of the area. The property is also on the junction of a main road and may not be as sensitive to noise as a property in the heart of a residential area. In terms of existing problems from disturbance from the playing pitch this is not material to the current application.

One resident has asked who the get rich quick owner of the property is but this is not a material planning consideration.

On balance, despite objections from neighbours about the type of accommodation and potential for increased noise and disturbance it is considered that fewer student bedrooms would not have a significant impact, bearing in mind the character of the premises and location of the site, sufficient to warrant refusal of the application in principle.

Positive and Proactive working with the applicant

Officers have met with the applicant's agent and in response to concerns raised, amended plans and supporting information has been submitted to enable full support to be given to the scheme.

Recommendation

Grant permission subject to conditions.

Summary of Reasons for Granting Planning Permission

The proposals have been reduced from 11 to 10 en-suite rooms and there is a separate lounge and larger kitchen to serve the number of occupiers providing additional communal living space improving the environment for occupiers. There is also an enlarged garden for use by occupiers creating a more useable space despite being marginally below the recommended 20m² per unit this is considered acceptable as there is access to alternative provision such as playing fields in the vicinity. For these reasons the proposals are considered to address the first reason for refusal of application 12/1334/FL.

The amount of parking provision is considered acceptable despite being marginally below that recommended in policy T13. The creation of a pedestrian only access off Broadway will benefit the free flow of traffic on the red route. The parking layout is satisfactory will not harm pedestrian or highway safety. Objectors concerns regarding use of the car park as overflow parking for the chiropractor business can be addressed by a condition precluding parking other than for occupiers of 87 Broadway. As the access in Delves Green Road is an existing access its re-use is considered appropriate and will not cause significant highway safety or parking issues in Delves Green Road despite residents concerns. In view of the above comments the amended proposals are considered to address the second reason for refusal of application 12/1334/FL.

The principle of bringing the vacant property back into use for a residential purpose is acceptable and although the nature of houses in multi-occupation is different to that of a single dwelling it is not totally unacceptable in this area as this is a sustainable location in an urban location. The property is on the edge of the residential area bordering the main road so is considered a less sensitive location to provide for such accommodation. This does not set any precedent for determination of future applications. The principle of providing HMO or

student accommodation is acceptable regardless of whether there is already provision in the vicinity.

Loss of property value is not a material planning consideration despite residents concerns. Any change of use to a hostel would require permission. HMO's are monitored and licensed by Housing Services so the local planning authority would be altered to any future change of use. On balance provision of a House in Multi-Occupation in this location is considered acceptable and would not harm the character of the area.

The proposed design of the extensions is acceptable and would not cause significant harm to the residential amenities of neighbouring properties in terms of outlook, privacy or daylight. Although trees are to be removed they are not protected by a Preservation Order so these works could be carried out without the need for planning permission.

The proposed conversion to create the HMO, which could be occupied by students, has been reduced from 11 to 10 en-suite bedrooms with a larger kitchen and separate living room at ground floor. This improves the facilities available to future occupiers and addresses officer's earlier concerns. The enlargement of the rear garden is acceptable despite being short of the recommended amenity. A condition to secure appropriate drainage is recommended. It is considered that the level of accommodation has been improved and the layout and design addresses the reasons for refusal of the earlier scheme.

The bike shelter adjacent to 85 Broadway would not have a significant impact on neighbour's privacy as this area could be just as likely to be utilised for bike storage if the property remained as a dwellinghouse. Likewise if occupiers use the area as a smoking shelter this is no different to any neighbour being allowed to smoke in their own garden.

The scale of the proposals has been reduced from 11 to 10 bedrooms and the design of the extensions is considered appropriate and in keeping with the surrounding area. An extended house of this size could accommodate a larger family that would be likely to lead to increased comings and goings than the existing house and bearing this in mind the reduction in the number of bedrooms would not create a significant impact on the character of the area. The property is also on the junction of a main road and may not be as sensitive to noise as a property in the heart of a residential area. In terms of existing problems from disturbance from the playing pitch this is not material to the current application. The owner of the property is not a material planning consideration. On balance, despite objections from neighbours about the type of accommodation and potential for increased noise and disturbance it is considered that fewer student bedrooms would not have a significant impact, bearing in mind the character of the premises and location of the site, sufficient to warrant refusal of the application in principle.

In light of the above the proposals are considered to accord with the aims and objectives of the National Planning Policy Framework and sustainable development, the aims and objectives of the Black Country Core Strategy policies in particular CSP2, CSP3, CSP4, TRAN1, HOU2, ENV2 and ENV3, the aims and objectives of the Walsall Unitary Development Plan saved policies GP2, H3, H5, H7, ENV14, ENV18, ENV32, ENV33, 3.116, 3.117, ENV40, T7, T8, T10 and T13 and Supplementary Planning Documents: Designing Walsall.

Recommendation: Grant Permission Subject to Conditions

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

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

2a. 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.

2b. The development shall be completed in accordance with the approved details and retained as such.

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

3a. Prior to the commencement of the development, full details of the proposed cycle shelter, which shall be covered, secure and illuminated, shall be submitted to the Local Planning Authority for approval in writing.

3b. The cycle shelter shall be fully installed in accordance with the approved details prior to first occupation of the development and maintained thereafter.

Reason: To encourage sustainable modes of travel and in accordance with UDP Policy T13 and Black Country Core Strategy Policy TRAN4.

4a. No development shall commence until a landscape scheme has been submitted and approved in writing by the Local Planning Authority. The scheme shall incorporate full details and specifications of topsoil specification and depth, details of proposed species, planting size, density, ground surface treatment, tree support and pit details, root barriers, mulching and protective measures.

4b. The approved landscape plan shall be implemented before any part of the development is brought into use.

4c. All planting shall be maintained for a period of 5 years from the full completion of the scheme. Within this period any trees, shrubs or plants which dies, becomes seriously diseased, damaged or is removed shall be replaced with a tree, shrub or plant of the same or greater size and same species as that originally required to be planted.

Reason: To enhance the appearance of the site.

5a. Prior to the commencement of development a schedule of facing materials to be used in the external walls and roofs shall be submitted and approved in writing by the Local Planning Authority.

5b. The approved details shall be implemented and thereafter retained.

Reason: To ensure the satisfactory appearance of the development.

6. The car parking area shown on the approved drawing 003 (D) shall be for the sole use of the occupiers at 87 Broadway and shall not, at any time, be used or shared with any other business or residence outside the site boundary.

Reason: To ensure that adequate on-site parking to serve the development is available at all times, in accordance with policy GP2 and T13, and to minimise on street parking at a busy road junction in the interests of highway safety and the free flow of traffic.

