



DEVELOPMENT CONTROL COMMITTEE

Report of Head of Planning,
Regeneration
On 17th July 2007

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To: DEVELOPMENT CONTROL COMMITTEE

Report of Head of Planning and
Building Control,
Regeneration
On 17 Jul 2007

REASON FOR BRINGING TO COMMITTEE: Major application

Application Number: 02/2122/FL-OL/M1

Case Officer: Bob Scrivens

Application Type: Full application

Telephone Number: 01922 652488

Applicant: Parkhill Estates Ltd

Agent:

Proposal: Reclamation strategy (detail) to secure development for informal recreational use and housing (outline).

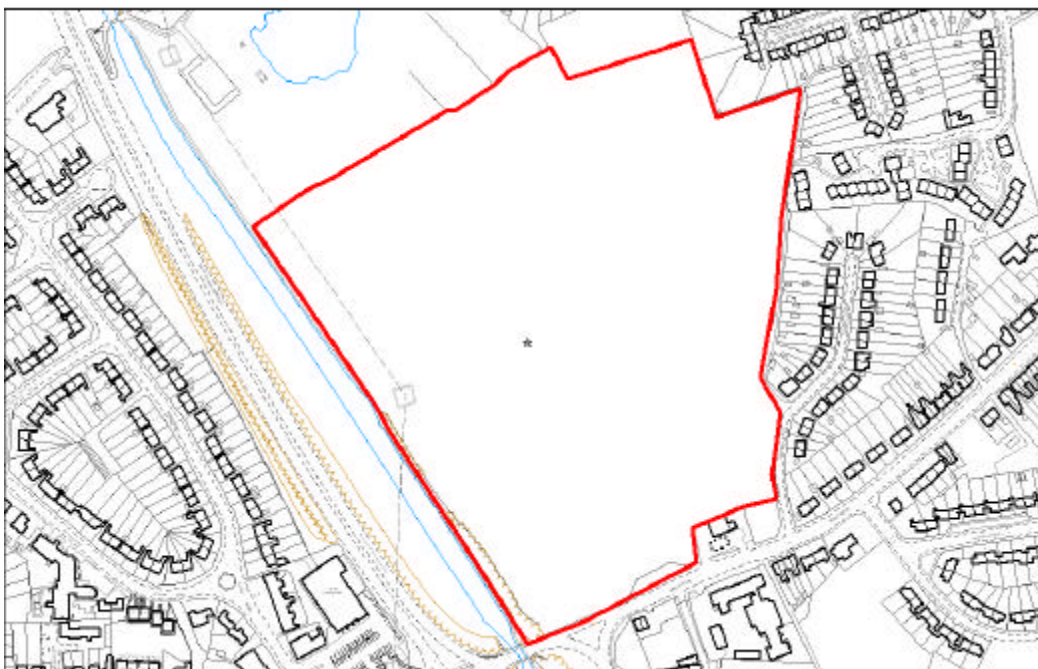
Location: Former Moxley Tip, Moxley Road, Darlaston

Application has not yet been determined. Additional information has been recently submitted on the implications of ground gas and land contamination on the site.

Ward: Darlaston South

Expired:

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



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Status

This application was considered at your last meeting. You resolved to adopt the recommendation, but you added a provision that there should be consultation with a Moxley regeneration committee as part of the publicity. The Moxley Project Reference Group has not been able to consider the project yet. Their next meeting is not until some time in mid-August.

Some concern has been expressed about this timescale. Members may wish to further consider the situation.

Application and Site Details

Moxley Tip was a sand quarry many years ago. It began to be used as a landfill site in the 1940s. Tipping ceased in about 1984. The landfill use was essentially uncontrolled. The body of the tip has a wide range of commercial / industrial materials. These were covered by a limestone layer towards the end of tipping. The limestone was itself covered by tipped material, generally excavation material, and this is presently the surface. There has been considerable grass and shrub growth over most of the tip, but there are bare areas still evident.

The site is west of Darlaston Town Centre and covers an area of 9.8ha. Moxley Road forms the southern boundary of the site.

The Walsall Canal is on the western boundary of the site. To the north is Wards pool and grassland, and beyond that industrial development. To the east is housing. To the north east and adjacent to the residential area are allotments (now mostly disused). Part of the allotments is included in the application site.

The application is in two parts. Part is an outline application for houses on 1.72ha of the site. The housing area is adjacent to the north-eastern boundary of the site and is shown to be served by a new road from Moxley Road. The houses would be built on the land known not to have been subject to significant tipping.

The second part of the application is detailed, and is for the remediation of the surface of the tip, which would then be left in informal recreation/open space use. Originally, the proposal included an area of 0.5ha for five - a - side football pitches and associated car parking. This has now been deleted.

The proposed remediation (a combination of the original submission and a subsequent Risk Assessment) would comprise:-

1. installation of gas monitoring boreholes
2. provide a barrier/venting trench along the boundary of the landfill with the proposed residential area
2. monitor for ground gas in the proposed housing area (6 months)
3. seek a detailed approval for the housing proposal
4. Clear away the "feathered edge" of waste overlaying the boundary between the landfill and the proposed residential area together with other fly tipped materials in this area
5. Landscape and cover any exposed areas of the landfill surface to prevent direct exposure to waste or contaminated materials and encourage vegetation growth (soils

- have been stockpiled on site for this purpose) and treat mineshafts (mound and fence)
6. test soils in housing area for contamination and replace as necessary
 7. treat the mineshaft in the housing area

The Risk Assessment submitted concludes:-

- 7.7 Monitoring to date has not identified significant concentrations of carbon dioxide, methane and consequently flow rates within the residential area. Therefore, it is considered that this area of the site is suitable for residential development. The mitigation measures proposed, e.g. a vent trench, will provide additional security against any lateral gas migration.**
- 7.8 Soil samples were analysed and the results assessed for an open space scenario. Contaminants in the near surface soils are not considered to present a significant risk to human health.**
- 7.9 The Conceptual Site Model (CSM) has been validated and the risk assessment on the human health effects of landfill gases has indicated that there is not a significant risk to human health for the current levels and types of usage of the former tip as open space.**

The Assessment addresses potential impacts from landfill gas and ground contamination and thus provides a basis to facilitate redevelopment..

Additional planting would be provided around the margins of the site. Details of the planting would be a matter for later submissions.

The central area of the site will be left uncapped to allow gases to vent to atmosphere.

The applicants are at pains to identify that they are fully committed to the achievement of comprehensive proposals around Moxley Tip. There have been a number of initiatives on adjoining land from developers. None of those developers have any legal interest in the Tip. They have worked with officers to develop the present application, and the potential for purchase of a small area of Council land, as the best way to move forward.

Relevant Planning History

There is a long history of tipping on this site since the 1940s. A limestone cap was placed over a proportion of the site in the early 1980s. Further unauthorised tipping took place after that date such that there is now up to 5 metres of fill on top of the limestone. . Tipping largely ceased in 1984.

Outline permission for open space, housing, and marina was refused in 1987, on the basis that contamination could adversely affect the development, insufficient information had been deposited to identify the contamination and remedial measures, and the risk from methane.

Planning permission (BCW609) was given in 2000, an outline permission for pub, housing, formal and informal recreation use, plus a reclamation strategy. The strategy centred on creating a cap over the tip. The permission was not implemented.

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

Adopted UDP

Policy LC2 is site specific and identifies that 7.75ha of Moxley Tip is proposed as additional open space. In addition, policy H2 identifies a housing site adjoining the LC2 area. These allocations reflect the 2000 planning permission.

More generally the UDP sets out the following policies. Some are relevant to the current proposal, some to the subsequent built development.

Development will be guided by principles of sustainability, minimising need to travel by car, maximising re-use of vacant land and buildings without prejudice to the beneficial use of adjoining land or buildings. Relevant considerations are set out in Policy GP1

Development schemes should help improve the environment of the Borough whilst not having an adverse impact. Relevant considerations are set out in Policy GP2

Planning obligations will be used to secure provision of on or off-site infrastructure, facilities, services or mitigating measures made necessary by development. These may include transport infrastructure, open space, drainage works, affordable housing, education facilities, health care facilities and other forms of social and community infrastructure. Relevant considerations are set out in Policy GP3

Para 8.8 'Residential developments will only be permitted where adequate school capacity exists or can be provided. Where residential developments necessitate the provision of new or improved educational facilities or other forms of social and community infrastructure the Council will require developers to make a financial contribution to the costs of providing these facilities'.

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. Relevant considerations are set out in Policy GP7

Para 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'.

Para 3.113 New development provides opportunities for high quality architectural and landscape design to contribute to the environmental and economic well-being of the Borough for the benefit of residents and visitors, alike. Good design responds positively and imaginatively to the context in which development takes place.

Para 3.114 Good design can discourage crime and increase safety as well as accommodating the access requirements of all sections of the community.

Para 3.115 the design of buildings and structures together with landscape design have a major role to play in the creation of an environment which is distinctive, creates a sense of place.

Poorly designed development which fails to take account of the context or surroundings will not be permitted. The quality of the proposal will be assessed by appearance, height, proportion, scale, mass, materials, external space, safety, security and local character. Relevant considerations are set out in Policy ENV32

The design of residential developments should create a high quality living environment, and integrate with the surroundings and local character in accordance with principles of good design. Relevant considerations are set out in Policy H10

Regional Spatial Strategy for the West Midlands (RSS11)

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.

There is no need for this application to be considered under the Conformity Protocol. A major challenge for the Region is to counter the unsustainable outward movement from the Major Urban Areas of people and jobs (3.4(a)). Relevant policies include:

CF1: focus new home building in the Major Urban Areas. In Walsall the MUA is limited to the built-up areas and excludes the Green Belt.

CF3: A - make adequate provision for additional house building as per Table 1; B iii - maximise use of previously-developed land; C - make the most efficient use of land within the Major Urban Areas.

CF4: optimise opportunities for recycling land and buildings for new housing development.

CF5: deliver affordable housing.

Regional Spatial Strategy Review / Black Country Study

The Regional Spatial Strategy is under review. The Draft Phase 1 Revision is currently subject to Examination in Public. The Draft Revision seeks to take the approach in the current RSS further forward in the design and delivery of high quality environments.

National policy

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

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.

Paragraph 10 of the new PPS3 indicates that housing policy objectives provide the context for planning for housing through development plans and planning decisions. The specific outcomes that the planning system should deliver are:

1. High quality housing that is well-designed and built to a high standard.
2. 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, both urban and rural.
3. A sufficient quantity of housing taking into account need and demand and seeking to improve choice.

4. Housing developments in suitable locations, which offer a good range of community facilities and with good access to jobs, key services and infrastructure.
5. A flexible, responsive supply of land - managed in a way that makes efficient and effective use of land, including re-use of previously-developed land, where appropriate.

In considering high quality design, PPS3 (paragraph 16) guides that proposed development should be well integrated with, and complement, the neighbouring buildings and the local area more generally in terms of scale, density, layout and access and creates a distinctive character that relates well to the surroundings and supports a sense of local pride and civic identity.

Circular 05/2005 (Planning Obligations) is of relevance in this instance with regard to the appropriate level of planning contributions that will be sought.

PPS23, PPs10 and Waste Management Paper 27 (WMP27) are all relevant to the reclamation issues (though the latter has been extensively superseded by other publications. Notably, the precautionary tone of WMP27, for example, setting "safe" distances between tips and development has been replaced in many documents by a risk assessment approach. Risk assessment is the approach used in this application.

Consultations

Transportation

No objection in principle.

Undefined number of dwellings means a Transport Assessment or Statement may be needed when details are defined. Location of access close to other junctions will limit capacity of site, and could constrain other developments in the immediate vicinity. Junction should have 2 by 90 metres visibility splay. Long cul-de-sac means a wider road is needed to provide Fire Service access. A residential travel plan is needed.

Pollution Control

The Assessment proposes some amendments to the reclamation strategy submitted with the planning application and addresses most of the concerns about potential impacts from landfill gas and ground contamination and thus provides a basis to facilitate redevelopment. Uncertainties remaining can be dealt with by conditions.

The report and reclamation strategy set out broad principles for dealing with the site and proposed residential development. In general terms this is a reasonable approach however more detail needs to be determined to ensure that safe development and final land use is achieved. Conditions for are suggested.

Coal Authority No objection.

British Waterways No objection subject to consultation on canal boundary treatment.

National Grid Company No objection.

Wolverhampton City Council No objection.

Environment Agency - no objection

Initially lodged an objection concerned at ground water implications of the development. Have moved to a position that as there are no significant works to the tip, the scheme is acceptable.

Conservation & Landscape Services

The application contains insufficient information to enable detailed comment. The condition of the site suggests that further investigation as to contamination is required. Such planting details as have been submitted are too crude to be acceptable.

