



Planning Committee

Report of Head of Planning and Building Control, Regeneration Directorate on 19th August 2010

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2	23	10/0792/FL	BROWNHILLS NURSING HOME,29 HEDNESFORD ROAD,BROWNHILLS, WALSALL,WS8 7LS	Variation of condition 2 of permission 07/0405/FL/E11 to substitute plans showing size and position of extension to nursing home as built and amended landscaping.	Grant Permission Subject to Conditions
3	31	10/0342/FL	CALDERFIELDS GOLF CLUB,ALDRIDGE ROAD,WALSALL,WS4 2JS	Proposed erection of chalet tourist accommodation (comprising 30 units), health and fitness suite (comprising swimming pool, gym, studio, treatment rooms, sauna and	Refuse

				steam room), new staff offices, shop and revised reception area and alterations to golf course layout together with landscaping works and associated plant facilities.	
4	51	10/0758/FL	Land and Premises on the north west side of Morford Road, Northgate, Walsall, WS9 8TF	Removal/Variation of Condition 6 of 07/2750/FL/E6 (to allow 2 large vehicles to access the site between the hours of 04.00 and 07.00).	Grant Permission Subject to Conditions
5	59	10/0764/FL	FORMER MASON'S WOODYARD, LAND BETWEEN RAILWAY AND ROSE HILL, WILLENHALL	Variation of Condition 10 of planning approval ref no. 10/0242/FL to include "Waste electrical and electronic equipment (WEEE) as defined in the WEEE 2006 regulations but excluding refrigeration equipment and any other equipment likely to give rise to emissions of ozone depleting substances."	Grant Permission Subject to Conditions
6	67	09/1329/FL	THREE CROWNS P.H., SUTTON ROAD, WALSALL, WS5 3AX	Conversion of Three Crowns public house into a dwelling & construction of 4 no. detached dwellings	Refuse
7	81	10/0729/OL	1 NEW STREET, WALSALL, W S1 3DF	Outline: High density mixed use scheme (including residential (Use Class C3), offices (Use Class	Grant Permission Subject to Conditions

				B1a), leisure (Use Class D2) and live/work (Use Class Sui Generis), Hotel (Use Class C1), Nursing Homes (Use Class C2) and non-residential institutions (e.g. crèche, day nursery, doctors surgery) (Use Class D1) including potential access and parking (all matters reserved).	
8	111	10/0817/FL	Queen Marys Grammar School,Sutton Road,Walsall,WS1 2PG	New Prefabricated Storage Building	Grant Permission Subject to Conditions
9	119	10/0211/FL	BRUSH GARAGE, 86 LICHFIELD ROAD,SHELFIELD,WALSALL	Re-roofing, repair and alterations to rear element of existing garage building; minor extensions to front of the building, formation of car parking area fronting Lichfield Road and formation of hard standing and access at rear.	Grant Permission Subject to Conditions
10	131	10/0434/FL	2 GREEN LANE,LEAMORE,WALSALL,WS3 2BP	New 1st floor residential accommodation.	Grant Permission Subject to Conditions
11	139	10/0690/RM	43 MIDDLETON ROAD,STREETLY,WALSALL,B74 3ES	Approval of reserved matters: Scale, appearance, and landscaping pursuant to planning approval 09/1015/FL for 2 No. detached houses.	Grant Permission Subject to Conditions

12	153	10/0806/FL	13A HIGH STREET,BROWNHILL S,WALSALL,WS8 6ED	Removal of condition 3 of planning approval 07/1285/FL/E6 to allow 24 hour operation of existing privatehire control base	Grant
13	159	10/0753/FL	14 BRADFORD STREET,WALSALL,W S1 1PB	Proposed change of use of ground floor shop to restaurant/cafe and hot food takeaway with extraction flue	Grant Permission Subject to Conditions
14	167	10/0808/FL	Heath Service Station, 141 Lichfield Road, Shelfield, Walsall, WS4 1PX	One jet wash bay and one drive through wash bay in an enclosed building	Grant Permission Subject to Conditions



Planning Committee

*Report of Head of Planning and Building Control, Regeneration Directorate
on 19 Aug 2010*

Reason for bringing to committee: Major Application

Application Number: 10/0652/FL

Application Type: Full application

Applicant: Walsall Council

Proposal: Demolition of existing Library and G.P Surgery and Construction of a two storey building to provide a new Library, Children's Centre, Health Centre (including 4 G.P Surgeries) Pharmacy, Ancillary Accommodation and 65 Parking Spaces.

Ward: Pelsall

Case Officer: Barbara Toy

Telephone Number: 01922 652429

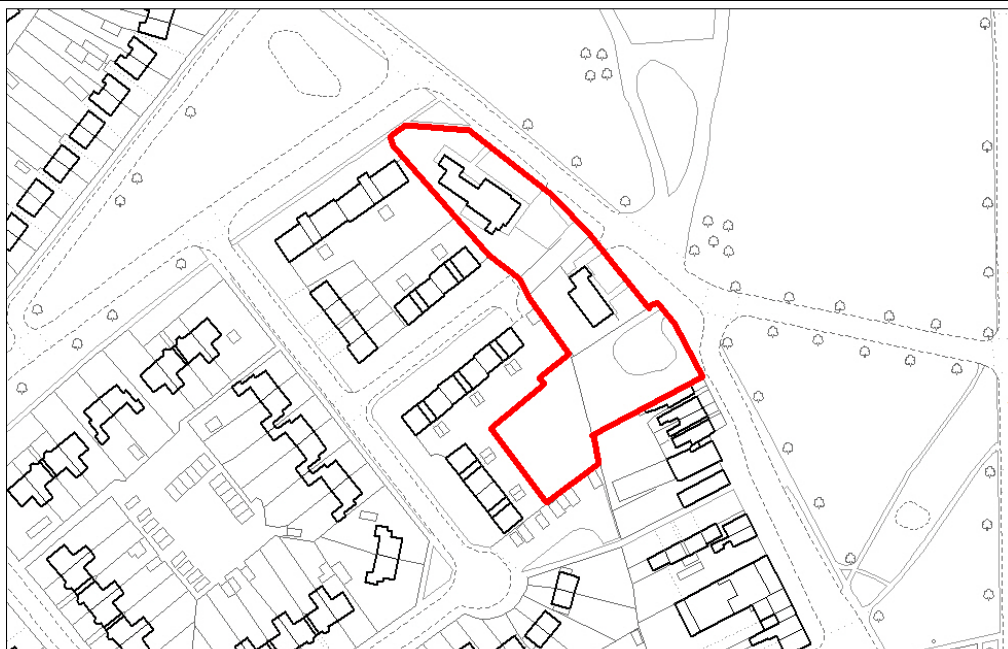
Email: planningservices@walsall.gov.uk

Agent: Baart Harries Newall

Location: PELSALL CLINIC, HIGH STREET, PELSALL WALSALL, WS3 4LX

Expired Date: 01/09/2010

Recommendation Summary: Grant Permission Subject to Conditions



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Application and site details

The site is situated on the western side of High Street, opposite Pelsall Common, within the Pelsall Conservation Area and within the Pelsall local centre.

The site comprises two, single storey 1960's buildings, comprising a library and GP surgery, as well as an existing open car park within the south east corner of the site and open land to the rear of flats in Townfold in the south western corner. A footpath connecting Townfold and High Street runs through the middle of the site. There are a number of mature trees within the site.

To the west of the site are two and three storey flats within Townfold, Old Town Lane and Peolsford Road, to the north and east is open land, part of Pelsall Common and to the south, four terraced houses with shops forming part of the local centre further.

The application proposes the demolition of the existing library and GP surgery and construction of a new two storey building to provide a new library, children's centre, health centre (including 4 GP surgeries), pharmacy, ancillary accommodation and 65 parking spaces.

The building would have a footprint of approx 1100sqm.

The ground floor accommodation would provide:

An open plan library including

- Library office/work room
- Library store
- Staff Facilities

Pharmacy (approx 70sqm)

Public toilets

Ancillary NHS accommodation including rooms for -:

- District nurses
- Community Psychiatric nurse
- Psychology
- Clinical waste
- Consulting rooms

Children's Centre including -:

- Creche/out of school provision
- External play area
- School nurse, health visitors, health records
- Activity/baby clinic
- Training room
- Group room
- Toilets
- Office

There are two lifts and a staircase by the main entrance to provide access to the first floor.

The first Floor accommodation would provide:

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- Four GP surgeries with communal waiting area, reception and records area in the centre of the floor
- Physio
- Podiatry
- Speech therapy

36 public car parking spaces (including 4 disabled spaces) would be provided to the north of the building and 25 secure staff parking spaces would be provided to the south west of the building (including 3 disabled spaces). Cycle storage for both staff and visitors would be provided together with bin storage facilities.

The proposals include the realignment of the existing public footpath link through the site from Townfold to High Street.

The applicant has submitted the following documents in support of the application:

- Design and Access Statement
- Transport Assessment
- Framework Travel Plan
- Ecological Appraisal
- Asbestos Management Survey Report
- Ground Investigation report

It is proposed to provide a public art contribution through commissioning an artist or creative writer to work with the children's centre and/or the library.

Relevant planning History

Library

BC43173P/C, single storey extension to the library, granted 1995

Clinic

BC31207P/C, erection of surgery and car park, granted 1991

BC33514P/C, erection of surgery with first floor staff accommodation and car park amendments to BC31207P/C, granted 1991

10/0649/CC, conservation area consent for demolition of existing library and GP surgery to allow for the construction of a new building comprising: library, children's centre, health centre (4 GP surgeries) and a pharmacy, granted subject to conditions 27-07-10.

Relevant Planning Policy Summary

(Note the full text version of the UDP is available from the First Stop Shop in the Civic Centre, and on the Planning Services Website www.walsall.gov.uk/planning).

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

GP1: The Sustainable Location of Development

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Location of development will be guided by the principles of sustainable development and should make efficient use of existing infrastructure, including community facilities to minimise the need to provide additional facilities.

GP2: Environmental Protection

Seeks to ensure all development makes a positive contribution to the quality of the environment. Considerations to be taken into account in the assessment of development proposals include:

i. Visual appearance

vi. The adequacy of parking facilities

3.6 Development should help to improve the environment of the Borough.

Policy 3.113 states that new development provides opportunities for high quality architectural to contribute to the environmental and economic well being of the Borough for the benefit of residents.

Policy 3.116 states that good design should be a feature of all development.

GP4: Local Area Regeneration

Council will promote and encourage local regeneration initiatives that revitalise the local economy, sustain centres, protect and enhance the natural and built environment. Also regard to parts III, IV & VII.

ENV14: Development of Derelict and previously- Developed Sites

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

ENV18: Existing Woodlands, Trees and Hedgerows

Where any trees are lost replacements should be provided to minimise the loss.

ENV29: Conservation Areas

The Council will not grant Conservation Area Consent for the demolition of property which makes a positive contribution to a Conservation Area.

ENV32: Design and Development Proposals and Policy 3.16.

Considers development in relation to its setting with reference to the character and quality of the existing local environment, and will require a high quality of built and landscape design.

S1: Definition of Town Centre Uses

Town centre uses include public service, cultural, community and health facilities.

S2: The Hierarchy of Centres

The Local centres, day to day convenience shopping and local service needs of their communities.

S5: The Local Centres

Retention, enhancement and further development of shops service and other town centre uses will be encouraged.

8.7 The enhancement of existing and the provision of new facilities for education, health and other community needs will be encouraged. Particular emphasis will be placed on locations within established centres.

LC8: Local Community Facilities

Proposals involving the loss of local community facilities, will only be permitted if it can be demonstrated that a replacement facility could be provided in an equally or more convenient location.

Policy T7 says all development should satisfy the car parking standards set out in Policy T13.

T13: Parking Provision for Cars, Cycles & Taxis

Other community facilities - 1 space per 22msq of gross floorspace and 1 bike stand for every car parking space.

Health Centres and Surgeries – 4 spaces per consulting room

Other shops – 1 space per 20msq

Designing Walsall (SPD) (February 2008)

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

Appendix D and Policy DW9 refer to Public Art. A contribution is required for non-residential developments over 1,000sqm and the policy provides details of the requirements, the commissioning process, maintenance etc. A public Art contribution can be paid through a S106 or provided on site.

Local Development Framework (LDF)

The Black Country Joint Core Strategy (JCS) has now been through its Examination in Public. It is on course for adoption early in 2011. The broad principles of the UDP – e.g. the appropriate reuse of previously developed land, need to promote the town and district centres and high quality design are further advanced in the document taking account of the latest national policy and available evidence. However, the plan is not generally site-specific and it will carry little weight until it is adopted.

Regional Strategy for the West Midlands

The Regional Strategy has been revoked by the Secretary of State in a Parliamentary Statement of 6 July 2010. It has therefore ceased to be planning policy. The work done for the strategy (and for the various partial revisions in the West Midlands) may provide relevant material considerations. In such cases the relevant reference(s) will be in terms of 'observations' rather than as policy.

National Policy

PPS 1: Delivering Sustainable Development

Encourages good design. Paragraph 34 states that design which is inappropriate in its context should not be accepted.

PPG13: Transport

Promotes sustainable patterns of development which reduce the need to travel, especially by car. Local Authorities should not require developers to provide more spaces than they themselves wish, other than in exceptional circumstances, for example where there are significant implications for road safety which cannot be resolved through on-street parking controls.

PPS 5: Planning for the Historic Environment

Planning has a central role in conserving heritage assets and utilising the historic environment in creating sustainable places.

Whilst conserving the historic environment and heritage assets account should also be taken of the desirability of new development making a positive

contribution to the character and local distinctiveness of the historic environment. The consideration of design should include scale, height, massing, alignment, materials and use.

Policy HE7.7 states that where loss of significance is justified on merits of new development, new development should not be permitted without taking all reasonable steps to ensure the new development will proceed after the loss has occurred by imposing appropriate planning conditions.

Consultations

Planning Policy – no objections, the site is situated within the Pelsall Local Centre where investment is encouraged. The local centre currently lacks community facilities. The uses proposed within the new building are supported in principle and would assist in strengthening the community role of the local centre.

Transportation – no objections subject to conditions relating to access, design and travel planning. The proposed building incorporates a number of uses therefore there are two options for calculating the parking requirements for the scheme under policy T13. Using option 1 (breaking down the different uses within the building) 54 parking spaces would be required, using option 2 (a whole community building) 100 parking spaces. The proposals incorporate 61 parking spaces, 25 for staff and 36 for the public which is above the lower level but below the upper level.

The Transport Assessment submitted with the application includes TRICS data (a nationally recognised data base for calculating trip generation) that indicates that the maximum accumulation of vehicles on site would be 56 and therefore the proposed 61 spaces should be sufficient. The site is in a sustainable location in terms of access to bus routes and has good pedestrian links and is located within a local centre where some trips will be linked with customers visiting shops as well as the centre and the centre will have a robust travel staff travel plan to encourage shift away from vehicle use.

Public Rights of Way Officer – The status of the existing footpath that runs between Townfold and High Street is unclear as it is not currently recorded as a public right of way or adopted highway, however there may be unrecorded public rights of way in existence which may require a diversion order. The proposals include realignment of the existing footpath which will continue to have open access with due regard to a safe and secure route accessible by all. The details of the extent of the footpath, width, route, length and specifications for its construction (including lighting) should be submitted for approval prior to installation.

Pollution Control Scientific Team – no objections in principle. There is potential for behavioural or other noise associated with the use to affect adjoining residential premises therefore safeguarding conditions to ensure suitable noise mitigation measures to protect internal and external areas nearby and to restrict hours of working on site are recommended.

Contaminated Land Team – no objections, however due to the nature and age of the properties post demolition testing would be required to ensure that the garden and landscaped areas do not contain materials that would potentially be hazardous to the future users and occupiers of the premises. Safeguarding condition recommended.

Conservation Officer – no objections, the site is situated within the Pelsall Conservation Area. No objections in principle to the demolition of the current buildings as they have little architectural or historic significance/merit and therefore contribute little to the character and setting of the conservation area. The new build is bold and contemporary which is welcomed and addresses the frontage of the common better than the current buildings. There is reference to local vernacular materials, as well as form and scale in relation to the surrounding conservation area. All proposed materials should be conditioned. The proposals are generally in accordance with PPS5, policies ENV29 'Conservation Areas' and ENV32 'Design and Development Proposals' of the adopted Walsall UDP and the aspirations of the Designing Walsall SPD and the Pelsall Conservation Appraisal and Management Plan.

Landscape Officer – no objections subject to a condition to ensure the submission of details regarding landscaping and external works including the proposed play area, boundary treatments and choice of paving materials.

Arboricultural Officer – concerns at the loss of all the existing trees on the site in order to accommodate the new building and associated car parking. There are 4 x 'A' class (2 off site), 2 x 'B' class, 7 x 'C' class and 3 x 'R' (2 off site) trees and the A and B class have a high amenity value. One of the A class trees is off site and will be severely affected by the car park proposals to the north of the site, a condition is advised to ensure a no-dig technique is adopted within the root protection area of this tree. Mitigation planting to compensate for the loss should be on a 2 for 1 basis and of comparable size. The existing trees should be retained and protected until such time that an appropriate mitigation planting scheme has been submitted and approved.

Urban Design – no objections in principle to the development. The proposed siting and layout of the building provides a clear edge to Pelsall Common, which does not deviate unacceptably from the form of enclosure provided by existing buildings around the Common. The design is more contemporary nature than the adjacent Victorian and other residential properties. This is not an issue as a building of this size and for this purpose would struggle to replicate this form of built character and therefore a different design approach is required. The rear elevations present a higher visual quality than the front elevations, as the rear reflects more visibly the vertical rhythm that characterises Pelsall Common. In terms of public art in this case it would be appropriate to provide the public art contribution through the commissioning of an artist to work with the children's centre and/or the library, to provide a more tangible art that relates directly to the work of the library and/or the centre as a whole, as a community facility. There is no specific need for the public art work to have an end 'outcome' in terms of something physical, the objectives

can be social and no physical creation is needed, the outcome could be as far ranging as a book or set of poems in the library, photographic records, children's art work etc. This would deliver the wider regeneration objectives that the public art policy is designed to achieve. An appropriate condition is recommended to ensure the production of a bespoke Public Art Statement.

Centro – None of Centro's existing infrastructure would be adversely affected by the proposed development. The site is not located immediately adjacent to any existing public transport connections, but there are bus stops located within 400m. The inclusion of a Framework Travel Plan is welcomed and the adoption of the Travel Plan should be conditioned in any approval. Opportunities to improve local pedestrian and cycle routes should be fully explored particularly routes to local bus stops. The proposed building presents excellent opportunities to provide 'Real Time Information' displays for public transport serving the locality.

Access Officer – no objections, the toilet facilities should include an accessible toilet for staff use and consideration given to providing an assisted accessible toilet for patients/visitors. Shower facilities should meet the accessible standards.

Building Control – It may be necessary to notify Building Control Services of the intention to demolish under Section 80 of the Building Act 1984.

Severn Trent Water – no objections subject to a drainage condition.

Fire Officer – no objections

West Midlands Police – no objections, the applicants wish to achieve Secured by Design for the scheme

Walsall Children's Services – Serco – Fully support the proposals. The Council is committed to providing a Children's Centre for Pelsall and NHS Walsall to deliver improved health facilities in Pelsall following a Health Needs Assessment for the area. The site of the existing surgery premises and the existing library on High Street has been identified as the only suitable opportunity for development. In order to maximise the benefit of this partnership working, such as shared areas/services and reduced costs it is proposed to construct a single building which will accommodate all the facilities to create a single, one stop facility for health, information, learning and child and family development for the residents of the Pelsall area. In July 2008, Cabinet approved the Phase 3 Children's Centre area locations, including the development of a centre in Pelsall. The inclusion of Children's Centre facilities within the new development represents the largest Phase 3 Centre in Walsall and represents the only option to deliver a combined scheme in Pelsall.

Walsall NHS – In 2008 Walsall PCT and Walsall MBC supported a consultation with the Pelsall community which identified the key health

priorities as improved access to GP services, including more female GPs and full time practice nurses.

Walsall PCT has worked in partnership with WMBC to develop plans for a new building which provides the additional building capacity to enable the full range of primary care services to be provided within the Pelsall locality.

The new building will provide enhanced accommodation for the 4 GP practices currently providing services directly to Pelsall residents, i.e. Drs Bevan and Sameja currently based in the High Street Surgery building, Dr Nambisan currently based around the corner in Chapel Street and the Rushall Medical Centre which provides services to over 3000 Pelsall residents. In addition to the GP accommodation, the new building includes facilities for a full range of children's services, a resident Health Visitors team, clinical facilities for chiropody, physiotherapy, District Nurse consultation rooms and a range of multi-use flexible clinical rooms.

The building has been designed with flexibility in mind, including that the GPs can remain open when the rest of the building may be closed.

Public Participation Responses

Two letters giving support to the proposals and four letters of objection received.

Objections:

- Inadequate car parking for the number of uses proposed, resulting in increased on-street parking in the area, on residential streets and on the Common
- Adverse impact on general parking availability in the village as a whole, detrimental to shoppers, residents and traders
- Parking already an issue in the village, the proposals will exacerbate this
- Dedicated parking for residents should be included in the scheme
- Since recent parking restrictions in the village and on High street, residents have to park on the existing public car park which forms part of the site.
- Surely a traffic survey would reject the increase in the number of services on this site.
- Staff car park & external play area very close to resident's amenity, creating an intrusion of privacy
- Noise and disturbance to adjoining residents from children's outside play area
- Noise and disturbance from construction
- Structural damage to adjoining property from vibration from heavy plant and machinery
- Is there a safety report for the new public footpath route?
- Site too small for the proposed building and the intensification of uses
- Children's services were not included on the original scheme shown to residents, is SureStart money being used to subsidise the rest of the building?

- The children's centre would be better suited attached to a school so that they can share facilities
- If all the rooms are used/occupied at the same time, this would result in a significant increase in the number of people on site, that would require car parking.
- The proposals double the number of GP surgeries from the existing, does this mean additional patients from a wider area.
- A crèche and out of school provision isn't necessary as there are already several play schemes in the area.
- Design not in keeping with the rest of the High Street and the conservation area, the elevations appear back to front.
- The front elevation is too modern, horizontal and commercial for the conservation area, it should better reflect the domestic scale and vertical aspect of nearby Victorian houses.
- Vertical lines and projecting bays could be included to break up the horizontal lines.
- A public meeting should be arranged to discuss the proposals

Determining Issues

- Principle of the use
- Design and Layout
- Impact on the conservation area and surrounding occupiers
- Access and Parking
- Trees
- Public Art

Observations

Principle of the use

The proposals would provide a replacement building on the site which would continue to provide a library and GP surgeries and would further extend the community facilities with a children's centre, additional NHS accommodation/facilities and a pharmacy. The proposals would therefore retain and enhance existing community facilities which are currently lacking in the area.

Community and public service uses such as health facilities and children's services are defined as town centre uses. The site is situated within the Pelsall local centre where the retention, enhancement and further development of shops, services and town centre uses are encouraged under policy S5 of the UDP. The principle of the use of the site of community facilities is acceptable and in compliance with policy.

Design and Layout

The new two storey building is bold and contemporary in its design and addresses the frontage to the Common and its building line is better than the existing single storey 1960's library and GP surgery buildings. The main entrance to the building fronts the Common at the junction of the three roads

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around the Common and the glass canopy feature would ensure that it is fully visible to all visitors. The building will be constructed from red facing bricks, with reconstituted stone cills, which are locally distinctive materials for Pelsall, together with strongly defined rooflines. The lead sheet roof should weather so that it blends with the surrounding grey clay tile and slate materials. The glazing in the building provides a combination of domestic scale windows and much larger glazing panels (at the entrance to the building on the frontage and to the rear of the library). The design incorporates additional high level glazing to the frontage within the roof to allow additional light into the communal areas on the first floor.

The design incorporates a solid brick plinth with a pitched roof with a band of glazing, on the front elevation the pharmacy element sits forward of the main building line to present a shopfront to the street and the roof of the pharmacy extends to form a canopy over the main entrance, which links the two elements well.

The internal layout of the building has been carefully considered to allow for maximum legibility of the building and allow for flexibility in the use of certain areas. The staircase and lift to the first floor GP surgeries sits immediately inside the main entrance with the pharmacy adjacent, ensuring that not all visitors need to enter the main ground floor area, allowing the surgeries to be open when the remainder of the building is closed. Behind the glazed entrance area is the heart of the building, at ground floor visitors will enter directly into an open library area, and at first floor a large open waiting area, from each of these spaces the public can circulate around the building with ease.

The building design would achieve a BREAM target of 'very good' and have predominantly natural ventilation, with all work spaces having natural light.

Careful consideration should be given to signage for the building, which should be subtle in design.

Impact on the conservation area and surrounding occupiers

The scale of the building is clearly somewhat larger than the existing buildings on the site and surrounding Victorian properties, but the proposals create a contemporary two storey building which roughly covers a similar footprint to the former terraced properties that were on the site, prior to the existing library and surgery construction in the 1960's. The building complements the existing historic fabric and does not compete with it, but still creates an individual statement as a new landmark building within Pelsall.

The use of glazing will reflect the openness of the common and the overall spacious characteristic of the conservation area. The width of the front elevation is a reference to the former block of terraced houses on the site, but the design does fail somewhat in providing vertical prominence, although the ground floor domestic scale windows do provide some vertical emphasis and refers to the domestic buildings in the area. The rear elevation provides more

vertical rhythm than the frontage which is disappointing, but this is dictated by the internal uses and their layout requirements.

The design of the building is considered appropriate for its location within the conservation area and has an appropriate relationship to the Common.

The proposals comply with the distance separation requirements of Designing Walsall and the building would sit parallel to the end gables of the existing flats to the rear. At two storeys, the building would not over dominate the adjoining properties or adversely impact resident's amenity.

The external play area for the children's centre is set to the rear of the building with the staff car park beyond with a landscape buffer to the boundary, an appropriate condition is attached to ensure that an acoustic fence is provided to the boundary in order to protect the residents from noise and disturbance.

Access and parking

A total of 61 parking spaces will be provided, 25 for staff within a secure gated car park to the rear and 36 for the public to the north of the building. This falls below the parking requirement by 39 spaces, for a community building taking into account the total floorspace of the building but above the level of parking (by 7 spaces) when the individual uses of the building are taken into consideration. The level of parking is considered acceptable however if the vehicle parking exceeds the car park capacity there are a number of areas in close proximity of the site where unrestricted on-street parking is available.

Objectors have raised the issue of residents on street parking, however this would fall outside the application site and therefore is not for consideration under this application.

The site is situated within a sustainable location, within a local centre, where some trips will be linked with visits to the shops and other local centre uses. There is access to bus routes and a large number of residential properties within walking distance. The new facility would have a Staff Travel Plan which would encourage a shift away from vehicle use. Covered cycle storage is provided for both visitors and staff to the centre, along with shower facilities for use by staff.

The building would be fully accessible, with two lifts to the first floor, corridors fully wheelchair accessible and disabled toilets for staff and visitors.

Whilst the existing footpath link between Townfold and High Street does not appear on the Definitive Map and Statement of Public Rights of Way, it could be regarded as an unrecorded public footpath and may therefore require a formal diversion order to be completed for any alterations to the route. The size and position of the building within the site require the existing footpath to be realigned approx 4m to the north of its current position. The new footpath would be 4m wide, be well lit and have CCTV coverage to ensure the safety

of users. In addition the route would continue to remain open on a 24 hour basis and is considered a reasonably convenient alternative route.

Trees

The proposals would result in the loss of the existing mature trees on the site. Whilst it is disappointing that mature trees within the conservation area will be lost, appropriate mitigation planting is proposed (and conditioned) that will go some way to compensate for the loss.

Public Art

As the proposals are larger than the 1,000sqm threshold for non-residential developments a public art contribution would be required.

Whilst it is the norm to provide this through a financial contribution due to recent changes to government guidance it would be appropriate to deliver the artwork within the site through a condition and the final details would be confirmed through the submission of a public art statement, a recognised and structured process in collaboration with an artist, meeting the aims and objectives of the Public Art policies and wider regeneration objectives of the Council.

Summary of Reasons for Granting Planning Permission

The proposal provides a new library, improved and extended GP surgeries and health care facilities, a new children's centre and pharmacy which will retain and enhance existing community facilities within the Pelsall local centre, where such facilities are encouraged by policy S5 of the UDP. An increase in activity from the new facilities would assist in maintaining the vitality and viability of the local centre to the benefit of the centre.

The children's centre use would link to the library and the healthcare facilities providing a one stop facility for health, information, learning, child and family development.

The new two storey building is bold and contemporary in its design and addresses the Common, with good legibility. The size and modern design of the building reflects the community nature of the use and the terraced houses that formally occupied the site. The building complements the existing historic fabric of the Pelsall Conservation Area of which it forms a part.

The level of staff and public parking is considered acceptable for this local centre location where the use would benefit from shared trips to the local centre. The site has good access to buses and is within walking distance of a large number of residential properties. The issues relating to residents on-street parking and general parking problems for the local centre, raised by objectors are outside of the scope of this application.

The existing footpath link between Townfold and High Street would be realigned slightly to ensure its retention and would be well lit with CCTV coverage.

The potential issue of noise and disturbance to residents at the rear from the external play area and car parking will be alleviated by acoustic fencing to the boundary.

The proposals result in the loss of the existing trees on the site. Whilst it is disappointing that mature trees within the conservation area would be lost, appropriate mitigation planting is proposed that would go some way to compensate for the loss.

Public art will be provided within the site, the final details will be confirmed through the submission of a public art statement, a recognised and structured process in collaboration with an artist, meeting the aims and objectives of the Public Art policies and wider regeneration objectives of the Council.

Hours of working on site will be controlled during demolition and construction and any damage to surrounding properties during construction will be a civil matter between property/land owners.

The proposed development is considered to accord with the aims and objectives of the development plan, in particular saved policies GP1, GP2, GP4, 3.6, 3.113, 3.116, ENV14, ENV18, ENV29, ENV32, S1, S2, S5, 8.7, LC8 and T13 of Walsall's Unitary Development Plan (2005) and Policy DW9 of Designing Walsall Supplementary Planning Document (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.

2. No development shall take place until samples of the materials (including brick colour and texture, reconstituted stone, weathered finish of the lead, glazing, stainless steel columns) to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The approved sample panel(s) shall be retained on site until the work is complete and the condition(s) discharged.

Reason: To ensure the satisfactory appearance of the development within the conservation area and to comply with saved policies ENV29 and ENV 32 of Walsall's Unitary Development Plan.

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

- I. Following the final demolition of the buildings on the site the developer shall carry out testing to demonstrate that any landscaped areas do not contain any contaminated materials that would potentially be a hazard to future users and occupiers of the dwelling.
- II. Should any contaminated materials be identified then details and locations of these materials shall be forwarded to the Local Planning Authority along with a "Remediation Statement" setting out details of remedial measures to deal with the identified hazards and a timetable for their implementation. (see Note for Applicant CL2).
- III. Should remedial measures be required then they shall be implemented as set out in the "Remediation Statement", and agreed with the Local Planning Authority, (as required by part ii).
- IV. A validation report confirming the details of the measures implemented together with substantiating information and justification of any changes from the agreed remedial arrangements shall be submitted to and accepted in writing by the Local Planning Authority prior to the development being brought into use. (see Note for Applicant CL3)

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

4. Notwithstanding the details shown on the submitted Landscape Master Plan DD 41869, no development shall commence on site until details of a landscaping/external works scheme to include the species and size of shrub planting, boundary treatment, external play area and paving/hard landscaping are submitted to and approved by the Local Planning Authority. The scheme shall be completed in accordance with the approved details before the development is occupied, unless otherwise agreed in writing with the local planning authority, and retained as such. All planted areas shall be maintained for a period of 5 years from the full completion of the scheme. Within this period any tree(s), shrubs or plant which dies, becomes seriously diseased, damaged or is removed shall be replaced with a tree, shrub or plant of the same or greater size and same species as that originally required to be planted.

Reason: In order to safeguard the visual amenity and natural environment of the conservation area and mitigate for the loss of trees on the site.

5. No development shall be carried out until details of replacement tree planting (including species, size and location) have been submitted to and approved in writing by the Local Planning Authority. The approved trees shall be planted within one year of the commencement of the development, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To protect the amenity of the Pelsall Conservation Area.

6. No development shall take place until details of a no-dig type construction and porous surface treatment within the root protection area of a mature Ash (OS1 as per the submitted Tree Report) have been submitted to and approved in writing by the Local Planning Authority. These details shall include the existing and proposed ground levels, the no-dig material specification, the extent of the works and a Method Statement of Installation. Development shall be carried out in accordance with the approved details.

Reason: To preserve and enhance the visual amenities of the locality in accordance with Policy ENV18 of the Walsall UDP 2005.

7. No development shall take place until suitable noise mitigation measures to protect internal and external areas of nearby residential accommodation have been agreed in writing with the local planning authority and the development shall not be occupied until such measures have been fully implemented.

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

8. Prior to the development first coming into use, the following works within the public highway shall be constructed and completed to a specification to be approved and agreed in writing by the Local Planning Authority, and any works shall meet all statutory requirements;

- Alterations to the existing vehicle footway crossing to serve the proposed public car park,
- Reinstatement of the existing vehicle footway crossings, to the former Library and former public car park, back to full kerb height and footway levels,
- Provision of a new vehicle footway crossing to serve the proposed staff car park.

Reason: To ensure satisfactory access to the site

9. Prior to the first occupation of the development, all parking areas, access ways and manoeuvring areas shown on the approved plan shall be fully consolidated, surfaced and drained and the parking bays shall be clearly demarcated on the ground. These areas shall thereafter be retained and used for no other purpose.

Reason: To ensure the satisfactory operation of the site

10. Prior to the commencement of the development full details of the revised footpath from Townfold to High Street to include width, route, length, surfacing, lighting, CCTV and specifications for its construction shall be submitted to and approved in writing by the Local Planning Authority. The path shall be installed in accordance with the approved details and thereafter maintained and retained.

Reason: In order to ensure satisfactory pedestrian access and safety.

11. Prior to the commencement of the development, full details of the proposed cycle shelter and stands shall be submitted for approval in writing by the Local Planning Authority. The cycle shelter shall be covered, secure and illuminated and shall thereafter be retained.

Reason: To ensure satisfactory cycle storage facilities within the site

12. Prior to commencement of any development on site, details for the disposal of surface water and foul sewage shall be submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details prior to first occupation of the premises.

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

14. Within 12 months of the date of first occupation of the building a Public Art Statement shall be submitted to and approved in writing by the Local Planning Authority that demonstrates the following:

1. A description of the relationship between the Public Art Statement and the Local Authorities' public art policies and or strategies
2. Details of the appointed artist(s) contribution to devising the public art proposals
3. Description(s) of work that will be realised through the collaboration between the appointed artist, other artists, architects, other design professionals, community members and/or other individuals as appropriate to the proposals
4. Timescales for the development and implementation of all the public art
5. Training opportunities where available for less experienced artists or other professionals
6. Details of ownership, maintenance and de-commissioning of public art
7. Budget allocations relating to all of the above criteria.

The public art shall be provided in accordance with the details approved within the Public Art Statement.

Reason: In order to meet the requirements of saved policy ENV34 of the UDP and policy DW9 of Designing Walsall in relation to public art provision.

15. The gates to the staff car park shall be painted black prior to installation and thereafter retained.

Reason: To ensure the satisfactory appearance of the development within the conservation area and to comply with saved policies ENV29 and ENV 32 of Walsall's Unitary Development Plan.