7a. Prior to the development first coming into use, the car parking area shown on drawing 003 (D) shall be fully consolidated, hard surfaced and drained and the parking bays shall be clearly demarcated on the ground. Two spaces shall be allocated for disabled users and marked out accordingly.

7b. The parking spaces shall thereafter be retained and used for no other purpose.

Reason: To ensure the satisfactory completion and operation of the development and in accordance with policy T13 (III).

8a. Prior to the development first coming into use the existing vehicle access point onto Broadway shall be permanently closed to vehicular traffic by reducing the opening to no more than 2 metres in width and shall be used solely as a pedestrian/ refuse bin access only in accordance with the approved plan 003 (D).

8b. The existing vehicle dropped kerb serving the redundant access on Broadway shall be reinstated back to full kerb height to a specification to be submitted to and approved by the Local Planning Authority.

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

9a. Prior to the development first coming into use, the reduced height boundary fencing either side of the widened access point onto Delves Green Road, shown on drawing 003 (D), shall be no higher than 600mm above ground level extending for two metres either side of the access point in order to provide adequate pedestrian/vehicle inter-visibility.

9b. The visibility splay shall thereafter be retained and kept free of structures and planting exceeding 600mm in height.

Reason: In the interests of highway safety.

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

* Note - Bank Holidays and Public holidays for this purpose shall be taken to include: 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.

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

- Site Location Plan (drawing 001) received 18/2/13
- Existing Site Plan (drawing 002) received 18/2/13
- Proposed Site Plan (drawing 003D) received 18/2/13
- Proposed Ground Floor Plan (drawing 009A) received 18/2/13
- Proposed First Floor Plan (drawing 010A) received 18/2/13
- Proposed Second Floor Plan (drawing 011 received 18/2/13
- North Elevation (drawings 004A & 008a) received 18/2/13
- East Elevation (drawing 007a) received 18/2/13

- South Elevation (drawing 006) received 18/2/13
- Amended West Elevation (drawing 005a) received 18/2/13

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



Walsall Council

Regeneration Directorate – Planning and Building Control

Planning Committee

Report of Head of Planning and Building Control, Regeneration Directorate on 04/04/2013

Plans list item no: 15.

Reason for bringing to committee: Delicate Judgement Regarding Character of Area

Application Number: 12/1582/FL
Application Type: Full application

Case Officer: Stuart Crossen
Telephone Number: 01922 652608
Email: planningservices@walsall.gov.uk
Agent: Mr Anthony Spruce

Applicant: Mr B. Verma

Proposal: Retrospective - single storey side extensions to 18 & 20 to provide access to both properties.

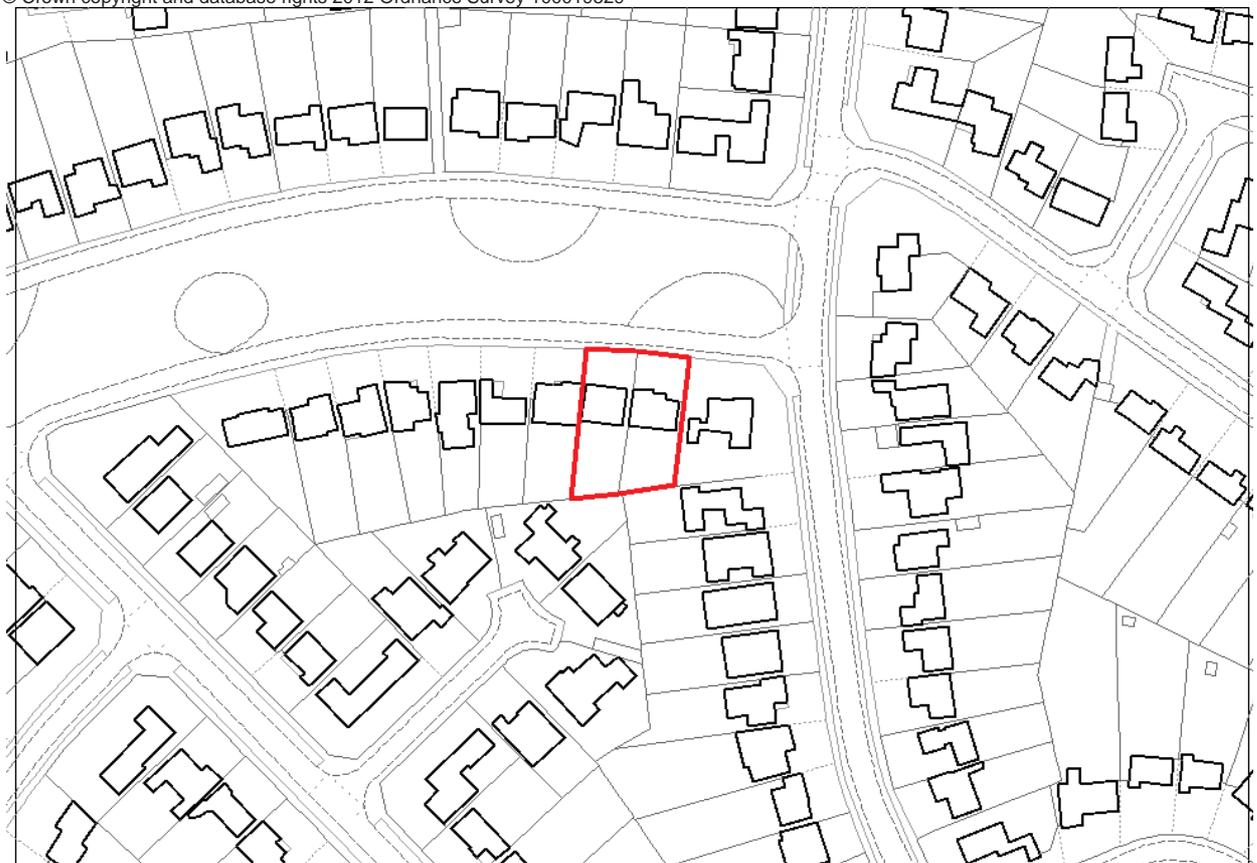
Location: 18 & 20 ATHLONE ROAD, WALSALL, WS5 3QX

Ward: Paddock

Expired Date: 29/01/2013

Recommendation Summary: Refuse

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Application and Site Details

The application proposes to retain a flat roof side extension internally linking numbers 18 and 20 Athlone Road via the kitchen store at number 20 and the dining area of number 18. The character of Athlone Road is defined by 1960's style detached houses. In the same row of houses numbers 14 to 20 have gaps of at least 900mm in between, which provides access to the rear and defines the character of these houses.

The application is a resubmission of a similar refused application due to a proposed first floor link bridge between 18 and 20 Athlone Road. The current proposal is for a ground floor link.

The brick extension in fills a 1 metre gap between the numbers 18 and 20, is 3.5 metres high with a flat roof in line with the first floor window sill of number 18.