Wildlife Trust for Birmingham & The Black Country the application cannot be supported as submitted due to lack of ecological information.

Black Country Archaeologist No archaeological implications.

Fire Service satisfactory in principle.

Public Participation Responses

The application was advertised in the press and the applicants requested to display a site notice. Copies of the application were made available for public inspection and plans displayed at Darlaston Library and Moxley Neighbourhood Office.

The application was subject to the same programme of neighbour notification as the earlier permission BCW609. Approximately 300 neighbouring residential properties were consulted in this way. Five letters have been received in response to this consultation, from 21, 22, 24 Bradshaw Avenue, 29 Sandwell Avenue and the Moxley Road Service Station. The comments in these letters can be summarised as follows:

- a) Application should be publicised properly.
- b) There should be no housing. The site should be kept as open space in its entirety.
- c) Issues of potential adverse drainage from the site onto existing residential property should be addressed.
- d) There should be no views into existing housing from any new development.
- e) Existing properties should be protected from methane gas.
- f) The reclaimed site should include measures to protect them from trespass and occupation by itinerants.

The revisions to the application are the subject of re-notification of residents. The period for comment expires shortly after your meeting, and this is reflected in the recommendation.

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

Determining Issues

- Contamination / ground gas
- Quality of regeneration, reclamation, and restoration of the site
- Public access to the open space
- Vehicle Access to the site

- Residential amenity
- Education / Healthcare / Open space / Affordable housing contributions

Observations

Contamination / ground gas

The investigations carried out and the discussions between the various experts have identified that the key issue for the development is landfill gas, and the implications for existing and proposed housing and other development. Ground contamination is present on the site, as well.

The studies submitted by the applicants show the existence of fairly good ground conditions in the north-east corner of the site (the proposed housing area) which can accommodate housing development, and their report demonstrates that gas is not migrating to that area.

The removal of any fill and contamination from the housing area (anticipated to be no more than a feathered area on the edge of the main body of the tip), and the use of clean material (as necessary) in that area will mean that end users will not be at risk from contaminated soil.

On the issue of ground gas, WMP 27 recommends that no housing be built within 50m of a landfill site and that gardens should not extend to within 10 metres of such sites where gas levels exceed specified levels. This is the situation on this site. A strict interpretation of WMP27 alone prevents the residential aspect of this development. However, the generally accepted and more up-to-date approach is WMP27 is out of date, and instead, a Risk Assessment should be done to properly test the implications of each specific situation.

The Risk Assessment done for the site is such that officers now accept the site can be developed, with a suitable suite of conditions.

Existing property in Sandwell Avenue is located within 50 metres of the tip. This is an unengineered site, with no gas control measures in place at present, and this is a concern identified by representations made. However, the Risk Assessment explores this and concludes the natural ground in the area precludes such problems. Indeed, by identifying the acceptability of new housing on the edge of the application site (adjoining Sandwell Avenue) it offers reassurance on this issue.

Officers conclude that a strict interpretation of WMP27 prevents housing development but it is not the correct conclusion in this case for the following reasons:

1. monitoring results suggest there is no significant flow of gas into the housing area;
2. any fill on the housing area is to be removed and replaced with clean material;
3. the gas vent/cut off trench is to extend along Sandwell Avenue protecting existing housing as well as the proposed housing;
4. the developer is to monitor, and the development will be steered / defined by the results.
5. gas-proof membranes or other appropriate installations for then housing, will be provided, the details being refined to reflect the gas investigations.

A section 106 agreement would also be required for the long term maintenance of the gas vent trench.

Quality of regeneration, reclamation, and restoration of the site

The UDP has two aims for this land. One is to use this site to contribute to the regeneration of the area and for the site to provide high quality open space. The UDP also requires the proper reclamation of contaminated sites where development is proposed. The other is to create a small housing site.

A key issue on this site is the degree to which the uncontrolled tipping can influence the surface uses / users. Ground gas is known to exist in the tip, as well as a range of contaminants.

In relation to the open space, the proposal is, essentially, to leave the existing surface undisturbed, beyond patching any areas that are not showing strong plant growth. Public use is then proposed.

Leaving the surface undisturbed is proposed on the basis that it has become overgrown and that this demonstrates both its suitability to support informal open space and that ground gas can emerge through the natural surface in an acceptable manner.

Keeping the existing self set vegetation and reinforcing it would preserve a wild / informal landscape, which is an attractive feature in the area. Promoting public access on a formal basis ensures the continued existence of the facility in the area. Provided this can be done safely it would meet the objectives of the UDP.

It is important, in this respect, to look back at the previous consent for the site (BCW609). At that time, the applicant (the same company as the present application) stated that even informal open space was not a safe after use of the site due to the risk of fires igniting ground gas, and uncontrolled uses of the surface. The report on that application (2000) included the following:-

" ... There is no risk from inhaling landfill gas in the quantities found at the site. However the uncontrolled public access carries a risk of other activities such as lighting fires. There would be some risk to public health and safety because of the continued gassing from the tip. Only limited areas are therefore proposed for unrestricted use, on the margins of the tip where gas is less of an issue. The bulk of the site would be fenced to control access. The managing of the formal open space uses also offers a degree of security for the informal spaces."

Officers have been concerned that the present proposal is at odds with this position. The applicants have addressed this by the preparation of a Risk Assessment. Crucial passages were quoted in the introduction to this report.

The additional tree planting and landscaping proposed is not supported by sufficient detail to demonstrate that this would be effective in creating a high quality area of public open space. This can be overcome by better detailed design and a condition is proposed.

Maintenance of the gas trench on the previous application was secured by a section 106 agreement, and that remains the appropriate action.

Public access to the open space

A condition is proposed to secure access. As an informal open space (albeit one in private ownership) the proposed simple treatment of the landscaping of the site is acceptable.

Vehicle Access to the site

A small development of housing is acceptable from the access envisaged. The road needs to be suitably designed for the Fire Service needs.

Though consideration is being given to the development to the school opposite, there are no current proposals for other developments in the vicinity, so these can not be a factor in this decision.

Residential amenity

The proposed housing is unlikely to have a significant impact on existing residential amenity. The new housing remains to be designed, but there are no issues inherent in the area likely to detract from the amenity of those new dwellings.

There is an issue of flooding in the lane at the rear of Sandwell Avenue. Flooding attributable to run-off from the site is an issue which can be controlled by a condition.

Education / Healthcare / Open space / Affordable housing contributions

Council policy seeks to secure contributions, reflecting the increased demand for facilities by the creation of new dwellings.

These all turn on the level of housing proposed. A condition is proposed to secure the contributions once such matters are addressed.

It is likely that the works to the tip, converting it to open space, will obviate the need for an open space contribution.

Conclusion

On a procedural issue, the evolution of the application and the length of time since it was submitted, have led officers to reconsult residents and some consultees on the scheme. The changes are such that no significant shift in the comments already recorded in this report is expected. However, the potential for new material issues to be raised is reflected in the recommendation.

Overall, the submitted information defines a safe and satisfactory development. It is important for the Borough to properly define the status of this land. It is also important to bring it properly into beneficial use.

The application is recommended for approval. It is likely that the terms of the conditions will evolve. The potential for that to happen (i.e. that officers are authorised to refine the conditions) is inherent in the recommendation.

The section 106 agreement needs to secure the maintenance of the gas trench.

Recommendation: Grant Permission Subject to Conditions and a Planning Obligation

1. Application for approval of the Reserved Matters shall be made not later than the expiration of 3 years beginning with the date of this permission.

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

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

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

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

- appearance
- scale
- layout
- access
- landscaping.

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

4. This permission comprises:-

- i) a planning permission for the reclamation and restoration of the site, and
- ii) an outline planning permission for the development of the site after restoration, and
- iii) a planning permission for the use of land, other than in association with the buildings to be erected under item (ii).

Reason. To define the permission.

5. Prior to development commencing in the area defined for residential use, the location, design and technical specification of the proposed venting trench to be installed in the vicinity of the high wall of the former quarry shall be submitted to and agreed in writing with the Local Planning Authority. The venting trench shall be installed and completed as approved, prior to the occupation of any buildings constructed within the proposed residential area

Reason. To ensure the safe development of the site.

6. Prior to development commencing in the area defined for residential use, the developer:-

- a) shall undertake a review and assessment of available data in order to determine the level of ground gas ingress protection required to be installed in buildings and other structures to be constructed in the proposed residential area and
- b) submit details of the assessment and a specification for measures to be installed in the proposed buildings to the Local Planning Authority, to be agreed in writing by the Local Planning Authority.

The agreed measures shall be completed prior to bringing into use any building within the proposed residential area.

Reason. To ensure the safety of the occupants of the buildings on the site, and the buildings.

7. Unless otherwise agreed in writing by the Local Planning Authority:-

- a) Reclamation of the site will take place in accordance with the reclamation strategy submitted as part of this application, as amended and amplified by the Risk Assessment deposited on 3/5/2007, and as required by the conditions of this permission.
- b) No reclamation of the site will commence until a detailed programme setting out the relative timing of the various stages of the reclamation works identified in the reclamation strategy, Risk Assessment and conditions, and the relationship of that work to the timing of the development of the residential area has been approved in writing by the Local Planning Authority.
- c) The reclamation and development of the site will be carried out in accordance with that approved timing.
- d) Notwithstanding parts (a), (b) and (c) of this condition, no reclamation shall commence until:-
 - i) the applicant has undertaken a survey of the surface area of the site to establish areas where regrading works, as identified in the Reclamation Strategy, Risk Assessment and conditions, are required or where existing cover of wastes needs to be improved to encourage and maintain vegetation growth; and
 - ii) the results of the survey and proposals for surface treatment and regarding works have been submitted to and approved in writing by the Local Planning Authority.
- e) The works under parts (a) and (d) of this condition shall be implemented and completed prior to unrestricted access being permitted to the proposed open space.
- f) Unless otherwise agreed in writing by the Local Planning Authority, at all times following completion of the works under parts (d) and (e) of this condition, there will be unrestricted pedestrian access to the informal open space areas of the site at all times.

Reason: To secure public access, in the interests of promoting improvements to the environment of the area, while ensuring the safety of people on the site and to ensure the satisfactory reclamation and development of the site.

8. No reclamation will be carried out until the proposed permanent landfill gas monitoring boreholes, and the programme for monitoring those boreholes, and submitting monitoring data to the Local Planning Authority have been submitted to and approved in writing by the Local Planning Authority. The approved details will be carried out in accordance with that approval.

Reason. To ensure a satisfactory monitoring programme for the site.

9. Wherever the proposed finished levels of the site, within 20 metres of the boundary of the site, are higher than the surrounding land, the site will incorporate land drains to ensure that surface water run-off (from a 20 year storm) can not run beyond the boundary of the site. The reclamation of the site will not commence until details of those land drains, including the timing of their installation, relative to the reclamation of the site, have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented as approved.

Reason. To ensure that surface water can not run off the site, to the detriment of adjoining land, as a consequence of the proposed works.

Note for applicant - likely areas for such work are at the rear of Sandwell Avenue, and along the canalside

10. Prior to the commencement of any development on site details shall be submitted to and approved in writing by the Local Planning Authority for the conservation and efficient use of energy and natural resources and sustainable development, including consideration of Ecohomes Very Good Standard and 5 stars standard as amplified by the Code for Sustainable Homes (January 2007) or subsequent document, micro energy generation, on site composting, grey water systems, SUDS and locally produced building materials. The development shall then be implemented in accordance with the approved details.

Reason: In order to comply with guidance within policies ENV39 and ENV40 of Walsall's Unitary Development Plan, PPS1 and the Code for Sustainable Homes in terms of sustainable development and use of natural resources.

11. a) Unless otherwise agreed in writing by the Local Planning Authority, no reclamation of the site will be carried out until details of existing and proposed levels of the area to be reclaimed have been approved in writing by the Local Planning Authority. The reclamation of the site will be in accordance with those levels.
b) No development shall be commenced in the residential area of the site until details of the existing and proposed levels of that part of the site have been approved in writing by the Local Planning Authority. That development will be in accordance with those levels.
c) The submitted details under parts (a) and (b) of this condition will include full details of any retaining structures required to ensure the stability of the site or adjoining land.

Reason. To ensure the satisfactory development of the site.

12. a) No works shall be carried out in the area proposed for residential development until a reclamation method statement detailing the works to be undertaken to identify and remove or otherwise treat deposited wastes and fly tipped materials identified as being present in that area has been submitted to and approved in writing by the Local Planning Authority.
b) A report validating the completion of the works approved under part (a) of this conditions and confirming that the site has been successfully prepared for residential development shall be submitted prior to the commencement of built development in that area, unless otherwise agreed in writing by the Local Planning Authority.