16. No new grilles, security alarms, lighting, cameras or other equipment shall be fixed on the external faces of the building other than those shown on the

approved plans, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure the satisfactory appearance of the development within the conservation area and to comply with saved policies ENV29 and ENV 32 of Walsall's Unitary Development Plan.

17. Within a period of six months from first occupation of the development, the submitted Framework Travel Plan shall be developed into a full Staff Travel Plan which shall be submitted to the Local Planning Authority for approval in writing. The approved Travel Plan measures and targets shall be implemented in accordance with the approved Plan and shall thereafter be developed and reviewed on an annual basis.

Reason: To promote sustainable travel.

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.

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

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

19. The premises shall not be open for use outside the hours of 0700 to 2000 hours Mondays to Fridays, 0800 to 1800 hours Saturdays and 1000 – 1600 hours Sundays unless otherwise agreed in writing with the Local Planning Authority.

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

20. This permission relates to the following submitted information:
Proposed site plan showing existing footpath drawing no. 2419/SK/114
Location and block plan drawing no 2419/D/01A
Existing site plan drawing no 2419/D/02
Proposed site plan drawing no 2419/D/03
Proposed ground floor and first floor plan drawing no 2419/D/04B
Proposed second floor and roof plan drawing no 2419/D/05B
Proposed elevations drawing no 2419/D/06A
Proposed elevations and sections drawing no 2419/D/07A
Gate detail drawing no 2419/D/08

Proposed section and site sections drawing no 2419/D/09
Existing Pelsall surgery and library plans and elevations drawing no 2419/D/10
Perspective Drawing 2419/D/11
Design and Access Statement submitted on 21st May 2010
Tree Report by Tree Health Consulting Ltd submitted on 21st May 2010
Ecological Appraisal by Ecology and Land Management submitted on 21st May 2010
Transport Assessment by Phil Jones associates submitted on 21st May 2010
Framework Travel Plan by Phil Jones Associates submitted on 21st May 2010
Asbestos Management Survey Report by ESG Asbestos Ltd submitted on 21st May 2010
Ground Investigation Report by Sladen Associates submitted on 21st may 2010

Reason: In order to define the permission.

Notes for Applicant

Contaminated Land – Condition 3

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.

CL4

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.

Noise Mitigation – Condition 5

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:

- a). internal noise levels within bedrooms of residential development shall not exceed a Continuous Equivalent Noise Level, $L_{Aeq(8 \text{ hours})}$, of 35 dB together with a maximum instantaneous level of 45 dB L_{AFmax} , between the hours 23.00 to 07.00;
- b). internal noise levels within living rooms of residential development shall not exceed a Continuous Equivalent Noise Level, $L_{Aeq(16 \text{ hour})}$, of 45 dB between the hours 07.00 to 23.00;

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.

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.

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.



Planning Committee

*Report of Head of Planning and Building Control, Regeneration Directorate
on 19 Aug 2010*

Reason for bringing to committee: Contrary to Policy

Application Number: 10/0792/FL

Application Type: Full application

Applicant: Mr S Pawar

Proposal: Variation of condition 2 of permission 07/0405/FL/E11 to substitute plans showing size and position of extension to nursing home as built and amended landscaping.

Ward: Brownhills

Case Officer: Alison Deakin

Telephone Number: 01922 652487

Email: planningservices@walsall.gov.uk

Agent: Appleby Towers

Location: BROWNHILLS NURSING HOME, 29 HEDNESFORD ROAD, BROWNHILLS, WALSALL, WS8 7LS

Expired Date: 10/08/2010

Recommendation Summary: Grant Permission Subject to Conditions



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Application and Site Details

Planning permission for the two storey extension was granted in November 2007 and conditions attached to the decision required the development to be built in accordance with the approved plans. Despite the condition the development has been built closer to the rear garden boundaries of 33-37 Hednesford Road than indicated on the plans. The current proposal therefore seeks to vary the condition to allow the plans to be substituted and retain the development as built.

Brownhills Nursing Home is located on the western side of Hednesford Road and is a two storey building with a single storey wing at the rear and recently built two storey wing at the side. The new wing extends onto land at the rear of 33, 35 and 37 Hednesford Road. The buildings are positioned behind adjacent dwellings fronting Hednesford Road with a parking area in front and in/out access points. The application site has a higher ground level than gardens of 33-37 Hednesford Road.

There are a variety of detached and semi-detached houses adjacent the site on Hednesford Road, newly built detached houses adjoining the south/south western rear boundaries and domestic gardens adjoining the north/north western rear boundary.

The proposed plans show the extensions 2.4m from the rear boundary fence with 35/37 Hednesford Road and 10m from the rear boundary fence of 33 Hednesford Road. They also show new fencing 1500mm high along the boundary with the houses and proposed hedge planting within the application site along the rear boundary of 35/37 and tree planting along the boundary with 33. The proposed trees are a mix of Silver Birch and Rowan trees.

The rear facing windows at 31 are 21.4m away from the extensions at the nursing home and there is 23m separation between facing windows at 33. There is a projecting two storey gable at the rear of 33/35 with no facing windows. There are single storey buildings plus a conservatory at the rear of 37 which leave a separation of 14.6m. There is a 22m separation between the extensions and garage of 24b Wilkin Road at the rear of the site.

The approved plans show the building 10.3m away from the boundary with 33 and 6.2m from the boundary with 35/37. The plans now submitted show these distances as 10m and 2.4m respectively.

All other elements of the proposals remain as previously approved.

The applicant points out that there are sheds against the garden boundaries of 33/35 Hednesford Road that are at the same height as the top of the new boundary fence due to the difference in ground levels between the two sites. There is also an existing line of tall conifers between the nursing home and 33 Hednesford Road that provides some screening. They also state that the nursing home now owns no. 33. Finally they explain that as construction of phase two of the development (first floor extensions above the existing rear

wing) is still ongoing there are some landscaping and surface works that have not yet been implemented.

Relevant Planning History

07/0405/FL/E11 – Two storey extensions – Granted subject to conditions in November 2007. This showed a new two storey wing to the side and first floor extension above the existing wing at the rear. Condition 2 required the development to be carried out in accordance with the approved plans that were listed in the condition.

Relevant Planning Policy Summary

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

Saved policies from Walsall Unitary Development Plan

GP2: The Council will not permit development which would have an unacceptable adverse impact on the environment. Considerations to be taken into account in the assessment of development proposals include:

- I. Visual appearance
- VI. Overlooking, loss of privacy, and the effect on daylight and sunlight.
- VII. Adequacy of access and parking facilities.

GP7: Development is expected to design out crime, through maximising surveillance of public areas, maximising defensible space, care in design and layout to avoid hiding places for criminals, measures to combat crime need to maintain good urban design.

ENV32: Poorly designed development which fails to take account of the context or surroundings will not be permitted. Especially in town centre, visually prominent, adjacent to transport corridors including canals, railways, motorways and major roads. The quality of the proposal will assess appearance, height, proportion, scale, mass, materials, external space, safety, security and local character.

ENV33: Good landscape design is an integral part of urban design and the Council will require planning applications to be fully supported by details of external layout and landscape proposals.

H6: The impact on vehicular access and parking, amenity and landscape should be considered. Extensions or alterations to nursing homes should compliment the character of the existing building and should not result in unacceptable loss of landscaping, parking or garden space or reduce the amenities of neighbouring properties through overlooking or loss of light.

H10: The design of residential developments to create a high quality living environment, integrate with surroundings and local character in accordance with principles of good design.

T7 & T13: Development should satisfy parking standards in policy T13.

Nursing Homes 1 space per 2 beds

Designing Walsall SPD

Aims to promote a high quality environment and high standards of urban and landscape design throughout the Borough and identifies the basis on which

the design of buildings and spaces will be considered during the development control process.

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

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

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

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

Natural Environment SPD

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

Local Development Framework (LDF)

The Black Country Joint Core Strategy (JCS) has now been through its Examination in Public. It is on course for adoption early in 2011. The broad principles of the UDP – e.g. the appropriate reuse of previously developed land, need to promote the town and district centres and high quality design are further advanced in the document taking account of the latest national policy and available evidence. However, the plan is not generally site-specific and it will carry little weight until it is adopted.

Regional Strategy for the West Midlands

The Regional Strategy has been revoked by the Secretary of State in a Parliamentary Statement of 6 July 2010. It has therefore ceased to be planning policy. The work done for the strategy (and for the various partial revisions in the West Midlands) may provide relevant material considerations. In such cases the relevant reference(s) will be in terms of 'observations' rather than as policy.

National Policy

PPS1: Promotes sustainable and development.

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

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

Consultations

Transportation – No objections subject to conditions to ensure implementation of parking and highway works as on the previous permission.

Landscape – No objections subject to implementation of the submitted landscaping scheme. The planting has been amended to show numbers and species of the boundary planting.

Public Participation Response

None received.

Determining Issues

- Relationship to surrounding properties
- Landscaping
- Parking and highway matters

Observations

Relationship to surrounding properties

The two storey extensions to the nursing home as built are closer than originally proposed to the adjacent properties 33-37 Hednesford Road. The approved plans show the building 10.3m away from the boundary with 33 and 6.2m from the boundary with 35/37. The plans now submitted show these distances as 10m and 2.4m respectively.

The separation of 21.4m between the facing elevations of the nursing home and no.33 do not create significant overlooking as there is a screen of conifer trees along the neighbour's side garden boundary (no.35) that masks views. The nursing home also own 33 so it is possible that people occupying that dwelling will be staff. The new tree planting on the application site boundary will further mask the building and provide a screen to protect neighbour's privacy.

There is 23m separation between facing elevations of no.35 and the home which is only 1m short of the recommended separation distance in Appendix E of the SPD. As mentioned there is a high conifer hedge along the side garden boundary and also a laurel shrub at the end of the garden that provide some screening. This existing screening reduces the appearance of the nursing home.

There is a conservatory extension at the rear of no.37, 14.6m away from the nursing home building. The proposed new hedge will be allowed to grow to 1800mm high, providing screening of the garden and improves privacy for this neighbour.

No objections have been received from neighbours.

Landscaping

The proposals show alternative tree and shrub planting along the boundary of the site to offer screening between the building and nearest neighbouring properties. The numbers and species of planting are acceptable and provide screening along the boundary.

The report on the original permission referred to the fact that the application site had been increased to include provision of landscaping in the rear gardens of 33-37 Hednesford Road as part of the screening of the site. There

was a drafting error on the plans and the separation distances were not as great as actually on site. The new proposals now seek to provide the landscaping within the nursing home boundary to ensure maintenance.

Parking and Highway matters

The proposals do not increase the size of the extension already approved and make no changes to the parking layout or highway access. As the application seeks only to vary condition 2 of the earlier permission all other conditions relating to parking and access will remain as before.

Summary of Reasons for Granting Planning Permission

The proposal to substitute the plans and retain the two storey extensions as built leaves less separation distance between the nursing home and adjoining occupiers at 33-37 Hednesford Road. Despite these separation distances being below that normally required by Appendix E of SPD: Designing Walsall, the existing sheds and planting in gardens coupled with new planting on the site provides screening to protect neighbours from overlooking and reduce the appearance of the new extension.

The proposed number and species of new planting are acceptable from a landscape perspective. Providing planting on site rather than within adjoining neighbour's gardens gives more control over maintenance of the planting to ensure they continue to provide an effective screen.

There are no changes to parking and access hence earlier conditions remain.

In light of the above the proposals are considered to accord with the aims of saved policies GP2, GP7, ENV32, ENV33, H6, H10, T7 and T13 of Walsall Unitary Development Plan and Supplementary Planning Documents: Designing Walsall and Conserving Walsall's Natural Environment.

Recommendation: Grant Permission Subject to Conditions

1. Condition 2 of planning permission 07/0405/FL/E11 shall be amended to read:

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

- Location plan and Site Plan (07/26/10 Rev E) prepared by Design Development Construction Ltd dated June 2010 received 06/07/10
- Proposed Ground Floor Plan dated Sept 2007 received 5/10/07
- Proposed First Floor Plan dated Sept 2007 received 5/10/07
- Proposed Second Floor Plan dated Sept 2007 received 5/10/07
- Proposed Elevations dated Sept 2007 received 5/10/07
- Proposed Roof Plan dated Sept 2007 received 5/10/07
- Existing Ground Floor dated Sept 2007 received 5/10/07

- Existing First Floor dated Sept 2007 received 5/10/07
- Planning Document received 23/2/07
- Transport Statement dated Sept 2007 received 17/9/07

Reason; To ensure that the development undertaken under this permission shall not be otherwise than in accordance with the terms of the application on the basis of which planning permission is granted, (except in so far as other conditions may so require).

2. Within six months of the date of this permission or within the first available planting season (November – March) the landscape planting scheme for the site as shown on the proposed site plan drawing 07/26/10 Rev E received on 06/07/07 shall be implemented in accordance with the agreed details and maintained throughout the life of the development.

Reason: To ensure the satisfactory appearance of the development and protect residential amenities.

Note for applicant

Notwithstanding the above please refer to the remaining conditions of planning approval 07/0405/FL/E11 which have not been altered as a result of this application.



Planning Committee

*Report of Head of Planning and Building Control, Regeneration Directorate
on 19 Aug 2010*

Reason for bringing to committee: Major Application

Application Number: 10/0342/FL

Application Type: Full application

Applicant: Calderfields Golf & Country Club

Proposal: Proposed erection of chalet tourist accommodation (comprising 30 units), health and fitness suite (comprising swimming pool, gym, studio, treatment rooms, sauna and steam room), new staff offices, shop and revised reception area and alterations to golf course layout together with landscaping works and associated plant facilities.

Ward: St. Matthews

Case Officer: Andrew Thompson

Telephone Number: 01922 652403

Email: planningservices@walsall.gov.uk

Agent: Cerda Planning Ltd

Location: CALDERFIELDS GOLF CLUB, ALDRIDGE ROAD, WALSALL, WS4 2JS

Expired Date: 10/08/2010

Recommendation Summary: Refuse



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Application and Site Details

The application relates to extensions and alterations to the existing golf course which comprises a single and two storey clubhouse, and ancillary golf course accommodation. There is an existing car park. There is also a driving range and golf shop on the site which is under separate ownership.

The application comprises

- 30 chalet units for tourist accommodation, each of 19 m² (total 570 m²);
- A health and fitness suite (comprising a 20m swimming pool, gym, studio, treatment rooms, sauna and steam room) total floor area 1118 m²,
- New staff offices, a shop and revised reception area, and
- Alterations to golf course layout (in particular the 18th Green)

There are also a number of ancillary works relating to hard and soft landscaping to ensure that the new development can be accessed and appear attractive in the landscape.

The existing on-site accommodation comprises:

- A clubhouse (1161 m²)
- The greenkeepers workshop (1205 m²)
- Driving range bays (571 m²)
- a golfing shop (449 m²)

The proposed chalet units would be arranged in two blocks of six, one block of eight and one block of 10. These units would be positioned adjacent to the 18th fairway in an L-shaped format. The proposed leisure accommodation would extend the existing clubhouse between the car park and the 18th green.

In addition the applicant has submitted the following information:

Design and Access Statement -

This report considers the range and is type of business required by golf courses in modern economic environs moving away from being bastions of male society to modern family friendly locations with a range of associated sporting activities.

The applicant highlights the range of facilities offered at Seedy Mill in Lichfield, Branston golf club near Burton upon Trent, and Lea Marston golf course.

It is noted that the proposed leisure and overnight accommodation is not visible from any of the roads and public vantage points surrounding the golf course, and the existing metal clad, golf driving range entirely shields the vista of the existing and proposed development. It is also noted that the location of the golf course is on the fringe of Walsall's urban area.

The applicant intends that only the golfers on a few fairways approaching the 18th hole will be aware the additional accommodation. The applicant notes that the proposals are all single storey and considers that the proposals will

be easily accessible by all and adequate provision has been made for disabled users including car parking, changing facilities, toilet facilities and general circulation around the facilities. 10% of the bedrooms will be fully DDA compliant.

Accommodation will be flat roofed, highly insulated, timber structures with sedum roofs and it is aimed to blend the proposals into the wooded area with minimal impact.

The proposals for the new leisure suite are a contemporary design. A fully glazed elevation from the swimming pool to the 18th green will aim to accentuate the purpose of the golf course within the open rural countryside. The proposal will include strong vertical columns as well as horizontal 'brise soleil' features will compliment the existing line of trees bordering the golf course and enhance solar gain within the swimming pool area.

The applicant highlights that the proposals are designed in a manner to provide good levels of natural daylight and support natural ventilation. The proposals also seek to utilise rainwater harvesting as well as automated water management systems. As such, the applicant considers that the proposals will be sustainable development.

In addition the applicant notes that by providing overnight accommodation and catering in the clubhouse, car journeys undertaken by golfers on the golf academy courses and visiting golf societies will be significantly reduced.

Ecological assessment

The site on which the development is proposed has been surveyed and is currently considered to be of low ecological value due to its small size, the dominance of low biodiversity examples of common habitats and lack of features or evidence of species likely to be of significant ecological value.

It is recommended that bat and nesting boxes be erected on buildings and nearby trees. In addition, it is considered that landscaping should consist of native species.

Transport statement and travel plan

Seek to reduce the car journeys and promote sustainable modes of transport as well as identifying that the number of parking spaces are appropriate and that the impact on the local highway network would not be significant. Recommendations include the provision of cycle racks and safe storage facilities for staff and patrons as well as introduction of a car share scheme. No significant safety issues, in relation to the highway network, have been identified.

Planning Statement

This statement reports on planning history and planning policy background at the time of the application submission. The report draws on the need to support outdoor sport and recreation as well as supportive policies within the

Unitary Development Plan (UDP), the Regional Strategy for the West Midlands (now cancelled by the Government) and national planning policy in relation to sustainable development, green belts, town centre development, and transport.

The applicant sets out that the development is inappropriate within the green belt but considers that very special circumstances apply. These being:

- Essential facilities in sport and recreation, including spectator accommodation, which are acceptable in the Green Belt, could be more harmful to the visual amenities of the green belt than those proposed.
- The viability and competitiveness of the golf course is compromised. Without the proposals the golf club will fail and go into administration. The impact of this would mean that the visual amenities of the green belt would be severely harmed by the dereliction of the clubhouse.
- The extensions of modest height and scale and are sensitive design to minimise the impact on the green belt.
- The proposed chalet accommodation would not be visible from any public vantage points. Chalets will be situated within the setting of the existing golf course and as such will not impact on the openness or setting of the green belt.
- The policy for tourism in rural areas within national planning policy sets out that local authorities support the provision and expansion of tourist and visitor facilities in appropriate locations where identified needs are not met by existing cities. The applicant considers that viability should be taken into consideration in this regard.
- The proposals are located within a short distance of Walsall Town Centre and the Arboretum.

The applicant also notes the changing demands of leisure facilities and the need for golf clubs to respond to such changes. It is noted that the applicant considers the full fitness suites, such as that proposed, are now expected on golf courses as part of the suite of facilities available.

The applicant also notes that there is a requirement to cater for wider age ranges of the age, gender and family activities. The applicant also draws attention to the competitive nature of golf courses with an increasingly affluent and mobile population seeking to use the best facilities.

It also highlights the increasing demand for golfing breaks and the need to provide accommodation to satisfy such a trend. The applicant considers that accommodation provided on-site is more attractive to such uses than staying off site.

A supporting letter from the resident golf professional is also provided as part of the statement.

Sequential Test Exercise

The applicant considers that there are no suitable available or viable sites located within the town centre and that local authorities should take account of any genuine difficulties which applicants can demonstrate are likely to occur in operating the applicant's business model from a sequential preferable site in terms of scale, format, car parking provision and scope for disaggregation.

The sequential exercise draws attention to the business case and that further investment in facilities are required to underpin the viability of the golf course. The applicant highlights that any assessment of modern golf club facilities need to take account of the issue that a golf course can no longer operate merely on the basis of membership and green fees. The applicant considers that as a minimum overnight accommodation and leisure facilities are required to generate revenue and to maintain and operate the golf course. It is considered that the proposals, in the view of the applicant, are essential. The need for co-location forms the central plank of the applicant's case.

Assessment of the existing hotel accommodation highlights the need for the competing hotels to accommodate 30 golfers at any given time on a weekday and weekend as a comparison to the chalet accommodation proposed in particular with regard to block booking capability. In this regard the applicant has submitted evidence of existing hotel accommodation and concludes that leisure and conferencing facilities are limited in the town centre and do not promote the golf course's objectives and therefore would not be realistic alternatives.

In terms of planned accommodation, the applicant considers that Gigaport proposals are out of centre and notes that the waterfront development will include a 100 bed hotel. The applicant considers that other sites highlighted by officer's that are allocated for hotel use have not been subject of any developer interest rendering the development sites as unviable. The applicant dismisses sites within the town centre with the benefit of planning permission (St Matthew's Quarter, Station Street, and Tesco phase 2) also as unviable and undeliverable within a reasonable time period.

In terms of vacant land (e.g. Hollyhedge lane) the applicant acknowledges that both sides of Hollyhedge Lane could accommodate a hotel and leisure facilities. However the applicant claims that as no planning application has been submitted for such a use that the sites are unviable and undeliverable for the purposes of this application.

As such it is the view of the applicant that there are no suitable, available or viable sites and that the case for co-location of the facilities outweigh the needs of existing cities in the town centre. The applicant also concludes that there would be no impact on existing facilities and that these are inadequate to deal with their proposed users.

Business Case

This outlines the need for investment and outlines the current financial state of Calderfields Golf Club stating that the golfing operations in the financial year of 2008-09 resulted in an operating loss of £92,155. This figure does not include interest charges relating to repayment of loans, approximately £150,000.

The cost of the project is estimated to be £2.8 million and will be covered over a 30 year cycle with refurbishments on approximate six-year cycle. Membership of the health club would be a mix that would include family membership and would be open not just to golfing membership but also to local residents.

The applicant highlights that 38 jobs would be created by the proposal including course manager, bookings clerk and chalet manager, health and leisure centre staff, and associated staff to manage the facilities.

A supporting statement also states that the proposals will result in an estimated annual operating profit of £346,734 as a result of the proposals.

Relevant Planning History

The site has long planning history dating back to the original outline planning permission for the golf course in 1977. The following are some of the more recent and relevant planning applications on the golf course.

There have been 3 applications (all refused), relating to hotel development on the site. These references are BC24461P, BC27844P and BC34716P. The latter was also dismissed at appeal (01/03/93) for the following reasons.

1. Inappropriate development in the Green Belt
2. Need not demonstrated

BC39306P - Use of land as driving range and putting green. Construction of driving range building, professionals shop, maintenance building, locker room extension, safety fencing, lighting, access and car park – Granted 1993.

BC50055P and 02/1785/FL/E6 – Managers dwelling (Granted 04/09/97) and amendment to the planning permission. Granted 2002

05/1442/FL/E7 - Extensions to male locker room, snooker room, kitchen and lounge dining area. Granted 2005.

09/0683/FL - 2 Conservatory extensions to club house – August 2009

Relevant Planning Policy Summary

(Note the full text version of the UDP is available from the First Stop Shop in the Civic Centre, and on the Planning Services Website www.walsall.gov.uk/planning).

Unitary Development Plan (UDP)

GP1: Supports the sustainable location of development.

2.2, 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.

3.16: The Council will consider development in relation to its setting, with reference to the character and quality of the existing local environment, and will require a high quality of built and landscape design.

ENV1, ENV2 and ENV3 times be about, stipulations for the control of development within the green belt, and sets out criteria to which proposals will be considered a detailed evaluation.

ENV7 sets out areas of countryside character and is protection of all habitats and landscape value through Countryside Area Profiles (CAP). The application site is located within the Longwood Gap CAP.

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

ENV11 considers the impact of light pollution, in particular on the natural environment.

ENV18 seeks to ensure the protection and positive management at enhancement of existing woodlands, trees and hedgerows.

3.16, GP7, ENV32, and 3.116: seeks the design of 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.

S1, S2, S3 sets out and defines town centre boundaries, hierarchy of centres, the sequential test criteria and the integration of developments into the centres.

S6 and S7 sets out the criteria for meeting local need and the judging development not located within centres.

7.1: Seeks to promote an efficient highway network;

T7: All development should satisfy the car parking standards set out in Policy T13. All parking provision should be well designed and sensitively integrated into the townscape or landscape, respecting the character of the local area, and with appropriate use of materials and landscape treatment.

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.

LC1: seeks to retain and enhance existing urban open spaces and readdress any deficiencies in the provision or accessibility of these. 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.

LC7 directs indoor sporting activity to town and district centres or other places easily accessible by choice of means of transport in order to minimise the need to travel, particularly by the car, and also seeks the protection of existing facilities.

Local Development Framework (LDF)

The Black Country Joint Core Strategy (JCS) is currently undergoing its Examination in Public (EiP). The aims and objectives of the JCS import principles echo the aims and objectives of the UDP. The control of development within the green belt, the town centres first policy, and the need to promote sustainable development are all key elements of the JCS. Until the completion of the EiP and publication of the Inspector's findings, the JCS carries limited weight.

Supplementary Planning Documents (SPD)

Designing Walsall SPD

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

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

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

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

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

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

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

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

Natural Environment SPD

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

National Policy

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

PPS1 indicates that planning policies should promote high quality inclusive design in the layout of new developments and individual buildings and that design which fails to take the opportunities available for improving the character and quality of an area should not be accepted." Paragraphs 33 to 39 also state the importance of good design. Supplementary document published on the need to address climate change through the planning system.

Planning Policy Guidance Note (PPG) 2: Sets out the broad principles for the protection of the Green Belt and defines inappropriate development. The key aims are to check the unrestricted sprawl of large built-up areas; to prevent neighbouring towns from merging into one another; to assist in safeguarding the countryside from encroachment; to preserve the setting and special character of historic towns; and to assist in urban regeneration, by encouraging the recycling of derelict and other urban land. One of the key criteria is that the erection of new development is inappropriate unless essential for outdoor sport and recreation.

PPS4 is a broad planning policy document covering all aspects of economic development. Policy seeks to ensure that development, such as indoor leisure uses, are located within recognised centres. Guidance also seeks to amplify the sequential test approach and clarifies the need to strengthen town centres ahead of developments outside the urban area. The proposals also seek to preserve and strengthen rural communities and associated economic requirements (e.g. farm diversification).

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

The Good Practice Guide for Tourism should also be considered as a material guidance document. The recognises budget hotels, motels and travel lodges, and advises that these facilities cater more for car-born travellers, often for a single overnight stay – e.g. business travellers en-route to a destination. In such cases, the preference of developers will be for sites on major traffic routes outside of the centre of large towns or tourist centres. Locations, for example on a ring road or on a major route out of the town centre, will usually be the most appropriate locations if a town centre location is not suitable, available or viable.

The application is a departure from the UDP and as the proposals include a development in Green Belt and a town centre use in an out of centre location, should members be minded to approve the proposals, the application will need to be referred to the Government Office (or its replacement under the transitional arrangements announced to the regional planning structure).

Consultations

Transportation – No objections to the current proposal following the submission of the revised Transport Assessment (TA), subject to a condition requiring a revised plan showing a reduction on the car parking to from 173 to 134 car parking spaces, the introduction of 14 disabled parking bays and the provision of cycle parking, in accordance with UDP Policy T13.

Pollution Control (Scientific Team) – No objection – need to consult Environmental Health

Pollution Control (Contaminated Land) – No objection

Environmental Health – No adverse comments

West Midlands Leaders Board – the application does not fall under the criteria for regionally significant planning applications under the conformity protocol operated by the Leaders Board. We do therefore not intend to comment on this application

British Waterways – No comments

Natural England - No objection to the proposed development in respect of legally protected species as we are not aware that they are likely to be adversely affected by the proposal.

Support the ecologists report recommendations on enhancement. Bat roosting boxes and nest boxes should be erected and landscaping should consist of native species. In addition, Natural England views the proposed landscaping scheme as a key mechanism for achieving lasting biodiversity enhancement on the site.

Sport England - The proposals will require the relocation of the 18th green of the golf course to accommodate the proposed development. Subject to this relocation being delivered to an appropriate quality and in a timely manner to ensure a continuity of sporting use, we do not wish to raise objection to the principle of the application.

Generally supportive of measures to secure the future viability of existing sport sites as long as they do not compromise the principle function of the site as a facility for formal sport.

Access Officer - The Design and Access Statement (DAS) needs to include what standards will be used for the development – e.g. Building Regulations 2000 Part M, BS8300- 2009 etc. The DDA does not specify any particular standards for developments so cannot be quoted in the DAS. More detail required of accessible change and toilet areas needed

Public Participation Responses

Three letters of objection have been received, from local residents and one from the owner of the driving range and golf shop. The objections raised are as follows:

- there should be no extensive development on the green belt
- continual applications to extend the golf club beyond the needs of golf
- proposals are a potential precursor residential development
- Noise, disturbance and antisocial behaviour on the site as a result of the function and banqueting activity being exacerbated by the proposals
- Nature of the golf course has altered such that the proposals are more akin to a nightclub and function venue than as a golf club and driving range

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

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

Textphone 0845 111 2910, Translation Line (01922) 652426, Fax (01922) 623234

- The presence of an existing manager's dwelling means there is no requirement for a new dwelling
- The proposals are a major development in the Green Belt and further development would be unacceptable as they would impinge on the aesthetic appeal of the area and increase traffic activity and noise
- The design of the proposals have no aesthetic appeal whatsoever, and are simply ranged in rows wherever they can be fitted onto the site. They appear redolent of a 1950s Butlins camp.
- Car parking is limited. At peak times with weddings and Sunday lunches the car park is very nearly full. With additional accommodation the car parking for the Golf Shop and Driving Range could be compromised.
- The chalet accommodation being proposed would not attract golfers to stay, this type of accommodation known as Dormy Houses, are more suited and used at Championship Courses. If allowed this accommodation would be no doubt be used for wedding parties wishing to stay overnight.
- There are a number of restrictions on the sale of goods and car parking relating to the sale of land and relationship between the Golf Course and Driving Range.

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

Determining Issues

- The principle of development
- The Sequential test – Chalet/Hotel Proposals
- The Sequential test – Leisure uses
- The Business Case
- The Design of the proposals
- Very special circumstances
- Car parking provision
- Comments of residents and neighbouring businesses

Observations

The principle of development

As stated this development is in the Green Belt. The proposals are also located outside any recognised town centre and need to be considered within this policy framework.

Appropriate development in the Green Belt is identified as facilities for the essential needs of outdoor sports and recreation, agriculture or forestry, limited extension to dwellings, infilling of villages, or the development of major existing sites identified within the UDP. This proposal would need to be assessed against the essential needs of outdoor sports and recreation.

The applicant considers and has put forward a case that the economic viability of the golf course and modern requirements are such that more and extensive facilities are now expected on golf courses. That said the extent of development proposed and the case presented also highlight a wider strategy

for membership and marketing and as such it is considered that the development would not be for the purposes essential to the needs of outdoor sports and recreation.

In addition, the inclusion of a shop, swimming pool, significant spa and fitness facilities to a proposed total floorspace of 1118 m² means that the floorspace would be nearly doubled as a result of the proposals. This significant extension to the existing clubhouse, which is not small in size and offers restaurants and changing facilities in addition to the basic golfing accommodation, staff facilities and reception areas would indicate that the proposed extensions extends beyond facilities essential for outdoor sports and recreation.

Whilst it is recognised that golf courses need modern facilities that cater for a wide range of ages and family activities (e.g. changing and limited additional social facilities), it is not accepted that such significant extensions are automatically required in this regard.

In addition, the proposals would compete with existing and proposed hotel and leisure provision within the town centre and as such need to be tested against criteria within PPS4.

It is considered that the proposals are inappropriate in a Green Belt and very special circumstances need to be demonstrated in this regard, as a policy test, assessed later in this report.

The Sequential test – Chalet/Hotel Proposals

The applicant has submitted a sequential test exercise which principally relies on the need to co-locate facilities at the golf course in order for them to be available and suitable for the users of Calderfields Golf Club. However the business case submitted indicates that the development will be available to the wider community, in addition to members of the golf course.

The submitted assessment considers that there are no suitable, available or viable site is located in or on the edge of the town centre and that's local authorities should take account of any genuine difficulties which applicants can demonstrate are likely to occur in operating the applicant's business model from a sequential preferable site in terms of scale, format, car parking provision and scope for disaggregation. As such, the applicant considers that golf users are unlikely to use existing or town centre accommodation.

The applicant considers that as a minimum overnight accommodation and leisure facilities are required to generate revenue and to maintain and operate a golf course. Officers reject the case that overnight accommodation and leisure facilities are automatic requirements of golf courses, particularly of the scale proposed.

Considering that the site and course are located within close proximity to the Walsall town centre it is also considered entirely plausible that disaggregation

is possible and that users of the golf course may also wish to be located in the town centre to take advantage of other facilities (e.g. banks, bars and shopping facilities) once they have completed their round of golf. The need for the co-location can also be justified for town centre locations and is not specific to the golf course.

The applicant highlights need for the competing hotels to accommodate 30 covers at any given time on a weekday and weekend as a comparison to the chalet accommodation proposed that the application site and is with regard to block booking capability. The applicant's case however suggests that groups of 30 are automatically required at the golf course (i.e. a single group would occupy the entire proposed chalet accommodation).

Officers reject the case progressed by the applicant that block booking automatically precludes town centre accommodation and existing hotel facilities for groups of 30 are automatically required. It is more likely, that smaller groups e.g. blocks of four or eight, would use the accommodation and these could be accommodated within existing hotel provision. There is also nothing to say that the golf course could not foster links to hotels and facilities in the area to promote combined trips and use of taxi firms to and from the golf course. Promotional material could also be used to identify to locate hotel accommodation, particularly as the golf course has a well developed website.

In terms of planned accommodation, the applicant incorrectly considers that Gigaport proposals are out of centre and notes that the waterfront development will include a 100 bed hotel. This would add to the available capacity of hotels within the town centre. Neither of these opportunities are adequately progressed in the submitted assessment and both the sites could be delivered in a reasonable timescale (especially the Waterfront Hotel). The proposals are expected therefore to be capable of providing accommodation for golf users in the near future.

The applicant considers that other sites highlighted by officers on allocated sites or sites capable of accommodating hotel use have not been subject of any developer interest and that without the delivery of planning permission the development sites are unviable. In addition the applicant dismisses sites within the town centre with the benefit of planning permission (St Matthew's Quarter, Station Street, and Tesco Phase 2) also as unviable and undeliverable within a reasonable time period.

In terms of vacant land (e.g. Hollyhedge Lane) the applicant acknowledges that both sides of the road have areas could accommodate a hotel and leisure facilities. However the applicant claims is as no planning application (relating to hotel development) or land ownership has been submitted for such a use that the sites are unviable and undeliverable for the purposes of this application.

Officers disagree with the assessment of allocated sites and those with planning permission, investment should be targeted at the town centre sites in

the first instance and development of out-of-centre sites would undermine the deliverability of these sites. It is the view of officers, that there are a number of planning permissions and available sites where hotel accommodation could be delivered and are suitable, available and viable.

As many of the sites are vacant and available for development, for planning permission and development to be delivered should the applicant choose to invest in any of these locations rather than the application site.

Officers consider that there are a number of sites that are identified and available for development that could be delivered in a similar timeframe as the current application. The scope for disaggregation and flexibility of format has also not been adequately considered. The scheme is not supportable in this respect.

Sequential Test – Leisure Proposals

Many of the arguments remain the same as raised above. Officers consider that there are a number of sites that could offer suitable leisure development within the town centre. The applicant intends to market the leisure development beyond the golf course membership bringing the proposed development into direct competition with the Gala Baths and other town centre gyms.

In widening the membership to local residents, the applicant's case also reduces in terms of the need for the development to be co-located to the benefit of golf members and users of the golf course and that the development is of specialist need for golf course modernisation.