Number 18 is in the same ownership as number 20. The first floor front elevation of no. 18 is positioned 1 metre forward of the first floor front elevation of number 20 and the rear elevations are in line with one another. The side extension to be retained would not be visible from either house. From the street 1.6 metres of the proposal would be visible above the existing gate between the two houses. Although the plans illustrate the gate to be 2.6 metres high, following the site visit it is considered to be no more than 2 metres high.

Number 22 is a bungalow with a garage to the side next to number 20 and front and rear facing habitable room windows.

Number 7 Connaught Close is a bungalow with rear facing habitable room windows to the rear of the application house and is at an angle in relation to the rear of number 20 and is 34 metres away from the side extension to be retained.

Number 27 Greaves Avenue is a bungalow with rear facing habitable room windows at right angles to the application house.

Relevant Planning History

12/1365/FL - Ground floor side extension, roof extension and first floor rear extension at 20 Athlone Road. Elsewhere on this agenda.

12/1106/FL - Two storey rear and side house extension with first floor alteration at the front of 18 Athlone Road. Elsewhere on this agenda

12/0738/FL - Two storey rear extension and front first floor extension with first floor link bridge to 20 Athlone Road, Refused 16/08/12 for the following reason:

The proposed flat roofed first floor link bridge, connecting to no. 20 Athlone Road would introduce an incongruous feature in the street and by closing the first floor gap would create a terracing effect. The development represents poor design which would have a detrimental impact on the appearance of the existing house and would be out of character with the street scene and the immediate vicinity.

12/0733/FL - First floor rear extension and loft extension with first floor link bridge to 18 Athlone Road, Refused 16/08/12 for the following reasons:

The design of the proposal would have a detrimental impact on the appearance of the existing house, the existing amenity of neighbours and the character of street scene because of;

- the cumulative increase in building mass of the proposed first floor extension, the changes to the roof (hips/front to back ridge to full size gable and the

ridge running the full width) and the rear dormer plus the additional depth of the finished property.

- The rear dormer/first floor extension/gable roof and overall depth of final house extension would introduce a prominent and incongruous feature which would be visible from Greaves Avenue seen above 22 Athlone Road and is considered would have a detrimental impact on the views from Greaves Avenue.
- The height and close proximity of the rear dormer to the rear garden of 27 Greaves Avenue would have an unacceptable impact on the privacy of neighbours using their rear garden.
- The proposed roof extension to larger gables is an increase in size which would have an unacceptable impact on the existing daylight and sunlight available to the occupiers of no's 18 and 22 because of the combined height, scale and mass of the proposal.

BC36435P – Kitchen and lounge extension to rear with 2 additional bedrooms at first floor to side and canopy to front – granted permission subject to conditions on 30/7/92

BC38858P – Covered way, laundry and storeroom, pitched roof over existing rear extension – granted permission subject to conditions – 14/10/93

Relevant Planning Policy Summary

National Planning Policy Framework (NPPF)

The NPPF sets out the Government's position on the role of the planning system in both plan-making and decision-taking. It states that the purpose of the planning system is to contribute to the achievement of sustainable development, in economic, social and environmental terms, and it emphasises a *"presumption in favour of sustainable development"*.

Key provisions of the NPPF relevant in this case:

7: Requiring Good Design

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

57. It is important to plan positively for the achievement of high quality and inclusive design for all development.

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

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

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

11: Conserving and Enhancing the Natural Environment

109. The planning system should contribute to and enhance the natural and local environment by:

- Protecting and enhancing valued landscapes

On **planning conditions** the NPPF says:

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

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

Decision-taking

186. Local planning authorities should approach decision-taking in a positive way to foster the delivery of sustainable development. The relationship between decision-taking and plan-making should be seamless, translating plans into high quality development on the ground.

187. Local planning authorities should look for solutions rather than problems, and decision-takers at every level should seek to approve applications for sustainable development where possible. Local planning authorities should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area.

The Development Plan

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

Regional Strategy (RS)

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

It is considered that the relevant RS policy is;

QE3: Creating a High Quality Built Environment for All

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

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

Local

The Black Country Core Strategy (BCCS) (2011)

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

This was adopted under the current Local Development Framework system, and the NPPF says that for 12 months from the publication of the national framework "*decision-takers may continue to give full weight to relevant policies*". However, it is more than 12 months since the NPPF was published in March 2012. Now (as with the saved policies of Walsall's UDP) the NPPF advises that "*... due weight should be given to relevant policies ... according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)*." To consider the conformity of the BCCS with the NPPF the four Black Country councils have completed a 'Compatibility Self-Assessment Checklist' (published by the Planning Advisory Service) and have discussed the results with a Planning Inspector. Whilst there is no formal mechanism to certify that the BCCS is consistent with the NPPF the discussions led officers to the conclusion that the exercise identified no issues that would conflict with the NPPF or require a review of the BCCS in terms of conformity. The results of this assessment are to be published on the BCCS and Council websites and it is planned to report to the Council's Cabinet to confirm this view. In the absence of evidence to the contrary it is considered that the BCCS policies should be given full weight in planning decisions.

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

The relevant policies are:

ENV2: Historic Character and Local Distinctiveness

States that development proposals will be expected to preserve and, where appropriate, enhance local character and distinctiveness.

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

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

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

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

The relevant policies are:

GP2: Environmental Protection

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

I. Visual appearance.

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

ENV32: Design and Development Proposals.

(a) Poorly designed development or proposals which fail to properly take account of the context or surroundings will not be permitted. This policy will be applied to all development but will be particularly significant in the following locations:-

- Areas with a special character arising from the homogeneity of existing development in the neighbourhood.

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

- The appearance of the proposed development.
- The height, proportion, scale, and mass of proposed buildings / structures.
- The materials proposed for buildings, external spaces and means of enclosure.
- The integration and co-ordination of buildings and external space.
- Community safety and security.
- The visual relationship of the proposed development with adjacent areas, the street and the character of the surrounding neighbourhood.
- The effect on the local character of the area.
- The proposed vehicular and pedestrian circulation patterns.
- The integration of existing natural and built features of value.
- The maintenance requirements of the development.

T7: Car Parking

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

T13: Parking Provision
4 bedroom houses and above 3 spaces per unit

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

Supplementary Planning Documents (SPD)

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

Designing Walsall (Feb 2008)

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

- Terracing: avoid the creation of terracing to existing developments as a result of side extensions where this is not characteristic of the area by retaining a minimum 0.9m gap to the boundary (may be increased in some circumstances), set back first floor extensions by a minimum of 1m (may be increased in some circumstances) and the use of hipped roofs where in keeping with existing character.