Reason. To ensure the progress of the reclamation is guided by the situation on the site, to achieve the satisfactory reclamation of the site, to ensure the satisfactory reclamation of the site, and the creation of a surface suited to the use of this part of the site for housing purposes.

13. No reclamation of the site will commence until suitable physical and operational noise mitigation measures and details of a strategy for dust suppression on the site has been submitted to and approved in writing by the Local planning Authority. The reclamation of the site will be carried out in accordance with the approved details.

Reason. To control the impact of the reclamation on neighbouring properties, and passers-by.

Note for applicant - the Local Planning Authority would expect the dust control strategy to include

- 1 the use of water bowsers, brought into action in conditions that would give rise to airborne dust levels sufficient to cause nuisance to properties around the site,
- 2 at such times as the prevention of dust nuisance by water bowsers proves impossible then the operations which cause that nuisance, such as the movement of soils or the movement of fill or restoration materials to temporarily cease until such time as the weather conditions change and dust suppression becomes effective.
- 3 Any vehicle used for the movement of reclamation materials to be equipped with downward pointing exhaust pipe(s).

14. For the duration of the reclamation works and of the construction works, the access(es) from the site to the public highway will include wheel washing equipment (or such other arrangements as may be agreed in writing by the Local Planning Authority) to prevent material being deposited on the public highway.

Reason. In the interests of highway safety.

Note for applicant - the Local Planning Authority has a preference for a submission under this condition showing the use of a long internal roadway with a surface hard enough to allow the mud to fall off, as with a wheel washer / spinner there is a tendency for wet mud to be thrown onto the bodywork of the lorry, falling off later, often on the road.

15. Notwithstanding the provisions of the Town and Country Planning (General Development) Order 1995 and succeeding or amending legislation, at no time will there be any

- 1 extensions to the dwellings proposed on the site,
- 2 garden sheds or any other buildings associated with those dwellings
- 3 any other substantial enclosure comparable to a building associated with those dwellings

erected without the prior approval of a planning application.

Reason. To control the implications of landfill gas for such structures.

16. (a) This permission does not approve the designs of junctions, access points, or road works shown on the deposited plans. All such work will form part of a Reserved Matters submission.

(b) This permission does approve the general principles of vehicular access to the site comprising access to the residential development from Moxley Road in the approximate location shown.

Reason. To define the permission.

17. The Reserved Matters submissions for the site will include details of an access route from Moxley Road to the proposed residential area which meets the access needs of the Fire Service (in terms of road widths etc in this long cul-de-sac). The approved details will be implemented and completed before any dwelling on the site is brought into use.

Reason. To ensure satisfactory emergency access to the housing development.

18. The layout and design of the proposed surface uses on the site will not hinder vehicle access to the electricity transmission towers on the site, and wherever possible should facilitate such access. Details of this, and of security measures to prevent access by unauthorised vehicles, will form part of the relevant submissions under this permission.

Reason. To safeguard access to the towers.

19. There will be no vehicular access through this site to the land to the north-west of the site and bounded by the canal, Heathfield Lane West and Berry Avenue. Details of how this will be achieved, and of security measures to prevent access by unauthorised vehicles, will form part of the relevant submissions under this permission.

Reason. To restrict use of the access points into this site, and prevent the creation of through routes with the potential for increased disturbance of the area.

20. No building or other structure on the site will be commenced until details of the facing materials to be used in that building or structure have been submitted to and approved by the Local Planning Authority.

Reason. To ensure the satisfactory appearance of the buildings on the site.

21. The Reserved Matters submission under this permission will include provision for garages and / or car parking space for dwellings (including provision for visitor parking) in accordance with the standards of the Local Planning Authority, and adjacent to or otherwise closely related to the dwelling in such a way as to promote the security of the parking areas.

Reason. To ensure the satisfactory provision of parking.

22. Prior to completion of the reclamation arrangements to be carried out under condition 7 a detailed landscaping scheme for the informal open space shall have been approved in writing by the Local Planning Authority. The scheme will include details of:-

- a) site preparation,
- b) existing / remaining trees,
- c) proposed plant and tree species / sizes,
- d) plant densities,
- e) proposed footpaths and construction methods;
- f) the arrangements to be made for the disposal of surface water from landscaped areas
- g) protective fencing around planted areas during the initial establishment of planting

The approved scheme will be implemented in the first planting season (1st October-1st April) following approval, or in accordance with any agreed phasing or such other period of time as may be agreed in writing by the Local Planning Authority. Completion of implementation of the approved landscaping scheme will be notified to the Local Planning Authority.

Reason. To ensure the satisfactory appearance of the development.

23. No built development shall be carried out until a detailed landscaping scheme for the residential area of the site, (including any necessary phasing of implementation), has been approved in writing by the Local Planning Authority. The approved scheme shall be implemented in accordance with any agreed phasing or within one year of any part of the development being brought into use or such other period of time as may be agreed in writing by the Local Planning Authority.

Reason: To ensure the satisfactory appearance of the development.

24. All planted and grassed areas and associated protective fencing shall be maintained for a period of 5 years from the completion of the particular landscaped area. Within this period:
- (a) grassed areas shall be maintained in a tidy condition by cutting (the frequency of cutting to be in accordance with a schedule to be agreed in writing by the Local Planning Authority, before completion of the development) and any areas that fail to establish shall be reinstated;
 - (b) planted areas shall be maintained in a tidy condition by regular weeding;
 - (c) any tree, shrub or plant which dies, becomes seriously diseased, damaged or is removed shall be replaced in the first planting season after the problem becomes apparent with a tree, shrub or plant of the same or greater size and the same species as that originally required to be planted;
 - (d) any damage to protective fences shall be made good.

Reason. To protect the health and appearance of the trees and other plants; to safeguard the visual amenity of the area; and to ensure a satisfactory standard of work.

26. No building or use of land to be erected or carried out under this permission will be commenced until details of the proposed boundary treatment for that development, and its associated site have been submitted for the approval of the Local Planning Authority. The submitted scheme will include any internal site divisions. That part of the development will not be brought into use until the details have been approved in writing by the Local Planning Authority and the approved scheme has been implemented and completed.

Reason. To ensure the satisfactory appearance and functioning of the developments on the site.

27. All surface water from any car parks on the site shall be passed through petrol/oil interceptors of a type and capacity to be agreed in writing by the Local Planning Authority prior to discharge into the public sewerage system. The approved interceptors shall be installed before the use of the premises commences and shall thereafter be retained.

Reason. To protect the water environment.

28. Unless otherwise agreed in writing by the Local Planning Authority, all storm drainage on the site which is to be connected to a public sewer will incorporate flow balancing measures, unless evidence is submitted to the Local Planning Authority, before construction starts, to demonstrate that such measures are not needed. In the absence of such evidence, no building will be erected until the intended measures have been approved in writing by the Local Planning Authority, and they will be installed as approved during the construction of the building.

Reason. To ensure the satisfactory drainage of the site.

29. The Reserved Matters submission for the north-east areas of the site will make provision for the reservation of a route for pedestrian access across the site to the allotments to the north-east of the site.

Reason. To ensure the scope for continued access to the allotments

30. Notwithstanding the provisions of the Town and Country Planning General Development Order 1988, or succeeding Orders, no gates, fences, walls or other means of enclosure which significantly affect the appearance or functioning of the public areas of the

development, except those included on the plans approved under condition 26 herein, will be erected or moved without the prior approval of a planning application relating to that work.

Reason. To ensure the satisfactory appearance of the development.

31. No floodlights or other external lighting will be installed on the site while reclamation is in progress until details have been submitted to and approved in writing by the Local Planning Authority. The lights will be installed in accordance with the approved details, and will not be subsequently modified without the prior written approval of the Local Planning Authority

Reason. To safeguard the amenity of neighbouring properties, and the safety of vehicles on the highway.

32. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, or succeeding Orders, no dwelling hereby permitted shall be altered or enlarged so as to deprive it of an existing garage or its drive or parking area as approved and first constructed, except with the express permission of the Local Planning Authority.

Reason. To ensure the retention of car parking, for the proper functioning of the development.

33. No dwelling will be occupied until the drive to that dwelling has been hardsurfaced in tarmacadam, concrete blocks, or such other material as the Local Planning Authority may agree in writing.

Reason. To ensure the satisfactory provision of car parking.

34. a) Notwithstanding the terms of the rest of this condition, no construction, demolition or engineering works (including land reclamation, stabilisation, preparation, remediation or investigation) shall take place on the site on any Sunday or Bank or Public Holidays.
- b) In the area of land shown for residential purposes on the illustrative plans, including the area of the road into this part of the site, no construction, demolition or engineering works (including land reclamation, stabilisation, preparation, remediation or investigation) shall take place other than between the hours 0800 to 1700 weekdays and 0800 to 1300 Saturday. No plant, machinery or equipment associated with such works shall be started up or be operational in that area outside of these permitted hours, except for essential maintenance or emergency affecting the safety of the site.
- c) On the area of land not governed by part (b) of this condition, no construction, demolition or engineering works (including land reclamation, stabilisation, preparation, remediation or investigation) shall take place other than between the hours 0700 to 1800 weekdays and 0800 to 1300 Saturday. No plant, machinery or equipment associated with such works shall be started up or be operational in that area outside of these permitted hours, except for essential maintenance or emergency affecting the safety of the site.

Reason. To safeguard the amenity of neighbouring occupiers.

35. Plant or equipment used in connection with liquid pumping and the provision of compressed air or electricity shall be located at positions as submitted to and approved in writing by the local planning authority and thereafter retained in accordance with any written approval.

Reason. To safeguard the amenity of neighbouring occupiers.

36. Plant, machinery and equipment used in the reclamation of the site shall be maintained and serviced either:-
- a) in accordance with the manufacturer's and/or supplier's recommendations and instructions and shall feature proprietary acoustic silencing devices where available;
 - or
 - b) in accordance with details submitted to and approved in writing by the Local Planning Authority.

Reason. To safeguard the amenity of neighbouring occupiers.

37. Audible vehicle reversing alarms shall not be operated without the prior written approval of the local planning and health and safety enforcement authorities.

Reason. To safeguard the amenity of neighbouring occupiers.

38. Noise levels generated by construction, demolition or engineering works (including land reclamation stabilisation, preparation, remediation or investigation) and any associated operations or activities shall not exceed a Continuous Equivalent Noise Level, $L_{Aeq}(1 \text{ hour})$, of 60 dB, together with a maximum instantaneous noise level of 75 dB(A)F.. Noise level limits shall apply as measured at or within 1 metre of the facade of any occupied residential premises and at a microphone height above ground level of not less than 1.2 m or greater than 1.5 metres. Sound level measuring instrumentation shall conform to 'Type 1' of British Standards BS EN 60651: 1994 'Specification for sound level meters' and BS EN 60804: 1994 'Specification for integrating-averaging sound level meters' (or any superseding standard(s) 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.

Reason. To safeguard the amenity of neighbouring occupiers.

39. a) Levels of ground and structure-borne vibration attributable to any construction, demolition or engineering works (including land reclamation, stabilisation, preparation, remediation or investigation) and any associated operations or activities shall not exceed a peak particle velocity (PPV) of 1.12 mms^{-1} in vertical and horizontal planes respectively at the boundary of any vibration sensitive building as determined in accordance with the main procedural requirements of British Standard BS 6472: 1992 'Guide to Evaluation of human exposure to vibration in buildings (1Hz to 80Hz)', or any superseding standard.
- b) Instrumentation used for the determination of compliance with any vibration condition shall accord with requisite components of British Standard BS 7482: 1991 'Instrumentation for the measurement of vibration exposure of human beings' where applicable or any superseding standard, and shall have a performance frequency range of not less than 1Hz to 80 Hz.

Reason. To safeguard the amenity of neighbouring occupiers.

40. During the reclamation of the site, there will be no bonfires, nor any other burning of materials on the site.

Reason. To safeguard the amenity of neighbouring occupiers.

Summary of reasons for granting planning permission and the policies and proposals in the development plan which are relevant to the decision.

The proposed development is considered to comply with the relevant policies of the development plan, in particular policies LC2 and H2, on balance, having taken into account all material planning considerations, the proposal is acceptable.

Further details are available by referring to the officer's report which can be viewed, subject to availability, in Planning Services. As the application was approved by the Development Control Committee, the report can be viewed on the Council's website at www.walsall.gov.uk <<http://www.walsall.gov.uk>>.

NOTES FOR APPLICANT

A. The Local Planning Authority has a preference for landscaping to be designed to enhance, or recreate the natural eco-system presently on site. This should be borne in mind in the design of landscaping on the site, The possibility that the landscaping scheme could include pond(s) wherever possible, practical, and sensible should also be borne in mind.

B. Attention is drawn to the attached copy letters from the Environment Agency, Coal Authority, The Wildlife Trust for Birmingham and the Black Country, Transco, and National Grid.