Furthermore the proposed leisure would compromise the deliverability of potential leisure development within the town centre, as part of the Waterfront, St Matthews and other allocated and approved development.

The presence of shops, salons and beauticians also cause concern on the impact of these uses on the trade of established town centre premises. Furthermore the existing golf shop also caters for golf trade and needs. There is no requirement therefore in local need terms to provide an additional shop for the site.

As such, it is the view of officers that the proposals have failed to demonstrate that the applicant has considered flexibility of use and disaggregation of the uses and that other town centre sites are suitable, available and viable. The proposals would also unduly compete and compromise the viability of existing facilities within the town centre and facilities on the site.

The Business Case

It is noted that there is an operational loss relating to the golfing activity however, the Business Case does not refer to other facilities already present on the site, e.g. the restaurant, wedding and functioning/conference income.

The applicant is seeking to provide chalet and leisure accommodation to supplement the golfing activity. However, the golf course is currently aided by the income from other functions and activity. Based on the potential income rates advertised from this on the golf course's website, it is considered that this omission is a significant oversight and the entire financial situation has not been presented.

Officers also consider that another viability issue has been the separation of golfing activity through the sale of the golf course and the separate ownership of the driving range and golf shop which would otherwise provide income that would be associated with the game of golf.

Therefore taking into account the extent and range of conferencing and function facilities on the site, it is the view of officers that the purposes of chalet accommodation, in particular, are not solely aimed at the needs of the outdoor sport but at developing further the conference and functioning facilities.

The business case presented does not offer a breakdown of the necessity of the development scale or proportion. It shows a positive annual income of over £300,000 as a result of the proposed development but does not examine whether the viability of smaller leisure provision and/or a smaller number of chalets could not underpin the viability.

Notwithstanding the other functions on the site, Officers question whether the scale of development proposed is the minimum essential facilities, for example whether 20 units or lower and a smaller scale leisure activity could be equally viable. The applicant has also failed to demonstrate that the number of units proposed is the minimum amount of development necessary. Overall, the applicant has failed to demonstrate the need for these additional facilities, based on the lack of detail in the financial case on existing ancillary facilities and the significance of the scale required.

The Design of the proposals

The development should be examined against the Green Belt tests set out in Paragraph 1.5 of PPG2 and amplified by Policies ENV1, ENV2 and ENV3 of the Unitary Development Plan. Attention should also be given to the Longwood Gap Countryside Area Profile (Policy ENV7).

The purposes of including land in the Green Belt are to check the unrestricted sprawl of large built-up areas; to prevent neighbouring towns from merging into one another; to assist in safeguarding the countryside from encroachment; to preserve the setting and special character of historic towns; and to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

Paragraph 1.6 of PPG2 is also relevant in that development proposals should promote the use of land to provide opportunities for access to the open countryside for the urban population; opportunities for outdoor sport and

outdoor recreation near urban areas; retain attractive landscapes, and enhance landscapes, near to where people live; and secure nature conservation interest.

The two remaining criteria to improve damaged and derelict land around towns and to retain land in agricultural, forestry and related uses are not relevant in this instance.

With regard to the physical extensions and alterations and in terms of the criteria progressed in Policy ENV3 of the UDP the layout of the proposed chalets form a significant length of the 18th fairway (approximately 100m) and would be prominent to users of the golf course and the clubhouse. The proposals would fail the test of safeguarding the countryside and as indicated in the sequential test issues would not assist urban regeneration and utilise the derelict or other urban land.

It is considered that the siting, design, and grouping of the proposed buildings would also fail to bring forward significant enclosure. The chalet units are only comprised bedroom and bathroom facilities; there would be a need to walk to the main clubhouse for dining and leisure use. The distance of approximately 150m to the rear entrance would be significant.

The architectural style and external appearance of the proposals have some merit, in echoing a golf course/driving range ethos. The sustainability credentials are considered to be acceptable and the lightweight contemporary designs would not be out of keeping with the existing buildings on the site.

The quality of new landscape schemes is also questioned as formal details have yet to be submitted, however the proximity to the fairway and the practical issues of preventing golf balls hitting or damaging the chalet or leisure use is not highlighted.

There may also be a requirement, as a result of the position of the chalet units, for nets or other equipment would affect the openness of the golf course and the Green Belt.

Overall it is considered that the cumulative physical effect of proposals and the sprawling nature of the chalet development would have an adverse impact on the openness of the Green Belt and the rural character of the area.

Very special circumstances

Development in the Green Belt must meet the policy test of meeting 'very special circumstances' if it is to be capable of approval. The applicant's submitted their case for very special circumstances in their Planning Statement is set out below, with comments interpolated:

- Essential facilities in sport and recreation, including spectator accommodation, could be more harmful to the visual amenities of the green belt than those proposed.

Comment

To clarify, the guidance states that essential facilities should be genuinely required for uses of land which preserve the openness of the Green Belt and do not conflict with the purposes of including land in it. Possible examples of such facilities include small changing rooms or unobtrusive spectator accommodation for outdoor sport, or small stables for outdoor sport and outdoor recreation. Proposals that are for essential facilities would need to demonstrate that they are of appropriate design and character. Inappropriate designs and obtrusive development should also be resisted. This therefore is not considered to be a very special circumstance.

- The viability of the golf course is compromised. Without the proposals the golf club will fail and go into administration. The impact of this consequence would mean that the visual amenities of the green belt would be severely harmed by the dereliction of the clubhouse.
- The proposals are considered essential to the golf club in terms of viability to ensure that the club remains competitive and is other courses in the region.

Comment

The business case is discussed above. Officers remain unconvinced that the viability, particularly with regard to the existing level of ancillary activity on the site, has been properly tested and that the scale of proposals are the minimum necessary. Therefore the financial case is not accepted as a very special circumstance and that with the wider use current of the golf course question whether the proposals are genuinely for supporting the needs of outdoor sport and recreation.

- The extensions of modest height and scale and are sensitive design to minimise the impact on the green belt.
- The location of the proposed chalet accommodation would not be visible from any public vantage points. Chalets will be situated within the setting of the existing golf course and as such will not impact on the openness or setting of the green belt.

Comment

The proposals form a significant length of the 18th fairway and are very significant in terms of their visual effect on the layout and relationship to the golf course and clubhouse activity. This is not considered a very special circumstance.

- The policy for tourism in rural areas within national planning policy sets out that local authorities support the provision of expansion of tourist and visitor facilities in appropriate locations where identified needs are not met by existing cities. The applicant considers that the viability should be taken into consideration in this regard.

-The proposals are located within a short distance to Walsall town centre and the Arboretum.

Comment

The location of the golf course has been considered. The policy for tourism is clear and Officers consider that needs could be met by existing and proposed hotel accommodation, in a reasonable timescale. The impact on the deliverability of existing planning permissions is also questioned. The proposal does not form very special circumstances in this regard.

Car parking provision

The comments of Transportation Officers are noted. The existing parking (173 spaces) is over UDP Policy T13 maximum requirements (the existing complex only needs 110 spaces). Based on the current proposals the car parking requirement equates to a maximum total of 134 car parking spaces with an additional 14 disabled spaces and as such the 173 spaces provided are still contrary to policy T13. Transportation Officers have requested a condition be added in this regard should planning permission be granted. The applicant has agreed to such a request and this would in turn mean that further landscaping detail would need to be progressed.

There is no cycle provision shown or provided on the site, for staff or visitors. This would need to be provided and promoted should planning permission be granted. Indeed this forms part of the applicant's own submitted Travel Plan.

Therefore there is no objection to the parking provision on the site.

Comments of residents and neighbouring businesses

Officers have noted the comments and concerns of neighbouring residents and business, particularly over the increasing level of activity at Calderfields and anti-social behaviour.

Many of the points have been considered above and there is recognition of the need to protect the nature of the Green Belt.

Officers note the comments with regard to the noise, disturbance and antisocial behaviour on the site as a result of the function and banqueting activity being exacerbated by the proposals and that the nature of the golf course has altered such that the proposals are more akin to a nightclub and function venue than as a golf club and driving range. This is further evidence of the significance of the existing ancillary facilities that are present on the site. There is much unauthorised activity on site. These complaints could be resolved by enforcement action. That will be the subject of a future report, if this application is refused.

Whilst Officers disagree with local residents over the aesthetic appeal Officers note the concerns over design quality and the sprawling nature of the

proposals and the impact that this would have on the rural character of the area.

Recommendation: Refuse

1. The proposed layout, scale and mass of the proposals are of significant scale that would adversely affect the openness and rural character of the golf course and the Green Belt. The distance between the proposals and relationship to the golf course are also significant. As such, the proposals would cause significant harm to the character of the Green Belt against which the applicant has failed to demonstrate very special circumstances and the purposes of including the land within this designation and also to the aims and objectives of the Longwood Gap Countryside Area Profile and are contrary to Policies GP2, ENV1, ENV2, ENV3, ENV7, ENV32, and ENV33 of Walsall Unitary Development Plan 2005, Policy DW3 of Designing Walsall Supplementary Planning Document and the aims and objectives of Planning Policy Guidance Note 2.

2. The applicant has failed to demonstrate that the proposed hotel and leisure facilities cannot be adequately provided on sequentially preferable sites in or on the edge of Walsall Town Centre and/or other centers in the Catchment Area and that there is no scope for disaggregation of the uses, flexibility of format or provision of suitable sequentially preferable facilities within a reasonable timescale. The scale of the development and proximity to Walsall Town Centre are also material factors and the proposals would compromise the deliverability of allocated sites within the Unitary Development Plan and sites with planning permission for redevelopment within the town centre and compromise the viability of facilities already present within the town centre, particularly in terms of leisure provision. As such the proposals are contrary to Policies S1, S2, S3, S6 and S7 of Walsall Unitary Development Plan 2005 and the aims and objectives of Planning Policy Statement 4 and the Good Practice Guide for Tourism.

3. The applicant has failed to demonstrate, in the Business Case and Sequential Test Exercise:

- a) That full consideration of the need for the proposals, including viability existing ancillary facilities already present on the site;
- b) Notwithstanding point a), whether the scale is the minimum necessary to underpin the viability of the Golf Course;
- c) That the proposals are ancillary to the purposes of outdoor sport and recreation; and
- d) The provision of ancillary facilities (e.g. shops, beautician premises, salons) are necessary for the purposes of outdoor sport and recreation.

As such the submitted application and supporting documentation have failed to demonstrate very special circumstances to outweigh the harm to the Green

Belt, required to underpin the viability of the Golf Course, and are necessary for the purposes of outdoor sport and recreation. As such the proposals are contrary to the aims and objectives of Policies GP2, ENV1, ENV2, ENV3, ENV7, S1, S2, S3, S6 and S7 of Walsall Unitary Development Plan 2005, Policy DW3 of Designing Walsall Supplementary Planning Document and the aims and objectives of Planning Policy Guidance Note 2 and Planning Policy Statement 4.



Planning Committee

*Report of Head of Planning and Building Control, Regeneration Directorate
on 19 Aug 2010*

Reason for bringing to committee: Major application

Application Number: 10/0758/FL
Application Type: Full application

Applicant: Interlink Express Ltd
Proposal: Removal/Variation of
Condition 6 of 07/2750/FL/E6 (to allow 2
large vehicles to access the site between
the hours of 04.00 and 07.00).

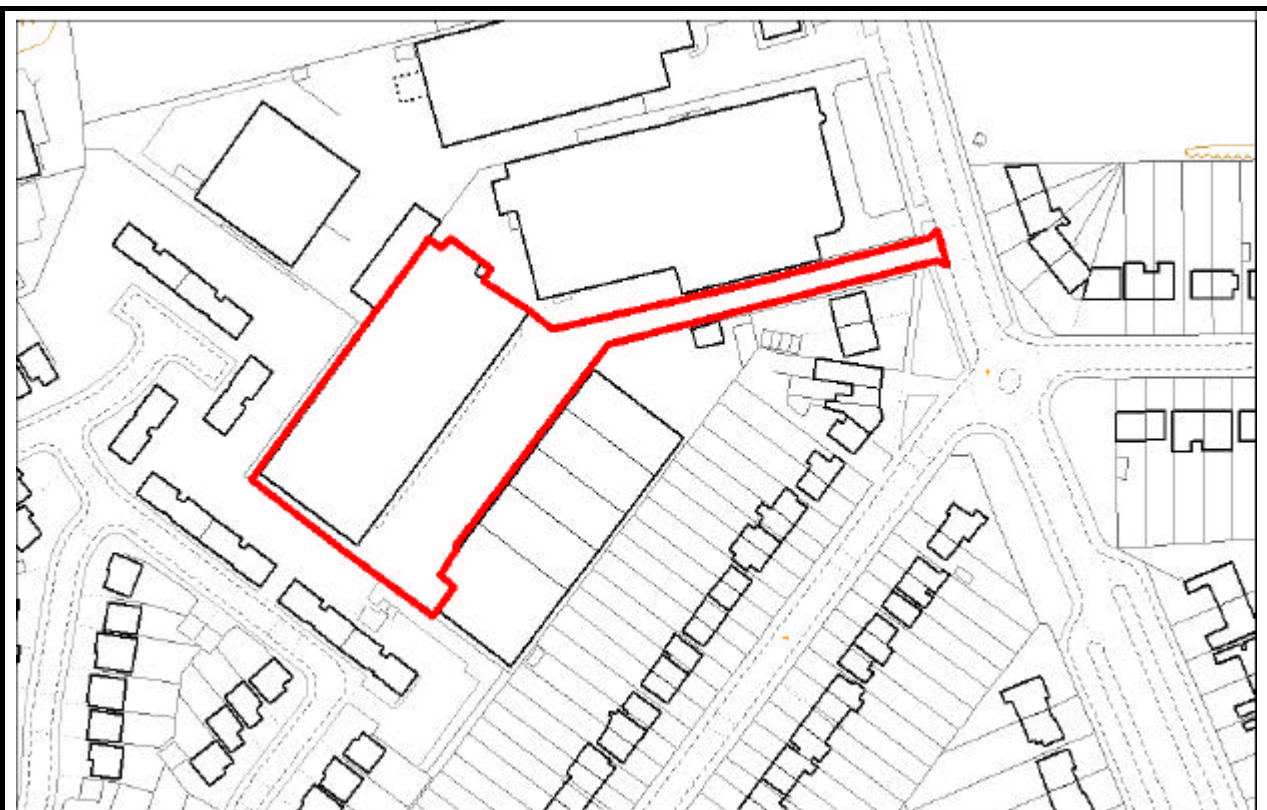
Ward: Aldridge/Central & South

Case Officer: Alison Deakin
Telephone Number: 01922 652487
Email: planningservices@walsall.gov.uk

Agent: CT Planning Ltd
Location: Land and Premises on the
north west side of Morford Road,
Northgate, Walsall, WS9 8TF

Expired Date: 15/09/2010

Recommendation Summary: Grant Permission Subject to Conditions



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Application and Site Details

This follows an application that was approved subject to conditions in April 2008 for the change of use of general industrial premises to use as a distribution centre. Condition 6 states: *"No deliveries or despatches to or from the site by large goods vehicles shall take place outside the hours of 05.00 to 20.00. Between the hours of 05.00 and 07.00 only one large goods vehicle in connection with the approved use shall access the site unless otherwise agreed in writing by the Local Planning Authority. The large goods vehicle(s) shall have their engines turned off when parked within the site."*

In August 2008 permission was granted to vary condition 6 to allow two large goods vehicles between the hours of 05.00 and 07.00 in connection with the approved use.

The current proposal now seeks permission to allow the permitted two large goods vehicles to operate between 04.00 and 07.00 hours i.e. one hour earlier.

A Planning Statement and Report on the Noise Impact have been provided in support of the application.

The Planning Statement explains that the applicants, Interlink Express Limited, use the application site as a parcel distribution centre and that the large goods vehicles deliver the parcels to the premises in the morning and they are then transferred to vans and delivered in the locality throughout the day. The premises are used 24 hours a day, 7 days per week but due to the present restriction imposed by condition 6 large goods vehicles have to wait outside the site to comply with the condition. This is consequently affecting the operation of the business. The proposed amendment would provide the applicant with the flexibility they require.

The Report on Noise is the same as that submitted with the earlier variation application as Pollution Control advised the applicant that further surveys would not be necessary as the vehicle movements would not differ as it is the same number of vehicles and the large goods vehicles are still operating during the night time as before (just one hour earlier).

The application site is located within a core employment area. There are two main occupiers that share the access and service yard at this end of Morford Road, the applicant and Aldridge Plastics. The site is accessed from Northgate which leads into a shared yard area serving former printers premises, now mostly vacant, Little Rascals day nursery (who operate from the front of the former printers building), the building subject to this permission and 5 smaller linked industrial units (Aldridge Plastics). A single block of 4 flats is situated adjacent to Morford Road. Properties along Leighswood Avenue are 28m from the smaller units accessed by Morford Road which are positioned between the houses and the application building which would be 82m from the dwellings in Leighswood Avenue.

Relevant Planning History

07/2750/FL/E6 – Change of Use to B8 (Storage and Distribution) Granted subject to conditions 3/4/2008.

08/0976/FL – Removal of condition 5 and variation of condition 6 (to allow large vehicles to access the site between the hours of 05.00 and 07.00) of planning permission 07/2750/FL/E6 – Granted subject to conditions 8/8/2008.

Relevant Planning Policy Summary

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

Saved Policies of Walsall Unitary Development Plan

3.7: Seeks to protect people from unacceptable noise, pollution and other environmental problems.

2.2, 3.6 & GP2: seek to make a positive contribution to the quality of the environment, whilst protecting people and ensuring adequate and safe access is provided.

ENV32: Poorly designed development or proposals which fail to properly take account of the context or surroundings will not be permitted.

4.4: Core employment uses are defined as industry and distribution in Classes B1b, B1c, B2 and B8 of the Use Classes Order. Core employment areas are locations of strategic importance and good accessibility. Core employment areas will be safeguarded for core employment uses.

JP5: a) Core employment areas shall be safeguarded for core employment uses. Proposals for other uses will only be permitted where it can be demonstrated that:

1. A need would be met which could not be satisfied elsewhere in the Borough; or
2. The range and quality of employment opportunities would be significantly increased.

b) When windfall sites or buildings in core employment areas come forward for reuse or redevelopment they will normally be safeguarded for core employment uses according to the above policy.

4.34 Core employment areas contain major concentrations of core employment uses and/or good quality buildings or development opportunities. This policy will ensure that these areas, the best industrial areas that Walsall has to offer, will be retained for these uses.

T10: Planning conditions will be used to ensure that accessibility standards for all transport modes continue to be met throughout the life of a development.

T11: Where pedestrian and cycle links are considered to be sub-standard, measures must be taken to improve them.

Local Development Framework (LDF)

The Black Country Joint Core Strategy (JCS) has now been through its Examination in Public. It is on course for adoption early in 2011. The broad principles of the UDP – e.g. the appropriate reuse of previously developed land, need to promote the town and district centres and high quality design

are further advanced in the document taking account of the latest national policy and available evidence. However, the plan is not generally site-specific and it will carry little weight until it is adopted.

Regional Strategy for the West Midlands

The Regional Strategy has been revoked by the Secretary of State in a Parliamentary Statement of 6 July 2010. It has therefore ceased to be planning policy. The work done for the strategy (and for the various partial revisions in the West Midlands) may provide relevant material considerations. In such cases the relevant reference(s) will be in terms of 'observations' rather than as policy.

National Policy

PPS1: Seeks to maintain and improve the local environment.

PPS4: Encourages sustainable economic growth. Policy EC2.1(e) seeks to ensure that key distribution networks which generate substantial transport movements are in accessible locations, avoiding congestion and preserving local amenity as far as possible.

PPG24: States the planning system should not place unjustifiable objects in the way of development which creates jobs and infrastructure, but must ensure that it does not cause an unacceptable degree of disturbance. It seeks to minimise the adverse impact of noise.

Consultations

Transportation – No objections.

Pollution Control (Scientific Team) – No objections. The two large vehicles will create fewer disturbances for surrounding residential properties if they do not have to wait outside the site to gain access.

Pollution Control (Contaminated Land) – No objections.

Environmental Health – No objections. There have been no complaints about vehicular noise in Morford Road.

Public Participation Response

Thirteen identical letters and one individual letters have been received objecting on the following grounds:

- disappointed that the applicant has access during the evenings already despite residents concerns
- disturbance to peace and quiet during that night/early hours
- lorries sit outside the gates of the site in Morford Road earlier than permitted
- noise levels at night should be re-calculated
- there is video evidence that lorries operate outside permitted hours in breach of planning permission

- noise, pollution, traffic needs monitoring
- damage to Morford Road through heavy use
- increased noise pollution from engine noise, reversing sirens etc
- how will the council monitor the lorries?

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

Determining Issues

- Highway and pedestrian safety
- Impact on the amenities of the surrounding occupiers

Observations

Highway and pedestrian safety

There are no greater impacts upon highway and pedestrian safety as the proposal is for the same number of large goods vehicles to access the site during the hours of 05.00 and 07.00 hours. The only change is that the large goods vehicles will be able to access the site one hour earlier i.e. between 04.00 and 07.00 hours. It is also considered that at this earlier hour there will be fewer pedestrians and vehicles around.

Neighbours have objected that lorries sit in the road outside the site waiting to enter. However the proposal would allow them onto the site itself causing fewer disturbances and less congestion on the highway.

There have also been objections from neighbours that the lorries are damaging the kerbstones at the highway junction in Morford Road and photographic evidence has been supplied. However, condition 5 of the original permission which required replacement radius kerbs at the entrance to the access to the site (Northgate/Morford Road) and details for the construction of a dropped pedestrian crossing has already been removed by permission 08/0976/FL. Committee agreed it was unreasonable due to the fact that the applicants are not the only business that generates large goods vehicle movements along the Morford Road access and Transportation did not object to removal of this condition. The proposal to allow two large goods vehicles to access the site one hour earlier will not have any greater impact upon this.

Impact on the amenities of the surrounding occupiers

Paragraph 12 of PPG 24 refers to noise sensitive development and defines the hours when people are normally sleeping as between 23.00 and 07.00 hours. Paragraph 13(iii) suggests measures to mitigate the impact of noise could be to limit the operating time of the source. This is how the Council chose to control noise from large vehicles on the original permission.

The site falls within a core employment area and there are other premises closer to the neighbouring properties that have no restrictions on their use.

Bearing this in mind, condition 6 was imposed to balance the needs of the applicants business yet provide protection to neighbouring residential amenity.

The neighbour's objections have been taken into account but on balance condition 6 is considered to address the potential noise and disturbance issues during the night time when people are sleeping. The proposal to allow large vehicles to access the site one hour earlier is still within the evening hours defined in PPG 24 and is considered to have no greater impact upon residential amenity. By allowing large goods vehicles onto the site one hour earlier rather than them waiting on the street outside residential properties would also reduce current noise disturbance to neighbours. There is already an acoustic fence on the south-western perimeter of the site and the existing buildings mask the lorries from view and provide a further sound barrier to nearby residents in Leighswood Road and Northgate.

Pollution Control and Environmental Health raise no objections to the proposals and despite neighbour concerns that there is already a breach of the permitted hours by the applicant, there is no record that these have been reported previously.

Neighbours are concerned that no monitoring of the condition has occurred since the permission was granted. The council does have powers to monitor these large vehicle movements and to take action to enforce the conditions when reported.

The site falls within a Core Employment Area and noise or nuisance from this site would be comparable to an industrial premises. The nearest residential properties (Burnsfield Way) are 13m away and separated from the site by the 6m brick side elevation of the building. To the south of the yard is a 3m wall, 15m from the apartments along Lingmoor Grove. Adjacent to the junction of Northgate and Morford Road are four flats which are 79m from the premises subject to this application and 3m from Morford Road. Properties along Leighswood Ave are 82m from the application site, which is sandwiched between existing general industrial units.

With regard to noise levels the applicants have provided a report on the impact of noise that concludes the movements of 2 large vehicles during the early morning period will have no significant effect upon the noise assessment and create no significant impact upon adjacent residential properties. The report was prepared by acoustics specialists and Pollution Control are satisfied that the results and conclusions are acceptable. Despite objections to the contrary it is considered that the current proposals to allow large goods vehicles to access the site one hour earlier will not have any greater impact upon residential amenities.

Summary of Reasons for Granting Planning Permission

The proposal does not increase the number of large goods vehicles attending the site but requests permission to allow them to access the site one hour

earlier. This has no greater impact upon highway and pedestrian safety. By granting permission it will allow vehicles that presently wait outside the site on the highway to enter the site and reduce congestion on the highway. There are no anticipated increased vehicle movements to suggest highway repairs would be made necessary by allowing the proposals.

The proposed earlier start time for large goods vehicles is still within the hours defined in PPG 24 when people are more likely to be sleeping. The potential impact on residential amenity is therefore comparable to the existing permission for a 05.00 hours start and as the same number of large goods vehicles are allowed on to the site there are no material changes. Allowing large goods vehicles onto the site earlier would also prevent them from waiting on the street outside residential properties and reduces current noise disturbance to neighbours. The existing acoustic fence and surrounding industrial buildings mask the lorries from view and provide a further sound barrier to nearby residents in Leighswood Road and Northgate.

In light of the above the proposals are considered to accord with the aims of saved policies 2.2, 3.6, 3.7, GP2, ENV32, 4.4, 4.34, JP5, T10 and T11 of Walsall Unitary Development Plan.

Recommendation: Grant Permission Subject to Conditions

1. Condition 6 of planning permission 07/2750/FL/E6 to read "No deliveries or despatches to or from the site by large goods vehicles shall take place outside the hours of 0400 to 20.00, and no more than two large goods vehicles in connection with the approved use shall access or egress the site between the hours of 04.00 and 07.00 unless otherwise agreed in writing by the Local Planning Authority. Large goods vehicle(s) shall have their engines turned off when parked within the site.

Reason: To protect the amenity of adjacent residential occupiers.

Note for applicant

Notwithstanding the above please refer to the remaining conditions of planning approval 07/2750/FL/E6 which have not been altered as a result of this application.



Planning Committee

*Report of Head of Planning and Building Control, Regeneration Directorate
on 19 Aug 2010*

Reason for bringing to committee: Major Application (Variation of condition)

Application Number: 10/0764/FL
Application Type: Full application

Applicant: Cable & Alloys (Willenhall)
Ltd

Proposal: Variation of Condition 10 of planning approval ref no. 10/0242/FL to include "Waste electrical and electronic equipment (WEEE) as defined in the WEEE 2006 regulations but excluding refrigeration equipment and any other equipment likely to give rise to emissions of ozone depleting substances."

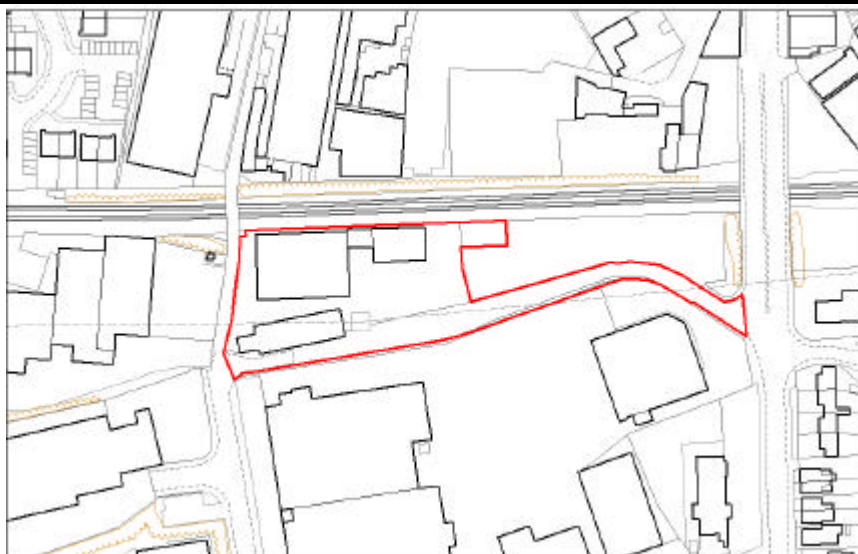
Ward: Willenhall South

Case Officer: Karon Hulse
Telephone Number: 01922 652492
Email: planningservices@walsall.gov.uk
Agent: S A Simmonds

Location: FORMER MASON'S
WOODYARD, LAND BETWEEN
RAILWAY AND ROSE
HILL, WILLENHALL

Expired Date: 27/09/2010

Recommendation Summary: Grant Permission Subject to Conditions



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Application and Site Details

Planning permission was recently granted for the site of this former timber yard, to become a facility for the reclamation of redundant electricity meters, electricity cables and waste carpet.

Planning consent was subject to a number of conditions, one restricted the materials which could be recycled from this facility :

“Condition 10 - Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987, and the Town and Country Planning (General Permitted Development) Order 1995, or succeeding Orders, the premises shall only be used for the reclamation and recycling of electricity meters, industrial carpet and electrical cable and not for any other material other than that which is the subject of this permission.”

The variation has arisen as a result of the applicant seeking, from the Environment Agency, a standard rules permit (which allows a standard range of materials to be recycled from the site) as opposed to a bespoke permit which would restrict it to only certain items but would also take more time to achieve. The applicant is keen to proceed with the facility.

However the applicants do seek to restrict the condition to only those goods which are defined in the Waste Electrical and Electronic Equipment (WEEE) Regulations 2006 but which exclude refrigeration equipment and any other WEEE goods which are likely to give rise to emissions of Ozone-depleting substances.

The applicants have recently secured a large contract which will create ten local employment opportunities.

No other details are proposed to be altered.

Relevant Planning History

10/0242/FL – Change of use to materials reclamation facility with refurbishment of existing fire damaged buildings including new cladding and one metre high block construction dwarf walls. Granted Subject to Conditions 28th May, 2010

Relevant Planning Policy Summary

(Note the full text version of the UDP is available from the First Stop Shop in the Civic Centre, and on the Planning Services Website www.walsall.gov.uk/planning).

Part of the site is identified in the Unitary Development Plan as a core employment site.

Unitary Development Plan (UDP)

Regeneration, Planning and Building Control, Civic Centre, Darwall Street, Walsall, WS1 1DG
Website: www.walsall.gov.uk/planning, Email planningservices@walsall.gov.uk, Telephone (01922) 652452,
Textphone 0845 111 2910, Translation Line (01922) 652426, Fax (01922) 623234

GP1: Supports the sustainable location of development.

2.2, 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.

GP4: local area regeneration by helping to bring forward derelict, vacant or underused land and buildings for new uses.

3.16: The Council will consider development in relation to its setting, with reference to the character and quality of the existing local environment, and will require a high quality of built and landscape design.

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.

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.

JP5(a)...areas safeguarded for core employment uses...proposals for uses permitted where demonstrated that needs met which not satisfied elsewhere or range and quality of employment significantly increased.

JP5(b)... windfall sites or buildings in core employment areas will be safeguarded for core employment uses according to the above policy

JP8 - bad neighbour industrial uses

7.1: Seeks to promote an efficient highway network;

T7: All development should satisfy the car parking standards set out in Policy T13. All parking provision should be well designed and sensitively integrated into the townscape or landscape, respecting the character of the local area, and with appropriate use of materials and landscape treatment.

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

WH5: Rail Station and Transport Interchange for Willenhall.

Local Development Framework (LDF)

The Black Country Joint Core Strategy (JCS) is progressing to its examination in public during the summer of 2010. Its key policies are set out below and should be read in conjunction with the Key Spatial Diagram and associated Map Appendices:

CSP1 – sets out targets for housing and other developments including the key strategic centres and corridors.

CSP2 – Outside the strategic centres and corridors, focuses development on previously developed land.

CSP3 – Seeks to protect environmental assets including biodiversity.

CSP4 – sets out the key criteria for high quality design, including promoting more sustainable patterns of development.

CSP5 – seeks to reduce the dominance of the private car, promote the strategic centres and managing transport networks to operate more efficiently

DEL2 – Seeks to protect key areas of employment balanced against housing need.

TRAN1 – sets out the delivery of key transport infrastructure including the midland metro, new railway stations and passenger rail routes.

TRAN2 – Resists development that would have an adverse impact on the highway unless mitigation (i.e. alternative modes of transport) are progressed.

TRAN4 – seeks to create coherent networks for Cycle and for Walking in all developments.

TRAN5 – sets out methods to reduce the reliance on the private car and co-ordinate parking strategies (including pricing) across the Black Country

ENV 1 – seeks to protect natural resources and biodiversity

ENV 2 – sets out to preserve the cultural identity of the Black Country and protect historic buildings and landscapes.

ENV 3 – Follows on from CSP4 in promoting design quality.

ENV 4 – Seeks to enhance the role of canals in developments

ENV 5 – seeks to take account of Flood Risk from developments and promotes Sustainable Drainage Systems whilst recognising and reducing the effect of the Urban Heat Island

ENV 6 seeks to protect urban open space and the need for recreation.

ENV 7 – sets out that 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.

ENV 8 – seeks to improve air quality throughout the Black Country

Supplementary Planning Documents (SPD)

Designing Walsall Supplementary Planning Document - 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, DW2- Safe and Welcoming places, DW3 - Character, DW4 - Continuity, DW5 - Ease of movement, DW6 - Legibility, DW9 - High Quality Public Realm, DW 10 - New development to contribute to creating a sustainable environment.

National Policy

PPS1: Sets out the overarching planning policies on the delivery of sustainable development through the planning system.

PPS4: Planning for Economic Growth (supersedes PPS6: Planning for Town Centres): it seeks to achieve, promote and deliver sustainable economic development and growth including public and community uses. The Government's objectives for planning are to:

- build prosperous communities by improving the economic performance of cities, towns, regions, sub-regions and local areas, both urban and rural
- reduce the gap in economic growth rates between regions, promoting regeneration and tackling deprivation
- deliver more sustainable patterns of development, reduce the need to travel, especially by car and respond to climate change

- promote the vitality and viability of town and other centres as important places for communities

PPG 24 Planning & Noise: The planning system should not place unjustifiable objects in the way of development which creates jobs and infrastructure, but must ensure that it does not cause an unacceptable degree of disturbance. Noise-sensitive development should not normally be permitted where high levels of noise will continue throughout the night, especially during the hours when people are normally sleeping (23.00 to 07.00).

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

National Policy Statements, which discuss significant infrastructure projects, are also a material consideration in the application process.

Consultations

Transportation – no objections

Environment Agency – no objections

Pollution Control (Scientific Team) – no objections

Pollution Control (Contaminated Land) – no objections

Fire Service - no objections

Local Authority (Economic Regeneration) – no objections

Network Rail – no objections

Public Participation Responses

None

Determining Issues

- The principle, the potential environmental impact, highway issues
- Environmental impact resulting from variation of recycled goods

Observations

The principle, the potential environmental impact, highway issues

All of these issues were considered as part of the recent approval and are unchanged.

Environmental impact resulting from variation of recycled goods

This application now seeks to vary condition 10 to allow more materials to be recycled from the premises and includes all that is allowed by the Environment Agency Standard Rules permit with the exception of refrigeration equipment and other such equipment that is likely to give rise to emissions of ozone depleting substances. The increased range of goods to be recycled have been considered fully and in conjunction with the Environment Agency standard rules permit and it is considered that the increase will have no additional impact over and above that which had previously been considered acceptable for this site.

As stated in my previous report, any industrial processes can pose environmental problems for their surrounding areas unless properly controlled. However, the proposed variation of the condition to encompass a wider variety of goods to be processed can still be adequately controlled without having any potential environmental implications.

The site is set away from the main road (Rosehill) and is below road level and other nearby residential properties are 200 metres away in Rosehill or 80 metres away in Newlands Close. There are no changes to the buildings as previously approved i.e. opening doors/roller shutters in the rear elevations facing Newlands Close therefore any potential noise emissions in that direction would be limited and other boundaries are existing industrial.