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

Consultations

None

Public Participation Responses

The occupier of number 22 Athlone Road has objected on the following grounds:

- They can see contractors at work at number 20 which is an invasion of privacy.
- There is no impartiality reflected in the decisions made by the planning office.
- The house is a modest size and should not be overdeveloped to be incongruous in the street scene.
- There is not ample parking at the application site.

Determining Issues

- Design of Extension and Impact on Character of Area and Whether the Proposal Overcomes the Previous Reason for Refusal.
- Impact on Neighbouring Amenity
- Parking
- Positive and Proactive working with the applicant

Observations

Design of Extension and Impact on Character of Area

The flat roof design of the extension and 3.5 metre height connecting number 20 and number 18 Athlone Road, represents poor design which would have a detrimental impact on the appearance of the existing house and would be out of character with the street scene and the immediate vicinity, by closing the gap creating a terracing effect contrary to the Councils terracing policy. The terracing policy requires a minimum 900mm gap to be

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retained between houses where this is a characteristic of the area. It is considered that the current proposal has not fully overcome the previous refusal reason.

In relation to the existing houses, and extensions visible from the front elevation, whilst there are clear concerns regarding visual amenity impact and being out of character, it is considered this side extension would not represent overdevelopment.

Impact on Neighbouring Amenity

The extension itself is not in direct view from the rear neighbouring houses and would have limited impact on their amenity. A lack of privacy due to construction works is temporary and not sufficient reason to refuse the application.

Parking

The extension does impact on the existing parking provision or require any additional parking provision in itself.

Positive and Proactive working with the applicant

Officers have spoken with the applicant's agent previously about their concerns with the proposal and a similar proposal has been omitted from another application for the same site. A previous application for a similar link has also been refused.

Recommendation: Refuse

1. The proposed flat roofed link connecting to number 18 and 20 Athlone Road would introduce an incongruous feature in the street and by closing the gap would create a terracing effect. The development represents poor design which would have a detrimental impact on the appearance of the existing house and would be out of character with the street scene and the immediate vicinity. The development would therefore be contrary to the National Planning Policy Framework, the Black Country Core Strategy policies ENV2 and ENV3, and Walsall's saved Unitary Development Plan, in particular policies GP2 and ENV32, and the Supplementary Planning Document, Designing Walsall in particular Appendix E.



Walsall Council

Regeneration Directorate – Planning and Building Control

Planning Committee

Report of Head of Planning and Building Control, Regeneration Directorate on 04/04/2013

Plans list item no: 16.

Reason for bringing to committee: Delicate Judgement Regarding Character of Area

Application Number: 12/1365/FL
Application Type: Full application

Applicant: Mr Bobby Verma

Proposal: Roof extension and first floor rear extension.

Location: 20 ATHLONE ROAD, WALSALL, WS5 3QX

Ward: Paddock

Case Officer: Stuart Crossen

Telephone Number: 01922 652608

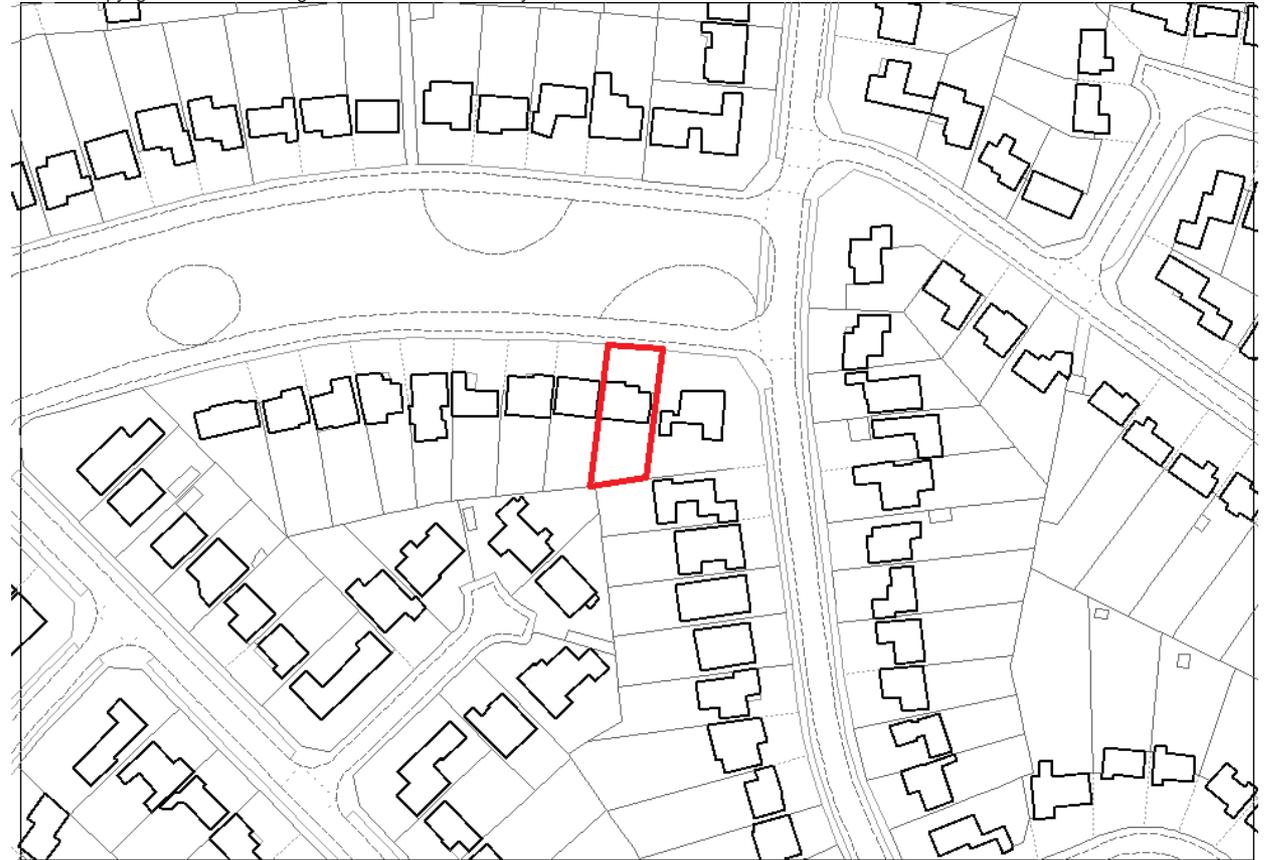
Email: planningservices@walsall.gov.uk

Agent: Integrated Designs & Associates Limited

Expired Date: 07/12/2012

Recommendation Summary: Refuse

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Application and Site Details

The application is a resubmission of a previously refused similar sized proposal. This application proposes a ground floor side extension, roof extension and first floor rear extension to a modern designed detached house which has a two storey front gable feature and a first floor side extension. There is an existing single storey rear extension 3.4 metre deep across the full width of the house and an extension along the side garden boundary of no. 22 extending 11.7 metres deep from the ground floor rear elevation.