Those letters identify a need to consider a range of issues such as:-

- whether to cut-off the canal basin

- and

- the non-availability of the canal for surface water run-off identified in the British Waterways letter,

- and

- the potential need for unspecified further remediation suggested by the Environment Agency

- and

- various ideas set out in Wildlife Trust letter

N.B. The Local Planning Authority has information that suggests the canal basin may have been cut off when the electricity pylon adjacent to the basin was moved a few years ago.

C. Footpaths on the informal public open space should be suitable for wheelchair users, as far as possible.

D. footpath link from lane r/o Sandwell avenue preferred to be in location on illustrative plan

E. In promoting a new access to the allotments, the Local Planning Authority would also wish to promote the closure of the existing pedestrian access on the northern edge of the site.

G. In relation to condition 6 the assessment to be carried out should consider the following issues:-

- a) the results of the testing of the exposed surface of the Boulder Clay under the areas of fill to be removed

- b) any necessary remedial works other than the covering of that area, and

- c) the thickness and composition of the any necessary replacement material, and including

- the thickness of topsoil to cover the proposed compacted cohesive foundation material

- the nature and source of the topsoil
- a chemical analysis of the top soil to demonstrate its suitability for the creation of gardens etc. as intended
- the technique(s) to be used for placing the topsoil to ensure its suitability for the purpose intended
- any necessary land drainage to ensure the suitability of the restored land for gardens
- the relative timing of the stages of this work

The Local Planning Authority would expect to see a suitably qualified soil scientist involved in the submission under this condition. In preparing the submission due regard should be had to relevant publications and standards such as ICRCL 59/83 (trigger levels for gardens and area where plants are to be grown), BS3882:1994 (topsoil), and BS4428:1989 (landscaping). It is the objective of the Local Planning Authority to create gardens that can be used for a range of plants, including trees and shrubs, and the depth of soil required under this condition should reflect that objective.



To: DEVELOPMENT CONTROL COMMITTEE

Report of Head of Planning
and Building Control,
Regeneration
On 17 Jul 2007

REASON FOR BRINGING TO COMMITTEE: deferred by Development Control Committee at previous meeting.

Application Number: 06/2202/FL/W2 **Case Officer:** Marilyn Kowalski

Application Type: Full application **Telephone Number:** 01922 652492

Applicant: Tesco Stores Limited

Agent: Development Planning Partnership

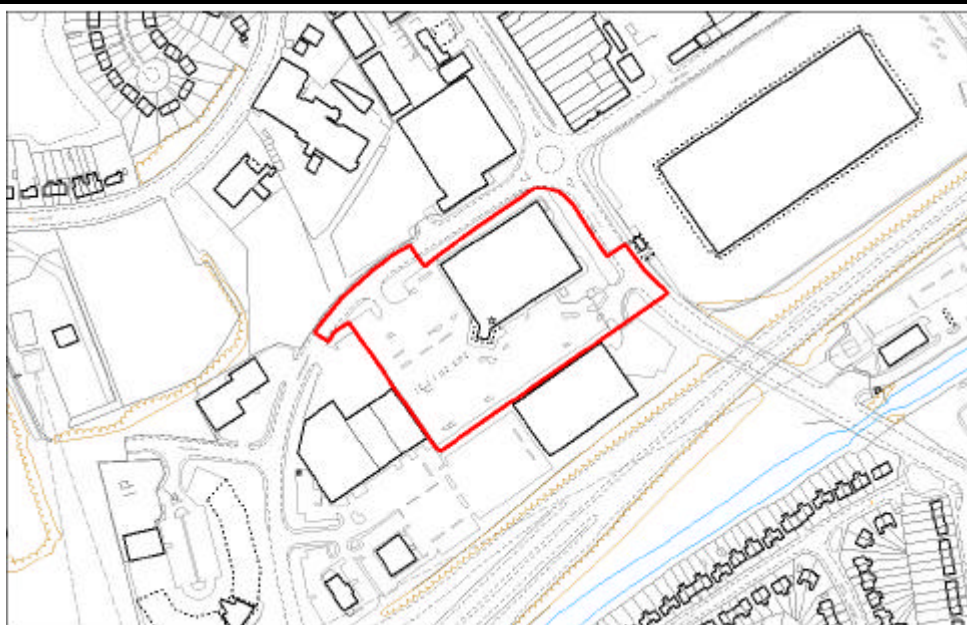
Proposal: Refurbishment of existing retail building involving external alterations, alterations to means of access and revised car park layout.

Location: WILLENHALL
NEIGHBOURHOOD CENTRE, C/O
ARMSTRONG WAY & OWEN
ROAD, WILLENHALL, WV13 2PZ

Ward: Willenhall South

Expired:

Recommendation Summary: Grant Subject to conditions



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Status

The application was presented to the Development Control Committee meeting on 26th June 2007. The determination was deferred for resolution of the Environmental Health issues. Their comments, and the observations section have been updated in italics. In other respects it remains the same as considered on 26th June 07.

Councillor Andrew originally called the application in, on the basis of concerns about the overall impact on the long term trading ability of Darlaston and Willenhall in relation to the regeneration of these District Centres.

Application and Site Details

This is a full application for the refurbishment of the interior and exterior of the existing Willenhall Neighbourhood Centre building. The application also includes some revisions to the car park layout and site access.

Currently:-

- access to the site is via both Armstrong Way and Owen Road
- the service yard is along the eastern elevation of the building and accessed via Owen Road
- the Owen Road access point also serves the Glyn Webb unit to the south.

All this remains in the present application, with modest changes in detail, set out below.

Minor revisions are proposed to the car parking layout, but the area remains unchanged. The number of parking spaces will increase from 260 to 330.

The Owen Road access is currently split inside the site between goods and customer car park. An extra right turn lane is inserted for vehicles entering the service yard of the application site. The HGV lane is centrally located between customer vehicles "in" and "out". The yard would remain in the same location and be enclosed by a 3m high timber fence for security purposes.

The existing access to Armstrong Way will have a ghost island introduced, for traffic turning right into the site.

The surrounding area is mixed in nature with retail buildings abutting the site to the west i.e. Staples, Tiles R Us and Jolleys Pet Store. There is also a Blockbuster video unit and a Burger King Fast food restaurant. To the south is the Glyn Webb retail unit. All these are accessed from Armstrong Way (except servicing for Glyn Webb). The retail units form one side of Armstrong Way which also has some industrial sites, and two car sales sites.

The existing building on the application site has been in use as shops, with internal sub-divisions. It has a gross floorspace of 4,304m² (46,340sq. ft.). One unit is currently occupied by Iceland which takes up about a quarter of the floorspace, the rest of the building is vacant.

The gross floorspace of the building would remain unchanged. The sales area would be consolidated into one supermarket, utilising the existing service

yard and car park. The internal sales area is around 3,530m² (38,000sq. ft).

Currently the building is clad in brick and grey corrugated panels and there is a canopy / porch around the customer entrance on the south east corner. The canopy / porch is removed and replaced by a new store entrance using simple coloured and designed materials. The building is reclad and there are modest elevational changes.

Three documents have been submitted with the application:-

Design and Access statement

This gives an outline of the site and surroundings, and how the proposal has evolved. It is stated that the application will help to strengthen provision to meet local needs and offer a primarily convenience retail function which will not change as a result of the internal alterations to the building. It states that the proposal would support the national objectives of PPS1.

Planning statement

This summarises the merits of the planning application and states the following:

1. This is an established retail site with no conditions restricting the use or floorspace;
2. It will meet the needs of the community;
3. It is sustainable as it reuses the land and building;
4. Makes economic development on a run down site;
5. Activity will enhance surveillance and deter crime;
6. Design is sympathetic to the surroundings;
7. Benefits from cycle parking and a customer pick up point;
8. Provides parking in line with policy;
9. Will deliver 270 jobs.

Transport Assessment

This concludes that there are no traffic / transportation grounds for refusal.

The applicants have also confirmed that they operate a range of types of stores and that this is a serious proposition for their use of the site as a foodstore. Accessibility is improved by the provision of cycle parking, and a customer drop off point. There are bus services to a range of centres and footpath links to residential areas. Disabled users will have improved parking, which aids inclusive design and the interior of the store will meet the relevant regulations on access etc.

Relevant Planning History

On the site

The history begins with a planning permission given by Walsall MBC (P37868) with condition restricting the use to Class X only (the then equivalent of B8 warehouse). The building was erected and immediately used for retail (1975). Willenhall Area Planning Committee agreed enforcement, the notice was served, and an appeal lodged.

By 1986 the site was proving popular with residents. Willenhall Committee

withdrew the enforcement notice. The use became lawful subsequently (either as an established use under the old style legislation, or a lawful use under the current legislation).

There was a major fire. The Black Country Development Corporation approved application BCW263 for rebuilding the burnt out building in 1991. There are no restrictive conditions on use of that building.

Adjoining the site

The other retail units adjoining were approved (mostly by BCDC).

Asda sought to create a new retail store on land near the site. There was an appeal which was dismissed. Asda subsequently created a new store in central Darlaston.

In the wider area

A scheme for a major retail unit in a more central location in Willenhall, is elsewhere on this agenda. The Council is supporting that scheme, in advance of that current application (there have been refusals of permission for development around Willenhall, on the basis of conflict with that scheme, and guided by a consultants report).

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

Unitary Development Plan

GP1 - Development will be guided by principles of sustainability, minimising need to travel by car, maximising re-use of vacant land and buildings without prejudice of beneficial use of adjoining land or buildings.

Policies 2.2, 3.7, 3.6, GP2, GP7, ENV10 and ENV18 seek to protect residents from unacceptable noise and pollution, whilst ensuring development makes a positive contribution to the quality of the environment..

Policy ENV32, 3.16, 3.116 seeks to ensure the design of buildings takes into account the context and surroundings.

Policy 5.2 seeks to enhance the vitality and viability of local centres.

Policy S1 defines appropriate town centre uses.

Policy S2 (c) defines local centres to meet the day to day convenience shopping and local service needs of their communities.

Policy S3 Developments should be well integrated into existing centres

Policy S5 boundaries of local centres are drawn tightly to concentrate investment and within these areas the retention, enhancement and further development of shops will be encouraged.

T7 - All parking provision should be well designed and sensitively integrated

into the townscape or landscape, respecting the character of the local area, and with appropriate use of materials and landscape treatment. Policy T13 also sets parking standards.

Regional Spatial Strategy - This is now part of the Development Plan, with the UDP. It seeks to promote sustainability by controlling the location of uses, to implement the strategy that all parts of the Region should meet their own needs sustainably. It also seeks to reduce the need to travel and to promote an awareness of the implications of travel on the environment.

It further suggests that urban renaissance, the creation and marketing of sustainable urban communities in which people will choose to live, work and invest can be achieved within the MUAs through the creation of a variety of high quality, healthy, affordable and sustainable living and working environments (QE3, QE4) and by rejuvenating city, town, and possibly local centres in this instance, to serve communities with high quality services, to promote identity and social cohesion and to drive economic change (PA11).'

National Policy

PPS1 on delivering sustainable development and good design.

PPS6: Planning for Town Centres states that investment should be encouraged in centres to protect the vitality and viability of them and that local centres meet the day to day needs of local people. A sequential approach to leisure and retail uses is advocated.

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

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

Consultations

Transportation: No objections in principle subject to increasing the provision of disabled parking in accordance with UDP requirements. *(A condition is recommended).*

Pollution Control: No objections

Environmental Health and Consumer Services: No objection in principle. *They are keen to ensure a safe operation. They are comfortable with the public car park and associated areas. They seek further information on the management of the safety of personnel within the service yard (in close proximity of service vehicles). A letter has been sent to the agent and Tesco's requesting clarification on how the design (particularly of the service yard) will address the risk to pedestrians (employees etc) from vehicular movements such as deliveries, other service vehicles and so on (in essence to define the operational management of the site).* No response from the developers has been received to date. However, the changes largely relate to alterations to the appearance and public car park layout of an existing store. The issue of how transport safety is organised by Tesco will therefore be progressed through our enforcement powers under Health and Safety legislation.

The absence of objection from Transportation is an important consideration, as is the fact that this is the re-use of an existing site, with modest changes.

Physical Regeneration Strategy Team - Policy: If the proposed refurbishment is to be taken up by Tesco, it is likely there will be significant impacts over the surrounding area, including on the centres of Willenhall and Darlaston. However, these impacts do not fall within the ambit of planning policy because no additional retail floorspace is proposed. Therefore, whether the application is to be supported will be determined by the degree to which the details of the proposals are acceptable.

Fire Service: Satisfactory access for fire appliances.

Public Participation Responses

None.