Again, with the appropriate wording of the varied condition, the operations will be satisfactorily carried out without detriment to the area or its occupiers,

Summary of Reasons for Granting Planning Permission

The variation to include additional goods to be recycled and processed on this commercial/industrial site is acceptable and will provide sustainable recycling facilities without any adverse environmental impacts in terms of noise or odour on nearby residential occupiers. As such the increased type of goods to be processed accords with policies GP1, 2.2, 3.6, 3.7, GP2, GP3, GP4, 3.16, ENV10, ENV14, 3.117, ENV33, ENV40, JP8, 7.1, T7 and T13 of the Unitary Development Plan, Designing Walsall Supplementary Planning Document, Regional Economic Strategy, National Policy PPS1, PPS4, PPG 24 and PPG13.

Recommendation: Grant Permission Subject to Conditions

1. This permission grants consent for the variation of condition 10 of planning application reference number 10/0242/FL dated 28th May, 2010 to allow for a wider range of goods to be recycled from the premises. The condition shall now state the following:

“Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987, and the Town and Country Planning

(General Permitted Development) Order 1995, or succeeding Orders, the premises shall only be used for the reclamation and recycling of electricity meters, industrial carpet and electrical cable and any other equipment which are defined in the Waste Electrical and Electronic Equipment (WEEE) Regulations 2006 but which excludes refrigeration equipment and any other WEEE goods which are likely to give rise to emissions of Ozone-depleting substances”.

Reason: To ensure the recycling processes are satisfactory and do not impact on the amenity of nearby occupiers or the operation and running of the site.

2. All other conditions imposed by planning approval reference number 10/0242/FL dated 28th May, 2010 continue to apply to this development, and are subject to the submission of a Discharge of Conditions application as necessary.

Reason: To ensure the site is developed in accordance with planning approval reference number 10/0242/FL dated 28th May, 2010.

3. No materials shall be stored on the site to a greater height than the height of the approved boundary treatment.

Reason: As a result of the increased range of goods to be recycled at the site, any open storage should be restricted to the approved height of the boundary treatment in order to secure the visual appearance of the site and protect the amenity of nearby residents.



Planning Committee

*Report of Head of Planning and Building Control, Regeneration Directorate
on 19 Aug 2010*

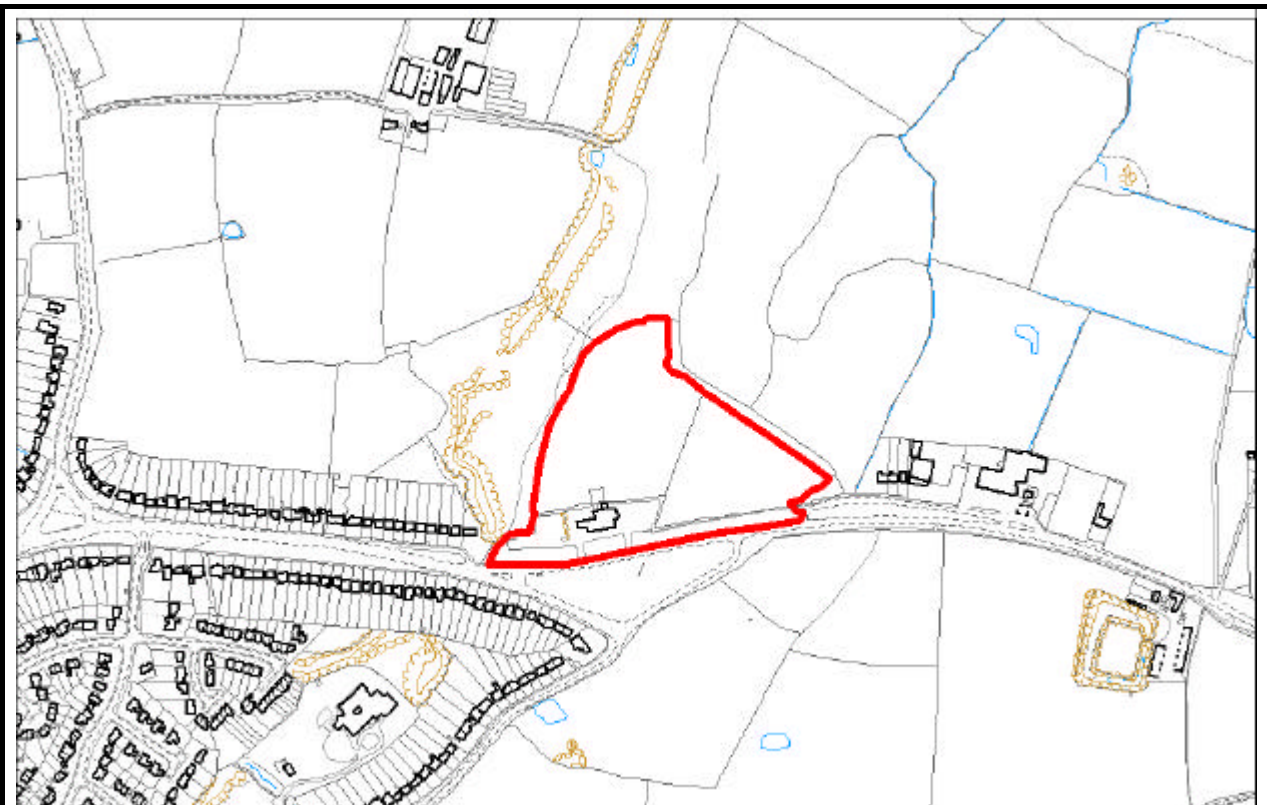
Reason for bringing to committee: Departure in the Green Belt

Application Number: 09/1329/FL
Application Type: Full application

Applicant: Lapworth Partnership
Proposal: Conversion of Three Crowns
public house into a dwelling &
construction of 4 no. detached dwellings.
Ward: Pheasey Park Farm

Case Officer: Alison Deakin
Telephone Number: 01922 652487
Email: planningservices@walsall.gov.uk
Agent: Lapworth Architects Ltd
Location: THREE CROWNS
P.H., SUTTON ROAD, WALSALL, WS5
3AX
Expired Date: 20/01/2010

Recommendation Summary: Refuse



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Application and Site Details

The proposal is for conversion of the Three Crowns Public house to a single house and construction of four new detached houses, two on each side of the existing building. The proposed dwellings broadly sit in line with the former public house along Sutton Road behind an existing hedgerow and highway verge with private access drives behind the hedge leading from the two existing vehicle access points.

All the houses have 6/7 bedrooms with accommodation arranged over 4 floors incorporating dormer windows in the roof. Each property also has a basement where parking is provided plus games/leisure areas. These rooms have windows onto the rear garden. The pub conversion (plot 3) removes the “wacky warehouse” extension and provides a room for an indoor pool.

The design of the new dwellings is Arts and Crafts style, with features such as chimneys, gables and tile hanging. They are constructed in brick/render and tile hanging with small clay roof tiles and have terraces. The height of the new dwellings varies between 11.2m and 12.2m from the front. The existing Three Crowns building is 9.8m high to the front elevation.

The ground floor area of each of the proposed houses is as follows: -

Plot 1 – 412m²

Plot 2 – 278m²

Plot 3 – 635m² (former pub building)

Plot 4 – 288m²

Plot 5 – 315m²

The Three Crowns is located on the north side of Sutton Road within the Green Belt and adjacent to the Great Barr Conservation Area. There are large car parking areas on both sides of the building and a beer garden and children’s play equipment at the rear. There is a hedge along the rear boundary of the public house (beyond which there are open fields) hedgerows and tree planting around the perimeter of the site and a tall hedge along the front of the site except immediately in front of the Three Crowns building. The adjoining land is a Site of Importance for Nature Conservation and Local Nature Reserve. There is a significant levels difference between the car park on the west side of the building and the remainder of the site.

It is proposed to maintain most of the hedge at the front of the site with new tree planting in the highway verge. The developer advises that approximately 900m of the existing hedge will be retained and to compensate for the 130m of hedge removed, 180m of new hedge will be planted at the end of the proposed gardens. A management plan for the grassland is proposed.

The site area is 4.2 hectares including 0.5 hectares of the site which is currently developed as the public house.

The developer states it was not viable to implement the apartment scheme previously granted permission for the site as local agents have advised him

that there is no market for apartments in this area. The developer also considers apartments would not be as in keeping with the surrounding area as the proposed larger houses now proposed. They also state the current proposals still seek to retain the landmark public house building and that as the additional dwellings are located on the previously developed car parking and beer garden areas there is no greater impact on the Green Belt.

The developer considers the opportunity to maintain the existing building and provide new aspirational housing for the Borough and raise the benchmark for providing high quality housing in Walsall outweighs any harm that inappropriate development has upon the character and openness of the Green Belt. He also states that there are very few sites in the Borough that could successfully accommodate this kind of housing. The housing is designed to achieve Secured by Design accreditation.

A Design & Access Statement, Bat Survey, Extended Phase 1 Habitat Survey, Tree Survey and Visual Impact Assessment have been provided in support of the proposals.

Relevant Planning History

07/2167/FL/E6 – Change of use and minor extensions to form 12 apartments – granted subject to conditions June 2008

07/0290/FL/E6 – Change of use and minor extensions to form 12 apartments – refused April 2007 due to (1) lack of a bat survey and (2) lack of provision for education/urban open space

Relevant Planning Policy Summary

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

Saved policies of Walsall Unitary Development Plan

GP1: Supports the sustainable location of development.

2.2, 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.

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

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

ENV3: Identifies more detailed considerations for proposals in the Green

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

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

ENV19: Seeks to protect Sites of Importance for Nature Conservation from development that would directly or indirectly destroy, damage or adversely affect them.

3.16, GP7, ENV32, H10 & 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. 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.

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

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

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

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

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

7.1: Seeks to promote an efficient highway network;

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

T10, T11 & T12 – Specifies accessibility standards for new developments

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

LC8: Proposals involving loss of community facilities, including public houses, will only be permitted if it can be demonstrated that there are existing facilities in an equally or more convenient location, a replacement facility could be provided, there is no longer a need for the facility or it would not be possible to retain the facility because it is not financially viable.

Supplementary Planning Documents

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.

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.

Annexe E: ... identifies privacy and aspect distances between dwellings including 24m separation between habitable windows for two storeys and above, 13m separation between habitable room windows and blank walls exceeding 3 metres in height, 45° code and garden dimensions of 12m in length and 68m² for housing. 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.

Local Development Framework (LDF)

The Black Country Joint Core Strategy (JCS) has now been through its Examination in Public. It is on course for adoption early in 2011. The broad principles of the UDP – e.g. the appropriate reuse of previously developed land, need to promote the town and district centres and high quality design are further advanced in the document taking account of the latest national policy and available evidence. However, the plan is not generally site-specific and it will carry little weight until it is adopted.

Regional Strategy for the West Midlands

The Regional Strategy has been revoked by the Secretary of State in a Parliamentary Statement of 6 July 2010. It has therefore ceased to be planning policy. The work done for the strategy (and for the various partial revisions in the West Midlands) may provide relevant material considerations. In such cases the relevant reference(s) will be in terms of 'observations' rather than as policy.

National Policy

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

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

PPS 3: Encourages reuse of previously-developed land for housing.

Paragraph 10 indicates that housing policy objectives provide the context for planning for housing through development plans and planning decisions. Some of the specific outcomes that the planning system should deliver are well-designed housing built to a high standard and in suitable locations, which offer a good range of community facilities and with good access to jobs, key services and infrastructure.

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

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

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

PPS24: Seeks to minimise the adverse impact of noise.

Consultations

Planning Policy – Objects. The proposals are inappropriate development in the Green Belt and there is insufficient evidence to justify very special circumstances to outweigh the harm to the Green Belt. Paragraphs 3.7 and 3.8 of PPG2 say that the re-use of buildings in the green belt does not always prejudice the openness of the green belt and therefore may not be inappropriate development. However the application also proposes the construction of four additional detached dwellings which would have a significantly larger, and wholly additional built footprint than the existing public house. This level of development would have an adverse impact on the openness and amenity of the Green Belt.

Paragraph 3.2 of PPG2 requires a developer to demonstrate very special circumstances to justify other considerations that outweigh the harm caused to the green belt by way of inappropriateness. In this instance there is insufficient evidence included in support of the application that would constitute such 'very special circumstances'. For example, no evidence is provided of the benefits that the Borough will gain from the provision of aspirational housing in this locality. A row of five substantial dwellings would extend the linear development along Sutton Road and encroach on the openness of the green belt. This would conflict with one of the purposes of including land in the green belt, namely to assist in safeguarding the countryside from encroachment. If permission is granted conditions should be explored to prevent further extensions or encroachment within the Green Belt.

Transportation – No objections in principal subject to provision of turning areas for Fire Service vehicles, maintenance of visibility splays at each access point, full details of tree planting within the highway verge and engineering details of all driveway and access alterations. The front boundary of plot 3 encroaches onto the public highway therefore a Stopping Up Order under Section 247 of the Town and Country Planning Act 1990 to extinguish highway rights over the land must be confirmed prior to the commencement of the development. The proposal has 19 car parking spaces in total plus a considerable driveway in front of each dwelling. This exceeds the maximum standard of 12 car parking spaces required. In terms of traffic generation the proposed development will generate significantly less trips than the present public house.

Public Rights of Way – No objections.

Pollution Control (Scientific Team) – No objections in principle but recommend conditions to address noise arising from vehicles using Sutton Road.

Pollution Control (Contaminated Land) – No objections but if permission is granted the developer should undertake a ground investigation specifically for

the current car park areas of the site to determine the need to implement remedial measures.

Environmental Health – No objections.

Arboricultural Officer – Objects due to unacceptable tree and hedge losses. The site contains visually significant hedgerows and trees which should be accommodated within the proposed development. The proposals are also insensitive to the existing vegetation on site. Plot 1 is too close to Cuckoos Nook and the Dingle Local Nature Reserve and would result in the hedgerow having to be removed to accommodate the development. Plot 5 also requires removal of a large section of an established hedge. The tree survey shows 11 of the 13 trees on site to be removed as well as much of the established, significant and mature mixed hedgerow.

Ecology – Objects. The development encroaches onto the Three Crowns SINC causing destruction of important grassland habitats and removal of a significant hedgerow. There would also be potential damage to Cuckoos Nook and the Dingle Local Nature Reserve through encroachment of the buildings close to the boundary hedge. The applicant has not demonstrated reasons of overriding regional significance for this development which outweigh the nature conservation value of the site. If this was demonstrated compensatory provision of equal to that lost must be provided. Inadequate ecological information has been provided to justify the proposals.

Landscape – Objects. Infilling new houses on either side of the pub results in loss of openness within the Green Belt and would significantly extend the built up area into the open countryside. Loss of the established hawthorn hedge would open up views from Green Belt land to the site. The proximity of the buildings on plots 1 and 5 to the site boundaries with deep excavations required to provide basement parking and inclusion of side facing habitable rooms would adversely affect the existing planting and hedgerows along the side. No planting details have been provided for this sensitive Green Belt site.

Conservation – No objections. Whilst the loss of a public house is regrettable the conversion is sympathetic and the proposed partial demolitions would help restore the building's original form and context. The new buildings fit in with the local context in terms of scale and massing and maintain spacious characteristics in the vicinity. Good quality materials should be used in the new construction.

Urban Design – No objections.

Drainage – No objections.

Severn Trent – No objections.

Fire Officer – No objections as turning areas adjacent to plots 1 and 5 are provided.

Equality & Diversity Consultant – No objections.

Police Architectural Liaison Officer - Secured by Design accreditation should be achieved. As there are large areas of open land surrounding the site it is recommended that a robust perimeter protection is included. Security and surveillance considerations should also be made including secure fencing, alarms, CCTV, window design, location of utility meters and lighting.

Natural England – Objects. The proposal will result in the loss of part of the Three Crowns Pasture SINC, 3.97 hectares in total, which is important for limestone grassland. The replacement hedgerow planting will also have a negative impact upon the SINC as it encroaches onto the designated site and results in loss of part of the limestone grassland. Subdivision of the land for horse paddocks or ploughing the site is not appropriate management or use of the habitat therefore if permission is granted a S106 Agreement should be drawn up to secure appropriate management. Also there is an objection on protected species grounds as a bat emergence survey should be carried out prior to determination of the application.

Public Participation Response

There are 5 letters of objection (2 in response to the amended plans) and one letter of support summarised as follows:

- Welcome the conversion of the Three Crowns Pub to a dwelling but do not support development of new houses
- Proposals are contrary to Green Belt policy and should be refused
- Increased built development in the Green Belt has an adverse impact particularly at the edge of current urban development
- New houses detract from the entrance to Cuckoo's Nook and The Hayhead Nature Trail – a unique area of the Borough
- Disturbance to wildlife and bats
- Adverse impact upon flora, fauna and wildlife of this unspoilt site
- Such large houses are out of keeping with surrounding housing
- Concern that the developer may re-apply for a greater number of smaller houses if permission is granted
- Heavy traffic in the area leading to pedestrian safety issues, particularly for the elderly
- Lack of connections to foul water/sewer drainage
- Lack of evidence to support the claim that conversion to apartments would not be viable in this area
- The applicants statement that the scheme has already been reduced from 5 to 4 new houses should be disregarded as any further development should be resisted
- Support the proposals as it will improve the site that is presently an eyesore

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

Determining Issues

- Principle of new residential development in Green Belt
- Loss of a community facility
- Layout and Design
- Impact on the character and appearance of the surrounding area
- Access and parking
- Ecology and Landscaping

Observations

Principle of new residential development in Green Belt

The proposed retention of the Three Crowns building is welcomed as it is a prominent landmark in the area. The principle of its use for residential purposes has already been established in granting planning permission for conversion to apartments. The current proposals to create a single house also allow re-use of the existing building without prejudice to the openness of the Green Belt and the building is of permanent and substantial construction, capable of conversion without complete reconstruction. This accords with paragraphs 3.7 and 3.8 of PPG2 and policy ENV2 (b) of the UDP.

However, paragraph 3.4 of PPG2 states that the construction of new buildings in the Green Belt is inappropriate unless for specific purposes listed which does not include new dwellings. The construction of the four new dwellings is therefore inappropriate development and the applicant must demonstrate very special circumstances to justify inappropriate development sufficient to outweigh the harm to the green belt. This part of the proposal is also contrary to policies 3.3, 3.6 and ENV2 of the UDP. If Committee is minded to approve the application it will need to be referred to Government Office under the Departure procedures.

Supporting information included in the agent's letter of 12 July 2010 explains that in order to secure the long-term retention of the existing landmark building extensive works are required to convert it such as partial demolition, extension and remodelling as well as improved insulation, double glazing, re-wiring etc. They state it would be "*considerably cheaper to demolish the building and build a new dwelling the same size*" but provide no financial justification to support this. They have not provided any evidence to justify the claim that four new dwellings are required to finance the conversion works for the Three Crowns building. They also state that to convert the existing building to apartments is not viable yet provide no financial evidence to support this other than to say local estate agents have advised that there is not a market for apartments in the area.

The applicant also advises the proposals are designed to re-use the existing developed parts of the site such as the car parking areas rather than encroach further onto undeveloped Green Belt land and that the new houses will cater for aspirational dwellings in the Borough for which there is a need.

Although the retention and conversion of the Three Crowns building is supported and has previously been approved, the development of four new houses would reduce the openness of the Green Belt. Whilst the applicant states that the development does not encroach beyond the previously developed part of the site, the new houses do project onto areas where there have not previously been buildings and it could not be argued that four large buildings are comparable to two flat areas of parking. In addition, their individual gardens project within the open paddock at the rear and sub-division and domestic use of these areas would adversely affect the character and openness of the Green Belt.

Loss of a community facility

The principle of the loss of the public house as a community facility has already been accepted by the Council in allowing its conversion to apartments by the earlier permission.

Layout and Design

The proposals shows the four new houses broadly aligned with the Three Crowns building, with the exception of the gym extension on plot 1 that projects forward approximately 8 metres. The houses are evenly spaced along Sutton Road with gated driveways leading off the existing access points. The existing mature hedge that runs across the rear of the car park is to be removed and a replacement hedgerow planted further back to allow each new plot to have between 17-23 metre garden lengths. The open land beyond is to be used to create paddocks for use by the future occupiers.

The proposed new dwellings are influenced by surrounding housing in Sutton Road. Nevertheless they have a much larger footprint than surrounding housing to the south and west. The applicant has explained that they are aiming to set new standards and provide aspirational housing in the Borough hence the larger footprints between 278m² and 635m² (the largest is the former Three Crowns building). By comparison the nearest houses have footprints between 64m² and 173m². However, the proposed dwellings have generous plots with adequate private garden space and their design would be acceptable (ignoring the Green Belt issue).

Objectors consider that such large houses are out of keeping with surrounding housing or that if the developer gets permission for five dwellings they may apply for a greater number of dwellings at a later stage. However, the developer has explained that the proposed housing is purposely designed as larger aspirational housing and a step change in design for housing in the Borough. Also any future application for additional dwellings would have to be justified in terms of Green Belt policy.

There is adequate space and separation between each of the individual proposed dwellings to prevent overlooking or over-shadowing. Habitable rooms are mainly concentrated on the front and rear elevations and the dwellings are laid out in line with each other so that there are limited side facing windows. The nearest existing house to the site is 515 Sutton Road

which is over 25m away from the site boundary. The nearest facing properties are those on the opposite side of Sutton Road over 40m away from the site boundary. The proposals have no adverse effect upon residential amenities in terms of outlook, privacy or daylighting.

Given the secluded nature of the plots the Police have recommended that Secured by Design Accreditation is sought and that all boundaries, particularly those to the open land at the rear, are robust. The applicant has advised that such measures including gated access, CCTV, alarm systems, low level lighting and security doors and windows will be used in the development and Secured by Design Accreditation will be achieved. With regard to provision of robust boundary fencing it is considered that 2m high security fencing would not be appropriate within the Green Belt but alternative boundary treatment could be negotiated to address this matter.

The lack of connections to foul water/sewer drainage as highlighted by objectors is a detailed matter that could be dealt with at a later stage in the event that permission was granted for the current development. Severn Trent raise no objections to the proposals.

Impact on the character and appearance of the surrounding area

The proposals create a ribbon of housing development that extends beyond the edge of the urban area. This inevitably affects the character and openness of the areas on either side of the Three Crowns building which would have greatly reduced gaps between houses. This coupled with the loss of existing hedgerows and extension of the residential gardens into the open paddock land at the rear would further affect the character. Although the developer has sought to create a design that is in keeping with the style of housing in the area and seeks to maintain the hedge along Sutton Road to screen the new houses this does not outweigh the harm that inappropriate development has upon the character and openness of the Green Belt.

Access and parking

The proposal utilises the existing accesses off Sutton Road that will lead to private driveways for each of the dwellings. Transportation has stated that in terms of traffic generation the proposed development will result in significantly less trips than when the site was used as a public house. Use of these existing accesses is therefore acceptable providing adequate visibility is maintained.

The Fire Officer is satisfied that fire service vehicle access is adequate given that there are turning areas shown adjacent to plots 1 and 5.

Part of the private driveway at the front of plot 3 (Three Crowns building) includes land currently within the public highway therefore the developer will need to apply for a Highway Stopping-Up Order to extinguish highway rights over the land. This could be addressed at a later stage if permission is granted.

Each of the proposed houses has 6/7 bedrooms for which the UDP maximum parking requirement is 15 spaces. The drawings show four garage spaces for each of plots 1, 2, 4 and 5 and five garage spaces for plot 3 which equates to 21 spaces, not including the space available on the private driveways.

Although the parking is greater than the maximum requirement, policy T13 does state that *“developers must demonstrate that development will provide adequate on-site car parking to meet its own needs”*. In the circumstances as the proposed dwellings have a greater number of bedrooms and are aspirational dwellings it is considered that the additional parking is acceptable, particularly as there is adequate space within the plot to cater for parking and manoeuvring and there will be no adverse effect on highway safety and the environment.

The proposals include provision of new trees in highway verge. Whilst this is acceptable in principle maintenance of the trees should be the responsibility of the developer. The developer has indicated that they intend to provide a management plan for this area and the open fields at the rear of the houses to ensure they are maintained on behalf of the future occupiers.

Ecology and Landscaping

The proposed development encroaches onto the Three Crowns Site of Importance for Nature Conservation (SINC) by extension of the private gardens onto open land at the rear. This would result in destruction of important grassland habitats and removal of a significant hedgerow. The developer has advised that the land has no restrictions on it presently and could be ploughed which would also destroy the grassland. They also consider that although there is a small loss of grassland this would be compensated for by securing the long term retention of the majority of the grassland at the rear by retention to create paddocks and provision of a Management Plan as part of the current proposals.

There would also be potential damage to the Cuckoo's Nook and The Dingle Local Nature Reserve due to the proximity of plot 1 to this boundary. Plot 1 has been revised to move it closer to Sutton Road and further away from this western boundary, but the building remains within 1.5m of the boundary. This would prejudice retention of the dense hedges and landscaping by residential use adjacent. The floor plans have also been revised for plot 1 to reduce the conflict between habitable rooms and the boundary hedge.

The developer also states that the short term habitat loss due to hedge and tree removal is compensated for by the new hedge to be maintained by Management Committee involving each of new owners and provision of a Management Plan for the site to help protect the grassland. Despite these changes the applicant has failed to demonstrate reasons of overriding regional significance which outweigh the significance of the nature conservation value of the site in favour of development as required by policy ENV19. The hedgerows within the site are considered to have a wildlife and visual benefit and should be retained in accordance with policy ENV23.

Natural England notes that the existing building has features that mean there is a reasonable likelihood that bats could be present. They therefore object to the proposals on the basis that there is a lack of a bat emergence survey to demonstrate protected species will not be adversely affected by the proposed development.

Recommendation: Refuse

1. The proposal is inappropriate development in the Green Belt by virtue of the additional footprint and increased height and mass of the new houses that reduce the openness of the site that have an adverse effect upon the character of the Green Belt. The loss of trees and hedgerows and encroachment of gardens onto the pasture land also alters the appearance of the site and adversely affects the character of the Green Belt. A lack of evidence has been submitted to demonstrate that there are very special circumstances sufficient to outweigh the harm the proposed inappropriate development of these additional houses has on the character, openness and purpose of the Green Belt. The proposal is therefore contrary to policies GP2, 3.3, 3.6 and ENV2 of Walsall Unitary Development Plan and Planning Policy Guidance 2: Green Belts.

2. The proposal fails to demonstrate reasons for overriding the regional significance of the Site of Importance for Nature Conservation sufficient to outweigh the significance of the nature conservation value of the site in favour of development. The proposed encroachment of development onto the Site of Importance for Nature Conservation, destruction of important grassland habitats, loss of trees and hedgerows within the site that have wildlife and visual benefits and lack of a bat emergence survey to demonstrate protected species will not be harmed by the development are therefore contrary to policies ENV19 and ENV23 of Walsall Unitary Development Plan and Planning Policy Statement 9: Biodiversity and Geological Conservation and Supplementary Planning Document: Conserving Walsall's Natural Environment.



Planning Committee

*Report of Head of Planning and Building Control, Regeneration Directorate
on 19 Aug 2010*

Reason for bringing to committee: Major Application

Application Number: 10/0729/OL

Application Type: Outline Application

Applicant: Mr B S/C S Ashley/Mahal

Proposal: Outline: High density mixed use scheme (including residential (Use Class C3), offices (Use Class B1a), leisure (Use Class D2) and live/work (Use Class Sui Generis), Hotel (Use Class C1), Nursing Homes (Use Class C2) and non-residential institutions (e.g. crèche, day nursery, doctors surgery) (Use Class D1) including potential access and parking (all matters reserved).

Ward: St. Matthews

Case Officer: Andrew Thompson

Telephone Number: 01922 652403

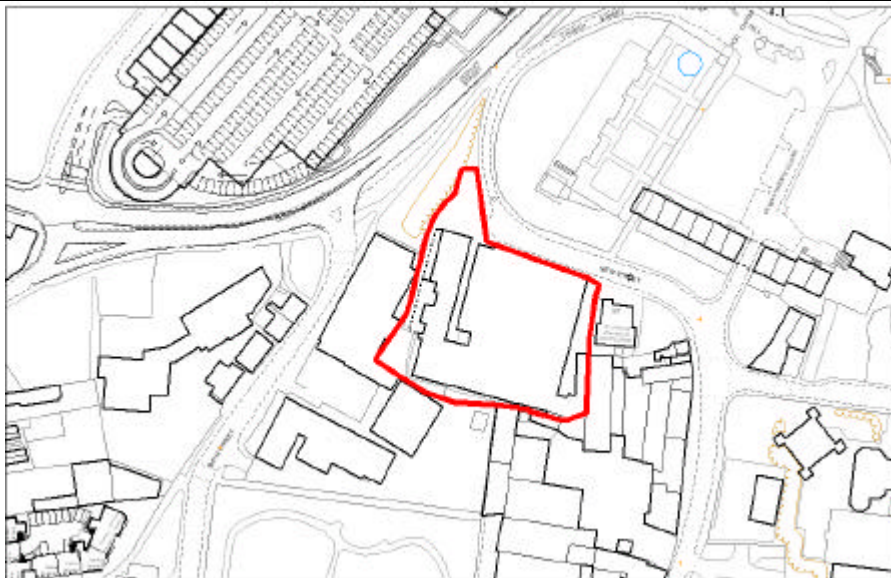
Email: planningservices@walsall.gov.uk

Agent: Turner Woolford Sharp

Location: 1 NEW
STREET, WALSALL, WS1 3DF

Expired Date: 13/09/2010

Recommendation Summary: Grant Permission Subject to Conditions



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

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

Textphone 0845 111 2910, Translation Line (01922) 652426, Fax (01922) 623234

Application and Site Details

This is an outline planning application to establish the principle of redevelopment of the application site for one or a combination of uses. This would include offices, residential, live/work and /or leisure uses.

The site is currently occupied by large factories which range in height from single storey to three storey. The site is in a prominent location on the brow of the hill overlooking St Matthews Quarter and the town centre.

The site also has a significant relationship with St Matthews Church and is at the heart of the Church Hill Conservation Area.

The site has a pedestrian link from the cul-de-sac in front of the site, to the town centre.

Submitted with the application is a Design and Access Statement showing

- potential design influences
- the intent for the development
- ideas about the quantum of development that could be accommodated on the site
- the town centre location and proximity to shops and the primary retail frontage
- the opportunities for access, movement and high quality landscaping through a high quality co-ordinated design.

The Design and Access Statement also amplifies that the proposals are based on a three storey frontage to New Street with differing car parking levels being proposed dependent on the development. The position of the expected access is on the eastern boundary (closest to the adjoining nursery).

The indicative layouts for all the proposed uses show a U-shape development with a central courtyard area. Parking would be within a basement car parking (at the current ground level). The agent considers that a mix of apartments, live-work and offices would be the natural progression and most realistic development option although alternative mixes of apartments and offices and apartments, houses and offices are also discussed, as is developing the entire site for leisure use.

Higher buildings are also discussed however the precise maximum height is not discussed.

The application is also supported by several indicative plans that show how a range of uses might be accommodated on the site in a variety of layouts and concepts. The proposals also endeavour to show scale and potential storey heights as part of the proposal with several mixes and range of uses being illustrated.

The applicant seeks approval for a package that will offer flexibility to potential developers to create a development that suits their needs and a permission

that reduces the risk and increases options on the site. The Design and Access Statement acknowledges that the final proposals will need to respect and reinforce local grain whilst maximising the regeneration potential.

Relevant Planning History

Unit 15 Fieldgate Works

09/1097/OL - Outline Application for 8 houses and 6 apartments Refused on 26th October 2009.

There were six reasons relating to the lack of comprehensiveness; relationship to neighbouring commercial operators; poor quality design; an adverse impact on the quality of the Conservation Area; inaccuracy in the submitted plans; and the lack of a S106 agreement.

Relevant Planning Policy Summary

(Note the full text version of the UDP is available from the First Stop Shop in the Civic Centre, and on the Planning Services Website www.walsall.gov.uk/planning).

Unitary Development Plan (UDP)

The General Principles of development (Policies GP1, GP2, GP3 and GP4) seek to support sustainably located development on previously developed land whilst making contributions to local regeneration and a positive contribution to the quality of the environment. Planning contributions would be sought to ensure that any necessary on or off-site mitigation measures can be secured.

Policies ENV10 and ENV14 seek to ensure that development takes account of ground contamination and noise whilst encouraging the re-use of previously developed land.

ENV26, ENV27, ENV28, ENV29, ENV32, ENV33, ENV40, S8, H3, H9, H10 and WA5 seek to ensure that the Borough's historic environment is respected and high quality, sustainable design is progressed which conserve natural resources and are progressed on previously developed land. The policies also seek to ensure that an appropriate residential environment is achieved and that suitable locations in town centres are progressed for residential development at an appropriate density.

S1, S2, S3, S4, JP7 seeks to strengthen the town centre and progress appropriate regeneration opportunities with employment uses being progressed.

T7, T8, T9, T13, WA18 and WA19 require development to take account of the transport hierarchy promoting walking, cycling and public transport ahead of use of the private car, especially in sustainable locations and to provide maximum car parking provision and minimum requirements for cycling and disabled persons

ENV34, H4, LC1, 8.8. set out further provisions for Planning Obligations towards affordable housing, public art, open space, education and healthcare.

Local Development Framework (LDF)

The Black Country Joint Core Strategy (JCS) is progressing through its Examination in Public and is growing in weight as a material consideration. The policies reflect and update the Unitary Development Plan policies.

Relevant policies are:

CSP1 – sets out the targets for sustainable regeneration of the Black Country focusing on the town centres.

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.

HOU1, HOU2, HOU3, HOU5 – sets out policies on housing development including density and seeking of planning obligations.

EMP1 seeks to provide for economic growth

DEL2 sets out considerations in managing the balance between employment land and housing

CEN1 and CEN2 highlights the importance of the Black Country Centres for the regeneration of the wider Black Country and the hierarchy of centres

CEN3 sets out the need to ensure growth in the Strategic Centres (e.g. Walsall)

TRAN1 Sets the priorities for the development of the transport network and promoting sustainable transport modes.

TRAN2 requires development proposals to manage transport impacts of new development

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

ENV 1, ENV 2 and ENV 3 set out the criteria for nature conservation, the historic environment and design quality.

Supplementary Planning Documents (SPD)

Designing Walsall SPD

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

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

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

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

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

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

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

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

Natural Environment SPD

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

Protection is proposed for protected animals, plants etc.

Urban Open Space SPD

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

Healthcare SPD

Sets out the thresholds and contributions sought towards healthcare from residential developments.

Education SPD

Sets out the thresholds and contributions sought towards education from residential developments.

Affordable Housing SPD

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

National Policy

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

PPS1 indicates that planning policies should promote high quality inclusive design in the layout of new developments and individual buildings and that design which fails to take the opportunities available for improving the character and quality of an area should not be accepted.” Paragraphs 33 to 39 also state the importance of good design. Supplementary document published on the need to address climate change through the planning system.

PPS 3: Encourages reuse of previously-developed land for housing in sustainable locations and takes a sequential approach to location of new homes. Applications for residential on employment land should be given favourable consideration, subject to criteria. PPS3 also indicates that housing policy objectives provide the context for planning for housing through development plans and planning decisions. This includes high quality housing that is well-designed and built to a high standard; a mix of housing, both market and affordable, particularly in terms of tenure and price, to support a wide variety of households in all areas; a sufficient quantity of housing taking into account need and demand and seeking to improve choice; and housing developments in suitable locations, which offer a good range of community facilities and with good access to jobs, key services and infrastructure.