The difference between the previous refused application and this one is as follows:

- side gable roof conversion replaced by a hipped roof design
- omission of side elevation bathroom window
- rear dormers reduced in width from 12 metres to two smaller 1.9 metre wide dormers and reduced in depth, being set in from the rear elevation a further 500mm

Amended plans has also been received which has omitted the front gable loft window, added a side velux to the roof plan of the same front gable and reduced the first floor rear extension depth by 441mm.

The application house frontage faces a wide grassed verge with mature trees and the street has a spacious character. Athlone Road benefits from a mix of housing styles including detached houses and bungalow of varying design. The application house is near to the corner with Greaves Avenue.

The existing front gable would be reduced in width by 2.5 metres, the rear gable and an existing side gable roof extension defining the shared boundary would be replaced with a new hipped roof with front facing velux window, two rear facing dormer windows and would measure the same eaves height as the original roof with a roof ridge in line with the existing gable.

The proposed first floor rear extension would extend 3.4 metres deep above the footprint of the existing single storey rear extension. The rear garden length would be 13 metres.

No. 18 is in the same ownership as the application house. The first floor front elevation of no. 18 is positioned 1 metre forward of the first floor front elevation of the application house and the rear elevations are in line. No. 18 has front and rear habitable room windows next to the application house.

No. 22 is a bungalow with a garage to the side next to no. 20 and front and rear facing habitable room windows.

No. 7 Connaught Close is a bungalow with rear facing habitable room windows to the rear of the application house and is at an angle in relation to the rear of no. 20. There is a separation distance of approx. 30 metres between the application house and the nearest rear habitable room windows in no. 7.

No. 27 Greaves Avenue is a bungalow with rear facing habitable room windows at right angles to the application house.

Relevant Planning History

12/1582/FL - Retrospective - single storey side extensions to 18 & 20 to provide access to both properties. Elsewhere on this agenda

12/1106/FL - Two storey rear and side house extension with first floor alteration at the front of 18 Athlone Road. Elsewhere on this agenda

12/0738/FL - Two storey rear extension and front first floor extension with first floor link bridge to 20 Athlone Road, Refused 16/08/12 for the following reason:

The proposed flat roofed first floor link bridge, connecting to no. 20 Athlone Road would introduce an incongruous feature in the street and by closing the first floor gap would create a terracing effect. The development represents poor design which would have a detrimental impact on the appearance of the existing house and would be out of character with the street scene and the immediate vicinity.

12/0733/FL - First floor rear extension and loft extension with first floor link bridge to 18 Athlone Road, Refused 16/08/12 for the following reasons:

The design of the proposal would have a detrimental impact on the appearance of the existing house, the existing amenity of neighbours and the character of street scene because of;

- the cumulative increase in building mass of the proposed first floor extension, the changes to the roof (hips/front to back ridge to full size gable and the ridge running the full width) and the rear dormer plus the additional depth of the finished property.
- The rear dormer/first floor extension/gable roof and overall depth of final house extension would introduce a prominent and incongruous feature which would be visible from Greaves Avenue seen above 22 Athlone Road and is considered would have a detrimental impact on the views from Greaves Avenue.
- The height and close proximity of the rear dormer to the rear garden of 27 Greaves Avenue would have an unacceptable impact on the privacy of neighbours using their rear garden.
- The proposed roof extension to larger gables is an increase in size which would have an unacceptable impact on the existing daylight and sunlight available to the occupiers of no's 18 and 22 because of the combined height, scale and mass of the proposal.

BC36435P – Kitchen and lounge extension to rear with 2 additional bedrooms at first floor to side and canopy to front – granted permission subject to conditions on 30/7/92

BC38858P – Covered way, laundry and storeroom, pitched roof over existing rear extension – granted permission subject to conditions – 14/10/93

Relevant Planning Policy Summary

National Planning Policy Framework (NPPF)

The NPPF sets out the Government's position on the role of the planning system in both plan-making and decision-taking. It states that the purpose of the planning system is to contribute to the achievement of sustainable development, in economic, social and environmental terms, and it emphasises a "*presumption in favour of sustainable development*".

Key provisions of the NPPF relevant in this case:

7: Requiring Good Design

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

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57. It is important to plan positively for the achievement of high quality and inclusive design for all development.

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

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

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

11: Conserving and Enhancing the Natural Environment

109. The planning system should contribute to and enhance the natural and local environment by:

- Protecting and enhancing valued landscapes

On **planning conditions** the NPPF says:

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

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

Decision-taking

186. Local planning authorities should approach decision-taking in a positive way to foster the delivery of sustainable development. The relationship between decision-taking and plan-making should be seamless, translating plans into high quality development on the ground.

187. Local planning authorities should look for solutions rather than problems, and decision-takers at every level should seek to approve applications for sustainable development where possible. Local planning authorities should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area.

The Development Plan

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

Regional Strategy (RS)

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

It is considered that the relevant RS policy is;

QE3: Creating a High Quality Built Environment for All

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

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

Local

The Black Country Core Strategy (BCCS) (2011)

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

This was adopted under the current Local Development Framework system, and the NPPF says that for 12 months from the publication of the national framework "*decision-takers may continue to give full weight to relevant policies*". However, it is more than 12 months since the NPPF was published in March 2012. Now (as with the saved policies of Walsall's UDP) the NPPF advises that "... *due weight should be given to relevant policies ... according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)*." To consider the conformity of the BCCS with the NPPF the four Black Country councils have completed a 'Compatibility Self-Assessment Checklist' (published by the Planning Advisory Service) and have discussed the results with a Planning Inspector. Whilst there is no formal mechanism to certify that the BCCS is consistent with the NPPF the discussions led officers to the conclusion that the exercise identified no issues that would conflict with the NPPF or require a review of the BCCS in terms of conformity. The results of this assessment are to be published on the BCCS and Council websites and it is planned to report to the Council's Cabinet to confirm this view. In the absence of evidence to the contrary it is considered that the BCCS policies should be given full weight in planning decisions.

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

The relevant policies are:

ENV2: Historic Character and Local Distinctiveness

States that development proposals will be expected to preserve and, where appropriate, enhance local character and distinctiveness.

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

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

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

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

The relevant policies are:

GP2: Environmental Protection

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

I. Visual appearance.

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

ENV32: Design and Development Proposals.

(a) Poorly designed development or proposals which fail to properly take account of the context or surroundings will not be permitted. This policy will be applied to all development but will be particularly significant in the following locations:-

- Areas with a special character arising from the homogeneity of existing development in the neighbourhood.