Determining Issues

- Principle of development
- Sustainable Development and Regeneration
- Design quality
- Access / parking

Observations

Principle of Development

The planning application involves refurbishment of the existing building with no increase in the gross 4,304 sq.m. (46,329 sq.ft.) floorspace, although there would be internal alterations that would mean the net floorspace would be about 3,530 sq.m. (37,998 sq.ft.). The application is by Tesco Stores Ltd, and the submissions show the refurbished unit as being occupied by Tesco. The submissions seek to justify the proposals in terms of a number of factors, and these are set out in the planning statement (see introductory section of report).

The submissions recognise this is an out-of-centre location. On this basis, retail development in such a location should normally be justified in terms of the tests set out in UDP Policy S7 and PPS6.

However, the proposals do not increase the gross floorspace of the store and there is no limit on the scale and kind of retailing allowed in the building at present (there were no limits on the planning permissions). Even though the net floorspace of the store is to be increased, the proposals do not involve the development of retail floorspace that would trigger the application of the planning policy tests (merely its redistribution inside the building).

Consequently, there can be no basis for objection to the proposals in terms of the principles of retail planning policy.

It is almost certain that occupation by Tesco would result in an increase in activity and trade at the premises compared to previous occupiers, but there is not a basis in planning policy to distinguish between one retailer and

another selling the same kinds of goods and, in this case there are no existing restrictions on the retailing allowed.

The Design and Access statement states that the proposal would meet a local need. This is likely to be true, but the proposal also cuts across a wider range of local needs, reflected in the relevant retail planning tests. However, the issue is academic, as these tests are not applicable in this case, because of the existing authorised use and the nature of the proposals.

The principle of the use of the property as a retail store, in the prevailing situation, has therefore got to be accepted.

Sustainable Development and Regeneration

There will be environmental benefits from the re-use of previously-developed land and re-use of an existing building albeit that these are likely to be offset by the wider impacts of the development (on travel by car in particular). No explicit provision has been made for sustainable construction or for renewable energy (as per PPS22).

Design quality

The building is to be completely reclad, and a new entrance is proposed. A condition requesting samples of the facing materials to be agreed has been recommended. The appearance of the site will be improved.

Access / parking

Environmental Health have no objection to the planning application in principle. Their concerns are focussed on operational issues rather than the design or organisation of the site. Members will be familiar with the concept that planning should not be used to address issues that are controlled through other legislation. The concerns of Environmental Health in this case are not specifically planning matters (though there can be an overlap in design etc) and will be resolved through Health and Safety Legislation.

There are no transportation objections to the principle of the proposal as the site is an existing A1 retail store and there is no change of use. The car parking capacity is to increase to a total of 330 spaces, including 17 disabled spaces. The PPG 13 maximum parking requirement for a store with a gross floor area of 4301 sq metres is 307 (at 1 space per 14 sq metres). The parking provision therefore exceeds the maximum figure in PPG13 but is also under provided for disabled parking spaces in accordance with the Council's UDP.

Disabled spaces are excluded from the PPG13 maximum figures. Consequently, to comply with UDP policy, the number of disabled spaces must increase to 33 spaces. As they are larger than the typical car space, this will reduce the number of other spaces to 297. That reduction complies with PPG 13 and the UDP. With that change there is no policy objection. A condition is proposed to make this revision in the spaces.

The Transport Assessment accompanying the application indicates that the additional traffic generated by the increase in car capacity can be accommodated with no adverse impact on the local highway network.

The proposal shows modifications to the public entrance to the car park from Armstrong Road as being "subject to detail design by highway engineer". This is welcomed and accepted in principle, a condition is proposed requiring this.

Policy have commented that measures to improve access by means other than the car should have some sustainability and social inclusion benefits (although they may be offset to some degree by impacts elsewhere). They feel that this should be secured by appropriate conditions. However, conditions are not appropriate as this is only an application for minor alterations to the existing building with its existing use.

However, the applicants have made reference to a Green Travel Plan in the Transport Assessment. It is desirable to take up this offer, and a condition has been recommended.

Conclusion

The development efficiently reuses previously developed land and adapts an existing building. The external appearance of the building will improved and will be sympathetic with its surroundings.

Planning policy is generally opposed to creating new retail units out of centre. However, this site benefits from an established retail use. As a result, the conventional policy approach is not applicable in the prevailing situation. The determination of this application is purely about the details of layout, design, etc.

Recommendation: Grant 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 notation on the deposited plans no development shall be carried out 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.

3. Notwithstanding the car parking layout on the submitted drawings, before the development commences a revised car parking layout including a minimum of 33 disabled spaces and reducing the number of other spaces to 297 shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented before this development is brought into use and the parking spaces shall have been clearly marked out. The areas shall thereafter be retained and used for no other purpose.

Reason: The parking does not have enough disabled parking spaces compared to the Council's UDP, and in order to comply with PPG 13

4. No development shall be commenced until revised footpath arrangements for the site providing for:—

- the removal of pinch points
- the redesign of unduly narrow areas
- direct footpaths on likely desire lines from the north

have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented and completed before the store is brought into use.

Reason. To ensure satisfactory provision for pedestrian access to the site.

5. Prior to the development hereby approved being brought into use, a Travel Plan developed in partnership with this Council's Travel Wise co-ordinator shall be submitted to, and agreed in writing by the Local Planning Authority. This shall identify a package of proposed measures consistent with the aim of reducing reliance on the car, and should include details on:

- a) Public transport information and ticket details;
- b) Cycle provision, showers and lockers; and
- c) Walking initiatives.

The approved measures shall be developed and implemented during the first six months following the occupation of the premises for the use hereby approved. Following the expiry of this period of time, a review of the Plan shall be submitted to, and agreed in writing by, the Local Planning Authority. This will identify any refinements and clarifications deemed necessary to the Plan. The approved, revised plan shall thereafter be implemented in conjunction with the use approved under this permission, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To promote the use of modes of transport other than the private car.

NOTE FOR APPLICANT: This permission does not grant permission for the advertising material shown on the deposited plans, for which a separate advertisement application is necessary.

Summary of reasons for granting planning permission and the policies and proposals in the development plan which are relevant to the decision.

The proposed development is considered to comply with the relevant policies and proposals of the development plan, in particular policies GP1, 2.2, 3.7, 3.6, GP2, GP7, ENV10, ENV18, ENV32, 3.16, 3.116, 5.2, S1, S2, S3, S5, T7 and T13 of Walsall's Unitary Development Plan, and, on balance, having taken into account all material planning considerations, the proposal is acceptable.

Further details are available by referring to the officer's report which can be viewed, subject to availability, in Planning Services. As the application was approved by the Development Control Committee, the report can be viewed on the Council's web site at www.walsall.gov.uk



To: DEVELOPMENT CONTROL COMMITTEE

Report of Head of Planning
and Building Control,
Regeneration
On 17 Jul 2007

REASON FOR BRINGING TO COMMITTEE: Significant community interest

Application Number: 07/0315/FL/W2 **Case Officer:** Marilyn Kowalski

Application Type: Full application **Telephone Number:** 01922 652492

Applicant: Caldmore Area Housing Association **Agent:** E & H Design Ltd

Proposal: Retrospective change of use of Tanners Court into hostel for teenage parents, and change of use of 2 flats into offices (flats 11 and 12, 44 Glebe Street) to provide support for the hostel, at Glebe Street, Walsall

Location: FLAT 11 & 12,
44, TANNERS COURT, GLEBE
STREET, WALSALL, WEST
MIDLANDS, WS1 3NX

Ward: St. Matthews

Expired:

Recommendation Summary: Grant Subject to conditions



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Application and Site Details

During the early 1990's no. 44 Glebe Street, was converted into 2 flats. That was part of a larger scheme for a car park in the centre of the site, and the conversion into flats of the building at the back of the property.

For the purposes of this report, the term Tanners Court is taken as relating to the conversion in the rear of the site, and No. 44 is the front building which was a house facing Glebe Street.

An application was submitted last year for the change of use of the 2 flats within No. 44 into offices. It transpired during the course of dealing with the application that Tanners Court had been converted from flats into accommodation solely for teenage parents. It was therefore concluded that Tanners Court had been changed into a hostel. That being the case, the application on No. 44 could not be dealt with in isolation as it would be providing support for a use which is unauthorised. The application was therefore refused.

This is a new application for the change of use of the whole site to a hostel, including the (previously proposed) office use of No. 44 in support of the hostel.

Space for 6 cars is provided in a central car park, accessed via a tunnel access under No. 44.

The statement submitted with the application states:

- Tanners Court has historically been a general needs housing development providing 12 flats for single people;
- Difficulties have been experienced from the site due to anti social behaviour;
- The secluded nature of the site enabled illegal activities to occur out of general view;
- This resulted in a high turnover rate and lack of stability;
- Caldmore Housing has managed and provided a supported housing service to young parents since 2001;
- Due to the success of the scheme and demand for the service additional funding has been received;
- The scheme has assisted the Local Authority in meeting government strategy in providing support to teenage and young women experiencing housing difficulties due to their circumstances;
- Partner agencies have encouraged and supported the development of the scheme and its services;
- Tanners Court is a suitable location because:-
 1. it is close to other management and support premises,
 2. office facilities for staff are well equipped and close to need,
 3. it can provide security which will contribute towards reducing disturbance to nearby residents,
 4. every client is accepted through a robust referral procedure as opposed to the letting process for general needs accommodation;
 5. CCTV will be installed;

6. The manager has developed excellent communications with the police and street wardens

Relevant Planning History

BC32377P Outline: Conversion of factory (what is now Tanners Court) to 10 flats with associated car parking. Granted, subject to conditions, 1991

BC36295P Conversion of factory (again, what is now Tanners Court) into 10 No Flats & No.44 into 2 No Flats. Plus, Car Parking & Access. Granted, subject to conditions 1992

06/1479/FL/W2 Change of use of two flats into offices to provide support for the existing parents of flats 1 - 10 Tanners Court, Glebe Street, Walsall
Refused on 6th October 2006 for the following reason:

"The offices proposed are intended to serve a use which has the characteristics of a hostel i.e. a residential unit for people with shared characteristics, needing support, and which excludes others who do not share the characteristics. Therefore, the change of use to offices to support this use cannot be dealt with in isolation as it would be providing support for a use which is unauthorised."

Relevant Planning Policy Summary

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

Walsall Unitary Development Plan March 2005

GP1 - Locate development sustainably

2.4 - seek equality

3.7 - protect neighbours from nuisance

5.2 - concentrate activities in centre

S1 definition of town centre uses

S3 (b) offices not attracting large nos. of visits need not be close to the town centre but should have good pedestrian access to the town centre.

S7 tests e.g. need, sequential should be carried out for applications for town centre uses where they are in an out of centre location. They should not adversely affect the vitality and viability of the town centre.

National Planning Guidance

Regional Spatial Strategy - This is now part of the Development Plan, with the UDP. It seeks to promote sustainability by controlling the location of uses, to implement the strategy that all parts of the Region should meet their own needs sustainably. It also seeks to reduce the need to travel and to promote an awareness of the implications of travel on the environment.

It further suggests that urban renaissance, the creation and marketing of sustainable urban communities in which people will choose to live, work and invest can be achieved within the MUAs through the creation of a variety of high quality, healthy, affordable and sustainable living and working environments (QE3, QE4) and by rejuvenating city, town, and possibly local centres in this instance, to serve communities with high quality services, to

promote identity and social cohesion and to drive economic change (PA11).'

Consultations

Transportation - no objections, the site is:-

- approved flats (12) needed 18 car parking spaces (UDP standard) and have 6
- proposed use (10 flats, 2 offices) needs 20 spaces and still has 6
- likely to be low level of car ownership of occupants as is situated close to the town centre. The marginal increase in parking is unlikely to significantly impact on the highway.
- condition recommended to link the office use to the hostel use
- consider need for condition to prevent office workers using the parking spaces, so spaces are kept for residents and visitors

Police Architectural Liaison Officer - No objections, crime statistics in the area actually show a significant reduction of crime over the past year, and they have no concerns

Childrens services No objections. As this is an extension of the provision of the current young parent unit based at Haden Sanders Square there are no negative reports which would prevent the continued use of the service regardless of which premises they operate from. The service provided is satisfactory.

Fire Officer - Although access does not meet access for fire appliances requirements it is deemed to be satisfactory.

Public Participation Responses

I have received 5 letters of objection (2 of these from the same person) on the following grounds:-

- a) Council has been slow to take action as the use is unauthorised; Caldmore Housing should be prosecuted;
- b) The residents have suffered anti social behaviour from these flats in the past and there has been an increase in low level crime;
- c) Reduction in property values;
- d) Will result in increased parking on street exacerbating the existing problem;
- e) Increased traffic and noise detrimental to enjoyment of surrounding properties;
- f) Why 4 offices to support parents in 10 flats?
- g) Suspect Caldmore Housing are going to run all such operations from this site and not just these premises;
- h) There is no information about the hours of operation how many staff, and what is the nature of the support to be provided;
- i) Offices should be located in a commercial area;
- j) Caldmore Housing should have consulted local residents;
- k) This type of use should be in a commercial area.