PPS4: Seeks to promote and strengthen town centres and meet the needs of modern business and industry. The policy document promotes a centres first policy and seeks to ensure that development meets high quality and flexible patterns of design. It seeks a proactive determination of applications with the full range of planning conditions and powers being used to promote regeneration and improvements to the built environment.

PPS5: Seeks to preserve and enhance the quality of the historic environment and associated heritage assets.

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

Circular 05/2005 (Planning Obligations) and the draft Policy Document for Planning Obligations are of relevance with regard to the appropriate level of planning contributions that will be sought.

Consultations

Transportation – Objects -The applicant has not provided sufficient information in order to demonstrate that the proposals will not have a material impact on the highway network. In accordance with DfT Guidance on Transport Assessment, the applicant must submit a Transport Assessment (TA) and Travel Plan (TP) in connection with the application. The applicant would need to scope out the TA and TP with the Highway Authority.

Pollution Control (Scientific Team) – The general concept of residential usage on this site is not supported due to existing industrial development(s) immediately surrounding the proposed development site and so constituting a bad neighbour interface.

A Noise Impact Assessment and possibly an air quality appraisal should be submitted in support of any application, as these will be important in determining whether the principle of residential development in this location is acceptable.

It is unlikely that a traditional “house with private garden” scheme could be found acceptable because of the likely conflict between residential amenity and neighbouring industrial operations. However, a scheme which provides for a communal garden area (e.g. a central court) would be considered under different criteria and may be found acceptable, and an apartment scheme could lend itself to sympathetic design to ensure acceptable amenity criteria.

A mixed use scheme could also be viable, with a non-residential element forming an intermediary usage between residencies and industry.

Pollution Control (Contaminated Land) – No objection subject to works being carried out to investigate and remediate any localised ground contamination and ground gas issues associated with the

commercial/industrial uses. Conditions to address these concerns have been provided

Walsall Children Services – Serco - In this case the level of surplus places in local primary and secondary schools is below 10% so a contribution is sought for both (amount can not yet be determined due to flexibility of application) .

Landscape – No objection however hard and soft landscaping and general external works will be integral to the quality of the proposals, in terms of local amenity and marketing the finished premises for example. Details of planting, external materials, access, boundary treatment, lighting, salvaging and reusing demolition materials, art/sculpture, ecological mitigation will need to be submitted at the detailed stage through skilled landscape architecture.

Fire Service - objects to the application because there is not enough information to comment as the proposals are indicative as access for fire fighting appliances appears not to meet the requirements of Approved document B5: Section 16. The provision of a full sprinkler system throughout the building would greatly improve matters and if it was agreed then the objection may be removed.

Housing Strategy – No objection - If location and design constraints allow, it would be desirable for houses to form part of the residential offer - a mixture of houses and apartments would be perfectly acceptable. The majority of apartments should be 2 bedrooms or above.

25% affordable housing will be required on site. This will need to consist of a mixture of houses and apartments (the primary need is for houses). The affordable element will need to consist of 75% social rent and 25% shared ownership. It will need to be built to Lifetime Homes Standards and HCA Design and Quality standards. It is highly desirable for a proportion of the affordable units to be fully wheelchair adapted.

Housing Standards – No objection

Land Drainage – No objection but the location of this site is approximately 20m from the Fordbrook Tunnel (to the west of the application site) which is 22 metres deep in this location.

Rights of Way – No objection

Built Environment (Conservation) – No objection subject to high quality design. Low rise development is sought, thus retaining views to St Matthew's Church (Grade II* listed). The existing building has distinct features of interest such as the saw tooth roof and the chimneys, therefore a condition to record the building prior to demolition is recommended. It is considered that the distinctive architectural features of the building should inform the design of the

new build. The live/work option is considered to be the most desirable use of the site.

Centro – No objection – given the scale of development it is likely that Travel Plans will be required.

Public Participation Responses

None received.

Determining Issues

- The principle of the development
- The relationship to neighbouring industrial and commercial users
- The relationship to neighbouring residential occupiers
- Design
- Impact on the local highway network
- Impact on the character of the area
- Affordable Housing, Education, Open Space, Healthcare, and Public Art contributions

Observations

The principle of the development

The application site is located within the town centre inset plan boundary in the UDP. That is significant, in particular in relation to the leisure and office use as it is in the most sustainable location for the purposes of town centre uses and would therefore not require a sequential test exercise.

Whilst the site is currently in industrial use the area is mixed with office development (Bath House), residential development, a day nursery, Mercedes car dealership and Blue Coat School also in the vicinity. Whilst there are a number of factors, e.g. noise and air quality implications that will require sensitive design at a more detailed stage, it is the view of planning officer that residential development could be appropriate on the site and that the site is large enough to stand alone as a self contained development. Members will recognise that this is not a conclusion supported by Pollution Control.

Nonetheless, taking account of the nearby land uses, Officers agree with Pollution Control Officers that it is unlikely that a traditional “house with private garden” scheme could be found acceptable because of the likely conflict between residential amenity and neighbouring industrial operations. Given the prominence of the site and the need for efficient use of the land, it is the view of officers that commercial (e.g. offices, live/work and leisure uses) would be preferable to residential development.

In any event, it is judged to be unlikely that the site would be brought forward for traditional housing to be development on the site.

As the site is located in the town centre there is no objection in principle to the inclusion of both offices and leisure uses. However, the applicant has shown a

scheme, as part of their suite of indicative layouts that would use the site entirely for leisure use. Officers consider that whilst there may be no objection in principle this option is likely raise issues in terms of suitability of the site (noise, traffic, etc, for example form a nightclub), particularly with neighbouring residential occupiers. It is considered that more restricted ancillary leisure uses, e.g. a gym associated with offices, would be entirely appropriate on the site. The applicant is comfortable with such restrictions.

Officers consider that the key to delivering this proposal will be to deliver a range and flexibility in floor space that would not compromise the deliverability of other sites, e.g. Walsall Waterfront and St Matthews Quarter redevelopment. It is considered, that the maximum provision of any use on the site should be limited at 60% of the total gross floor area in order to encourage mixed use, flexibility and appropriate development that would have regard to the character of the area and amenities of neighbouring residents.

With regard to residential development, it is acknowledged that there are several site constraints, not least noise and air quality issues but also the issue of providing a mix of units that would meet housing needs and provide a high quality residential environment. In this regard conditions are suggested to guide developers as to the appropriate considerations with regards to the eventual reserved matters submission.

Officers acknowledge that other forms of development and uses could also be appropriate on the site. The site, taking into account the location and prominent position, could also be appropriate for a hotel particularly having regard to the need for high-quality accommodation within the town centre. This would complement the existing planned provision within the town centre.

Other types of development that may be appropriate on the site could also include elderly person's accommodation and care homes, again with the location close to the town centre shops and services being of particular benefit.

Overall it is the view of officers that the principle of redevelopment for the range of uses identified would be appropriate. There is a requirement for a number of safeguarding conditions to highlight the constraints and concerns, particularly with regard to noise and air quality, however there is a need for a proactive approach to the regeneration potential of the site and deliver a flexible permission, as required by latest planning guidance, that would give certainty to potential developers without harming the Council's position on delivering high-quality design, environments and sustainable development that meets the needs of existing and future generations.

The relationship to neighbouring industrial and commercial users

As highlighted above this issue will be a factor in terms of potential noise and disturbance, particularly if residential development is progressed. The noise and disturbance generated by the neighbouring and nearby units on Fieldgate

Trading Estate would be a factor that would influence the design and the location of uses and detailed development proposals.

Some of these choices and design influences may be only capable of being realised when a detailed scheme is being considered and issues of ventilation, window openings, noise insulation and other detailed design choices (e.g. the location of amenity space) are being considered. The broad concept of this permission and the requirement for flexible and proactive approaches to development, in particular the initial regeneration of a changing area, require the full use of planning conditions, allowing for certainty in the deliverability for investors and developers alike.

If traditional housing / garden is excluded (by reason of the noise and amenity issue) a well designed residential scheme should be capable of fitting into the area without adversely affecting the surrounding commerce. Other types of housing can be better controlled in terms of their effects and the way in which the neighbouring uses impact on the new dwellings. Equally an innovative and creative design solution would be more appropriate given by prominent position on the site and the need to deliver a high quality design to the development.

The relationship to neighbouring residential occupiers

The area is characterised by its diversity with a range of house types and sizes in the area. Opposite the site, on St Matthews Close are a number of retirement flats with private sale apartments and terraced housing also close to the application site. Therefore they are a range of types, sizes and story heights from which to draw influence to an eventual design. The principle impact will be the scale and external appearance of the future development, and this is to be submitted at a later time.

The applicants design and access statement indicates that three-storey development would front onto New Street with an initial indication and discussion over tall storey heights being discussed. One of the key principles indicated in the design and access statement was that the development needs to take account of the skyline and character of the area.

Officers agree with this assessment that the skyline will be of fundamental importance. It is considered that with the existing neighbouring residential accommodation set back from the road frontage, and taking into account the principle of the existing factory building in terms of scale and mass, that a building of three storeys on the New Street frontage would not necessarily be inappropriate however, it would be necessary for any building taller or larger scale to be of exceptional quality design. Conditions are recommended in this regard.

The impact in terms of noise and disturbance from the redeveloped site would also be likely to be less than the current industrial use, and with potentially improved access and servicing arrangements. It is the view of officers that the

principle of redevelopment would be likely to have a positive impact on the residential occupiers in the area.

Design

The first issue is impact on the skyline and relationship to St Matthews Church. The existing buildings range from single storey to three storey as the levels slope down towards the town centre. The current scale of the existing buildings leaves the principal vista of St Matthews Church undisturbed. The site and the development will be very visible, and will need to be of exceptional quality, particularly if a future proposal exceeds the current building heights. As previously stated, officers envisage that three-storey development, the only storey heights progressed by the applicant, would be acceptable. Taller buildings might be possible (for example on limited areas of the site) but would need to be assessed in detail at the reserved matters submission.

A condition is proposed that exceed the height of the existing factory buildings should be of exceptional design quality and that having regard to the skyline and relationship to St Matthews Church it is unlikely that a building exceeding five storeys would be acceptable.

As previously stated, the applicant has submitted a number of design solutions for the site comprising a range of uses and development options around a concept of a U-shaped development and a centralised courtyard.

The indicative layout plans development of a range of storey heights, from 3 to 5 storey, and a range of parking provisions located within an undercroft car parking area and the development would be stepped to take account of changing levels. At this time scale and massing has not been fully developed, however a number of concept visuals have been submitted to explore design.

The solutions submitted show a modern style of development. This is not considered to be inappropriate in this instance. However, the issues of height, bulk and mass are not articulated in such a manner that would, in the view of officers, automatically lead to high quality design. Officers consider that some of the industrial heritage, particularly the roof design, would need to be considered more carefully and detailed stage and the issues of ground floor activity and pedestrian access would also need to be more fully developed.

With regard to the proposed leisure scheme this would require significant improvements and enhancements in order to meet the aspirations outlined in the design and access statement. At this stage, the leisure led scheme is the least worked up of the proposals. The bulk and mass of the proposed building needs to improve. Officers maintain the opinion that a stand-alone single use development would not be an appropriate use on the site.

The issues of detailed design will require significant improvement in order to bring forward a development that is of sufficient quality for existing residents, occupiers and users of the area together with proposed commercial and

residential occupiers of the future development. Conditions are recommended to guide developers further in terms of amenity space provision and the need to ensure that development meets all the design principles and good practice.

Impact on the local highway network

The existing roads are narrow and well used by pedestrians (to the town centre and the nearby school in particular). This is a feature that should not be prejudiced. Whilst the redevelopment needs to take account of the impact on the highway network, the character of the area and the positive promotion of walking and cycling from the site should be progressed as part of the public realm.

The applicant has submitted developments showing up to 103 car parking spaces on the apartment scheme and leisure scheme and this forms the basis of parking provision on the site. The parking layout would not require significant further excavation due to the changing levels on the site. The scheme includes (potentially) an apartment led scheme of 110 units which would provide a 93% parking provision. This level of parking is comparable to other town centre developments considering the proximity of the town centre retail core and other town centre parking (Asda and Dudley Street, for example).

The level of car parking for commercial activity would also need to be assessed against the site location and the need to promote sustainable and alternative modes of transport. The site has an excellent pedestrian link to the town centre and it would be entirely feasible to significantly reduce the maximum standards suggested within development plan policy.

The eventual highway design and layout should not progress high levels of car dominated design solutions. The need for turning heads and other necessary infrastructure requirements should be progressed through designed approach and pay particular regard to pedestrian accessibility and the need for coordinated design with the existing excellent pedestrian links. For these reasons it is considered that further articulation and assessment will be required at the detailed stage, and conditions have been proposed. It is the view of officers that best practice solutions should be sought ahead of standard highway engineering solutions.

Impact on the character of the area

The area, whilst currently a mixture of residential and commercial operations could be subject to change with this development acting as an instigator to further development. A key element of the transformation will be the historic features and buildings in the area as well as promoting modern development and design. The nearby Ideal Works and former workshop buildings should be retained and utilised for their historic character and industrial archaeology. The relationship to St Matthews Church and the character of the spacious, landscaped gardens will need to be considered in the detailed submission.

Affordable Housing, Education, Open Space, Healthcare, and Public Art contributions

The thresholds for the delivery of these contributions are set out in the adopted Supplementary Planning Documents, these being 10 dwellings for Education and Open Space contributions; 15 dwellings for Affordable Housing and Public Art contributions and 30 dwellings for Healthcare contribution. Furthermore should commercial development be progressed then public art contributions would be sought in this instance. There may also be highway improvements necessary as part of a detailed scheme and contributions sought towards public transport.

The issue of viability has not been progressed at this stage as the precise mix and type of development has not been precisely defined.

At the detailed application stage that planning contributions will be defined to make the development acceptable in planning terms. These will be directly related to the development and fairly and reasonably related in scale and kind to the development at the time that the amount and type of development is defined. At this time therefore officers have worded suitable planning conditions to control the issue.

Conclusion

Overall it is considered that the redevelopment of the current site, in a prominent and sensitive location, would be an excellent opportunity to aid the regeneration of the town. Officers consider that whilst a number of factors require detailed determination, these matters can be dealt with at the detailed stage and that this application can be used as an overarching guide to the development of the site.

Summary of Reasons for Granting Planning Permission

The permission relates to an outline planning submission with all matters reserved and with a range of uses proposed. As such, the development is considered with regard to the principle of uses having regard to the location, other uses in the vicinity and the scale and mass of existing and neighbouring buildings.

The application site is located within the town centre and adjacent to the Church Hill Conservation Area. The site is prominent to the wider town centre, being located on the brow of Church Hill. As such, future design proposals will need to take account of the prominent location and long range vistas, including the impact on St Matthews Church.

A range of uses, including offices, leisure, live/work and residential development form part of this permission but retail use is not considered to be an appropriate use on this site. Noting the comments of Pollution Control Officers, the relationship to neighbouring industrial users of residential units will need to be carefully designed as part of the reserved matters submission. It is considered that a layout based on family housing would not be

acceptable. The design of the Reserved Matters will therefore need to be innovative in its solution. The Council's preference remains towards a commercial led development.

Whilst not prohibiting taller buildings, proposals for buildings higher than those currently on the site will need to be of exceptional design quality to take account of the prominent location and relationship to St Matthews Church.

It is considered that at the detailed application stage, financial contributions will be required, for open space, education, healthcare and percent for art functions, to make the development acceptable in planning terms. These will be directly related to the development and fairly and reasonably related in scale and kind to the development at the time that the amount and type of development is defined. Conditions ensure the delivery of suitable arrangements.

As such, having considered all material considerations, consultation and public participation responses it is considered that the proposals are in accordance with the relevant policies of the Development Plan, in particular policies GP1, GP2, GP3, GP4, ENV10, ENV14, ENV26, ENV27, ENV28, ENV29, ENV34, ENV32, ENV33, ENV40, S8, H3, H4, H9, H10, S1, S2, S3, S4, JP7 T7, T8, T9, T13, LC1, 8.8, WA5, WA18 and WA19 of Walsall Unitary Development Plan (March 2005), the Regional Strategy for the West Midlands and the aims and objectives of national planning policy and is, on balance, is acceptable.

Recommendation: Grant Permission Subject to Conditions

Schedule A – General Planning Conditions

A1. Application for approval of the first Reserved Matters shall be made within 3 years of the date of this decision. The development must be begun not later than 3 years from the date of approval of the final Reserved Matters permission to which the permission relates.

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

A2. The development of the application site shall not be commenced until details of the following, hereafter named “the Reserved Matters”, have been submitted to and approved by the Local Planning Authority:-

- a) The layout of the building(s);
- b) The scale of the building(s);
- c) The external appearance of the building(s)
- d) The landscaping of the site
- e) Access to and from the building.

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

A3a) The range of approved uses include the following:

- Residential development (Class C3),
- Office development (Use Class B1a)
- Live/Work Development (Use Class Sui Generis);
- Assembly and leisure (Use Class D2)
- Hotels (Use Class C1),
- Residential institutions (Use Class C2)
- Non-residential institutions (Use Class D1)

b) The mix and scale of development shown on the submitted plans are for indicative purposes only and do not form part of this approval.

c) The location and design of residential units shown on the indicative plans are not accepted.

d) Unless otherwise justified as part of the Reserved Matters submission, no single use defined in part a) of this condition shall occupy more than 60% of the total gross external commercial floorspace, of the proposal, excluding car parking provision.

Reason: In order to define the permission

A4. Notwithstanding the permission for Use Class D2, having regard to the site's location, proximity to residential accommodation and the accessibility of the application site, permission is not granted for cinema, banqueting, wedding halls or nightclub.

Reason: In order to define the permission and safeguard the amenities of occupiers of neighbouring residential properties and the accessibility of the site.

A5. Having regard to the site constraints, as part of the Reserved Matters, unless otherwise agreed by the Local Planning Authority and justified as part of an exceptional design, the development shall:

- a) provide a minimum of 20sqm private amenity space provided for every residential unit;
- b) be designed so that no proposed building shall exceed the height of the existing buildings;
- c) have no habitable or opening window within 20metres of the boundary with Fieldgate Trading Estate and 10metres of any other boundary (except the New Street frontage);
- d) include details of the sustainable use of natural resources, including the use of sustainable drainage systems, energy recovery and renewable energy sources;
- e) not include development of over 5 stories in height.

Reason: In order to guide the reserved matters with regard to high quality design and to ensure satisfactory development is brought forward through the reserved matters submission.

A6. a) As part of the Reserved Matters submission, a Transport Assessment and Travel Plan Framework shall be submitted for the approval of the Local

Planning Authority to assess the impacts of the development on the local highway network and to promote alternative and sustainable modes of transport and to ensure the free flow of traffic on the local highway network.

b) The submitted Travel Plan Framework shall be developed in consultation with this Council's highways officers and the Public Transport Authority (PTA) and include a mechanism for delivery of the Travel Plan.

c) The Travel Plan submission will identify a package of measures consistent with the aim of reducing reliance on the car, and should include (but not be limited to) providing information on / promoting the use of alternative modes of transport, by: -

- i) The appointment of a travel plan co-ordinator,
- ii) The establishment of targets for modal shift,
- iii) The details of measures to be employed to achieve the identified targets,
- iv) Mechanisms for ongoing monitoring and review of targets and travel plan measures,
- v) Details of penalties and/or additional measures to be investigated / implemented in the event that the identified targets are not met.
- vi) Public transport information and ticket details;
- vii) Cycle provision, showers and lockers and associated infrastructure; and
- viii) Walking initiatives.
- ix) Improving overall links to the main public transport infrastructure of and the primary retail core.
- x) Car park allocation strategy.

d) Prior to the first occupation of each building in any phase or parcel identified under condition A1(c) (or such other period as may be agreed in writing by the Local Planning Authority) the approved measures shall be developed into a formal Travel Plan and agreed in writing by the Local Planning Authority, including binding methods of delivery, review, and monitoring of the measures in the Travel Plan (including the requirements of this condition).

e) The approved Travel Plan shall be implemented during the six months following the first occupation of the premises. Following the expiry of this period of time or such other period of time as may be agreed under part (d) of this condition, a review of the Plan shall be carried out, and submitted to the Local Planning Authority for approval. The review will identify any refinements and clarifications deemed necessary to the Plan.

f) The occupation and use of the development shall comply with the requirements of the revised plan approved under part (e) of this condition, at all times, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the satisfactory functioning of the development, to promote the use of a range of modes of transport, and minimise the use of the

car.

A7a) As part of the Reserved Matters submission a full archaeological assessment shall be submitted to and agreed in writing by the Local Planning Authority. The measures shall be implemented prior to demolition of the existing buildings or any remediation occurs on the site.

b) Unless otherwise agreed in writing by the Local Planning Authority, before work commences on each phase of development of the site, the following shall be given the opportunity of making internal and external inspections for the purposes of making a record and identifying any artefacts or documentation meriting preservation:

- * Walsall Local History Centre, Essex Street, Walsall, WS2 7AS (telephone Walsall 721305);

- * Community History Officer, Leisure Services Department, Walsall MBC, Civic Centre: Darwall Street, Walsall, WS1 1TR (telephone Walsall 630805).

- * Mike Shaw, Black Country Archaeologist, Planning Division, Civic Centre, St Peter's Square, Wolverhampton, WV1 1RP (telephone 01922 555493).

Reason: To secure an adequate record of the site's archaeology.

A8. As part of the Reserved Matters submission details of security oriented design measures and physical security measures for all buildings and public spaces shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented concurrently with the relevant element of the development, and thereafter retained.

Reason: To ensure the safety of the occupiers and users of the development.

A9. No individual building shall be commenced until samples of the facing materials to be used have been approved in writing by the Local Planning Authority.

Reason: To ensure the satisfactory appearance of the development.

A10. As part of the Reserved Matters details of boundary treatment, public realm enhancement and street furniture (e.g. litter bins, bollards, street lighting, and benches) shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In order to preserve and enhance the character of the Conservation Area.

A11. 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 accesses

shown as part of the Reserved Matters submission, without the prior approval of a planning application.

Reason: To ensure the satisfactory functioning of the development, and in the interests of highway safety.

A12.a) Should any reserved matters (as defined by Condition A2):

i) create 10 or more dwellings then the application will necessary to seek, in accordance with UDP Policy GP3 and the Council's Adopted Supplementary Planning Documents, the following infrastructure contributions:

- Education capacity (should a surplus of 10% or less in existing school capacity be identified)
- Open space provision

ii) in addition to part i) of this condition should 15 or more dwellings be created then it will be necessary to seek, in accordance with UDP Policy GP3 and the Council's Adopted Supplementary Planning Documents, the following infrastructure contributions:

- Affordable Housing provision
- On-site Public Art provision

iii) in addition to parts i) and ii) of this condition should 30 or more dwellings be created then it will be necessary to seek, in accordance with UDP Policy GP3 and the Council's Adopted Supplementary Planning Documents, provision of healthcare infrastructure.

iv) create 1,000sqm or more of non-residential floorspace then the then it will be necessary to seek, in accordance with UDP Policy GP3 and the Council's Adopted Supplementary Planning Documents, a scheme of on-site public art or an agreed contribution to alternative locations directly related to the application site.

b) In accordance with part a)ii) of this Condition, any provision for affordable housing will need to be supported by a plan identifying the type and tenure of the proposed units to be offered for affordable housing. The type and tenure will need to have regard to the adopted Affordable Housing Supplementary Planning Document and Housing Need Study.

c) Should the scheme's viability be adversely affected by the S106s reasonably sought in relation to the submitted Reserved Matters, the applicant will need to submit an openbook assessment for independent evaluation, at the applicant's cost, to an independent assessor, agreed by the Local Planning Authority. The results of the independent assessment should then be considered and taken forward as the appropriate level of financial contribution.

Reason: in accordance with the Council's adopted policy on Planning contributions, circular 05/2005 and guidance contained within draft

national policy on planning obligations (June 2010).

A13. As part of the Reserved Matters submission a scheme for external lighting has been submitted to and approved by the Local Planning Authority and the lights shall be installed and thereafter retained in accordance with the approved details.

Reason: To safeguard the amenities of the occupiers of adjoining premises and highway safety.

A14. No construction or engineering works (including land reclamation, stabilisation, preparation, remediation, deliveries 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 and 19.00 weekdays and 09.00 to 17.00 on Saturdays unless otherwise agreed 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 outside these permitted hours.

Reason: To safeguard the amenities of neighbouring occupiers.

A15. As part of the Reserved Matters submission details and locations of cycle stores shall be completed submitted to and approved by the Local Planning Authority. The approved scheme shall be implemented prior to the first occupation of the development.

Reason: To ensure the satisfactory appearance of the development.

A16. No site clearance shall be commenced until a detailed tree protection plan is submitted to and approved in writing by the Local Planning Authority. The plan shall protect all trees and hedgerows to be retained in or immediately adjacent to the boundary of the application site in accordance with BS 5837: 2005 'Trees in relation to construction'. Any tree works shall be carried out by a tree surgeon approved by the Head of Environmental Regeneration, or a person who is appropriately insured and competent in such operations.

Reason: To ensure the satisfactory appearance of the development.

A17. As part of the Reserved Matters submission full details of hard and soft landscaping works have been submitted to and approved in writing by the Local Planning Authority. These details shall include:

- * Identification of existing trees, shrubs and other vegetation to be retained
- * Wildlife habitat creation of potential benefit to protected species, particularly black redstarts and dingy skipper (species likely to benefit from the landscape existing on the site). The extent, location and design of such habitat shall be shown clearly and fully described.
- * The creation of a visually attractive and stimulating environment for the students and staff using the future development.

- * The eradication of Japanese knotweed on the site.
- * The replacement of trees proposed to be lost in site clearance works.
- * Details of the future management of the landscape scheme.
- * Ground preparation measures to be adopted.
- * Full botanical details, numbers, locations, planting specifications and densities/ seeding rates of all plant material included within the landscape scheme.
- * Existing and proposed levels.

The approved scheme shall be implemented before the development is brought into use and retained for 5 years and managed in accordance with the approved management details.

Reason: To ensure the satisfactory appearance of the development and protect wildlife.

A18. No development shall be carried out until details of the drainage of the site have been submitted to and agreed in writing with the local planning authority.

Reason: To ensure that the site can be satisfactorily drained.

A19. As part of the Reserved Matters submission details of proposed refuse and waste recycling facilities shall be approved in writing by the Local Planning Authority. The approved scheme shall be implemented before the first occupation of the development and shall be thereafter retained. No materials, goods or refuse shall be stored or deposited in the open on any part of the site other than refuse and / or recyclable materials in accordance with the details of this condition.

Reason: To ensure the satisfactory appearance and functioning of the development and to promote recycling.

A20. As part of the reserved matters submission details of fire and emergency service access shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved scheme.

Reason: In order to provide adequate provision for the emergency services and access to the site.

Schedule B – Conditions relating to the proposed office (use class B1(a)) floorspace.

B1. The permitted development shall meet the 2005 Building Research Establishment Environmental Assessment Method 'very good' standard, as a minimum, unless otherwise agreed with the local planning authority. Details submitted in accordance with Condition A2 [the reserved matters], shall include details of eco friendly measures to be incorporated within the

construction of the building. These shall be approved in writing by the Local Planning Authority and provided prior to occupation and retained at all times in the future in accordance with details approved. These measures should address the following: a scheme for rainwater harvesting for reuse as part of the day to day functions of the building and landscaping maintenance within the design of the permitted development, details of rainwater discharge, details of a solar/photovoltaic system and/or micro wind energy system on roofs.

Reason: In order to comply with guidance within policy ENV40 of Walsall's Unitary Development Plan and PPS1 in terms of sustainable development and use of natural resources.

B2. All windows and areas of glazing including any atrium or entrance area shall be kept free of applied signage or other significant screening which would hinder views into an atrium or entrance area and/ or the passive surveillance of public areas, unless details have been previously submitted to and agreed in writing with the Local Planning Authority.

Reason: To aid the security of users of the site.

B3. Unless otherwise agreed in writing by the Local Planning Authority, at all times the internal arrangements of the non-residential ground floor uses in the buildings in the development will ensure that no

- non-transparent partitions (other than those positioned at 90 degrees to the external wall)
- storage areas,
- refuse areas
- or toilet facilities

shall be located within 2 metres of any glazed external wall .

Reason: To ensure active frontages and a satisfactory appearance on all faces of the buildings, to ensure a permanently satisfactory urban design solution to the circulation of pedestrians around all faces of the buildings.

Schedule C – Conditions relating to live/work units

C1. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended), or succeeding Orders, none of the units shall be converted entirely to residential development. The commercial element of the live/work units shall be a minimum of 30% and a maximum of 80% of total floorspace of each unit.

Reason: In order to ensure satisfactory development of the application site and to maintain the opportunity for continued use of live/work facilities.

C2. Prior to the occupation of each phase of the live/work units, the location of a communal satellite dish to serve the live/work units shall be submitted to and agreed by the Local Planning Authority.

Reason: To ensure the satisfactory appearance of the building, to ensure amenities of future residential occupiers, to prevent a proliferation of satellite dishes on the building and to ensure satisfactory functioning of the development

C4. Any trade counter activity from the proposed commercial elements shall not exceed 10% of the total commercial floorspace of any of the units hereby approved.

Reason: The site is not necessarily suitable for other uses and to define the permission.

C5. A parking allocation strategy for each phase of live/work development shall be submitted to and agreed by the Local Planning Authority.

Reason: In order to ensure an appropriate level of car parking on the site.

C6. Unless otherwise agreed in writing by the Local Planning Authority, in the event of the commercial business element of a live-work property ceases trading, the residential element shall be vacated and made available to future live-work occupiers within 2 years of the commercial business ceasing activity.

Reason: In order to maintain the live/work elements of the proposals, to ensure that viable opportunities continue to be supplied for small/medium business enterprises and to ensure that adequate consideration is given for people to vacate the premises and take account of personal circumstances.

C7. Each live-work element shall be designed to have access to a private amenity area for use by the residents of the live-work unit.

Reason: In order to provide a satisfactory living environment for future occupiers of the premises.

Schedule D – Conditions relating to other commercial floorspace proposals

D1. The permitted development shall meet the 2005 Building Research Establishment Environmental Assessment Method 'very good' standard, unless otherwise agreed with the local planning authority. Details submitted in accordance with Condition A2 [the reserved matters], shall include details of eco friendly measures to be incorporated within the construction of the building. These shall be approved in writing by the Local Planning authority and provided prior to occupation and retained at all times in the future in accordance with details approved. These measures should address the following: a scheme for rainwater harvesting for reuse as part of the day to day functions of the building and landscaping maintenance within the design of the permitted development, details of rainwater discharge, details of a solar/photovoltaic system and/or micro wind energy system on roofs.

Reason: In order to comply with guidance on sustainable development and use of natural resources.

D2. All windows and areas of glazing including any atrium or entrance area shall be kept free of applied signage or other significant screening which would hinder views into an atrium or entrance area and/ or the passive surveillance of public areas, unless details have been previously submitted to and agreed in writing with the Local Planning Authority.

Reason: To aid the security of users of the site.

D3. Unless otherwise agreed in writing by the Local Planning Authority, at all times the internal arrangements of the non-residential ground floor uses in the buildings in the development will ensure that no

- non-transparent partitions (other than those positioned at 90 degrees to the external wall)
- storage areas,
- refuse areas
- or toilet facilities

shall be located within 2 metres of any glazed external wall .

Reason: To ensure active frontages and a satisfactory appearance on all faces of the buildings, to ensure a permanently satisfactory urban design solution to the circulation of pedestrians around all faces of the buildings.

Schedule E – Conditions relating to Pollution Control requirements for reserved matters submissions

E1. Any application for determination of reserved matters shall be accompanied by a comprehensive desk study assessment (Phase 1 Land Contamination Risk Assessment) of the likelihood of contamination being present upon the application site. This assessment must contain sufficient detail and substantive evidence to demonstrate that the site is suitable for intended use without further investigation and remediation, or proposals for the comprehensive investigation and assessment of the on site ground conditions to enable determination of suitable mitigation and/or remediation measures.

Reason: To ensure satisfactory development of the application site.

E2.a) Prior to built development commencing details of remedial measures to deal with the identified and potential hazards of any land contamination and/or ground gas present on each plot and a timetable for their implementation shall be submitted to and agreed in writing with the Local Planning Authority.

b) Agreed remedial measures (as identified in part a) shall be implemented to the satisfaction of the Local Planning Authority in accordance with the agreed timetable. A validation report confirming the details of the measures implemented together with substantiating information and justification of any changes from the agreed remedial arrangements shall be submitted to and

accepted in writing by the Local Planning Authority prior to the development being brought into use.

Reason: To ensure satisfactory development of the application site.

E3a) As part of the Reserved Matters submission a noise survey shall be undertaken to a scope agreed with the Local Planning Authority. The results of this survey, including details of all instrumentation used, prevailing weather conditions and traceable calibration tests shall be submitted to the local planning authority within 6 weeks of completion.

b) The Reserved Matters submission shall include details of noise mitigation measures to protect internal areas.

c) The development shall not be occupied until the agreed measures have been fully implemented.

Reason: To ensure satisfactory development of the application site and ensure future amenities are protected and existing buildings are not compromised.

E4 I. A desk study and site reconnaissance, shall be conducted to identify the potential for contaminants and/or ground gases likely to present a risk to proposed structures or future occupants of the development to be present on site. Results of the desk study and site reconnaissance shall be submitted to and agreed in writing prior to built development commencing. (see Note for Applicant CL 4)

II. In the event that the desk study and site reconnaissance indicates the potential presence of contamination and/or ground gases on site. 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)

III. 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)

IV. 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)

V. 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.

VI. 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.

VII. 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

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

E5. As part of the Reserved Matters submission an air quality screening assessment shall be undertaken and submitted to the Local Planning Authority, and suitable mitigation measures to protect internal areas, as required by the assessment have been agreed in writing with the local planning authority. The development shall not be occupied until such measures have been fully implemented.

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

NOTES FOR APPLICANT:

A) The submitted indicative plans do not form part of this approval. The following comments should be noted in developing the Reserved Matters submission:

- i) With regard to condition A2 and A5 it is considered that the 3D massing plans shown will not automatically create the quality of development required;
- ii) 1 bedroom flats shall not exceed more than 5% of the total amount of development;
- iii) Based on the Housing Needs Study, no 1 bedroom units shall be offered for Affordable Housing;
- iv) 3+ bedroom residential units should be considered;
- v) All residential units shall have access to private amenity space (either through balconies or roof terraces);
- vi) Residential units are not encouraged on the ground floor;

vii) Communal amenity space should be made available to residents and persons employed on commercial aspects of the development;

viii) Links between Station Street and Navigation Street should be developed;

ix) Higher levels of commercial development than those shown would be welcomed and are encouraged by the Council.

B) The Council consider the scheme should meet the terms of the Secured by Design and Parkmark (for car parking) guidelines and will expect the submissions under this condition to meet this standard, or provide compelling justification for not doing so.

C) The reserved matters application should be developed in accordance and in consultation with the Council and the Commission for Architecture and the Built Environment and/or Midlands Architecture for the Designed Environment to ensure that the development delivered will be high quality design and that public realm will be delivered to a high quality.

D) 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.

E) When making assessments of any contaminants identified as being present upon the land and their potential to affect the proposed use regard should be had to the advice given in Contaminated Land Reports, R&D Publications, CLR 7 to CLR 11 and The Contaminated Land Exposure Assessment (CLEA UK) model 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.

F) All operations, including the use of cranes or other mechanical plant working adjacent to Network Rail’s property, must at all times be carried out in a “fail safe” manner such that in the event of mishandling, collapse or failure, no materials or plant are capable of falling within 3.0m of the nearest rail of the adjacent railway line, or where the railway is electrified, within 3.0m of overhead electrical equipment or supports.