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

- The appearance of the proposed development.
- The height, proportion, scale, and mass of proposed buildings / structures.
- The materials proposed for buildings, external spaces and means of enclosure.
- The integration and co-ordination of buildings and external space.
- Community safety and security.
- The visual relationship of the proposed development with adjacent areas, the street and the character of the surrounding neighbourhood.
- The effect on the local character of the area.
- The proposed vehicular and pedestrian circulation patterns.
- The integration of existing natural and built features of value.
- The maintenance requirements of the development.

T7: Car Parking

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

T13: Parking Provision

4 bedroom houses and above 3 spaces per unit

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

Supplementary Planning Documents (SPD)

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

Designing Walsall (Feb 2008)

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

- Terracing: avoid the creation of terracing to existing developments as a result of side extensions where this is not characteristic of the area by retaining a minimum 0.9m gap to the boundary (may be increased in some circumstances), set back first floor extensions by a minimum of 1m (may be increased in some circumstances) and the use of hipped roofs where in keeping with existing character.

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

Consultations

Fire Officer – Confirmed that they have no input in relation to the internal layout of houses, a matter for building control.

Public Participation Responses

The neighbour at number 7 Connaught Close has objected on the following grounds:

- Would result in a three storey property
- Would be a blot on the landscape

- The cinema room would be a fire risk, there are no details about fire evacuation and there are no proposed fire escapes.
- Would result in a loss of privacy
- Will be the largest on the estate
- Would never have been allowed before
- Not in keeping with other properties
- Too large for the plot
- Overshadows other properties
- Would be intimidating
- Loss of privacy to habitable room windows

The neighbour at number 22 Athlone Road has objected to the proposal on the following grounds:

- The increase in roof size and additional windows will result in a loss of privacy to rear gardens.

Determining Issues

- Whether the proposal overcomes the previous reasons for refusal.
- Material considerations raised during consultation

Observations

Whether the proposal overcomes the previous reasons for refusal.

The cumulative increase in building mass of the proposed first floor extension, the rear dormer plus the additional depth of the finished property, which has been reduced from the previous refused application is considered to be an insufficient reduction and would still have a detrimental overbearing impact on the existing amenity enjoyed by neighbours in relation to their private garden areas. It would also be detrimental to the appearance of the existing house, which would be visible from the rear of at least 6 other houses and from the street. The rear dormer/first floor extension/gable roof and overall depth of final house extension would introduce a prominent and incongruous feature which would be visible from Greaves Avenue seen above 22 Athlone Road and is considered would have a detrimental impact on the views from Greaves Avenue.

The reduction in height and proximity of the rear dormer to the rear garden of 27 Greaves Avenue would minimise the potential of the proposal to have an unacceptable impact on the privacy of neighbours using their rear garden.

The proposed roof extension which now includes a hipped design would not have an unacceptable impact on the existing daylight and sunlight available to the occupiers of no's 18 and 22.

Material considerations raised during consultation

No. 7 Connaught Close is angled in relation to the application house and it is considered this would limit the impact on the existing privacy of the occupiers of this bungalow to the rear. The separation distance of 27 metres between the proposed new rear first floor habitable room windows and rear facing habitable room windows of no. 7 would limit the impact of this extension on this property and would comply with the recommended minimum separation distances referred to in the Councils Designing Walsall SPD, Annexe E.

The existing house has a loft conversion, and has three levels. The proposal would be the same in this respect.

Whether the application house would be the largest house on the estate is not considered sufficient reason to refuse the application, the design of the proposal in relation to the original house and the character of the area has been considered above.

Other non-determining issues raised through consultation

The proposed cinema room would have to be ancillary to the house and can be conditioned accordingly. Fire and means of escape are matters dealt with via building regulations and are not material to the consideration of this application.

Historic planning policy and the original ideology of the estate are not material considerations of this current application.

Recommendation: Refuse

1. The design of the proposal would have a detrimental impact on the appearance of the existing house, the existing amenity of neighbours and the character of street scene because of;

- The cumulative increase in building mass of the proposed first floor extension, the rear dormer plus the additional depth of the finished property would have a detrimental impact on the existing amenity of neighbours and on the appearance of the existing house.
- The rear dormer/first floor extension/gable roof and overall depth of final house extension would introduce a prominent and incongruous feature which would be visible from Greaves Avenue seen above 22 Athlone Road and is considered would have a detrimental impact on the views from Greaves Avenue.

The development would be contrary to the National Planning Policy Framework, the Black Country Core Strategy policies ENV2 and ENV3, and Walsall's saved Unitary Development Plan, in particular policies GP2 and ENV32, and the Supplementary Planning Document, Designing Walsall.



Walsall Council

Regeneration Directorate – Planning and Building Control

Planning Committee

Report of Head of Planning and Building Control, Regeneration Directorate on 04/04/2013

Plans list item no: 17.

Reason for bringing to committee: Delicate Judgement Regarding Character of Area

Application Number: 12/1106/FL
Application Type: Full application

Case Officer: Stuart Crossen
Telephone Number: 01922 652608
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Applicant: Mr B. Verma

Proposal: Two storey rear and side house extension with first floor alteration at the front of 18 Athlone Road.