I have also received a petition containing 44 signatures strongly opposed to the application and protesting at the illegal use since September 2006.

Determining Issues

- the principle of the use
- transportation/parking
- other issues raised by objectors.

Observations

The principle of the use

Whilst more sequentially suitable sites for offices are likely to exist, Caldmore Housing has previously stated that these offices are required to serve the existing hostel. The offices would provide training and interview accommodation to manage, monitor and support young parents aged from 16, who occupy the remaining flats in Tanners Court nos. 1 to 10 (the hostel part of the application). A condition is recommended to tie the use of the offices into the use of the hostel in order to ensure 44 Glebe Street is not used independently for offices. The principle of the use of 44 Glebe Street as offices to support the hostel use is considered acceptable.

Hostels are the homes of those who occupy them. They are appropriate in residential areas.

The statement submitted with the application clarifies the role that the hostel will play in the community. It explains that the office element of the application will enable intensive management of the site and the provision of controls in order to ensure that anti social behaviour and problems previously experienced do not recur. These controls begin with the referral and allocation process and include physical measures such as CCTV. The existence of a management presence will assist in the general supervision of the immediate area , bringing stability and the prevention of vacant properties. This ties in with the aims of the Children and Young Peoples Service "Every Child Matters" initiative which is currently being promoted by Locality Partnership Events throughout the borough. Childrens services support the application.

Therefore the use is supported by officers.

Transportation/Parking

There are 6 spaces on site for the 12 flats. This was accepted when planning permission was granted in 1991 for the change of use to flats. The current Unitary Development Plan standards require 18 spaces for a development of this size. The proposal, with the inclusion of offices, would increase the parking requirement on site by 2 spaces. No additional parking provision is proposed. It is felt that in view of the location of the site, just outside the town centre, the marginal increase in parking requirement is unlikely to have any significant highway implications over and above the existing use. This view is shared by Transportation, who suggest a condition could be imposed to prevent office workers using the parking spaces. However, this is not part of the recommendation, as it is not felt to be necessary given that the car

ownership levels of the occupants of the hostel are likely to be lower than if the property was rented flats.

Other issues raised by objectors

There are allegations that the Council has been remiss in taking action against the unauthorised use. Since the refusal of the last planning application ref: 06/1479/FL/W2 the Council has engaged in correspondence and had meetings with Caldmore Housing and their representative regarding the unauthorised use at the site and the need for planning permission. Caldmore Housing Association gave assurances that the change of use to a hostel was carried out in ignorance of the need for planning permission. Clearly, if the current application is refused it would be for the Council to take appropriate action to secure the cessation of the unauthorised use.

The hours of operation would be Monday – Friday only, 3 nights 09.00 – 17.00 and 2 nights 09.00 – 19.00.

Property values are not a planning matter.

The marginal increase in parking required by the use of 44 Glebe Street as offices is not sufficient to warrant refusal of the application. The retrospective change of use to hostel is similar in nature to the authorised flats but with additional support. The presence of management on site will help to improve the neighbourhood and reduce the incidence of anti social behaviour.

Recommendation: Grant Subject to conditions

1. The B1 (a) office use hereby permitted shall only be used in connection with the hostel use hereby permitted.
2. Within 1 month of the date of this permission, details of CCTV cameras shall be submitted to and approved in writing by the Local Planning Authority and the cameras installed in accordance with the approved details.

Summary of reasons for granting planning permission and the policies and proposals in the development plan which are relevant to the decision.

The proposed development is considered to comply with the relevant policies and proposals of the development plan, in particular policies GP1, 2.4, 3.7, 5.2, S1, S3 and S7 of Walsall's Unitary Development Plan, and, on balance, having taken into account all material planning considerations, the proposal is acceptable.

Further details are available by referring to the officer's report which can be viewed, subject to availability, in Planning Services. As the application was approved by the Development Control Committee, the report can be viewed on the Council's website at www.walsall.gov.uk <<http://www.walsall.gov.uk>>.



To: DEVELOPMENT CONTROL COMMITTEE

Report of Head of Planning
and Building Control,
Regeneration
On 17 Jul 2007

REASON FOR BRINGING TO COMMITTEE: Major Application

Application Number:
07/0773/OL/E11

Case Officer: Alison Deakin

Application Type: Outline Application

Telephone Number: 01922
652487

Applicant: Walsall Teaching Primary
Care Trust

Agent: Drivers Jonas

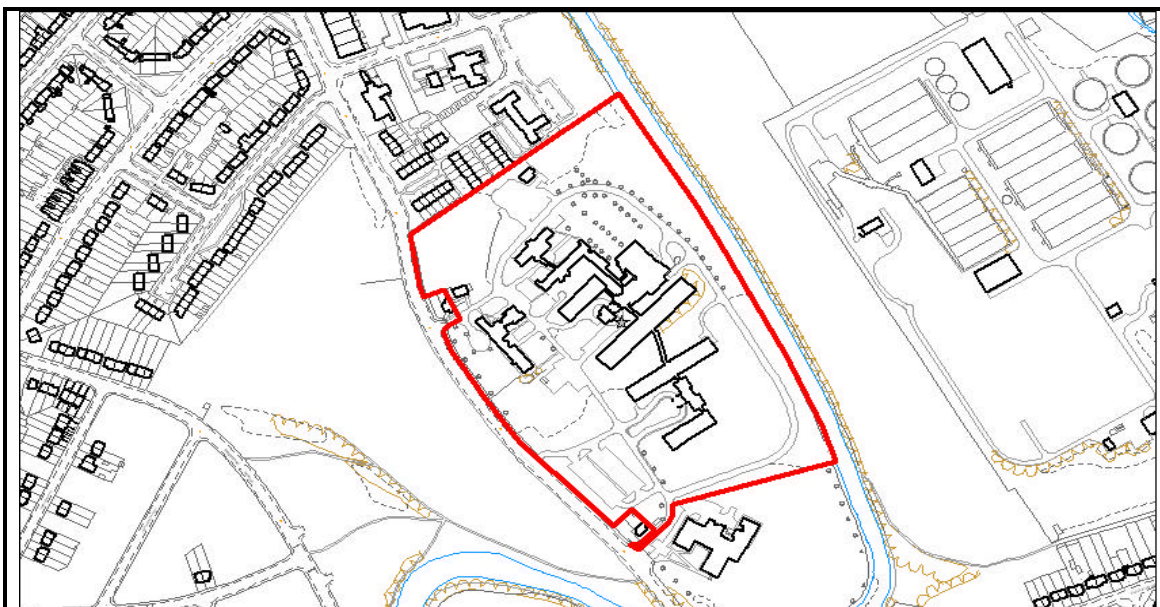
Proposal: Outline: Demolition of
existing hospital buildings and
redevelopment to provide new health
and social care buildings to include
Dementia Care and Palliative Care
Units together with access, associated
hard and soft landscaping

Location: GOSCOTE
HOSPITAL, GOSCOTE
LANE, WALSALL, WS3 1SJ

Ward: Blakenall

Expired:

Recommendation Summary: Grant Subject to conditions



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Application and Site Details

The application seeks outline planning permission for by demolition of some existing hospital buildings and redevelopment to provide new health and social care buildings to include Dementia Care and Palliative Care Units, together with access and associated hard and soft landscaping. Means of access is to be considered now which leaves detailed matters relating to the appearance, scale, layout and landscaping reserved for subsequent approval. The proposals include a master plan for development of the site and indicate the general philosophy behind a phased development.

The site is allocated in the Unitary Development Plan as a Major Developed Site within the Green Belt. The site is located on the eastern side of Goscote Lane and comprises a group of hospital buildings located within a mature landscaped setting enclosed by security fencing. The existing buildings occupy the central part of the site contained by the internal service road and comprise a mix of old and modern buildings, generally single storey structures, although there is a large 3 storey building facing Goscote Lane that was previously used as staff accommodation. There are two separate access and egress points along Goscote Lane plus one further unused access. There is a car park at the south west corner of the site facing Goscote Lane which is currently unused due to reduced operational activity on site.

The Wyrley & Essington Canal adjoins the eastern boundary of the site, an adult training centre adjoins the southern boundary, residential properties adjoin the northern boundary and there are open fields on the opposite side of Goscote Lane to the west. There is a Tree Preservation Order on an area of trees in the north-west corner of the site near the Goscote Lane frontage.

The site is owned by Walsall Teaching Primary Care Trust and only two buildings remain in operation, which are Waldoc out of hours medical services and the Catering Production Unit (CPU). Residential care is no longer provided on site, however, the existing uses continue 24 hours per day.

The application site is 6.95 hectares. The indicative plan shows how the site could accommodate two new buildings for Palliative and Dementia Care, together with associated car parking, access and landscaping. The proposals would involve demolition of 10 of the existing buildings, retaining 3 buildings and a generator house on site. The proposed two new buildings would create approximately 5000m² floor space. The total site area occupied by the retained and proposed development would total 8,554m², representing an increase of 175m² or 2.1%. Development of the site in two phases is proposed, Phase 1 being the Dementia Care Unit and Phase 2 the Palliative Care Unit. The proposals have been designed to ensure minimal removal of trees, avoiding the area of trees protected by Tree Preservation Order, and include proposals for additional landscaping and planting.

Phase 1 Dementia Care Unit would involve demolition of the boiler house and five of the existing wards and related linkways and construction of the Dementia Care Unit of approximately 3000m². This is to be constructed in the central part of the site and will include services such as longer term residence, respite, day services and intermediate care and assessment. A multi disciplinary team would function within and from the centre comprising mental health specialists, therapy staff and social care staff. The team would support

those within the community as well as those using the centre's services at any given time.

Phase 2 Palliative Care Unit would involve demolition of two more wards and related linkways and building a Palliative Care Unit of approximately 2000m² to the north of the Dementia Care Unit. The building would include facilities for up to 12 inpatients, approximately 20 day patients and would also provide outpatients services. Specialist nursing, complementary therapies and lymphoedema therapy would be provided alongside facilities and services for relatives and friends such as cancer information and counselling. The building would also have a volunteer's office and act as a base for charity and voluntary organisations.

The indicative Masterplan seeks to retain the existing access and egress points, provide car parking adjacent to new buildings, ensure minimum impact on existing trees and suggests a building design that respects the Green Belt location and surroundings.

In support of the application the following documents have been provided:

- Design and Access Statement
- Phase 1 Habitat Survey
- Transport Statement
- Flood Risk Assessment
- Geo-Environmental Assessment
- Arboricultural Survey
- Bat Survey
- Visual Impact Assessment
- Heritage Assessment
- Consultation Statement
- Bat Survey Report

Relevant Planning History

06/2190/ND/E11 – Request for a screening opinion as to whether an Environmental Impact Assessment is required for proposed health care development – Environmental Impact Assessment not required as the proposals are not likely to have a significant effect on the environment given the scale of existing and previous uses on the site.

Relevant Planning Policy Summary

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

Unitary Development Plan

GP1: Development will be guided by principles of sustainability, minimising need to travel by car, maximising the re-use of vacant land and buildings without prejudice of beneficial use of adjoining land or buildings.

GP2: Development schemes should, as far as possible, help to improve the environment of the Borough whilst not allowing development that has an adverse impact.

GP7: Development is expected to design out crime and maintain good urban design.

3.3: The character and function of the Green Belt will continue to be safeguarded as part of the wider West Midlands Green Belt.

3.16: Development will be considered 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.

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

ENV2: Allows limited infilling or redevelopment of major existing developed sites in accordance with policy ENV4.

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

ENV4: allows for infilling or redevelopment of major developed sites in the Green Belt provided proposals have no greater impact than the existing development on the openness and purpose of the Green Belt.

ENV14: The Council encourages the reclamation and development of derelict and previously developed land wherever this is technically feasible.

ENV17: Planting will be promoted particularly in the following areas; streets, towns, transport corridors and derelict land.

ENV18: Seeks to protect, manage and enhance existing woodlands, trees and hedgerows. Where developments are permitted which involve the loss of trees... developers will be required to minimise the loss and to provide appropriate planting of commensurate value.

ENV22: Development needs to demonstrate no adverse impact on species protected by European law.

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

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

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.

3.113, 3.114 & 3.115: New development provides opportunities for high quality architectural and landscape design to contribute to the environmental and economic well-being of the Borough. Good design should respond positively and imaginatively to the context, in which development takes place, discourage crime and increase safety and has a major role to play in the creation of an environment which is distinctive and creates a sense of place.

ENV39: The Council will encourage proposals for the development of renewable energy resources and for efficient use of energy.

ENV40: Proposals for development will be encouraged to incorporate measures for conservation of water resources such as the use of water efficient devices, the on site recycling of water (including grey water systems).