G) Where new lighting is to be erected adjacent to the operational railway the potential for train drivers to be dazzled must be eliminated. In addition the location and colour of lights must not give rise to the potential for confusion with the signalling arrangements on the railway.

H) 'Habitable rooms' for the purposes of this condition shall be interpreted as living rooms and bedrooms.

I) Party wall and floor structures should have reasonable resistance to airborne and impact sound in accordance with Approved Document E of the Building Regulations 2000, (As Amended).

J) No construction, demolition or engineering works (including land reclamation, stabilisation, preparation, remediation or investigation) in connection with the development shall take place on any Sunday, bank holiday or public holiday, and otherwise such works shall only take place between the hours 07.00 to 18.00 weekdays, and 08.00 to 13.00 Saturdays unless otherwise permitted in writing by the Local Planning Authority.

K) If your application includes demolition work, it may be necessary for you to also notify **Building Control Services** of your intention to demolish (Section 80 of the Building Act 1984). This should be done as soon as possible but **not less than** 6 weeks before commencement of the demolition work. Helpline number 01922 652408.

L) Your attention is drawn to the Party Wall etc. Act 1996. If you intend to carry out building work which involves:

- Work on an existing wall shared with another property;
- Building on the boundary with a neighbouring property;

You must find out whether that work falls within the scope of the Act. If it does, you must serve the statutory notice on all those defined by the Act as adjoining owners. You may wish to seek professional advice. However, two guidance booklets have been published entitled 'The Party Wall etc. Act 1996: Explanatory Booklet' or 'A Short Guide to the Party Wall etc. Act 1996', both are available from the DOE Publications Despatch Centre, Blackhorse Road, London, SE99 6TT. Tel. 0181 691 9191. Fax. 0181 694 0099.

M) This consent is given on the basis that all parts of the development including the guttering (foundations and fascia) are carried out on land within the ownership of the applicant.

N) For the avoidance of doubt, the term 'affordable housing' means subsidised housing at below market prices or rents intended for those households who cannot afford housing at market rates. It is usually managed by a registered social landlord.

O) Should the applicant seek to reduce the level of S106 contributions sought, a viability assessment should be submitted as part of the Reserved Matters. This would then be sent to an independently appointed agent (for example the

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

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

Textphone 0845 111 2910, Translation Line (01922) 652426, Fax (01922) 623234

District Valuers Service (DVS)) for their independent assessment. The cost of the assessment would need to be met by the applicant. The Local Planning Authority would need confirmation that the A list of what information required in viability assessments can be obtained from the Local Planning Authority.

P) Any public art on site should be developed in cooperation with the Council's Creative Design Team.

Q) 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:

a). internal noise levels within bedrooms of residential development shall not exceed a Continuous Equivalent Noise Level, $L_{Aeq(8 \text{ hours})}$, of 35 dB together with a maximum instantaneous level of 45 dB L_{AFmax} , between the hours 23.00 to 07.00;

b). internal noise levels within living rooms of residential development shall not exceed a Continuous Equivalent Noise Level, $L_{Aeq(16 \text{ hour})}$, of 45 dB between the hours 07.00 to 23.00.

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 2 of BS EN 61672: 2003 'Electroacoustics- Sound Level Meters - Part 1: Specifications (or any superseding standards as applicable) 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' 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.

R) 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.

S) 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.

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.

CL4

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.



Planning Committee

*Report of Head of Planning and Building Control, Regeneration Directorate
on 19 Aug 2010*

Reason for bringing to committee: Significant Community Interest

Application Number: 10/0817/FL

Application Type: Full application

Applicant: Queen Mary's Grammar
School

Proposal: New Prefabricated Storage
Building

Ward: Paddock

Case Officer: Devinder Matharu

Telephone Number: 01922 652487

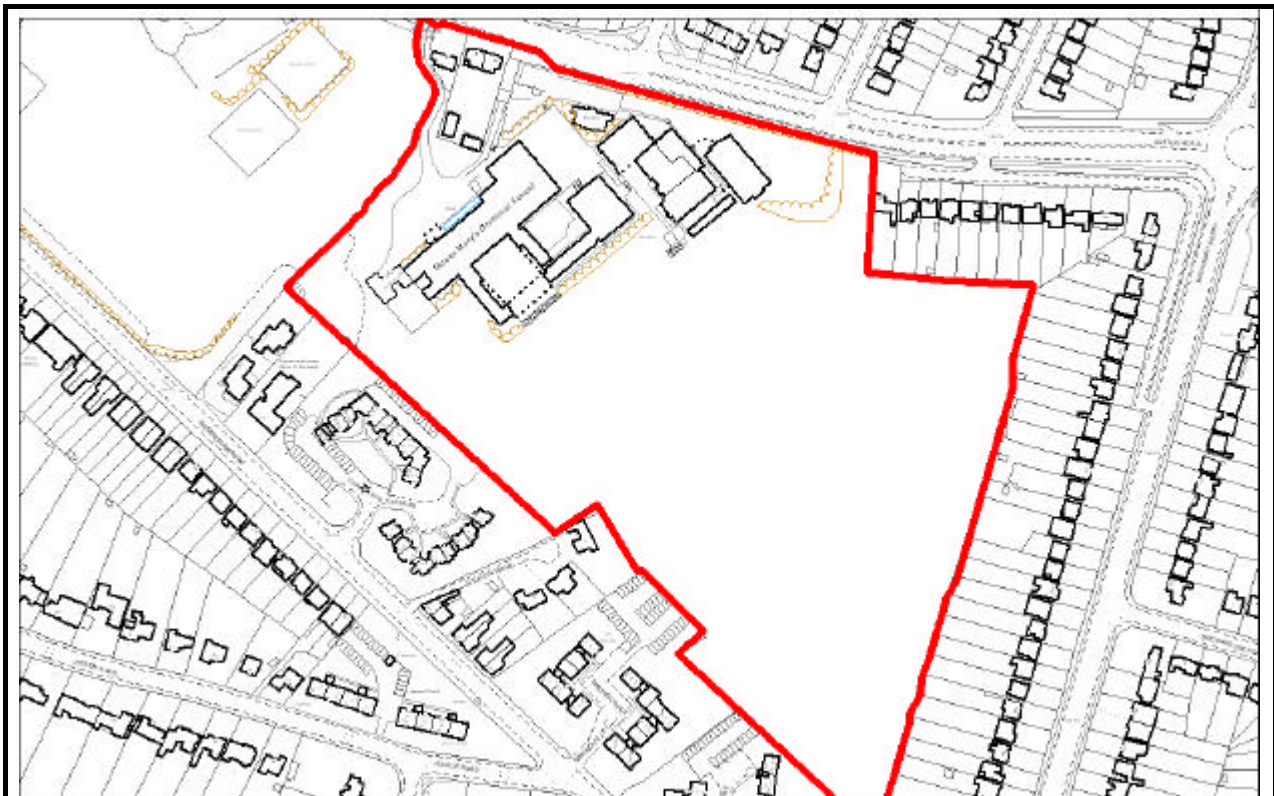
Email: planningservices@walsall.gov.uk

Agent: Rush Davis Architects

Location: Queen Marys Grammar
School, Sutton Road, Walsall, WS1 2PG

Expired Date: 01/09/2010

Recommendation Summary: Grant Permission Subject to Conditions



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Application and Site Details

The application proposes the erection of a new pre-fabricated storage building, measuring 12m in length, 7m wide and 3.6m high and finished in Goosewing grey steel panels. It would be located on the southern boundary of the school playing field adjacent a row of eight conifer trees. Behind the conifer trees is a 1m hedge and a row of garages and then beyond are flats on Parkland Gardens accessed off Birmingham Road. Within the row of conifers there are small gaps where the trees have been planted slightly away from each other, allowing views of the school playing fields from the flats nearest to the school boundary. The land adjacent the school is higher than the land where the proposed storage container is to be located.

The school is situated on the southern side of Sutton Road, with the main school buildings being set back from the highway. The school playing field is located to the south west of the school and bounds the properties along Birmingham Road, Broadway North and Sutton Road. Along Birmingham Road are cul de sac with blocks of flats that overlook the school playing field with Parkland Gardens being the closest.

A Design and Access Statement has been submitted which states that the school has existing storage some distance from the playing field which houses equipment which is used on the field and because of the inconvenience and dilapidated state of the existing storage facility it is desirable to locate a new store adjacent the playing field area.

The agent has submitted a statement which states:

- that the location of the shed does not interfere with any sports provisions, the area is generally unsuitable for sports activities due to the slope and restricted width from the boundary to the school.
- The shed is needed to store items for playing field activities and its location is chosen for convenience
- The size and construction of the soakaway will be detailed to suit the run off area and local ground conditions
- During sudden and prolonged downpours water from the playing field has over spilt into neighbours gardens and this has been resolved by measures approved under planning application 08/1389/FL and since these measures have been implemented there have been no flooding issues.
- Advice has been sought from Wolverhampton Tree Service and they have confirmed that the location of the shed 4m away from the centres of the trees would not be detrimental.

Relevant Planning History

02/1122/FL/E4. Queen Mary's High School. Installation of lift with internal alterations to provide disabled access and erection of two classroom blocks together with ancillary rooms and alterations and extensions to existing classroom to form access link. Granted subject to conditions 2002.

08/1389/FL. Queen Mary's High School. Proposed all weather multi use games area. Granted subject to conditions 2008.

08/1735/FL, Queen Mary's High School. demolition of existing sports pavilion and construction of new sports pavilion in new location within the site, refused 22-01-09.

09/0139/FL Queen Mary's High School. Demolition of existing sports pavilion & construction of new sports pavilion in new location & provision of minibus parking area. Granted Subject to Conditions 2009.

09/0558/FL. Queen Mary's School, Walsall. Temporary Science Laboratory. Granted Subject to Conditions 2009

09/1568/fl Queen Mary's School, Sutton Road. Demolition of existing buildings to form a replacement car park and associated works. Erection of a new food technology classroom and creation of a new sloped vehicle access. Granted subject to conditions January 2010.

10/0164/MA. Queen Mary's High School. Non material application retention of buildings previously to be demolished. Minor relocation of food technology classroom and omission of a new sloped vehicle access. Re-planning of car parks to satisfy Policy T13 of the UDP. Approve non material amendment 2010.

Relevant Planning Policy Summary (Note the full text version of the UDP is available from the First Stop Shop in the Civic Centre, and on the Planning Services Website www.walsall.gov.uk/planning).

Saved Policies of Walsall Unitary Development Plan (UDP)

Policies 2.2, 3.6, 3.7 and GP2 seek high quality design and access whilst protecting people from unacceptable noise, pollution and other environmental problems.

Policy GP7 proposals should have regard to designing out crime.

Policies ENV18 seeks to retain existing trees

Policies ENV32, 3.16 and 3.116 - seek the design of developments to create high quality living environments, well integrated with surrounding land uses and local character and in accordance with the principles of good design.

Policy ENV40 adequate surface water drainage should be available to serve the development

Policy 8.5 seeks to protect, enhance and expand facilities for sport and recreation, both formal and informal.

Policy LC6 development resulting in the loss of a sports pitch would only be supported if

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.

Supplementary Planning Document “Designing Walsall” (January 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 – refers to character and the need for design to respect and enhance local identity;

Local Development Framework (LDF)

The Black Country Joint Core Strategy (JCS) has now been through its Examination in Public. It is on course for adoption early in 2011. The broad principles of the UDP – e.g. the appropriate reuse of previously developed land, need to promote the town and district centres and high quality design are further advanced in the document taking account of the latest national policy and available evidence. However, the plan is not generally site-specific and it will carry little weight until it is adopted.

Regional Strategy for the West Midlands

The Regional Strategy has been revoked by the Secretary of State in a Parliamentary Statement of 6 July 2010. It has therefore ceased to be planning policy. The work done for the strategy (and for the various partial revisions in the West Midlands) may provide relevant material considerations. In such cases the relevant reference(s) will be in terms of ‘observations’ rather than as policy.

National Policy

PPS 1: Creating Sustainable Communities both emphasise the need for good design, and development which is sustainable.

PPG17: Planning for Open Space, Sport and Recreation

Paragraph 15 planning permission for such developments should not be allowed

unless:

i. the proposed development is ancillary to the use of the site as a playing field (eg new

changing rooms) and does not adversely affect the quantity or quality of pitches and their use;

ii. the proposed development only affects land which is incapable of forming a playing pitch (or part of one).

Consultations

Transportation – No objection

Fire Officer – No objection

Police – No objection but makes comments regarding the door locking system complying to BS3521 or BS89621, the use of a close shackled padlock and that the padlock should be protected by a shield to prevent attempts to open it.

Landscape Officer – No objection.

Sport England – No Objection

Arboricultural Officer – No objection but recommends a condition relating to protective fencing during the installation of the building.

Severn Trent Water – No objection as the surface water run off would be disposed off via a soakaway and there are no proposals for any foul water flows from the building. They have also advised that advice is sought from Building Control regarding the requirements for soakaways.

Drainage, Structures and Geotechnics – No objection subject to a soakaway condition ensuring the soakaway is suitable for prevailing ground conditions.

Public Participation Responses

One letter has been received objecting to the proposal from the Managing Agents of the Flats on Parklands Gardens. The letter states that fourteen residents object to the proposal on the following grounds:

- The flats on the first and second floors would overlook the container resulting in loss of vision and an eyesore
- the storage shed should be located in a corner of the site where it would not cause an obstruction to their view
- Natural springs on the area and the removal of trees has resulted in flooding to the garages at Parklands Gardens.
- Construction of the floor slab would aggravate the situation

One letter has been received stating that they have no substantial objection to the proposal but suggest the building is moved away from Parkland Gardens and in line with the existing bungalows and that there is no interference with the stream.

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

Determining Issues

- Whether the proposed prefabricated storage building impacts on the existing sports pitch
- Visual impact of the proposed storage building
- Impact on the existing trees
- Whether the proposal impacts on the amenities of the occupiers of Parklands Gardens
- Drainage and flooding
- Impact on access and car parking requirements

Observations

Whether the proposed prefabricated storage building impacts on the existing sports pitch

The proposed prefabricated storage building would be located at the edge of the playing field outside of the area where sporting activities would normally take place.

Sport England have advised that the position of the storage building would have no adverse impact on existing pitch layouts or any likely use of the playing field in the future. The proposal would not affect the quantity or quality of pitches or adversely affect their use and as such they have no objection to the proposal.

Visual impact of the proposed storage building

The building would be located in front of a row of conifers which are within the site along the southern boundary. Resident's views from Parkland Gardens are limited to gaps in the row of conifers so only parts of the school playing field can be seen. The area where the proposed storage building is to be located would be screened by the trees. The external finish of the storage building would be Goosewing grey but to ensure it blends in with the back drop of the trees it is recommended that it be conditioned that the storage container is externally finished in green to assist it to blend into the surroundings.

The issues raised by the Police can be dealt with by way of a user note for the applicant.

Impact on the existing trees.

The building would be located adjacent the existing row of eight conifer trees along part of the south boundary. An amended plan has been received which illustrates that the floor slab and the building would be located 4m away from the centre of the trees with a protective fence to be erected 3m away from the centre of the trees. The Arboricultural Officer has no objection to the proposal and has recommended a condition to ensure the protective fencing is erected whilst works are being carried out on site.

Whether the proposal impacts on the amenities of the occupiers of Parklands Gardens

There are fourteen occupiers in the block of flats overlooking the school site. Objections have been received on the grounds that the storage building would result in loss of view and that it would be an eyesore. The existing row of conifer trees provides an almost continuous screen (apart from small gaps in the trees) which would effectively screen the building from the flats.

Furthermore, the building being only 3.6m high would be screened by the trees and any views from the flats at first and second floor through gaps in the tree cover would be across the school, and the existing garages of Parkland Gardens would screen any views at ground level from the flats. The proposal would not impact on the visual amenities of the occupiers of the block of flats in close proximity to the school boundary.

Drainage and flooding

A plan has been submitted which illustrates surface water to drain to a soakaway. Severn Trent Water has no objection to the proposal as surface water run off would drainage to a soakaway and there are no proposals to proposals for foul water flows from the building. The issue regarding the requirements of a soakaway can be dealt with at Building Control stage.

The Principal Engineer has advised that a planning condition is required to ensure the soakaway is suitable for the prevailing ground conditions, as there have been previous issues with ponding on the site due to ground conditions.

Impact on access and car parking requirements

The proposal would not impact on access and car parking requirements on site, as the proposed development does not require additional car parking to be created under Policy T13 of the UDP.

Summary of Reasons for Granting Planning Permission

The proposed prefabricated building would be located at the edge of the playing field on an area outside of where sports activities are likely to take place due to the slope and restricted width from the boundary to the school building. Sport England have no objection to the proposal as the storage building would not affect the quantity or quality of pitches or adversely affect their use. The existing row of conifer trees along the southern boundary of the school site would screen the building from the flats at Parkland Gardens and from any public views along Parkland Gardens. From within the site the building would not be seen from any public view point. Surface water would run off to a soakaway and the agent has advised drainage measure have been implemented under planning application 08/1389/FL to prevent any further flooding issues. The location of the building 4m away from the centre of the trees would not impact on the trees. The proposal complies with the saved policies, in particular 2.2, 3.6, 3.7, GP2, GP7, ENV18, ENV32, 3.16, 3.116, ENV40, 8.5 and LC6 of the Walsall Unitary development Plan and Policy DW3 of the Designing Walsall SPD, and the advice given in PPS1 and PPG1 and PPG17.

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 development shall be completed in accordance with drawing numbers 2951/01 and 2925/02 submitted on 21 June 2010 and drawing number 2951/04A submitted on 5th August 2010.

Reason: To define the permission

3) No development shall commence on site until details of the external finish of the prefabricated storage container hereby approved have been submitted to and agreed in writing by the Local Planning Authority. The development shall be completed with the agreed details and retained and maintained at all times.

Reason: In the visual amenities of the area.

4) Prior to the commencement of any works on site, the approved tree protection measures detailed on drawing number 2951/04A submitted on 5th August 2010 shall be fully implemented and retained on site until the completion of the development. The enclosed land shall be kept clear of all contractors' materials and machinery at all times, as laid out in BS5837:2005.

Reason: To safeguard the trees on site.

5) The soakaway should take account of prevailing ground conditions, ensuring it is suitable for the existing ground conditions.

Reason: To ensure satisfactory drainage of the site.

Notes for Applicant

1) The Police Architectural Liaison Officer's comments below should be taken into account in the development of the storage building:

- Minimum levels of security the doors should be secured by a locking system that conforms to BS3521 or BS8621.
- Consideration should also be given to using a close shackled padlock that has been tested to achieve 'sold secure' accreditation. Any padlock should be protected by a shield or cover to prevent attempts to force it using tools such as crowbars or screwdrivers.

2) Attached are notes from Severn Trent Water for your reference.

3) You will need to seek further advice from Building Control regarding the requirements of the soakaway.



Planning Committee

*Report of Head of Planning and Building Control, Regeneration Directorate
on 19 Aug 2010*

Reason for bringing to committee: Significant Community Interest

Application Number: 10/0211/FL
Application Type: Full application

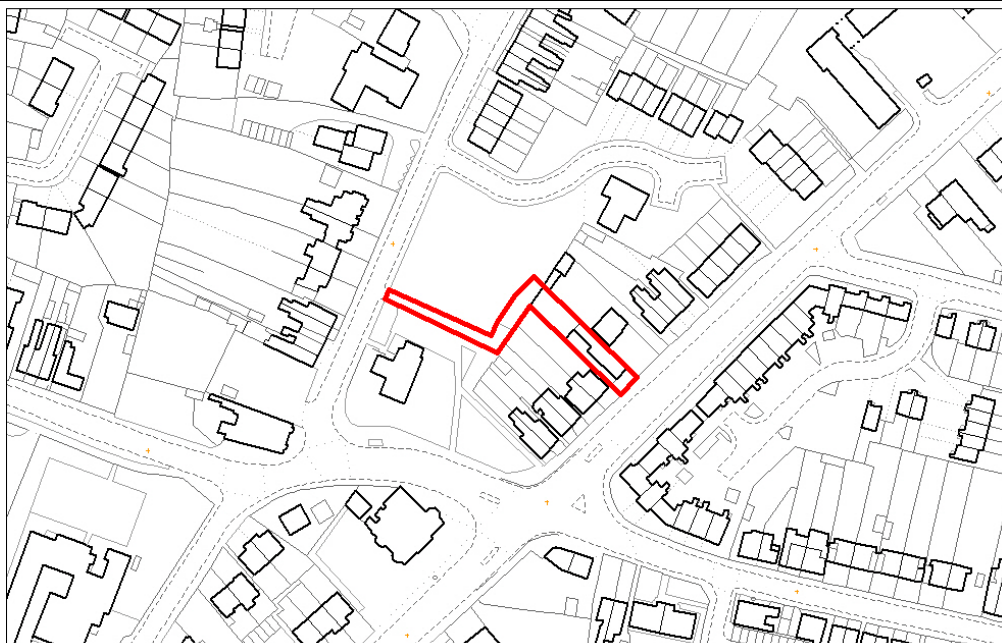
Applicant: Mr Merrick
Proposal: Re-roofing, repair and alterations to rear element of existing garage building; minor extensions to front of the building, formation of car parking area fronting Lichfield Road and formation of hard standing and access at rear.

Ward: Rushall-Shelfield

Case Officer: Barbara Toy
Telephone Number: 01922 652429
Email: planningservices@walsall.gov.uk
Agent: MDG Planning Ltd
Location: BRUSH GARAGE, 86 LICHFIELD ROAD, SHELFIELD, WALSALL

Expired Date: 14/05/2010

Recommendation Summary: Grant Permission Subject to Conditions



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

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

Textphone 0845 111 2910, Translation Line (01922) 652426, Fax (01922) 623234

Application and site details

The site is situated on the north western side of Lichfield Road (A461 Strategic Highway Network) just to the north of the traffic light junction with Mill Road and Spring Road.

The site formerly comprised a single storey commercial workshop premises to the rear used for vehicle repairs and a two storey building of domestic appearance on the frontage, previously used for TV repairs, with vehicle access from Lichfield Road.

Immediately to the north of the site is a modern residential property set back from the road with a large detached garage set to the rear. Immediately to the south is a two storey premises with a retail shop at ground floor on the frontage and residential accommodation at the rear ground floor and first floor.

Immediately to the rear of the site (west) is an area of open space, owned by the Council, previously the site of a neighbourhood office building and includes an area used for public parking. Nos 88 – 98 Lichfield Road have a right of way over the Council land to the rear to allow off street parking for these dwellings. The owner/operator of the application site currently does not have a right of way over this land.

The site is just outside Shelfield local centre, which sits around the traffic light junction, despite this the site sits in a predominantly residential area, with modern flats on the opposite side of Lichfield Road to the south.

This application has been submitted following enforcement investigations and seeks retrospective consent for works already partially completed without the benefit of planning consent, and further works proposed. The works include re-roofing, repair and alterations to the rear element of the existing garage building, minor extensions to the front of the building, formation of car parking area fronting Lichfield Road (following demolition of existing ancillary building) and formation of hardstanding and access to the rear.

The rear two thirds of the rear workshop building has been partially reconstructed, the height raised and a new roof put on, which matches the height and profile of the front third of the building. The proposals include an extension to the frontage of the workshop, adjacent to the proposed two storey extension, with a new roller shutter access door.

The two storey building on the frontage, previously used for TV repairs has been partially demolished, the proposals include completion of this demolition and construction of a small two storey extension to the rear building to accommodate a staff room, customer waiting with storage above and parking on the frontage for 3 vehicles.

A new roller shutter door has been installed to the rear elevation of the workshop building and a hardstanding (approx 7m x 5m) has been created

within the Council's open space to the rear, to allow for vehicle access onto Green Lane.

The applicant is proposing to continue the vehicle repair use of the premises operating between 0800 – 1800 hours Mon – Sat.

The applicant states that the largest vehicle operated by the applicant will be no larger than a Transit van and no recovery vehicle will operate from the premises at any time. No bodywork repairs, heavy mechanical work or work on HGV's will be undertaken at the premises.

Relevant Planning History

86-88 Lichfield Road

BC14136, erection of factory extension, refused 1980.

Reasons for refusal:

1. The site is included within an area allocated for primarily residential purposes on the approved Town Map and the development proposed, if permitted, would prejudice the use of this land for these purposes.
2. The site is unable to accommodate car parking in accordance with the LPA's standards for industrial sites.
3. Insufficient room exists within the site to satisfactorily accommodate the turning movements of large delivery vehicles.

Relevant Planning Policy Summary

(Note the full text version of the UDP is available from the First Stop Shop in the Civic Centre, and on the Planning Services Website www.walsall.gov.uk/planning).

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

Policies 3.6 and 3.7 states that development should help to improve the environment of the Borough whilst seeking to protect people from environmental problems.

GP2: Environmental Protection

Development should make a positive contribution to the quality of the environment and the principles of sustainable development, and the Council will not permit development which would have an unacceptable adverse impact on the environment.

Policy 3.16 requires high quality design.

ENV10: Pollution

The development of an industry or facility which may cause pollution will only be permitted if it would not have an unacceptable adverse effect on nearby land uses.

ENV32: Design and Development Proposals and Policy 3.16.

Considers development in relation to its setting with reference to the character and quality of the existing local environment, and will require a high quality of built and landscape design.

T7 – Car Parking

All development should satisfy the car parking standards set out in Policy T13. (e) all parking provision should be well designed and sensitively integrated into the townscape or landscape, respecting the character of the local area.

T13: Parking Provision

Standard car parking spaces should be 4.8m x 2.5m, 10% of all parking spaces should be reserved for disabled people and each reserved space should be at least 4.8m x 3.6m. Developers must demonstrate that the development will provide adequate on-site car parking to meet its needs and 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. The following are the relevant policies;

DW4: Continuity - Well defined streets with a continuity of built form are important.

DW5: Ease of Movement – new development should contribute to creating places that are well connected, easy to get to and safe to move through.

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

Local Development Framework (LDF)

The Black Country Joint Core Strategy (JCS) has now been through its Examination in Public. It is on course for adoption early in 2011. The broad principles of the UDP – e.g. the appropriate reuse of previously developed land, need to promote the town and district centres and high quality design are further advanced in the document taking account of the latest national policy and available evidence. However, the plan is not generally site-specific and it will carry little weight until it is adopted.

Regional Strategy for the West Midlands

The Regional Strategy has been revoked by the Secretary of State in a Parliamentary Statement of 6 July 2010. It has therefore ceased to be planning policy. The work done for the strategy (and for the various partial revisions in the West Midlands) may provide relevant material considerations. In such cases the relevant reference(s) will be in terms of 'observations' rather than as policy.

Consultations

Transportation – No objections subject to conditions regarding visibility and access. The application looks to remove the front buildings whilst retaining and improving the garage/workshop element. It is proposed to use the area of the demolished buildings as a parking area to increase the number of vehicle that can be accommodated on site from 6 to 8. The proposed arrangement for vehicular rights via the Council owned land at the rear to Green Lane would undoubtedly be beneficial in terms of vehicles egressing the site and hence highway safety - presently vehicles are unable to turn within the site and

consequently have to leave by reversing onto the busy Lichfield Road. Policy T13 would require 5 parking spaces per service bay for a garage/vehicle workshop. It is not clear from the application how many service bays there are so it is difficult to assess the maximum number of parking spaces required. The proposals could potentially improve the present situation particularly if the rear egress is achieved or at the very least make no significant detrimental impact on the adjacent highway.

West Midlands Police – no objection in principle to the alterations to the building. An area of concern is the vehicle ingress and egress. It is unacceptable for vehicles to reverse out onto Lichfield Road, which is a main arterial route and is extremely busy and vehicles reversing onto it would compromise the safety of other road users. There are also concerns regarding the rear access. There is a large grassed area at the rear that is used by pedestrians and youths as well as the access for adjacent properties and would be unsuitable for commercial use by vehicles, which would encroach on the safety of the users

Pollution Control – Scientific Team – no objections to the principle subject to conditions to restrict operating hours and that noise from the fixed plant and machinery should not exceed 5 dB.

Environmental Health – no objections, from a safety perspective the proposed one way system is an improvement in terms of minimising vehicular reversing and consequent risks to pedestrians on and off site.

Regeneration – Development & Delivery - no objections. Ordinarily we would not support the granting of a licence or support the inclusion of the land as part of the planning application, especially under the circumstances by which this request has arisen (work done without consent). However given the precedent set in terms of allowing access to similar properties in the vicinity across the same piece of Council owned land, it is difficult to object to such a request. The use of the hardstanding and the effect of this on the adjacent open space should be monitored to ensure no detriment to the amenity value or future of the open space.

Natural Environment – no bat survey is required in support of this application.

Tree Officer – no objections

Urban Design – The building in its current situation is visually incongruous within the street scene due to the partial demolition. No 84 is already set back with frontage parking. The site is situated on the strategic highway route where there is expectation that non-residential uses will pepper the street scene which makes the visual presence of a commercial business not necessarily out of place. I would however suggest that to provide some continuity to the street scene a boundary wall as well as planting is provided to the frontage as this is a common feature within the locality.

Public Participation Responses

Eight letters of objection received.

Objections:

- Considerable work already carried out without consent
- The rear element of the workshop building has been reconstructed at a higher level with a much higher roof and new roof profile
- The proposed extension to create staff room, visitor waiting and storage above would adversely impact on No 84 through loss of light and enjoyment of garden
- Damage and inconvenience from work to the party wall (not a material planning consideration)
- Possible fire hazard from new storage facility adjacent to the boundary
- 3 parking spaces on the frontage is inadequate provision for the use, leading to parking on the pavement impacting on pedestrian safety
- The new hardstanding to the rear would create a parking area
- The works to provide the rear access door and hardstanding have removed planting which prevented footballs being kicked at the wall, now terrible noise from balls constantly kicked against the roller shutter door.
- Have the demolition works been passed by building control? Poor quality of work
- The previous use of the workshop was as a one man mechanical repair business, very low key, the proposed use as a tyre and exhaust centre would cause noise, vibration, smells, fumes and smoke, and be more intensive than the previous use and therefore adversely affect the surrounding residential occupiers.
- Inappropriate non-conforming use within a residential area
- Very close proximity to the traffic lights on a very busy road, with double yellow lines outside, increase in traffic to the premises would be a highway safety issue.
- Works carried out without planning permission showing a disregard to the Council and neighbours, the developers just wants to make money
- Adverse impact on adjoining business, deterring customers from visiting
- Residential area
- 86 has no right of access to the rear of the site, 88 – 98 only have domestic access, no commercial access should be allowed
- Adverse impact on local environment
- How will waste be dealt with?
- The premises have been unused for 3 years therefore not a continuous use
- Safety issues from use of the rear access for commercial use, with vehicles crossing the footpath across the green ie children playing, pedestrians.
- Facilities for the disabled?
- Unlikely to create any local employment

- Damage to rear access already from the deliveries and skips lorries during the building work, access unsuitable for commercial vehicles, who will pay for the damage to be put right?
- Adverse impact on existing parking facilities at the rear of adjacent residential properties by commercial use.
- Noise and disturbance, spoil enjoyment of gardens, particularly from the extra traffic at the rear.
- Use more suited to an industrial estate
- Car park area on the green at the rear already well used
- No need for this use in the area, already others in more suitable locations.

Determining issues

The impact on the character and appearance of the area and the amenities of the surrounding occupiers.

Observations

The impact on the character and appearance of the area and the amenities of the surrounding occupiers.

The proposals include an increase in the footprint of the workshop building to the frontage by approx 10sqm, (not yet built) the works already undertaken (but not completed) have partially reconstructed, increased the overall height of the rear two thirds of the building and changed the roof profile. It is difficult to judge the overall height increase as no plans of the original structure have been submitted, but the Council has historical photographs that show a recognisable increase in the overall height of the building, which is visible from the residential element and rear garden of No 88 Lichfield Road and No 84 Lichfield Road. Whilst the increase is visible, it is considered that it does not have any additional adverse impact on the amenities of the adjoining occupiers. The boundary to No 88 comprises a high well maintained conifer hedge and the side wall of the existing building already forms the boundary with No 84.

The proposed two storey extension to create the staff room, visitor waiting with storage above, would be adjacent to the boundary with No 84 and partially in line with the side gable of the house, it would be no higher than the workshop building and would have no additional impact on the amenities of the occupiers of No 84.

The removal of the two storey building on the frontage would allow for a new parking area (the first floor has already been removed). Whilst it is disappointing at the loss of the domestic scale building that has provided a continuity of built form within the street, it must be recognised that No 84 adjacent is already set back from the frontage with front driveway parking. A local characteristic includes defined front boundaries and these are predominantly brick walls, some with planting behind. The proposals include planting to back of pavement, but it is considered that on balance the addition

of a boundary wall reflecting the height and detailing of the surrounding properties would enhance the street scene, provide some continuity to the street and contribute to the character of the area sufficient to outweigh the loss of the existing building.

The applicant states that the new access created to the rear of the workshop building (roller shutter door and hardstanding) will allow for vehicles to enter from Lichfield Road and exit from the rear to Green Lane. Transportation and West Midlands Police have confirmed that this would reduce the risk of vehicles reversing onto Lichfield Road causing highway and pedestrian safety issues.

West Midlands Police have also raised concerns regarding the rear access. The area to the rear is open space used by pedestrians and children as well as providing access to the rear of residential properties, and the safety of other users must be considered. The access used by the existing residential properties (88-98 Lichfield Road) is unsurfaced and may be unsuitable for increased use from a commercial activity. A condition is attached to ensure that the access from the rear of the building to Green Lane is surfaced prior to first occupation of the premises, to ensure a suitable surface is provided and maintained. A change in surface treatment will define the vehicular route making it more visible to pedestrians and other users of the open space, and on balance it is considered would improve highway and pedestrian safety. The applicant would be required to formally apply for a License for access over the land to the rear owned by the Council.

The site is regarded as a 'non-conforming use' in a residential area, ie a commercial premises situated between residential properties in a residential area and as the Local Planning Authority we must be satisfied that any works to such a premises would not have any increased adverse impact on the amenities of the adjacent residential occupiers. The alterations/improvements to the building and access arrangements could result in a higher level of activity at the premises. The proposed equipment to be used would be new and Pollution Control are satisfied that the noise levels arising would have no adverse impact on the amenities of the adjoining occupiers, over and above that of the previous use. It is considered that on balance, any increase in activity at the site resulting from the works and changes to the site would not have any additional adverse impact on the amenities of the surrounding residential occupiers.

Summary of Reasons for Granting Planning Permission

Whilst work started on site without the benefit of planning permission work stopped pending the outcome of this application.

The proposals will enable a commercial premises to re-open, creating jobs. Whilst this is a non-conforming use within a residential area, but is a use established over a number of years. Whilst it is recognized that such a use may be better suited to an industrial area the use of the site has been

established over a long period of time and the proposals will ensure that the use is restricted to within the building reducing any impact on surrounding occupiers.

The overall height of the rear two thirds of the workshop building has been increased and the roof profile changed, and together with the proposed extensions to the building it is considered that on balance there will be no additional adverse impact on the amenities of the adjoining residential occupiers over and above the previous situation.

The works have improved the overall appearance of the workshop building, providing a unified roof profile. The proposals, to fully remove the frontage building and provide a front boundary will on balance improve the overall appearance of the site from the street.

The new access arrangements will allow for a one way system to operate through the site, which will no longer require vehicles to reverse onto Lichfield Road and on balance improve highway and pedestrian safety on this busy strategic highway route. The hardstanding to the rear shall remain unobstructed to ensure access is available at all times, and the access drive to Green Lane will be surfaced to improve access and pedestrian safety. The proposals will not impact on the existing public parking arrangements on the open space to the rear as additional parking will be provided on site.