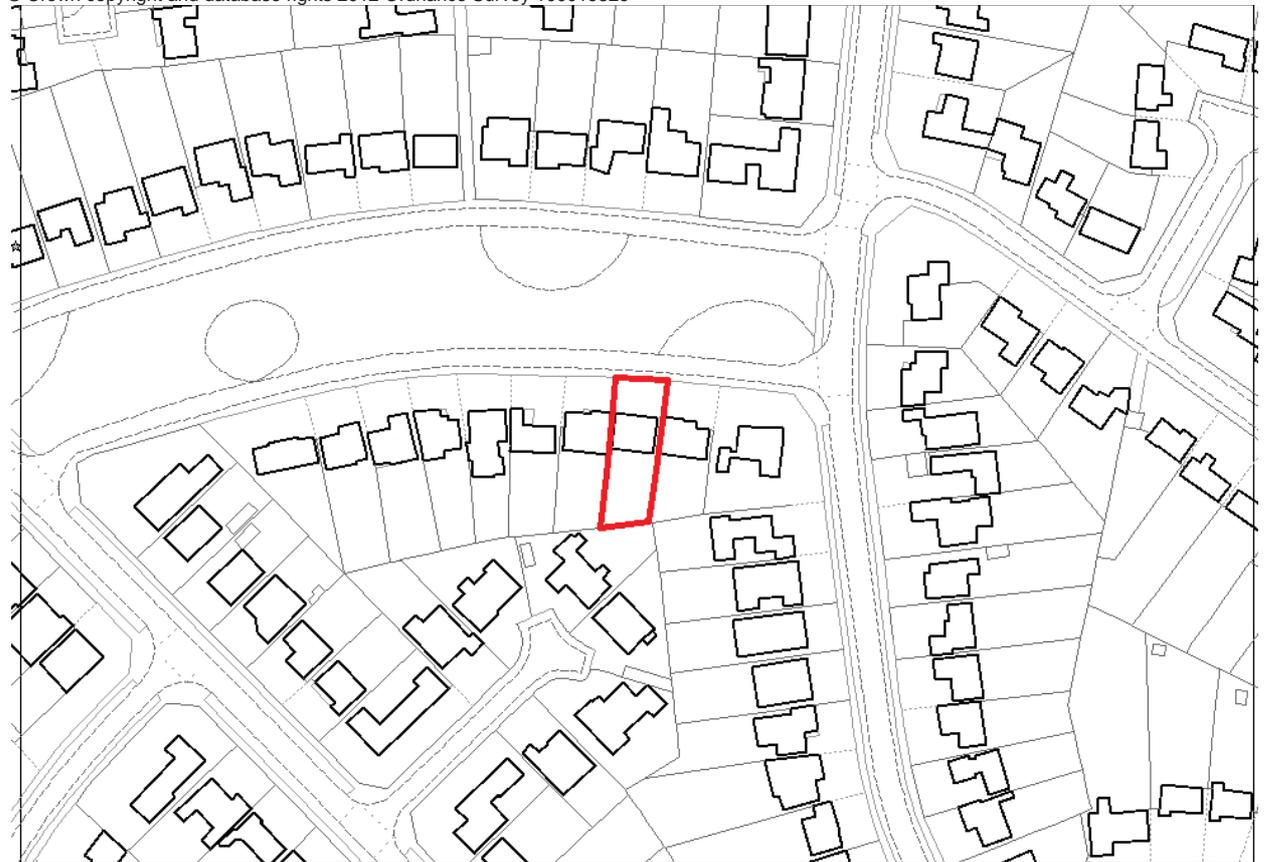
Location: 18 ATHLONE ROAD, WALSALL, WS5 3QX

Ward: Paddock

Expired Date: 29/10/2012

Recommendation Summary: Grant Permission Subject to Conditions

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Application and Site Details

The application proposes two storey side and rear extensions to a 1960's front gable detached house in a row of individually designed but similar styled houses to provide an enlarged lounge and kitchen, to provide en-suites to 3 existing bedrooms and provide a loft store.

The application is a resubmission of a similar refused application which was refused because of a proposed first floor link bridge between 18 and 20 Athlone Road, this proposal is for the same extension minus the first floor link bridge.

An amended plan has been received which has omitted the proposed single storey flat roof side extension.

The first floor front elevation of no. 18 is positioned 1 metre forward of the first floor front elevation of no. 20 and the rear elevations are in line. No. 18 has front and rear habitable room windows next to the application house.

The proposed first floor front extension would be above the existing sloping roof with a hipped roof design, 0.8 metres lower than the existing ridge. Loft windows would be installed in the front and rear elevations of the house and roof lights would be fitted facing no. 20. The total number of bedrooms would remain as four with the addition of a loft store. An existing conservatory would be demolished.

The two storey rear extension would extend 3.8 metres across the full width of the existing rear elevation with the ground floor extending 1 metre beyond the side elevation next to the rear garden boundary with no. 20. The proposed first floor would be stepped in to 2.5 metres deep near to house no. 16 and would have a part hipped and part gable roof design. The length of the rear garden would be 13 metres with the proposed rear extension.

No. 20 is in the same ownership as the application house and has front and rear habitable room windows near to no. 18. There is an existing single storey extension to the rear of no. 20.

No. 16 has a first floor bedroom window near to the rear garden boundary with the application house and an extension and conservatory below extending 7.4 metres to the rear.

No. 7 Connaught Close is a bungalow with rear facing habitable room windows to the rear of the application house and is at an angle in relation to the rear of no. 18. There is an existing separation distance of approximately 28 metres between the proposed rear extension and the nearest rear habitable room windows in no. 7.

No. 27 Greaves Avenue is a bungalow with rear facing habitable room windows at right angles to the application house.

Relevant Planning History

12/1582/FL - Retrospective - single storey side extensions to 18 & 20 to provide access to both properties. Elsewhere on this agenda

12/1365/FL - Ground floor side extension, roof extension and first floor rear extension at 20 Athlone Road. Elsewhere on this agenda

12/0738/FL – 18 Athlone Road Walsall - Two storey rear extension and front first floor extension with first floor link bridge to 20 Athlone Road. Refused 16/08/12 for the following reasons:

The proposed flat roofed first floor link bridge, connecting to no. 20 Athlone Road would introduce an incongruous feature in the street and by closing the first floor gap would create a terracing effect. The development represents poor design which would have a detrimental impact on the appearance of the existing house and would be out of character with the street scene and the immediate vicinity.

12/0733/FL – 20 Athlone Road Walsall - First floor rear extension and loft extension with first floor link bridge to 18 Athlone Road, Refused 16/08/12 for the following reasons:

The design of the proposal would have a detrimental impact on the appearance of the existing house, the existing amenity of neighbours and the character of street scene because of;

- the cumulative increase in building mass of the proposed first floor extension, the changes to the roof (hips/front to back ridge to full size gable and the ridge running the full width) and the rear dormer plus the additional depth of the finished property.
- The rear dormer/first floor extension/gable roof and overall depth of final house extension would introduce a prominent and incongruous feature which would be visible from Greaves Avenue seen above 22 Athlone Road and is considered would have a detrimental impact on the views from Greaves Avenue.
- The height and close proximity of the rear dormer to the rear garden of 27 Greaves Avenue would have an unacceptable impact on the privacy of neighbours using their rear garden.
- The proposed roof extension to larger gables is an increase in size which would have an unacceptable impact on the existing daylight and sunlight available to the occupiers of no's 18 and 22 because of the combined height, scale and mass of the proposal.

BC36435P – Kitchen and lounge extension to rear with 2 additional bedrooms at first floor to side and canopy to front – granted permission subject to conditions on 30/7/92

BC38858P – Covered way, laundry and storeroom, pitched roof over existing rear extension – granted permission subject to conditions – 14/10/93

Relevant Planning Policy Summary

National Planning Policy Framework (NPPF)

The NPPF sets out the Government's position on the role of the planning system in both plan-making and decision-taking. It states that the purpose of the planning system is to contribute to the achievement of sustainable development, in economic, social and environmental terms, and it emphasises a "*presumption in favour of sustainable development*".

Key provisions of the NPPF relevant in this case:

7: Requiring Good Design

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

57. It is important to plan positively for the achievement of high quality and inclusive design for all development.

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

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

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

11: Conserving and Enhancing the Natural Environment

109. The planning system should contribute to and enhance the natural and local environment by:

- Protecting and enhancing valued landscapes

On **planning conditions** the NPPF says:

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

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

Decision-taking

186. Local planning authorities should approach decision-taking in a positive way to foster the delivery of sustainable development. The relationship between decision-taking and plan-making should be seamless, translating plans into high quality development on the ground.