T7: All development should satisfy the car parking standards set out in Policy T12: Encourages access by public transport.

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. Provision for Hospitals – 1 car park space per 4 staff and 1 space per 3 daily visitors and patients. 1 bike locker for every 10 car parking spaces. Taxi facilities.

LC9: The Council will expect all development alongside and near to canals to positively relate to the opportunity presented by the waterway, to achieve high

standards of design, and to be sensitively integrated with the canal and any associated features.

Regional Spatial Strategy for the West Midlands was published in June 2004. This is now part of the Development Plan, with the UDP. It seeks to promote sustainability by controlling the location of uses and to implement the strategy that all parts of the Region should meet their own needs sustainably.

National Policy

PPS1 Delivering Sustainable Development – promotes sustainable and inclusive patterns of urban and rural development.

PPG2 Green Belts – Seeks to protect against inappropriate development that is harmful to the Green Belt. Limited infilling or redevelopment of major developed sites that meets the criteria C3 & C4 in Annex C of PPG2 is not inappropriate development. Essentially development should have no greater impact than the existing development on the openness and purpose of the Green Belt, not exceed the height of existing buildings or occupy a larger area of the site than the existing buildings.

PPS9 Biodiversity & Geological Conservation – seeks to promote sustainable development, conserve, enhance and restore the diversity of England's wildlife and geology and contribute to rural renewal and urban renaissance.

PPS10 Planning for Sustainable Waste Management – Aims to protect human health and the environment by producing less waste and by using it as a resource wherever possible.

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

PPG14 Development on Unstable Land, PPG15 Planning and the Historic Environment, PPG16 Archaeology & Planning and PPS23 Planning and Pollution Control are also relevant.

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

PPS25 Development and Flood Risk – Aims to ensure that flood risk is taken into account to avoid inappropriate development in areas at risk from flooding.

Consultations

Transportation – No objection to the current proposal subject to the following conditions which relate to the access arrangements only:

-The most northerly access shall be used for access to the site only.

-There shall be no alterations to the proposed accesses, and they shall be used as stated within the Transport Assessment, to serve the remaining buildings and the proposed (PCC) Palliative Care Centre, and (DCU) Dementia Care Unit.

-There shall be no additional access to the highway, and no further extensions or development without an accompanying additional traffic related supporting Transport statement, and revised Travel Plan.

-A Travel Plan shall be submitted to promote sustainable methods of travel for trips to and from site by visitors and staff, as outlined in the Framework Travel Plan. The travel plan shall be submitted within six months of the completion of Phase One.

Pollution Control – No objections subject to conditions to ensure ground gas ingress prevention measures.

Strategic Policy – No objection in principle. Policy ENV4 of the Unitary Development Plan identifies Goscote Hospital as a Major Developed Site in the Green Belt. Redevelopment of the existing buildings is acceptable in principle provided that the new buildings do not exceed the height or footprint of the existing ones and the scheme will have no greater impact on the openness and character of the Green Belt. Although the new buildings would have a different configuration to the existing ones, they would occupy a similar footprint and are therefore considered consistent with the policy. The uses proposed are also the same as the existing lawful use. Area 7 on the Masterplan is identified as “future health related development zone”. This area is largely open at the present and any future development plans for this area would also be expected to comply with Policy ENV4 in terms of maintaining the openness of the Green Belt and dealing with the two mine shafts.

Consultation appears to be in line with what is required in the Statement of Community Involvement (SCI).

It is recommended that a condition is imposed requiring the applicant to provide details of proposed sustainable construction techniques, sustainable drainage, water recycling, natural ventilation/cooling and energy reduction/efficiency measures. A condition requiring the applicant to provide further information on the suitability of the materials for re-use on site and fate of the demolition waste is recommended.

Also support retention of the nurses’ accommodation which contributes to the character of the area and appears to be suitable for conversion.

Ecology – No objections subject to conditions to ensure ecological report recommendations are carried out and further bat survey work to establish that there are no major bat roosts in buildings to be demolished, submission of a method statement for action if bats are found and submission and implementation of a mitigation strategy.

Landscape – No objections subject to conditions requiring submission of full details of planting and hard and soft landscaping and landscape management of the site.

Arboricultural Officer – No objection in principle subject to conditions.

Urban Design – No objections. The design ethos behind the arrangement of the buildings and courtyards is welcomed. However, there are concerns that the open space at the east of the hospital buildings will remain open rather than secure, enclosed and overlooked if Phase 3 never comes forward. Also, the staff accommodation building at the front of the site is shown as being retained “temporarily” and its loss would be of concern given that it contributes to the historical character of the site and assists in creating a sense of arrival at the entrance.

Drainage – No objections.

Environment Agency – No objections subject to conditions. The supplied Flood Risk Assessment is considered to meet the requirements of PPS25 Development and Flood Risk. The proposed surface water drainage system for the site is acceptable in principle.

Natural England – No objections subject to measures concerning protected species being secured throughout the development process. Such measures include prior agreement of a method statement and mitigation strategy to protect bats, erection of fencing to protect badgers setts during the construction process, requirement for a water vole survey if any major earthworks or piling are proposed within 10m of the canal and submission and agreement of an ecological management plan.

Police Architectural Liaison Officer – No objection subject to conditions to improve site safety and security.

Inland Waterways Association – No objections. The site has an extensive frontage to the Wyrley & Essington Canal which is a historic waterway and a valuable amenity and recreational corridor. The proposals are satisfactory on the basis of the information provided.

Public Participation Response

None.

Determining Issues

- Principle of Redevelopment for Healthcare Use
- Impact on the Green Belt
- Means of Access
- Impact on Ecology
- Impact on Trees
- Sustainability

Observations

Principle of Redevelopment for Healthcare Use

The proposal involves demolition of existing hospital buildings and construction of two new buildings to be used for health and social care purposes. The proposed uses are considered appropriate given the existing site is used for healthcare services which are of similar character.

Impact on the Green Belt

Policy ENV4 of the Unitary Development Plan allocates the site as a Major Developed Site in the Green Belt. Redevelopment of the existing buildings is therefore acceptable in principle provided that the new buildings do not exceed the height or footprint of the existing buildings and have no greater impact on the openness and character of the Green Belt. A Visual Impact Assessment has been submitted with the application that demonstrates the short and long term effects of the development proposals from surrounding viewpoints. It concludes that the most negative effects of the development

would occur during construction and impact on views from the canal towpath but that once development is complete views will be improved.

The new buildings represent an increase in floor space of 175m², only a 2.1% increase. However, this is considered not to be a significant increase in floor space and given the proposed location, orientation and proposed materials to be used for the replacement buildings they would be more sympathetic to the appearance of the site and character of the Green Belt than the existing buildings. The new buildings would occupy a similar footprint to the existing and are considered not to have any adverse impact on the character or openness of the Green Belt and are therefore consistent with the policy.

Means of Access

There are presently three access points to the site off Goscote Lane, of which two are currently in use. The proposal seeks to utilise these and retain the one way circulatory access road within the site with entry only to the site from the northern access, and exit only from the southern access. The design and access statement highlights that if further development occurs there will be a need to improve the existing central access (currently unused) to a two way route with improved alignment and to address the impact any potential future increase in traffic would have on the southern site exit adjacent to the Adult Training Centre.

The requirements of the Transportation Officer can be met by conditions on any planning permission.

Any potential future development at the site that may result in additional access to the highway would require an additional supporting Transport Statement, and revised Travel Plan. This is recommended as a condition. A Travel Plan to be submitted to promote sustainable methods of travel for trips to and from site by visitors and staff, as outlined in the Framework Travel Plan is also recommended as a condition.

Impact on Ecology

The submitted Phase 1 Habitat Survey submitted identifies a wildlife protection zone and the details of the necessary mitigation measures to ensure wildlife is not affected by construction and the new development is also included and can be conditioned.

A bat survey has been provided that concludes no bat roosting activity during the survey but that common pipistrelles were found to be using the site for commuting and foraging. The report recommends that a suitably qualified ecologist will need to be present to supervise removal of all roof structures during phase one of the proposed development and if bat roosts are found Natural England should be contacted immediately and their advice adhered to. Phase two of the proposed development will require a further survey in advance of commencement to maintain compliance with the regulations and ensure best practice.

The drawings show a 6m margin at the edge of the Wyrley & Essington Canal which adjoins the site boundary in order to protect the potential water vole habitat. The development proposals should therefore have no detrimental effects upon water voles.

Retention of mature trees on site and incorporation of native fruit trees, shrubs and plants which provide a good food source for birds, mammals and invertebrates should be incorporated into landscaped areas. A Nature Conservation Management Plan is recommended and works should be undertaken outside the bird nesting season.

Impact on Trees

The proposals do involve removal of trees within the centre of the site adjacent to the buildings to be demolished. These are all within the boundary of the service road and are not protected by Tree Preservation Order. Other existing landscape features around the perimeter of the site are to be retained. The proposed landscape strategy offers opportunities for enhancement of landscaping and additional tree planting to compensate for any loss and create a setting for the proposed buildings whilst screening them from a north easterly direction (the canal). The Arboricultural Survey recommends conditions to ensure protection of retained trees throughout the development process including protective fencing, siting of services, hard surfacing and wildlife protection which can be conditioned. Although trees are to be removed it is considered that the proposal will not have an overall adverse impact on the setting and character of the site.

Sustainability

The proposal includes measures to promote sustainable travel and also sustainable building design. It takes into account opportunities to make optimum use of the existing developed areas of the site and to preserve existing natural assets.

The Transport Assessment highlights that there are a large and varied number of amenities and facilities accessible by walking, cycling and bus travel as there is a good surrounding footway network, a bus stop along the site frontage and links to a cycle network. A Framework Travel Plan is also included that includes measures to reduce car trips by staff and visitors such as walking, cycling, public transport and car sharing.

The submitted details include an environmental strategy for the design and massing of the proposed buildings that incorporates passive ventilation, overhanging eaves to prevent solar gain, green tanks for recycling waste water, south facing rooms and a pond to provide cooling air and a wildlife habitat. It is also intended that new buildings will achieve an “excellent” Building Regulations Establishment Environmental Assessment Method (BREEAM) rating.

Conclusion

The redevelopment of the site for healthcare services is acceptable as it reflects the existing hospital use of the site. The proposals identified in the Masterplan show a phased redevelopment of this major developed site in the Green Belt and although the footprint of the proposed buildings are larger by 175m² it is considered that this has no greater impact than the existing development on the openness and purpose of the Green Belt as the proposed buildings do not exceed the height of existing buildings or occupy a larger area of the site than the existing buildings. Opportunities are taken to promote

sustainable travel and incorporate sustainable building design that will further minimise the impact of the redevelopment on the environment.

Recommendation: Grant Subject to conditions

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

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

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

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

3. This development shall not be commenced until details of the Appearance, Scale, Layout and Landscaping Reserved Matters has been submitted to and approved by the Local Planning Authority.

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

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

- Scale 1:2500 Goscote Hospital Site Plan received 20/04/07
- Scale 1:5000 Location Plan (Drwg. No. PL01-GOH) received 20/04/07
- Existing Site Plan (Drwg. No. PL02-GOH) received 20/04/07
- Phasing (Drwg. No. PL03-GOH) received 20/04/07
- Masterplan Phase 1 & Phase 2 (Drwg. No. PL04-GOH) received 20/04/07
- Masterplan (Drwg. No. PL06-GOH) received 20/04/07
- Sections and Massing (Drwg. No. PL07-GOH) received 20/04/07
- Outline Landscape Proposals (Drwg. No. GOH/12.0) received 20/04/07
- 3D Massing 2 Phase received 20/04/07
- Planning Application: Supporting Statement prepared by Drivers Jonas received 20/04/07
- Visual Impact Assessment prepared by Drivers Jonas (0001-NH51077-NHR-RT-01) received 20/04/07
- Bat Survey Report prepared by Betts Ecology (CB5542/1943) received 13/06/07
- Goscote Hospital Heritage Assessment prepared by ECM Heritage received 20/04/07
- Arboricultural Survey Report prepared by Betts Ecology (CB5542/1520) received 20/04/07
- Extended Phase 1 Habitat Survey Report prepared by Betts Ecology (CB5542/1392/HAUD4) received 20/04/07
- Consultation Statement prepared by Drivers Jonas received 20/04/07
- Flood Risk Assessment prepared WSP received 20/04/07
- Geo-Environmental Assessment prepared by WSP received 20/04/07

- Transport Assessment prepared by WSP received 20/04/07
- Design & Access Statement prepared by Architects Design Partnership received 20/04/07

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).

5. No built development shall commence until samples of all facing and roofing materials have been submitted to and approved in writing by the Local Planning Authority. The development shall be completed with the approved details and retained as such.