Pollution Control and Environmental Health have raised no objections in terms of noise and the equipment used within the building will have a noise level restrictions.

It is considered that the proposals will not have any adverse impact on the numbers of customers to the adjacent business.

Facilities and access for people with disabilities, demolition, construction details and fire safety will be dealt with via the Building Regulations.

Kicking of balls against the roller shutter door to the rear is likely to be reduced once the business is operational and this would be an issue for the police or the anti social behaviour unit.

The proposed development is considered to accord with the aims and objectives of the development plan, in particular saved policies GP2, 3.6, 3.7 3.16, ENV10 ENV32 and T13 of Walsall's Unitary Development Plan (2005).

Recommendation: Grant Permission Subject to Conditions

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

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

2. Prior to first occupation of the premises a boundary wall to reflect the height and detailing of the surrounding properties and planting shall be provided to the front boundary in accordance with details to be submitted to and approved in writing by the Local Planning Authority. Once installed the wall shall be maintained and retained thereafter.

Reason: In order to ensure the continuity of the street scene.

3. Prior to first occupation of the premises the rear access drive to Green Lane shall be surfaced and drained in accordance with details to be submitted to and agreed in writing by the Local Planning Authority. Once installed it shall be maintained and retained thereafter.

Reason: In order to ensure satisfactory access arrangements and ensure highway and pedestrian safety.

4. Prior to first occupation of the premises the roller shutter vehicle access door on the rear and front elevation of the workshop building shall be colour coated a colour to be submitted to and approved in writing by the Local Planning Authority and once painted shall be maintained and retained thereafter.

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

5. Prior to first occupation of the premises refuse storage facilities shall be implemented in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason: In order to ensure satisfactory waste storage facilities are provided.

6. Operations, including collections, deliveries or despatches to and from the premises shall not take place on any Sunday, Bank Holiday or Public Holiday*, and otherwise shall only take place between the hours of 08.00 to 18.00 weekdays and 08.00 to 16.00 Saturdays unless otherwise permitted in writing by the Local Planning Authority.

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

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

7. Noise from fixed plant and machinery associated with this development shall not give rise to a Rating Level exceeding 5 dB as determined in accordance with the methodologies contained British Standard BS 4142: 1997 'Method for Rating industrial noise affecting mixed residential and industrial areas'.

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

8. The blocked paved area to the rear of the workshop building, shown on drawing 0919-1 shall not be used to park vehicles and shall remain unobstructed at all times.

Reason: To ensure that the approved access arrangements can be used at all times.

9. The parking area on the frontage of the site shall be used for this purpose only and no work on vehicles or storage of materials, goods or refuse shall take place in the open on any part the front parking area of the site.

Reason: To ensure the satisfactory provision of off-street parking and the satisfactory appearance of the site.

10. The works hereby approved shall only be carried out in accordance with details contained within drawing numbers 0919-1 submitted on 26th February 2010, 0919-2 Rev A submitted on 12th March 2010 and Letter from MDG Planning submitted on 26th February 2010.

Reason: In order to define the permission and ensure that only the approved works are implemented.



Plans List Item No: 10.

Planning Committee

*Report of Head of Planning and Building Control, Regeneration Directorate
on 19 Aug 2010*

Reason for bringing to committee: Significant Community Interest

Application Number: 10/0434/FL
Application Type: Full application

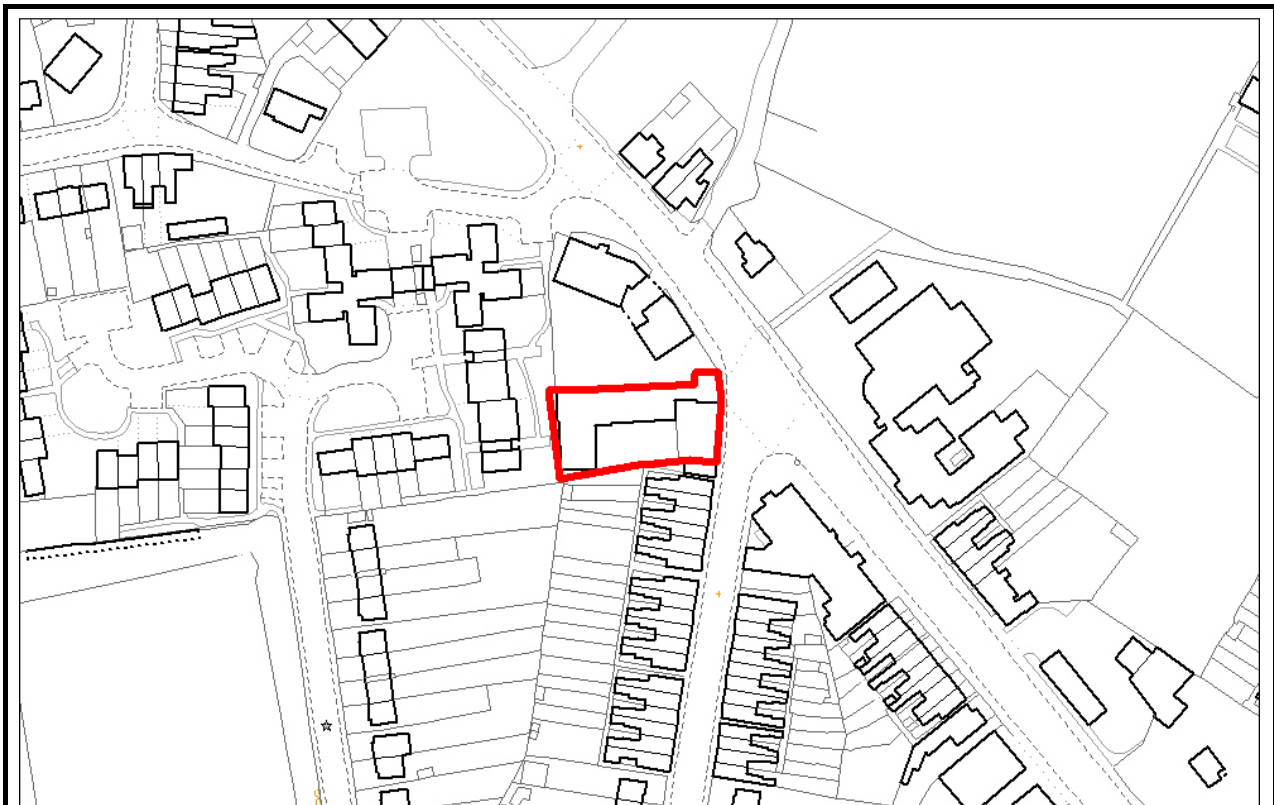
Applicant: Mr Martin Cope

Proposal: New 1st floor residential
accommodation.

Ward: Birchills Leamore

Case Officer: Helen Smith
Telephone Number: 01922 652436
Email: planningservices@walsall.gov.uk
Agent: The Hanson Leddington
Partnership Ltd
Location: 2 GREEN
LANE, LEAMORE, WALSALL, WS3 2BP
Expired Date: 21/06/2010

Recommendation Summary: Grant Permission Subject to Conditions



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Application and Site Details

This application is for a first floor extension to provide a two bedroom flat above existing gym facilities. This is a substantially amended re-submission of a 2009 application which was refused planning permission.

The building is in an L-shape with an existing two storey element on the northern boundary of the application site and a single storey flat roofed element to the western boundary of the application site immediately adjacent to residential properties to the rear on Stowe Street. To the southern boundary there is a parking area which serves clients of the existing martial arts studio. There is also a photographic studio which fronts Green Lane, and housing to the south. The existing building includes one first floor residential flat.

The original plans proposed a first floor extension with a 'cat-slide' roof design sloping upwards from the ground floor eaves of the existing single storey flat roof section to the roof height of the existing adjacent first floor building. Amended plans were received which results in the first floor extension being set in 3 metres from the existing rear single storey elevation.

Stowe Street is a mix of two and three storey properties with newer three storey flats on the corner of Green Lane and High Street. Stowe Street, in particular 45 to 52 are approximately 0.5 metres higher than the martial arts studio and are approximately 10.5 metres away.

The amended design of this proposal has increased the separation distance between the rear windows in Stowe Street and the blank side elevation of the proposed extension to 13 metres. There are traditional terraced houses to the south of the site at 12, 14 and 16 Green Lane.

Relevant Planning History

09/1327/FL – proposed first floor extension to existing martial arts studio for associated gym and additional facilities - refused permission 11/12/09 on the grounds that the applicant had failed to demonstrate the development would provide adequate off-street parking and the bulk, mass and proximity to neighbouring residential properties would result in an unacceptable loss of light, privacy and have an overbearing form.

Relevant Planning Policy Summary

(Note the full text version of the UDP is available from the First Stop Shop in the Civic Centre, and on the Planning Services Website www.walsall.gov.uk/planning).

Unitary Development Plan (UDP)

GP1: Supports the sustainable location of development.

2.2, 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.

3.16: The Council will consider development in relation to its setting, with reference to the character and quality of the existing local environment, and will require a high quality of built and landscape design.

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

3.16, GP7, ENV32, H10 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.

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

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

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

Supplementary Planning Documents (SPD)

Designing Walsall SPD

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

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

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

Appendix 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. This includes;

- 13 metre separation between habitable room windows and blank walls exceeding 3 metres in height.

Regional Planning Policy

The Regional Spatial Strategy currently remains relevant though the Government are reviewing its status. Overall the strategy promotes sustainable regeneration of previously developed land, promoting a high quality environment and sustainable development capable of being accessed by a variety of transport modes. The strategic implications of this application are, however, modest.

National Policy

Planning Policy Statement (PPS) 1: Sets out the overarching planning policies on the delivery of sustainable development through the planning system. PPS1 indicates that planning policies should promote high quality inclusive design in the layout of new developments and individual buildings and that design which fails to take the opportunities available for improving the character and quality of an area should not be accepted.” Paragraphs 33 to 39 also state the importance of good design. Supplementary document published on the need to address climate change through the planning system. This is supplemented by the Code for Sustainable Homes.

PPS 3: Encourages reuse of previously-developed land for housing in sustainable locations and takes a sequential approach to location of new homes. Applications for residential on employment land should be given favourable consideration, subject to criteria. PPS3 also indicates that housing policy objectives provide the context for planning for housing through development plans and planning decisions. This includes high quality housing that is well-designed and built to a high standard; a mix of housing, both market and affordable, particularly in terms of tenure and price, to support a wide variety of households in all areas; a sufficient quantity of housing taking into account need and demand and seeking to improve choice; and housing developments in suitable locations, which offer a good range of community facilities and with good access to jobs, key services and infrastructure.

Consultations

Transportation – no objections and comment that the existing gym requires 16 car parking spaces in accordance with the UDP, and the existing residential accommodation requires two car parking spaces. There are 18 spaces provided and whilst two further spaces are required for this proposal it is considered that as parking standards are maximum standards there is no objection to this proposal.

Pollution Control (Scientific Team) – no comments other than to consult Environmental Health which has been done. No further comments received.

Pollution Control (Contaminated Land) – no comments

Environmental Regeneration, Arboriculture – no objections.

Public Participation Responses

Objections to the original plans were received as a petition signed by 6 neighbours on Stowe Street on the grounds that

- the proximity of the extension to their homes may infringe and block out daylight even with the sloping roof
- there will be no extra parking spaces provided for the residents or visitors which could take up spaces on the existing car park

- the car park is already inadequate for customers of the martial arts studio and they do not always park on the Bloxwich Leisure Centre car park ; double yellow lines are in place outside the building causing on street parking problems outside homes in Green Lane and residents have to contend with parking for Colebatch's club and the school
- once the extension is built could there be a change of use to incorporate the martial arts studio into it and they may have to suffer noise from there during the summer months if their windows were open.
- A similar intended extension has previously been refused planning permission on similar grounds

The proposed amended plans prompted a response from only 1 neighbour on Stowe Street who commented that he was satisfied with the amendments. He also commented that the application form said there were no adjacent trees when there are some close to the building and he would be happy if they were cut down.

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

Determining Issues

- Design of proposal and Impact on Character of Area;
- Location and Principle of the Use
- Impact on Amenity of Nearby Residents; and
- Parking.

Observations

Design of proposal and Impact on Character of Area

The design of this proposal would mirror the modern design of the adjacent building and would be in keeping with the existing application property. The removal of the 'cat-slide' roof from the plans has improved the appearance of this proposal and it is considered that this design will blend with the existing mixed surroundings and would not harm the character of the area.

Location and Principle of Use

The constrained nature of this site limits the potential for an extension to the existing commercial use of the application property because of the additional parking that would be required and potential harm to neighbouring residential amenity. However an additional flat at this location is an appropriate use to add to the site. The site is located just outside the district centre boundary within walking distance of Bloxwich High Street.

Impact on Amenity of Nearby Residents

There are three elements in this assessment. The scheme has different implications for the dwellings to the west, in Stowe Street, and the dwellings to the south in Green Lane, and the flats to the north.

The amended design would increase the separation distance between the rear facing habitable room windows in properties along Stowe Street and the blank side elevation of this proposal to 13 metres which would comply with policy. This proposal would lie to the east of these properties and as this extension would lie within the visual outline of an existing two storey part of the property it is considered that this amended proposal would have an acceptable level of impact on the existing amenity of the occupiers of Stowe Street.

The side facing windows in the proposed extension are 11.7 metres from the boundary of the site and the garden of the nearest house to the south, 12 Green Lane. There would be a separation distance of 22 metres to the rear facing window in number 12. The numerical guidelines in Designing Walsall expect facing windows to be 24 metres apart, and that is not the case here. There is no defined distance from windows to the rear garden, though the 13 metre length of a conventional rear garden is relevant as it defines a useful benchmark for this situation. However, numbers 12, 14 and 16 Green Lane lie to the south of this proposal and it is considered that there would be little additional impact on the daylight available to the occupiers of these properties. The proposed additional windows would be in line with existing side facing, first floor habitable room windows in the existing building and the existing levels of privacy available to the occupiers of 12, 14 and 16 will not be significantly worse.

The apartments to the north of the site at the corner of Green Lane and High Street lie at an oblique angle to the application property and the rear habitable windows in the apartments face towards Stowe Street. There would be a separation distance of at least 13 metres between the blank rear wall and habitable room windows in the apartments which would comply with policy.

The neighbours' concerns about a future change of use from residential to extend the martial arts studio would require the submission of a new planning application. The removal of the trees would not be required.

Parking

The 2009 planning application proposed an extension to the existing martial arts studio which was likely to increase the demand for parking. This current proposal is for a second residential flat at this site and would replace the previous residential flat that was converted into a photographic studio. The site is located on a busy bus route and it is considered as parking is available this proposal is acceptable.

Summary of Reasons for Granting Planning Permission

The amended proposal has an acceptable impact on the amenity of adjoining residents and complies with policy in terms of the separation distance between rear habitable room windows in residential properties on Stowe Street and the blank side elevation of this proposal.

This proposal meets the maximum parking standards The proposal complies with policies GP1, GP2, GP7, ENV14, ENV32, H10, T7, T13 of the Walsall Unitary Development Plan, Policies DW1, DW3, and DW6 of the Designing Walsall SPD, Policy QE1 of the Regional Spatial Strategy and the advice given in PPS1 and PPS3.

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 development shall be completed in accordance with the plans submitted on 8 June 2010.

Reason: To define the permission.

3: No development shall commence on site until details of the external finish have been submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance the approved details

Reason: In the visual amenities of the area.

4: No development shall commence until details of the proposed bin storage provision has been provided and approved in writing by the Local Planning Authority and no use until implemented and completed and shall be retained thereafter.

Reason: To safeguard the visual amenity of the area.



Plans List Item No: 11.

Planning Committee

*Report of Head of Planning and Building Control, Regeneration Directorate
on 19 Aug 2010*

Reason for bringing to committee: Significant Community Interest

Application Number: 10/0690/RM

Application Type: Reserved Matters

Applicant: Cameron Homes LTD

Proposal: Approval of reserved matters:
Scale, appearance, and landscaping
pursuant to planning approval 09/1015/FL
for 2 No. detached houses.

Ward: Streetly

Case Officer: Alison Deakin

Telephone Number: 01922 652487

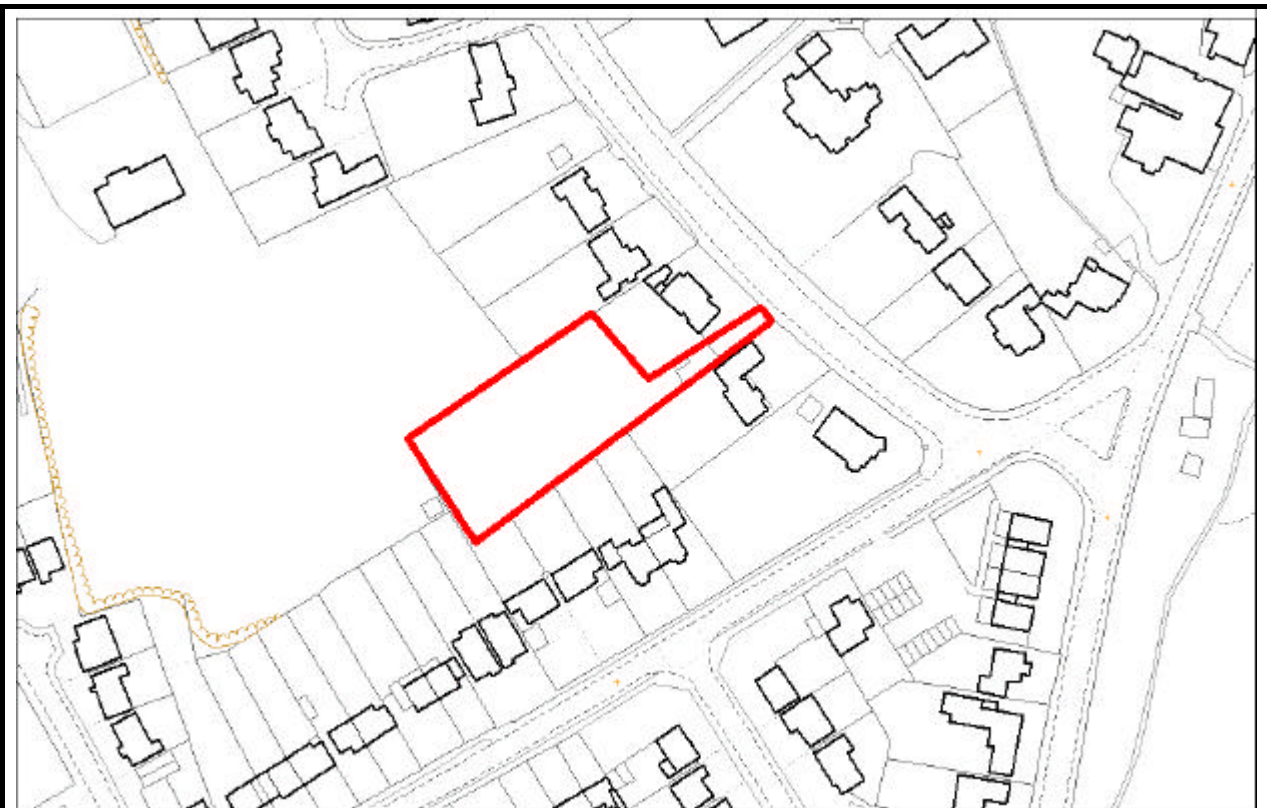
Email: planningservices@walsall.gov.uk

Agent: Neil Boddison Associates LTD

Location: 43 MIDDLETON
ROAD, STREETLY, WALSALL, B74 3ES

Expired Date: 16/08/2010

Recommendation Summary: Grant Permission Subject to Conditions



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Application and Site Details

The proposal seeks full planning permission for the erection of 2 detached five bedroom houses to be constructed within the rear garden of 43 Middleton Avenue. Outline permission for this development (09/1015/FL) was granted in September 2009 and layout and access were approved.

The site comprises the 75m rear garden of number 43 which is in a predominantly residential area characterised by large houses occupying most of the plot width and having extensive rear gardens. The north, east and south boundaries are residential with Streetly Sports Club to the west.

Both houses have five bedrooms and the buildings are two storeys high. Plot 1 faces the access and at the rear faces the rear garden of 37 Middleton Road. It has an attached double garage with master bedroom above incorporating dormer windows to the front elevation. Plot 2 is located at the head of the access drive with an attached double garage. The front elevation faces the gable of the dwelling on plot 1.

The designs include hipped roofs, chimneys, bay windows, dormer windows and other traditional features evident in the surrounding area.

This application also proposes a 2m high acoustic fence to the side boundary and rear garden of 43a Middleton Road and the rear gardens of 1, 3 and 3a Manor Road which would be in line with the proposed access drive. The application is supported by a noise survey and a method statement for the erection of the fence in proximity to the existing trees along the boundary.

There are 14 trees covered by Tree Preservation Order 49/2006, with additional trees providing significant boundary screening for most of the rear garden. In the garden area of plot 2, three Lawson cypresses, one cherry tree and a crab apple tree (none protected) are proposed to be removed.

The layout plan indicates provision of bat roost features in both houses.

A Design & Access Statement, Arboricultural Implications Assessment Addendum, Report on Trees, Phase 1 Habitat Survey & Ecological Assessment, Report on Existing Noise Climate and Noise Impact of Access Road and Bat Survey have been provided in support of the proposals.

Relevant Planning History

08/0291/OL – Outline application for erection of 2 detached houses with all matters except layout and access reserved for later consideration – Refused then Dismissed at appeal February 2009 on the grounds of harm to neighbour's living conditions due to noise and disturbance created by vehicles using the access which is adjacent to their exposed garden boundaries.

09/1015/FL – Outline application for erection of 2 detached houses with all matters except layout and access reserved for later consideration – Granted subject to conditions – September 2009. (A noise survey was undertaken and

2m high acoustic fence proposed along the boundary of the access with neighbour's gardens to address the Inspector's concerns about noise and disturbance to adjoining occupants.)

Relevant Planning Policy Summary

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

Saved policies of Walsall Unitary Development Plan

GP1: Supports the sustainable location of development.

2.2, 3.6, 3.7, & GP2, GP7: seek to make a positive contribution to the quality of the environment, whilst protecting people and ensuring adequate and safe access is provided.

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

3.16, GP7, ENV32, H10 & 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.

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

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

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

T7: 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

Supplementary Planning Documents

Designing Walsall SPD

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;

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

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

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

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

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

Annexe E: Numerical Guidelines for Residential Development ... identifies privacy and aspect distances between dwellings including 24m separation between habitable windows for two storeys and above, 13m separation between habitable room windows and blank walls exceeding 3 metres in height, 45° code, garden dimensions of 12m in length and 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.

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.

Area of Special Townscape Character, Thornhill Road, Middleton Road and Foley Road East, Streetly. (2003)

Provides guidance for new development within the area, which includes requirements to provide a building footprint not exceeding 25% of the total area of the plot within which it is to be set, to provide appropriate design, boundary treatment and planting and appropriate use of materials.

Local Development Framework (LDF)

The Black Country Joint Core Strategy (JCS) has now been through its Examination in Public. It is on course for adoption early in 2011. The broad principles of the UDP – e.g. the appropriate reuse of previously developed land, need to promote the town and district centres and high quality design are further advanced in the document taking account of the latest national policy and available evidence. However, the plan is not generally site-specific and it will carry little weight until it is adopted.

Regional Strategy for the West Midlands

The Regional Strategy has been revoked by the Secretary of State in a Parliamentary Statement of 6 July 2010. It has therefore ceased to be planning policy. The work done for the strategy (and for the various partial revisions in the West Midlands) may provide relevant material considerations. In such cases the relevant reference(s) will be in terms of 'observations' rather than as policy.

National Policy

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

PPS3: Housing should be well integrated with, and complement, the neighbouring buildings and the local area more generally in terms of scale, density, layout and access. It also provides for the retention or re-establishment of the biodiversity within residential environments.

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

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

PPS24: Seeks to minimise the adverse impact of noise.

Consultations

Transportation – No objections subject to maintenance of access, parking and manoeuvring areas.

Pollution Control (Scientific Team) – No objections.

Pollution Control (Contaminated Land) – No objections.

Environmental Health – No objections.

Landscape – No objections. It is recommended that the copper beech tree in the proposed planting is substituted for a smaller growing ornamental tree species that does not grow as large.

Ecology – No objections in principle. The ecological report is satisfactory. Conditions are recommended to require details of the type of bat roosting features proposed, location and type of swift boxes and prevention of external lighting without the express consent of the local planning authority. Notes to the applicant regarding disturbance of nesting birds and measures to allow animals to escape open trenches during construction are also recommended.

Arboricultural Officer – Comments to be reported in supplementary papers.

Public Participation Response

Five objections received which are summarised as follows: -

- Not space to build without removing TPO trees
- Trees have already been removed
- Overlooking between existing and proposed properties
- Plot 2 closer to existing properties than approved on outline permission
- Doubt adequacy of the proposed acoustic fence
- The acoustic fence should be erected first to provide protection from site construction noise
- Query ownership and maintenance of boundary fencing

- Incorrect information within the Noise Report which refers to properties that do not adjoin the site
- It is possible the development would not have been approved under revised government policy relating to brownfield sites
- Proximity of the bin store to the neighbours' boundary has an adverse impact in terms of noise disturbance, odour and visual impact
- Noise, pollution and vehicles fumes from vehicles waiting for the gates to open
- Extensions at no 37 not shown on drawings and may be affected by overshadowing or structural damage from the proposed planting
- The application was originally turned down by the Council which was the right decision

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

Determining Issues

- Principle of residential development
- Scale and appearance
- Landscaping
- Relationship to surrounding properties
- Impact on protected trees

Observations

Principle of residential development

The principle of constructing 2 new houses in the rear garden of the existing property has already been established by the grant of outline permission 09/1015/FL. When outline permission was granted Committee considered that the proposals addressed the Inspector's concerns for dismissing an earlier appeal. The layout and access to the site were approved at outline stage when it was proposed to demolish the garage at the side of no. 43 to create access to two houses each with detached garages. The current proposals seek full planning permission for a broadly similar development but with increased house sizes and attached garages.

One objector points out that the proposals for development of this garden land may not have been approved under current government guidance which classes gardens as greenfield rather than brownfield sites. However, as outline permission has already been granted this is a material consideration in determining the current full application and does not call for re-consideration of the principle as to whether to allow development.

Scale and Appearance

The detailed design of the two houses now proposed results in each having a larger footprint to that shown on the approved outline layout and notably incorporates attached garages instead of detached garages.

The changes to plot 1 show an extended front elevation to incorporate a bay window to the projecting gable, infilling a corner of the building to provide a

hall and w.c. with bedroom above and provision of a bedroom above the garage incorporating dormer windows. Plot 2 has also been extended to the front and side. The building has been pulled further away from the rear boundary of the site and extended at the front to create a study with en-suite above. The roof to the front extension has a lower eaves level with dormer window at first floor to reduce the scale of the house. The garage is now attached yet pulled further away from the boundary with the cricket club and the house has been enlarged along the northern elevation.

The changes have been made to improve the accommodation and pull the houses further away from existing trees around the perimeter of the site. Although the buildings are larger than indicated on the approved outline permission the scale and appearance of the dwellings is in keeping with the surrounding properties and has no adverse impact upon the appearance of the area. The extended parts of the houses are no nearer to boundaries with adjoining properties than the previously approved plots.

Landscaping

The proposed houses are located within an existing mature garden that has mature trees and hedges around its perimeter. The proposals seek to retain many of these and propose additional shrub planting and replacement trees throughout the site. The landscape officer is satisfied that the proposed new planting is acceptable but recommends substitution of the proposed copper beech with an ornamental species more compatible with new housing. This can be achieved with an amended landscape planting plan. The new access is set 1.5m from the boundary to ensure protection of the existing trees and a no-dig area is also indicated.

The adjacent neighbour at 37 is concerned that their recent extension is not shown on the drawings and may be affected by overshadowing or structural damage from replacement tree planting. Their extension is 4.5m in length and is level with the proposed replacement trees on the northern boundary of the site. However, the replacement trees will be a species that is compatible with residential development and will be planted within the boundary of the application site so should not affect the neighbour's extension in terms of structural damage or overshadowing. There would also be nothing to prevent the existing occupier at 43 Middleton Road from planting new trees in this location without the need for planning permission which would have an identical effect.

Relationship to surrounding properties

The proposed dwellings are no nearer to the dwellings in Manor Road than the outline permission and there remains at least 23m between the nearest part of the house on plot 2 (the chimney) and the rear elevation of 3a Manor Road. This exceeds the 13m separation recommended in Appendix E of SPD: Designing Walsall. There is 26m separation between the facing elevations of plot 1 and the nearest part of the house at 1 Manor Road. Bearing in mind the retained trees and new acoustic fence along the boundary of the access there will be little scope for overlooking.

The ground floor windows in the gable of plot 2 that face the rear elevation of 3a Manor Road are 24m away at the closest point and the remaining trees along the boundary will provide screening to maintain privacy. Also, given they are narrow secondary lounge windows only it is expected that there will be limited views towards the neighbouring property. Although the neighbour mentions a bathroom window this is not a habitable room and is not a material consideration in terms of window to window privacy distances. The separation distance accords with guidance in Appendix E of the SPD.

The position of the proposed dwellings is no nearer to the garden boundary of 37 Middleton Road than the outline permission and therefore has no greater adverse effect upon privacy, daylight or outlook. There is a first floor bedroom and en-suite above the attached garage with a roof light window to the en-suite facing no. 37. As this is not a habitable room there is no adverse impact upon the neighbour's privacy.

The acoustic fence is proposed along the boundary of the access and gardens in Manor Road as required by the outline permission. The occupier at 3a Manor Road considers the fence should extend further along to include their garden boundary. However, the purpose of the fence is to reduce noise from vehicles using the access which does not extend as far as the rear garden boundary with 3a. It is therefore considered unreasonable to require an extension of the acoustic fence.

Despite the fact that neighbours doubt the adequacy of the acoustic fence in terms of its height and thickness Pollution Control acoustics experts are satisfied that the recommendations in the noise report are sufficient to provide adequate protection from noise from vehicles using the access. The suggestion that the acoustic fence is erected before other construction works commence was not a requirement of the outline permission and would be unreasonable to impose on this full planning application.

The proposal is to install the acoustic fence within the application site boundary. Maintenance will be the responsibility of the new occupiers.

One neighbour has objected to the location of the proposed bin store as they consider this will be visually obtrusive from their property and will cause odour and noise from its use. The applicant has indicated that they will be providing revised plans to remove the bin store from the drawings as Waste Management has verbally advised that refuse collections will take place from the kerb side only and operators will not enter the site access to collect waste. Although new residents will have to carry their waste over a greater distance (between 45-65m) from their houses to the kerb it is not unusual for residents in this situation. It is also likely that residents will choose to have their refuse bins close to their properties for easier use. The Inspector on the earlier appeal also acknowledged that *"future residents of the proposed dwellings would be aware of the situation and could make alternative arrangements for refuse storage and collection"*. A condition is recommended to require the

revised plan omitting the bin store which resolves the neighbour concern in this respect.

The proposed vehicle access gates are positioned approximately 18m from the boundary with the highway to allow vehicles to pull off the highway and open the gates without causing an obstruction. This is approximately 4m further back than shown on the outline permission but is level with the existing garage at 43 so the situation will be no different in terms of vehicles waiting in this area for gates to open.

Impact on protected trees

The proposed trees to be removed were approved at outline stage therefore despite objectors concerns that there is insufficient space to build without removing the protected trees, the principle has been approved.

Summary of Reasons for Granting Planning Permission

The principle of residential development was approved by the previous outline permission. Although full details have now been supplied showing a larger footprint for each of the houses the parameters of the approved buildings are not exceeded.

The proposals do not bring the houses any nearer to surrounding properties than the houses that were originally approved on the site and privacy separation distances are respected.

The majority of trees and landscape screening around the perimeter of the site is retained and supplemented by new planting to respect the character of the surrounding area. The replacement species are chosen to provide screening yet remain compatible with housing so as not to overshadow adjoining occupiers or the new housing.

The acoustic fence is a requirement of the outline planning permission and the Council experts are satisfied that the design will provide residents with noise protection from vehicles using the access. The proposed bin store area will be removed from the plans as waste management have advised collections will take place from the footway only. Occupiers are therefore likely to store bins within the boundary of their own property and be responsible for carrying waste to the footway on collection day. Although the distance for occupiers to carry waste is greater than normally recommended this is not dissimilar to other situations in the borough. Furthermore the Inspector on the earlier appeal acknowledged that future residents will be aware of this situation.

The outline planning permission established the principle of removing TPO trees and the reserved matters application shows no differences.

In light of the above the proposals are considered to accord with the aims of saved policies GP1, GP2, GP7, 2.2, 3.6, 3.7, 3.16, 3.116, 3.117, ENV18,

ENV23, ENV32, ENV33, 6.3, H3, H10, T7 and T13 of Walsall Unitary Development Plan and Supplementary Planning Documents: Designing Walsall and Conserving Walsall's Natural Environment.

Recommendation: Grant Permission Subject to Conditions

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

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

2. The works hereby approved shall only be carried out in accordance with details contained within the following approved plans and specifications except insofar as may be otherwise required by other conditions to which the permission is subject;

- Location Plan received 02/06/10
- Proposed Site Layout (30228/01 Rev A) received 21/06/10
- Proposed Site Section (30228/04) received 21/06/10
- Soft Landscape Proposals (AE1016) received 02/06/10
- Plot 1 – Plans & Elevations (30228/02) received 02/06/10
- Plot 2 – Plans & Elevations (30228/03) received 02/06/10
- Design & Access Statement prepared by Neil Boddison Associates (June 2010) received 02/06/10
- Arboricultural Implications Assessment Addendum prepared by T Mousley & Sons received 02/06/10
- Report on Trees prepared by Rodney Helliwell received 02/06/10
- Phase 1 Habitat Survey & Ecological Survey Assessment prepared by Worcestershire Wildlife Consultancy (2010/057 - May 2010) received 02/06/10
- Report on Existing Noise Climate & Noise Impact of Access Road prepared by Hoare Lea received 02/06/10
- Bat Survey prepared by S Christopher Smith (SP090990 – 22 August 2008) received 02/06/10

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

3. Prior to the first occupation of the development the access drive, parking and manoeuvring areas show on the approved plan shall be fully consolidated, hard surfaced and drained, and shall thereafter be retained for this purpose only.

Reason: To ensure the satisfactory development of the site.

4. Prior to the first occupation of the development the acoustic fence shall be erected in the position shown on the approved plans to the specification included within the Report on Existing Noise Climate and Noise Impact of

Access Road prepared by Hoare Lea Acoustics and the method statement by Rodney Helliwell received by the local planning authority on the 2 June 2010. The acoustic fence shall remain in accordance with the approved details throughout the life of the development unless the local planning authority agreed in writing to any variation.

Reason: In the interests of visual amenity and to provide appropriate mitigation measures in regards to noise and impact upon trees along the boundary.

5. No development shall commence until details for replacement trees to be planted (including species, size and location), including a time period for planting, within the application site has been submitted to and approved in writing by the local planning authority. Should the replacement tree(s) die, becomes seriously diseased, damaged or is removed within three years of the planting; it shall be replaced by a tree of the same or greater size as originally agreed.

Reason: To mitigate for the loss of protected trees within the application site.

6. This development shall not be carried out until a schedule of facing materials to be used in external walls and roofs has been approved in writing by the local planning authority. The development shall be carried out in accordance with the approved materials and maintained thereafter.

Reason: To ensure the satisfactory appearance of the development.