187. Local planning authorities should look for solutions rather than problems, and decision-takers at every level should seek to approve applications for sustainable development where possible. Local planning authorities should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area.

The Development Plan

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

Regional Strategy (RS)

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

It is considered that the relevant RS policy is;

QE3: Creating a High Quality Built Environment for All

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

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

Local

The Black Country Core Strategy (BCCS) (2011)

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

This was adopted under the current Local Development Framework system, and the NPPF says that for 12 months from the publication of the national framework "*decision-takers may continue to give full weight to relevant policies*". However, it is more than 12 months since the NPPF was published in March 2012. Now (as with the saved policies of Walsall's UDP) the NPPF advises that "... *due weight should be given to relevant policies ... according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)*." To consider the conformity of the BCCS with the NPPF the four Black Country councils have completed a 'Compatibility Self-Assessment Checklist' (published by the Planning Advisory Service) and have discussed the results with a Planning Inspector. Whilst there is no formal mechanism to certify that the BCCS is consistent with the NPPF the discussions led officers to the conclusion that the exercise identified no issues that would conflict with the NPPF or require a review of the BCCS in terms of conformity. The results of this assessment are to be published on the BCCS and Council websites and it is planned to report to the Council's Cabinet to confirm this view. In the absence of evidence to the contrary it is considered that the BCCS policies should be given full weight in planning decisions.

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

The relevant policies are:

ENV2: Historic Character and Local Distinctiveness

States that development proposals will be expected to preserve and, where appropriate, enhance local character and distinctiveness.

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

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

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

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

The relevant policies are:

GP2: Environmental Protection

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

I. Visual appearance.

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

ENV32: Design and Development Proposals.

(a) Poorly designed development or proposals which fail to properly take account of the context or surroundings will not be permitted. This policy will be applied to all development but will be particularly significant in the following locations:-

- Areas with a special character arising from the homogeneity of existing development in the neighbourhood.

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

- The appearance of the proposed development.
- The height, proportion, scale, and mass of proposed buildings / structures.
- The materials proposed for buildings, external spaces and means of enclosure.
- The integration and co-ordination of buildings and external space.
- Community safety and security.
- The visual relationship of the proposed development with adjacent areas, the street and the character of the surrounding neighbourhood.
- The effect on the local character of the area.
- The proposed vehicular and pedestrian circulation patterns.
- The integration of existing natural and built features of value.
- The maintenance requirements of the development.

T7: Car Parking

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

T13: Parking Provision

4 bedroom houses and above 3 spaces per unit

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

Supplementary Planning Documents (SPD)

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

Designing Walsall (Feb 2008)

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

- Terracing: avoid the creation of terracing to existing developments as a result of side extensions where this is not characteristic of the area by retaining a minimum 0.9m gap to the boundary (may be increased in some circumstances), set back first floor extensions by a minimum of 1m (may be increased in some circumstances) and the use of hipped roofs where in keeping with existing character.

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

Consultations

None

Public Participation Responses

The neighbour occupying the bungalow to the rear has objected to the proposal on the following grounds

- it is out of character,
- would allow numbers 18 and 20 to be connected,
- is for commercial gain,

- oversized extensions should not be allowed, the design does not fit that which was required for building when the estate was created in the 1960's, overshadowing,
- loss of privacy.

Determining Issues

- Whether the proposal overcomes the previous reason for refusal
- New material considerations since previous refusal

Observations

Whether the proposal overcomes the previous reason for refusal

The removal of the first floor link bridge in this current proposal ensures there would be limited potential for terracing and that the proposal would have little impact on the character of the area overcoming the previous refusal reason.

New material considerations since previous refusal

Number 20 has re-submitted a planning application, which includes a roof extension. The design of the proposed first floor extension was considered in the previous application to reflect the design of the existing house and neighbouring houses. It is considered that this development if approved would not preclude an extension at number 20 which will be considered on its own merits and in the context of other neighbouring extensions.

The proposed extensions when viewed from the public realm, are considered would not be oversized. The change of the existing low roof at the side of the main gable to a hipped roof can be considered subservient to the main gable feature.

National and local Planning Policies have changed since the 1960's, new development is assessed against current national and local policies.

No. 7 Connaught Close is angled in relation to the application house and it is considered this would limit the impact on the existing privacy of the occupiers of this bungalow to the rear. In addition the separation distance of 24.8 metres between the proposed new rear first floor habitable room windows and rear facing habitable room windows in no. 7 would limit the impact of the proposed extension on the neighbour, meeting the recommended minimum separation distances set out in the Council's Designing Walsall SPD, Annex E.

Other non-determining issues raised through consultation

Whether the extension is for commercial gain is not material to the consideration of this planning application.

Summary of Reasons for Granting Planning Permission

The removal of the first floor link bridge from the previous proposal would ensure there would be limited potential for terracing and that the proposal would have little impact on the character of the area overcoming the previous refusal reason.

Number 20 has re-submitted a planning application which includes a roof extension. The design of the proposed first floor extension was considered in the previous application to reflect the design of the existing house and neighbouring houses, it is considered that this development if approved would not preclude an extension at number 20 which will be considered on its own merits and in the context of other neighbouring extensions.

The proposed extensions when viewed from the public realm are considered would not be oversized, the change of the existing low roof at the side of the main gable to a hipped roof would still be subservient to the main gable.

National and local Planning Policies have changed since the 1960's, new development must be assessed against current national and local policies.

No. 7 Connaught Close is angled in relation to the application house and it is considered this would limit the impact on the existing privacy of the occupiers of this bungalow to the rear. In addition the separation distance of 24.8 metres between the proposed new rear first floor habitable room windows and rear facing habitable room windows in no. 7 would limit the impact of this extension on this property meeting the recommended minimum separation distances set out in the Council's Designing Walsall SPD, Annexe E.

Whether the extension is for commercial gain is not material to the consideration of this planning application.

The proposed development is considered to be consistent with the National Planning Policy Framework and meets the aims and objectives of the Black Country Core Strategy policies in particular ENV2, the Walsall Unitary Development Plan policies in particular GP2, ENV32, T7 and T13, and the Supplementary Planning Documents "Designing Walsall".

Recommendation: Grant Permission Subject to Conditions

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

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

2: The walls and roof of the extension shall be completed with facing materials that match those used in the existing building as it exists at the time of this application, and shall be retained thereafter.

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

3: This development shall not be carried out other than in conformity with the following approved plans: -

Amended plans (AL/509/01) Deposited 25 February 2013.

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