7. No development shall commence until details of a domestic sprinkler system have been submitted to and approved in writing by the local planning authority; and the dwellings hereby permitted shall not be occupied until the sprinkler system has been constructed in accordance with the approved details. The sprinkler system shall be retained and maintained thereafter.

Reason: To ensure the satisfactory functioning of the development.

8. No development shall commence until full details showing bat boosting features incorporated into the dwellings have been submitted to and approved in writing by the local planning authority. The proposals may provide access to bats to cavity walls or under a roof tiles and/or building a purpose made Schwegler-type roosting boxes into the fabric of the buildings. Details of the design and location of swift boxes shall also be provided. The approved scheme shall be incorporated into the development before any part is brought into use and shall be retained and maintained thereafter.

Reason: To conserve local protected species and wildlife.

9. No development shall be carried out until details of the design and location of protective guards or fencing to trees (in accordance with BS: 5837 2005) to be used during construction has been approved in writing by the local

planning authority. The approved guards or fencing shall be implemented prior to the commencement of construction and retained until the development is complete. The soil level shall not be altered within the approved guard or fencing and this area shall be kept clear of materials and machinery.

Reason: To safeguard the trees to be retained on the site in the interests of the amenity of the area.

10. No development shall commence until details of the access gates have been submitted to and approved in writing by the local planning authority. The gates shall be erected in accordance with the approved details prior to the first occupation of the dwellings and thereafter retained.

Reason: In the interests of visual amenity and community safety.

11. Development shall not begin until drainage details, incorporating sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development, have been submitted to and approved by the local planning authority, and the scheme shall subsequently be implemented in accordance with the approved details before the development is completed/occupied.

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

12. The landscaping scheme shown on the approved drawing AE 1016 prepared by Anne Evans received by the local planning authority on 2 June 2010 shall be implemented within 12 months of any part of the development being brought into use, 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 five years from the full completion of the approved scheme. Within this period any tree(s), shrubs or plant which dies, becomes seriously diseased, damaged or is removed shall be replaced with a tree, shrub or plant of the same or greater size and same species as that originally required to be planted.

Reason: To ensure the satisfactory appearance of the development

13. All parts of the building where bats may be roosting shall be demolished carefully using hand tools only under the direct supervision of a suitably licensed and experienced ecologist.

Reason: To conserve local bats populations.

14. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, or succeeding Orders, no external lighting shall be installed in front or rear gardens of the dwellings hereby approved without the written consent of the Local Planning Authority.

Any lighting scheme submitted for Local Planning Authority consent shall be low level high pressure sodium with UV filters and directional shrouding/shields to prevent unnecessary light spill or an equivalent scheme. Floodlighting will not be permitted. No external lighting scheme other than that permitted by the Local Planning Authority is permitted.

Reason: To conserve local bat populations.

15. Notwithstanding the provisions of the Town and Country (General Permitted Development) Order 1995, or succeeding Orders, the dwellings here by permitted shall not be altered or enlarged to deprive them of and existing garage, drive or parking area as approved and first constructed, except with the express permission of the local planning authority.

Reason: In the interests of maintaining the amenity of the occupiers of joining the dwellings.

16. The dwellings shall achieve Code Level Three in accordance with the requirements of the Code for Sustainable Homes: Technical Guide (or such national measure of sustainability for house design that replaces that scheme). No dwelling shall be occupied until a Final Code Certificate has been issued for it certifying that Code Level Three has been achieved.

Reason: In order to provide a high performance sustainable home and to protect the environment in accordance with strategic policy aims and policies GP2 of Walsall Unitary Development Plan and policies DW1 and DW10 of Designing Walsall Supplementary Planning Document.

17. 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 07.00 to 18.00 weekdays and 08.00 to 14.00 hours on 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 side outside of these permitted hours.

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

18. Notwithstanding the details of the bin store area shown within the access on the approved plan (30228/01/Rev A) a revised plan omitting the bin store area shall be submitted to and approved in writing by the local planning authority prior to the commencement of the development. The development shall thereafter be carried out in accordance with the revised plan.

Reason: To ensure the satisfactory development of the site and protect the amenities of the area.

Note for applicant in respect of condition 17

Bank and Public holidays for this purpose shall be: Christmas Day; Boxing Day; New Years Day; Easter Monday; May Day; Spring Bank Holiday Monday and August Bank Holiday Monday.

Note for applicant in respect of demolition

Your proposals include demolition work, it will therefore be necessary for you to notify Building Control Services of your intention to demolish (Section 80 of the Building Act 1984). This should be done as soon as possible but not less than 6 weeks before commencement of the demolition work. Helpline number is 01922 652408.

Note for applicant in respect of nesting birds

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. Most birds nest between mid-February and the end of August, although exceptions to this do occur. No site clearance work should take place in the bird nesting season if there is a risk that nests may be damaged or destroyed. If site clearance work is unavoidable, a suitably qualified and experienced ecologist should check the development site for the presence of nesting birds prior to the commencement of any site clearance work. If nesting birds are discovered clearance works should be delayed and advice sought from Natural England or your ecologist.

Note for applicant in respect of open trenches

It is recommended that if open trenches are left unfilled overnight a ramp no steeper than 45 degrees in gradient is provided to prevent any animal which falls into them to become trapped.



Plans List Item No: 12.

Planning Committee

*Report of Head of Planning and Building Control, Regeneration Directorate
on 19 Aug 2010*

Reason for bringing to committee: Significant Community Interest

Application Number: 10/0806/FL
Application Type: Full application

Applicant: Brownhill Cars
Proposal: Removal of condition 3 of planning approval 07/1285/FL/E6 to allow 24 hour operation of existing private hire control base.
Ward: Brownhills

Case Officer: Barbara Toy
Telephone Number: 01922 652429
Email: planningservices@walsall.gov.uk
Agent:
Location: 13A HIGH STREET, BROWNHILLS, WALSALL, WS8 6ED

Expired Date: 25/08/2010

Recommendation Summary: Grant



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Application and Site Details

The site is on the north eastern side of High Street, just to the south of the junction with Lichfield Road, within Brownhills District Centre. The site comprises first floor office accommodation currently used as a private hire control base (approved in September 2007 subject to conditions), above an existing hot food takeaway. A service yard and informal parking area is situated to the rear of the premises, accessed off Great Charles Street.

Immediately to the north-west of the site is a restaurant with takeaway and a funeral directors beyond, to the south-west a tattooist and estate agents. On the opposite side of the road is a large supermarket.

Beyond the parking area at the rear is a meat cutting and distribution centre, with a yard and wagons used for distribution, all accessed from Great Charles Street and in the district centre.

Condition 3 attached to permission 07/1285/FL/E6 restricts the opening hours of the taxi base to 1000 – 0200 hours daily. This application proposes to remove this condition to allow 24 hour opening of the taxi hire control base.

The applicant has stated that the customer base for the business is expanding and there is a demand for a 24 hour service, to provide a quality service to customers.

Relevant Planning History

07/1285/FL/E6, change of use from offices to hire car control, granted subject to conditions 2007.

Relevant Planning Policy Summary

(Note the full text version of the UDP is available from the First Stop Shop in the Civic Centre, and on the Planning Services Website www.walsall.gov.uk/planning).

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

GP2: Environmental Protection

The Council will not permit development which would have an unacceptable adverse impact on the environment.

3.7 looks at protecting people from unacceptable noise, pollution and other environmental problems.

ENV10: Pollution

Facilities which may cause pollution will only be permitted if it would not cause unacceptable adverse effect in terms of noise etc,

S1: Definition of Town Centre Uses

Retailing, A2 offices, B1(a) offices, A3, A4 and A5 uses, C2 uses, D2 uses, public service, community and health facilities within D1 and higher education facilities.

S2: Hierarchy of Centres

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

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

Textphone 0845 111 2910, Translation Line (01922) 652426, Fax (01922) 623234

(b) District Centres main function to meet the needs of the district for convenience shopping, local services and community facilities.

S4: Town and District Centres

The Council will seek to sustain and enhance the range and quality of shopping, leisure and other town centre uses to maintain the vitality and viability of the centre.

S8: Housing in Town Centres

It should be recognised that the particular benefits of living in a centre could mean the acceptable level of residential amenity may not be the same as that expected in suburban locations. Residential development must support and not prejudice a centre's retail, commercial and leisure functions.

15.1 The Council together with the local community and partner agencies is working towards the regeneration of Brownhills centre.

T13 – Parking Standards

A1 advises that developers must demonstrate that the development will provide adequate on site parking to meet its needs and there will be no adverse impact on highway safety or the environment.

Local Development Framework (LDF)

The Black Country Joint Core Strategy (JCS) has now been through its Examination in Public. It is on course for adoption early in 2011. The broad principles of the UDP – e.g. the appropriate reuse of previously developed land, need to promote the town and district centres and high quality design are further advanced in the document taking account of the latest national policy and available evidence. However, the plan is not generally site-specific and it will carry little weight until it is adopted.

Regional Strategy for the West Midlands

The Regional Strategy has been revoked by the Secretary of State in a Parliamentary Statement of 6 July 2010. It has therefore ceased to be planning policy. The work done for the strategy (and for the various partial revisions in the West Midlands) may provide relevant material considerations. In such cases the relevant reference(s) will be in terms of 'observations' rather than as policy.

Consultations

Transportation – no objections, the proposed 24 hour operation is unlikely to have any significant detrimental impact on the local highway network providing the number of vehicles parked at the site remains at 2 in line with Condition 4 on the original approval.

West Midlands Police – no objections

Environmental Health – No adverse comments providing the existing conditions re parking of vehicles, no public access to the office, no public address facility, no floodlighting, no car horns and no maintenance are maintained.

Licensing Enforcement Officer – no objections, the base is currently operated by Brownhills Cars and has a licence to operate 9 cars. Some complaints have been received in connection with the number of cars parked at the rear.

Public Participation Responses

A petition against the 24 hour operation, containing 56 signatures has been received.

The petition is available for inspection upon publication of this committee report.

Determining Issues

- Whether the extended opening hours would have an adverse impact on the amenities of the surrounding occupiers or highway safety.

Observations

Whether the extended opening hours would have an adverse impact on the amenities of the surrounding occupiers or highway safety

The site is situated within a defined district centre for which the main function is to meet the needs of the district for convenience shopping, service needs and community facilities. The principle of the use of the premises as a private hire control base was previously accepted and considered an appropriate use to be located within a district centre when consent was granted in 2007.

The current operating hours are restricted to 1000 – 0200 daily. Taxi licensing have received some complaints regarding the number of vehicles parked to the rear exceeding the 2 allowed under Condition 4 on the existing approval. However West Midlands Police and Environmental Health have no records of any complaints with regard to the premises and its current operation. Whilst the condition restricts vehicles to be parking in the yard to 2 at any one time, any road taxed vehicle can legally park anywhere throughout the Borough.

The closest residential properties to the site are situated within Great Charles Street to the rear, immediately adjacent to the district centre, approx 50m from the rear parking area. It must be recognised that housing situated within or immediately adjacent to a district centres may not have the same level of residential amenity to that expected in suburban locations. Whilst it is recognised that noise and disturbance may result from car engines, doors opening and closing, car alarms and telephones etc, it is considered that any disturbance would be minimal from the parking of 2 vehicles and no customers calling at the premises.

The site is situated within the district centre where there are existing late night opening premises (hot food takeaways and restaurants) and where residents could reasonably expect a higher level of background noise than that found in

a predominantly residential area. Environmental Health have therefore raised no objections to the proposals.

The extension of hours of operation of the company would not alter the number of vehicles licensed to operate (9) and the remaining conditions on the existing approval remain unchanged, therefore no more than 2 vehicles can be parked at the site at any one time. The proposals would have no increase in activity over the existing use and would no longer have the inconvenience of staff leaving the premises at the close of business at 0200. It is considered that the proposals are unlikely to have any additional adverse impact on the amenities of the residential occupiers in the immediate vicinity over the existing situation.

Summary of Reasons for Granting Planning Permission

The site is situated within the district centre where late night opening and increased activity is considered appropriate. The closest residential occupiers are situated 50 metres to the rear just outside the district centre, where it is recognised that housing situated within or immediately adjacent to district centres may not have the same level of residential amenity to that expected in suburban locations.

The extension of hours of operation of the company would not alter the number of vehicles licensed to operate (9) from the premises and the remaining conditions on the existing approval remain unchanged, therefore no more than 2 vehicles can be parked on the site at any one time. The proposals would therefore have no increase in activity over the existing use and it is considered that the proposals are unlikely to have any additional adverse impact on the amenities of the residential occupiers in the immediate vicinity over the existing situation or impact unduly on highway safety from taxi's coming and going and parking at the premises.

The proposals would accord with the aims and objectives of the development plan, in particular saved policies GP2, 3.7, ENV10, S1, S2, S4, S8, 15.1 and T13 of Walsall's Unitary Development Plan (2005).



Plans List Item No: 13.

Planning Committee

*Report of Head of Planning and Building Control, Regeneration Directorate
on 19 Aug 2010*

Reason for bringing to committee: Requires delicate judgement

Application Number: 10/0753/FL

Application Type: Full application

Applicant: Mr Iftikhar

Proposal: Proposed change of use of
ground floor shop to restaurant/cafe and
hot food takeaway with extraction flue

Ward: St. Matthews

Case Officer: Jan Scrivens

Telephone Number: 01922 652436

Email: planningservices@walsall.gov.uk

Agent: Graham Durrant Design

Location: 14 BRADFORD
STREET, WALSALL, WS1 1PB

Expired Date: 05/08/2010

Recommendation Summary: Grant Permission Subject to Conditions



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Application and Site Details

This application proposes the change of use of no.14 Bradford Street, which is a shop, to a restaurant/café and takeaway. The submitted plans show the internal layout of the proposed use to have a counter across the width of the premises, set back approximately one third into the unit.

The application also proposes the installation of a flue. This would be sited internally, passing through flats on the first and second floor and emerging on the rear slope of the roof where it would be enclosed by brick slip cladding to give the appearance of a chimney.

The proposed opening hours are 10a.m. to 11.30 p.m. Sunday to Wednesday; 10 a.m. to 12 midnight Thursday to Saturday and Bank Holidays.

The site is within Bridge Street Conservation Area.

Relevant Planning History

The site

06/0378/FL/W3 Change of use of three storey shop and light industrial buildings to Chinese restaurant, some existing buildings to be demolished. Construct single storey extension to existing building and elevational changes. Granted subject to conditions 23.6.06

08/1086/FL Demolition of extension and some outbuildings . Conversion and extension of nos. 13 and 14 to form two shops with new shopfronts and four flats with external staircase to the rear. Conversion of tannery building to 6 flats, construction of one bedroom dwelling. Conversion of outbuilding to dwelling.
Granted subject to conditions 9.3.09

08/1085/CC Conservation Area Consent: Demolition of extension and some outbuildings. Granted 17.9.08

09/1485/FL Roller shutters to shopfronts. Granted 25.1.10.

30 Bradford Street

10/0251/FL Change of use from sandwich shop to hot food takeaway and addition of tables to provide eat-in facilities. The proposed closing hours of the business were to be 2 am every day except Saturday when would be 5 am. Refused 7.5.10 for the following reasons:

- i) detrimental to amenity by reason of noise, disturbance and litter
- ii) would exacerbate crime and anti-social behaviour in the area
- iii) would increase fear of crime
- iv) would damage the aspirations for improving the conservation area.

10/0595/FL Change of use to sandwich shop with sale of hot food and eat-in

facilities. The closing hours proposed in this application were 6pm Monday to Friday and 4pm Saturdays, Sundays and Bank Holidays. Granted subject to conditions 18.6.10

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

GP2 and 3.6 require new development to improve the quality of the environment

ENV27 alterations to listed buildings will only be permitted where it can be demonstrated that the internal/external appearance, character and value of the building will not be harmed.

ENV29 relates to the effect of proposals on Conservation Areas.

ENV32 requires the design of proposals to take account of their context.

S1 defines food and drink uses as appropriate to Town Centres

S10 considers takeaway uses to be appropriate to town centres subject to the following considerations:

- i) the proposal must not adversely affect the amenities of existing or proposed dwellings by reason of noise, smell, disturbance or traffic impact
- ii) the closing times of the premises will be considered in relation to the amenities of nearby dwellings. In such locations the Council will usually impose a condition requiring the premises to close at 23.00 hours Monday to Friday and 23.30 hours on Saturdays. Later opening hours and Sunday opening will be considered on their merits.
- iii) the absence of off-street parking where this would be likely to lead to on-street parking in a hazardous location
- iv) ventilation and fume extraction equipment must be positioned to avoid potential problems of noise, vibration and odour to nearby occupiers and the equipment must not be detrimental to visual amenity

Consultations

Transportation: No objection

Pollution Control Scientific Team: No objection

Pollution Control Contaminated Land Team: No objection

Environmental Health: No objection. Because of the potential for disturbance to flats above recommends conditions relating to noise insulation between the properties in addition to fume extraction methods and a grease trap

Fire Service: No objection

Centro: No objection. If the development requires the relocation of the adjacent bus shelter then the cost of this must be borne by the applicant.

Police Architectural Liaison Officer: No objection to these hours.

Conservation Officer: No objection

Representations

Two objections have been received to this application from the occupiers of premises in Bradford Street. They are concerned that:

- i) Large numbers of people already gather in this area, obstructing pedestrians; this proposal would worsen the situation
- ii) There are already a sandwich shop, two chip shops, a mobile burger van and an Indian takeaway in Bradford Street. This proposal would not add anything to the street and would make it a worse place to live, work or shop in.
- iii) This proposal will increase an existing litter problem which in turn contributes to problems from pigeons and rats. Pest control has recently had to be called out to one writer's property. There is only one bin for the relevant stretch of road.
- iv) The shop is trading at present as a retail use; it is not an empty shop
- v) Long trading hours will add to problems for the police force late at night

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

Determining Issues

Principle of the use
Amenity
Parking

Observations

Principle of the use

Policy S1 defines takeaways and restaurants as appropriate uses for a town centre. There are no policy restrictions on the number of such uses which are acceptable within a particular area. Planning permission has previously been granted in 2006 for use of this and the adjoining shop as a Chinese restaurant.

Amenity

In considering the recent planning applications at 30 Bradford Street, to allow a sandwich shop to sell hot food to takeaway and to eat in, members have been concerned at noise, disturbance, litter, and the possibility of the use exacerbating crime and the fear of crime and that the use would damage the

aspirations for improving the Conservation Area. The majority of these concerns arose from the late opening hours and were subsequently overcome by reducing the hours significantly, to a time that a shop could be expected to close.

Application 10/0753/FL proposes closing hours of 11.30 and 12 midnight which are later by half an hour than development plan policies consider acceptable where there are residential properties nearby. The application also proposes Sunday opening, until 11.30p.m, which policy indicates will be considered on its merits.

The hours set out in Policy S10 are for guidance and later hours will be considered on their merits; the location of the site is an important consideration. This site is within the town centre and closing hours which are half an hour later than the usual permitted hours would not seem excessive. There is also likely to be more activity within the town centre on Sundays than experienced elsewhere and residents will be used to this. On balance the hours which are applied for are reasonable in this location.

Environmental Health have not objected to the application although they are concerned about the impact of noise on neighbours and have recommended conditions to mitigate this which include insulation to prevent the transmission of noise to the first floor.

The Police Architectural Liaison Officer considers the proposed hours to be acceptable. He has not raised any concerns with regard to people congregating as a result of the proposal. He has made recommendations for conditions internal CCTV.

The effect of the proposed flue on the appearance of the building will be negligible; the flue would not be visible from the street frontage. There are no changes proposed for the shopfront, which has recently been renovated by the applicant. The proposal would not have any detrimental effect upon the character and appearance of the conservation area.

Neighbours have also raised concerns with regard to the number of takeaways and similar establishments in Bradford Street, and consider that the proposal would add nothing to the street; the premises are already in use as a shop and are not an empty building. This concern is understood but there are no policies in the development plan which would restrict the number of takeaways or restaurants in the town centre or give preference to other forms of retail use.

Concern has also been expressed about litter and vermin. The latter can be dealt with by good management and pest control if this fails. There are several litter bins within the town centre and this area is regularly cleaned.

Parking

The use is within the town centre, where off-street parking is not usually

required for individual units. There are bus stops in the vicinity of the site but illegal parking can be controlled by parking wardens during the daytime and at night this would have less effect on the functioning of the highway.

Summary of Reasons for Granting Planning Permission

A restaurant/café/hot food takeaway is an appropriate use within a town centre; there is no restriction in development plan policy on the number of these which may operate within a particular area. The installation of ventilation and fume extraction equipment would minimize cooking smells and this is required by condition together with noise insulation which is necessary to reduce the effect of noise on the amenity of adjacent residential occupiers. The internal location of the flue, which would emerge on the rear slope of the roof, would minimize the effect of the proposal on the character and visual amenity of the conservation area. The opening hours of the premises are appropriate to a town centre location, where later closing hours may reasonably be expected and the proposed hours would not have any adverse effect on the amenity of neighbours or the of the conservation area; they are restricted by condition to ensure this. The proposed opening hours of the use would not encourage people to congregate outside the premises, causing additional problems for policing the area. Any illegal parking which occurs as a result of this development is a matter for parking enforcement. Litter and vermin would not necessarily increase as a result of this proposal. The approval of this application, with appropriate conditions, is in accordance with policies GP2, 3.6, ENV29, S1 and S10 of Walsall's adopted Unitary Development Plan.

Recommendation: Grant Permission Subject to Conditions

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

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

2. Notwithstanding the details shown on the submitted plans no development shall be carried out until details of ventilation and fume control equipment and proposals for the maintenance of this equipment have been approved in writing by the Local Planning Authority. The approved details shall be implemented before this development is brought into use, and thereafter the ventilation and fume control equipment shall be maintained in accordance with the agreed details and retained in working order.

Reason: A high level of odour control is required due to the proximity of residential properties and the proposals submitted with this application are insufficient to provide this. A minimum requirement to safeguard the amenities of the occupiers of adjoining premises would be a three stage system.

3. No development shall be carried out until details of noise insulation measures to mitigate noise transmission between:

- i) the ground and the first floor of no.14 Bradford Street
- ii) the first floor and the second floor of no.14 Bradford Street
- iii) the extraction flue and the first and second floor flats of no.14 Bradford Street
- iv) the ground floor of no.14 Bradford Street and the first and second floor flats of no.13 Bradford Street

have been submitted to and approved in writing by the Local Planning Authority. The approved insulation measures shall be fully installed prior to the development being brought into use and thereafter retained.

Reason: To mitigate the noise and disturbance to the adjacent residents which the use would generate.

4. No development shall commence until details of a method to prevent grease entering the drainage system have been submitted to and approved in writing by the Local Planning Authority. The premises shall not be open for business until this approval has been given and the approved details have been implemented. The approved equipment shall thereafter be retained and maintained in accordance with the manufacturer's or installer's requirements.

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.

5. The enclosure of the extract flue above roof level shall be in brick slips to match the existing brickwork on the building and the cowl of the flue shall be painted black prior to its installation. The flue shall be enclosed and painted as required by this condition prior to the development being brought into use and thereafter retained as such.

Reason: To ensure the satisfactory appearance of the flue in the interests of the visual amenity of the area.

6. The premises shall not be open for business outside the hours of 10.00 a.m. to 11.30 p.m Sunday to Wednesday and 10.00 a.m. to 12 midnight Thursday to Saturday and Bank Holidays.

Reason: In the interests of the amenity of adjacent occupiers and the Bridge Street Conservation Area.

7. This permission grants consent for a change of use only and for the installation of an extract flue. There shall be no alterations of any description to the shop front and the roller shutter.

Reason: To define the permission and to ensure the satisfactory appearance of the development and the visual amenity of Bridge Street Conservation Area.



Plans List Item No: 14.

Planning Committee

*Report of Head of Planning and Building Control, Regeneration Directorate
on 19 Aug 2010*

Reason for bringing to committee: Significant Community Interest

Application Number: 10/0808/FL

Application Type: Full application

Applicant: Mr Gajjar

Proposal: One jet wash bay and one
drive through wash bay in an enclosed
building

Ward: Rushall-Shelfield

Case Officer: Devinder Matharu

Telephone Number: 01922 652487

Email: planningservices@walsall.gov.uk

Agent: Mr John Lea

Location: Heath Service Station, 141
Lichfield Road, Shelfield, Walsall, WS4
1PX

Expired Date: 03/09/2010

Recommendation Summary: Grant Permission Subject to Conditions



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Application and Site Details

The application proposes one jet wash bay and drive through wash bay in an enclosed building. The proposed building would measure 9m in length and 10m in width with a flat roof some 3.8m high. The drive through bay would be located closer to the rear boundary of the site with the jet wash bay being located towards the petrol filling station. The building would be located in the eastern corner of the site, away from the rear boundaries to allow landscaping to be incorporated.

Heath Service Station is located on the strategic highway of Lichfield Road some 150m away from Shelfield Local Centre. Planning permission was granted in 2007 for the reinstatement of the petrol filling station. Surrounding the site are residential properties fronting onto Parkstone Close and Lichfield Road.

A Design and Access Statement has been submitted with the application which states that the building has been designed to minimise nuisance by way of noise and spray, the end doors of the drive through bay are automatic and sound proofed. Noise has been dealt with by the building being constructed out of brick and the roof would be double skin polycarbonate sheeting.

Relevant Planning History

BC10051P – Heath Service Station, 141 Lichfield Road. Redevelopment of site to provide service station, canopy, pump islands and general goods shop. Granted subject to conditions 9/4/1984.

BC63407P – Heath Service Station, 141 Lichfield Road. Redevelopment of an existing service station with a replacement sale building, and forecourt modifications. Refused and dismissed at appeal 7th February 2002.

07/0838/FL/E6 - Heath Service Station, 141 Lichfield Road. Reinstatement of partly demolished filling station with new canopy, replacement tanks and various associated works. Granted subject to conditions 12/7/2007.

08/1093/FL Heath Service Station, 141 Lichfield Road. Extension to petrol station shop to provide a shop area of 50m². Refused August 2008 due to impact on trees and inadequate car parking facilities on site.

08/1577/FL. Heath Service Station, 141 Lichfield Road. The extension of the sales building to provide a shop area of 50m². Refused 2008.

08/1686/FL Heath Service Station, 141 Lichfield Road. The extension of the sales building to provide a shop area of 50m², bin enclosure and a new ramp. Refused 2008.

Relevant Planning Policy Summary (Note the full text version of the UDP is available from the First Stop Shop in the Civic Centre, and on the Planning Services Website www.walsall.gov.uk/planning).

Saved Policies of the Walsall Unitary Development Plan (UDP)

2.2, 3.6, 3.7, & GP2: seek to make a positive contribution to the quality of the environment, whilst protecting people and ensuring adequate and safe access is provided.

ENV10: Pollution - Regard should be taken of the unacceptable adverse effect of noise and other pollution.

Policy ENV18 seeks to ensure the protection, positive management and enhancement of existing woodlands, trees and hedgerows.

3.64 Woodlands, trees and hedgerows are an important visual, ecological and historical resource, which should be retained and protected wherever possible.

Policies 3.16, 3.116 and ENV32: Poorly designed development or proposals which fail to properly take account of the context or surroundings will not be permitted.

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

Policy T4(a) Strategic Highway Network (SHN) high priority to improvements and traffic management measures to assist traffic flow.

Policy T7 All development should satisfy the car parking standards set out in Policy T13.

Policy T13: All 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.

Local Development Framework (LDF)

The Black Country Joint Core Strategy (JCS) has now been through its Examination in Public. It is on course for adoption early in 2011. The broad principles of the UDP – e.g. the appropriate reuse of previously developed land, need to promote the town and district centres and high quality design are further advanced in the document taking account of the latest national policy and available evidence. However, the plan is not generally site-specific and it will carry little weight until it is adopted.

Regional Strategy for the West Midlands

The Regional Strategy has been revoked by the Secretary of State in a Parliamentary Statement of 6 July 2010. It has therefore ceased to be planning policy. The work done for the strategy (and for the various partial revisions in the West Midlands) may provide relevant material considerations. In such cases the relevant reference(s) will be in terms of 'observations' rather than as policy.

National Guidance

PPS 1: Creating Sustainable Communities both emphasise the need for good design, and development which is sustainable.

Planning Policy Guidance Note 24: Planning and Noise states local planning authorities must ensure that development does not cause an unacceptable degree of disturbance. A number of measures can be introduced to control the source of, or limit exposure to, noise. Such measures should be proportionate and reasonable and may include engineering, layout and administration.

Consultations

Transportation – No objection subject to a condition relating to water drainage on the highway.

Pollution Control (Scientific Team) – No objection subject to conditions

Pollution Control Contaminated Land – No objection subject to note for applicant

Police – No objections

Fire Service – No objection

Landscape – No objection

Severn Trent Water – No objection submitted to drainage condition.

Environment Agency – No objection

Environmental Health – No objection

Public Participation Responses

Three letters have been received objecting to the proposal on the following grounds:

- Increased traffic congestion.
- Increased risk of vehicle accidents with near misses with vehicles entering and exiting the site.
- Increased noise and nuisance by the power wash facilities.
- Power wash should not be used for HGV's.
- Garage has contract with Evans Haulage and a number of HGV's visit the site at one time to fill up which causes congestion .
- Residents having to step out into the road due to HGV's causing obstructions.

- The HGV's have their engines running causing noise disturbance, this goes on 7 days a week.
- Previous incident when pump near to the houses was damaged due to manoeuvring on site.
- Lorries parked up for hours along the boundary due to tachograph restrictions.
- Devaluation of properties. (*not a material planning consideration*)

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

Determining Issues

- Principle of the use
- Appearance of the building
- Impact on the amenities of surrounding residential occupiers.
- Drainage
- Impact on highway safety

Observations

Principle of the use

Heath Service Station is an established petrol filling station and the site has previously been used as a petrol filling station. Car wash facilities are ancillary uses normally found within petrol filling stations. In this case, it is considered that the principle of development is acceptable.

Appearance of Building

The building would be constructed using materials similar to that of the existing sales building on the site and as such would not be visually intrusive feature within the site.

Impact on the amenities of surrounding residential occupiers.

The proposed building would be located off the boundaries allowing landscaping to be incorporated. The occupiers of 29 and 27 Parkstone Close would have views of the proposed building, however, in time; the proposed landscaping would assist in screening the building from these properties and any obscure views from adjoining properties fronting Parkstone Close and Lichfield Road.

The building would be enclosed to restrict any potential noise disturbance and spray within the building. It is considered that the proposed building to accommodate a drive through wash bay and jet wash bay would not impact on the amenities of the adjoining residential occupiers in terms of noise, disturbance and spray from the wash bays. The Pollution Control Officer has recommended conditions to restrict the hours of use of the car washing facilities, as well as ensuring the roller shutter doors on the drive through are closed when the machinery is in operation. Any plant and equipment

associated with the facility would need to be located within the building and this can be achieved by way of a planning condition.

It is unlikely that the building would be able to accommodate HGV's due to the height restriction of the building.

A number of issues have been raised regarding the operation of the site with HGV's from Evans Haulage using the site causing noise disturbance, congestion, obstruction, HGV's engines running while waiting to fill up, previous incident regarding petrol pump and lorries parked up along the boundary with the rear of the properties fronting Parkstone Close. These are matters can be dealt with through Environmental Health Legislation. The issues relating to obstruction of the public highway are matters to be dealt with by the Police.

Drainage

The submitted plans illustrate an extension of an existing gully at the front of the building with slit traps within the building. These would assist in adequate drainage of the site. Severn Trent Water have no objection to the proposal provided drainage plans for the disposal of foul and surface water are submitted and agreed.

Impact on highway safety

The Highway Officer has no objection to the proposal subject to conditions requiring a revised plan showing swept paths for different types of vehicles to ensure the safe operation within the site.

In terms of issues raised about increased congestion and traffic generation, the number of potential additional trips generated by the proposal is likely to be relatively small compared to the main use of the site because they may be linked trips. With the proposed building being located about 27m from the highway, any queuing vehicles can be adequately accommodated within the site and are unlikely to back up on the highway.

Summary of Reasons for Granting Planning Permission

The site is an established petrol filling station where car wash facilities are ancillary facilities. The enclosed building that would accommodate the car wash would restrict noise and spray within the building, which would not impact on the amenities of adjoining residential occupiers. The hours of operation of the car wash can be controlled to prevent the use impacting on the amenities of the adjoining residential occupiers. The issues raised regarding the operation of the site with HGV's from Evans Haulage using the site causing noise disturbance, congestion, obstruction, HGV's engines running while waiting to fill up, previous incident regarding petrol pump and lorries parked up along the boundary with the rear of the properties fronting Parkstone Close, are matters are to be dealt with through Environmental Health Legislation. The issues relating to obstruction of the public Highway are matters to be dealt by the Police. The proposal would comply with the

saved policies of the Walsall Unitary Development Plan, in particular, 2.2, 3.6, 3.7, GP2, ENV10, ENV18, 3.64, 3.16, 3.116, ENV32, T4, T7 and T13 and the advice given in PPS1 and PPG24.

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 development shall be completed in accordance with drawing numbers 2564/20A and 2564/21 submitted on 9th July 2010

Reason: To define the permission

3) No development shall commence on site until confirmation of the tree sizes as shown on plan number 2564/20A submitted on 9th July 2010 have been submitted to and agreed in writing by the Local Planning Authority. The approved landscaping scheme shall be implemented within 12 months of any part of the development being brought into use, or such other period as may be agreed in writing by the Local Planning Authority.

Reason: In the visual amenities of the site.

4) No development shall commence on site until drainage plans for the disposal of surface water and foul sewerage have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details prior to the development being first brought into use.

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

5) The walls and roof of the extension shall comprise facing materials that match those which are used in the existing building as it exists at the time of this application, and shall be retained as such after completion of the extension, unless otherwise previously agreed in writing by the local planning authority.

Reason: To ensure the satisfactory appearance of the development and to comply with policy ENV32 of Walsall's Unitary Development Plan.

6) Operation of the jet wash and automatic car wash facility shall only take place between the hours of 08.00 to 20.00 weekdays and Saturdays and 10.00 to 18.00 on Sundays unless otherwise permitted in writing by the Local Planning Authority.

Reason; To protect the amenity of the surrounding residential occupiers fronting Parkstone Close and Lichfield Road

7) Plant and equipment used for the purpose of vehicle washing shall be situated within building structures and at locations detailed in drawing number 2564/20A submitted on 9th July 2010 and thereafter retained in accordance with any approval for the period of their use.

Reason; To protect the amenity of the surrounding residential occupiers fronting Parkstone Close and Lichfield Road

8) The roller shutter doors at either end of the automatic car wash structure shall remain closed at all times when the car wash machinery is operating.

Reason; To protect the amenity of the surrounding residential occupiers fronting Parkstone Close and Lichfield Road

9) Noise from fixed plant and machinery associated with this development shall not give rise to a Rating Level exceeding 0 dB as determined in accordance with the methodologies contained British Standard BS 4142: 1997 'Method for Rating industrial noise affecting mixed residential and industrial areas'.

Reason; To protect the amenity of the surrounding residential occupiers fronting Parkstone Close and Lichfield Road

10) At no time shall waste water or spray from the development be discharged onto or over the public highway or allowed to enter into any public highway drain.

Reason; In the interests of highway safety.

Notes for Applicant

1) The area of this proposed development is a petrol station this may have resulted in localised ground contamination that may present Health and Safety implications for persons undertaking ground works. No specific detail of ground conditions in the area is available other than that obtained from previous land use data and historic mapping. This information should be brought to the attention of the builder or contractor undertaking the development in order that they may implement any Health and Safety at Work precautions they feel appropriate when undertaking construction work at the site of the proposed development.