Reason: To ensure the facing and roofing materials harmonise with those in the surrounding vicinity.

6. No development shall commence on site until details of the disposal of both surface and foul water drainage, to include a scheme for the provision and implementation of a surface water run-off limitation, have been submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details and retained as such.

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

7. No development shall be carried out until full details of existing and proposed levels of the site, access way and floor levels for the proposed buildings, have been approved in writing by the Local Planning Authority. The submitted details shall include full details of any retaining structures required to ensure the stability of the site and any drainage or other works necessary to facilitate this development. The development shall be carried out and retained in accordance with these approved details.

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

8. No built development shall commence on site until details of all boundary treatment have been submitted to and approved by the Local Planning Authority. The approved details shall be implemented prior to first occupation of the premises.

Reason: In the interests of securing the development.

9. No demolition, engineering, or construction works, (including land reclamation, stabilisation, preparation, remediation or investigation), shall take place on any Sunday, Bank Holiday or Public Holiday, and otherwise such works shall only take place between the hours of 08.00 to 18.00 weekdays and 09.00 to 14.00 Saturdays unless otherwise permitted in writing by the Local Planning Authority. No plant, machinery or equipment associated with such works shall be started up or operational on the development site outside of these permitted hours.

Reason: To protect the amenity of the surrounding residential occupiers.

10. Prior to built development commencing details of ground gas ingress prevention measures to be incorporated into the proposed structures shall be submitted to and agreed in writing by the Local Planning Authority and implemented in accordance with the agreed details. 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 agreed in writing by the Local Planning Authority prior to the development being first brought into use.

Reason: To ensure the satisfactory development of the site.

Note for applicant: *Construction specification drawings giving detail of the specification of the gas resistant membrane to be used, the method of installation, arrangements for sealing and treating any service entry points and method for treating cavity walls will be required.*

11. The most northerly access shall be used for entrance to the site only and an appropriate scheme for signage shall be implemented in accordance with details which shall first be submitted to and agreed in writing by the Local Planning Authority. The access arrangement shall remain in accordance with the agreed details unless the Local Planning Authority agrees to any variation.

Reason: In the interests of highway safety.

12. There shall be no alterations to the proposed accesses, and they shall be used as stated within the Transport Assessment, to serve the remaining buildings and the proposed (PCC) Palliative Care Centre, and (DCU) Dementia Care Unit unless the Local Planning Authority agrees in writing to any variation. There shall also be no additional access to the highway, and no further extensions or development without prior submission of an accompanying additional traffic related supporting Transport Statement, and revised Travel Plan to be agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety.

13. Within six months of Phase One of the development hereby permitted being brought into use a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority that promotes sustainable methods of travel for trips to and from site by visitors and staff, as outlined in the Framework Travel Plan.

Reason: In the interests of highway safety and to promote sustainable travel alternatives.

14. Prior to commencement of the development details of sustainable construction techniques and re-use of suitable materials on site where feasible shall be submitted to and agreed in writing by the Local Planning Authority and implemented in accordance with the agreed details.

Reason: In the interests of sustainability.

15. Prior to commencement of the development details of a scheme that incorporates controlled access to the site, designated parking areas, improved perimeter fencing, CCTV and defensive planting along the canal shall be submitted to and agreed in writing by the Local Planning Authority and then implemented in accordance with the agreed details and maintained throughout the life of the development unless the Local Planning Authority agrees to any variation in writing.

Reason: In the interests of safety and security to ensure the satisfactory development of the site.

16. Prior to the commencement of the development measures to safeguard protected species and wildlife habitats, as detailed in the submitted reports referred to under condition 4 of this approval, shall be submitted to and agreed in writing by the Local Planning Authority and then implemented in accordance with the agreed details unless the Local Planning Authority agrees to any variation. Such measures shall include a further bat survey for phase 2, protective fencing around the wildlife exclusion zone, protective fencing along the canal 6m water vole protection zone and works to be carried out outside the bird nesting season (March – August) or under the supervision of a suitably qualified ecologist.

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

17. Prior to the commencement of the development a Nature Conservation Management Plan shall be submitted to and agreed in writing by the Local Planning Authority and then implemented in accordance with the agreed details unless the Local Planning Authority agrees to any variation.

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

18. The demolition of the buildings should be supervised by a person suitably licensed, qualified and experienced in bat ecology and legislation. The person shall instruct personnel involved in the demolition of the building and be available to supervise the demolition of those parts of the building most likely to contain bats. In the event that bats are discovered, a person suitably licensed, qualified and experienced in bat ecology and legislation shall be available immediately to liaise with English Nature and take steps to ensure the necessary remedial steps to comply with the law.

Reason: In the interests of protecting any bats on site.

19. Prior to the commencement of the development detailed replacement planting proposals to mitigate for the loss of the existing trees and details of tree protection to be implemented prior to demolition and construction in accordance with BS: 5837 2005 shall be submitted to and agreed in writing by the Local Planning Authority and then implemented in accordance with the agreed details unless the Local Planning Authority agrees to any variation.

Reason: To ensure the satisfactory development of the site.

20. No development shall be carried out until a detailed landscaping scheme for the site, (including any necessary phasing of implementation), has been submitted to and agreed in writing with the Local Planning Authority. The landscaping scheme shall include full details and specifications of plant material together with detailed locations of the species proposed, full details of the management of the site and full details of hard landscaping. The approved scheme shall be implemented in accordance with any agreed phasing or within one year of any part of the development being brought into use or such other period of time as may be agreed in writing by the Local Planning Authority.

Reason: To ensure the satisfactory appearance of the development.

21. All planted and grassed areas and associated protective fencing shall be maintained for a period of 24 months from the full completion of the approved scheme. Within this period:

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

Reason: To ensure the satisfactory appearance of the development.

22. Notwithstanding the submitted details, this approval does not grant permission for erection of any buildings or development of the area marked "Future Health related Development Zone" marked on the Masterplan drawing reference PL06-GOH.

Reason: To define the permission.

23. The building sizes and siting shall be as set out in the Design and Access Statement prepared by Architects Design Partnership dated 11 April 2007, Master Plan drawing number PL06-GOH and Sections and Massing Drawing Number PL07-GOH unless otherwise agreed in writing by the Local Planning Authority and shall not exceed the following sizes: -

- Dementia Care Unit – 3000m² single storey
- Palliative Care Unit – 2000m² predominantly single storey with 500m² at first floor level
- Ridge height of new development not to exceed 10m

Reason: To define the permission.

Summary of reasons for granting planning permission and the policies and proposals in the development plan which are relevant to the decision

The proposed development is considered to comply with the relevant policies

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of the development plan, in particular policies GP2, 3.3, ENV1, ENV2, ENV4, ENV14, ENV17, ENV18, ENV22, ENV23, ENV29, ENV32, ENV39, ENV40, T13 and LC9 of Walsall's Unitary Development Plan and on balance, having taken into account all material planning considerations, the proposal is acceptable.

Further details are available by referring to the officer's report which can be viewed, subject to availability, in Planning Services. As the application was approved by the Development Control Committee, the report can be viewed on the Council's web site at www.walsall.gov.uk



To: DEVELOPMENT CONTROL COMMITTEE

Report of Head of Planning
and Building Control,
Regeneration
On 17 Jul 2007

REASON FOR BRINGING TO COMMITTEE: Major application.

Application Number: 07/0867/FL/E8 **Case Officer:** Neville Ball (H1)

Application Type: Full application **Telephone Number:** 01922 652528

Applicant: Bellway Homes (West Midlands) **Agent:**

Proposal: Substitution of houses types to plots 22 to 29 including repositioning of plots 22 to 29. Existing Planning Permission ref: 05/1615/FL/E8.

Location: LAND AT, BLAKENALL HEATH & VICTORIA AVENUE, WALSALL, WEST MIDLANDS

Ward: Bloxwich East

Expired:

Recommendation Summary: Grant Subject to conditions



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Application and Site Details

This application is for an amendment to an existing permission for the development of vacant land on the corner of Blakenall Heath and Victoria Avenue opposite Christ Church for 11x3-bedroom and 2x4-bedroom houses, with 25x 2-bedroom apartments. The only change is that the ground floor living rooms of the houses are to be enlarged by adding 1.2 metre projections to the rear. Some of the plots have been repositioned further forward to retain similar garden lengths to the rear as those previously approved.

The rears of the majority of the proposed houses are to face the side of the rear garden of the existing house at 121 Victoria Avenue. Number 121 is lower in level and there is a 1.8 metre closer-boarded fence along the boundary.

Relevant Planning History

05/1615/FL/E8. Erection of 38 dwellings and associated siteworks. Granted subject to conditions March 2006 subject to a legal agreement to provide for the funding of additional school places.

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

Only those policies which are relevant to the changes proposed in the current application are set out below.

Unitary Development Plan

GP2: Environmental Protection

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

I. Visual appearance.

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

ENV32: Design and Development Proposals.

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

H10: Layout, Design and Dwelling Mix.

(a) The Council will expect the design of residential developments, including residential extensions, to:-

I. Create a high quality living environment, well integrated with surrounding land uses and local character (natural and built) and in accordance with the principles of good design set out in Policy ENV32.

(c) All proposals for residential development will be considered against the detailed standards and guidelines set out in the Council's Supplementary Planning Guidance and Supplementary Planning Documents relating to residential design.

T7 Car parking

All development should satisfy the car parking standards set out in policy T13.

Residential Development Standards

These set out the council's standards for space around dwellings. Key standards include:

- Rear gardens to have a minimum length of 12 metres and a minimum area of 68 square metres;
- A minimum of 24 metres between all facing windows of habitable rooms of adjacent dwellings;
- A minimum of 13 metres between habitable room windows and blank walls exceeding 3 metres in height.

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.

Consultation Replies

Transportation –

Centro - No objection

National Grid - No objection

Environment Agency - No objection.

Education Walsall - **No objection.**

WMBC Drainage - **No objections.**

WMBC Pollution Control - **No objections.**

Representations

None.

Determining Issues

The determining issues are

- the level of amenity space and
- the impact on neighbours.

Observations

Level of amenity space

The addition of the ground floor projections to the rear will reduce the rear garden lengths of 5 of the plots to between 9.7 and 11 metres. This is less than the minimum 12 metres standard normally applied. The current application will only reduce the approved garden lengths by 0.5 metres. The development as a whole is to provide a mix of garden sizes, with several of the plots being larger than required by policy. The current proposal will provide choice for those who prefer not to have large gardens.

Impact on neighbours

As the nearest houses in Victoria Avenue do not directly face the site, this would avoid any loss of privacy to habitable room windows. The boundary fence will screen the ground floor windows so the current proposal will have no impact on neighbouring houses.

Recommendation: Grant 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 be carried out details of the existing and proposed levels of the site in relation to the surrounding land and buildings has been submitted to and approved in writing by the local planning authority. The development shall be built in accordance with the approved details.

Reason: To ensure the satisfactory appearance of the development and the amenity of adjoining properties, and to comply with policies ENV32 and H10 of Walsall's Unitary Development Plan.

3. This development shall not be carried out until a schedule of facing materials to be used in external walls, roofs, windows, doors and hard-surfaced external areas of the site has been approved in writing by the Local Planning Authority. The development shall be constructed using the approved materials and shall thereafter be retained as such.

Reason: To ensure the satisfactory appearance of the development and to comply with policies ENV32 and H10 of Walsall's Unitary Development Plan.

5. No demolition , engineering or construction works, (including land reclamation , stabilisation , preparation, remediation, or investigation) , shall take place on any Sunday, Bank Holiday, or Public Holiday, and otherwise such works shall only take place between the hours of 0700 to 1800 weekdays and 0800 to 1300 Saturdays unless otherwise permitted in writing by the Local Planning Authority. No plant, machinery or equipment associated with such works shall be started up or operational on the development site outside of these permitted hours.

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

6. Before this development is brought into use, the accessways, vehicle parking and manoeuvring areas shown on the approved plans shall be hardsurfaced in materials to be agreed in writing by the Local Planning Authority. The areas shall thereafter be retained and used for no other purpose. The parking spaces shall have been clearly marked out.

Reason: To ensure the satisfactory provision of off-street parking, and in accordance with policies T7 and T13 of the Unitary Development Plan.

Summary of reasons for the grant and a summary of the policies and proposals in the development plan which are relevant to the decision

The proposed development is considered to comply with the relevant policies of the development plan, in particular policies GP2, ENV32 and H10 of Walsall's Unitary Development Plan, and the Residential Development Standards, and, on balance, having taken into account all material planning considerations, the proposal is acceptable.

Further details are available by referring to the officer's report which can be viewed, subject to availability, in Planning Services. As the application was approved by the Development Control Committee, the report can be viewed on the Council's web site at www.walsall.gov.uk .



To: DEVELOPMENT CONTROL COMMITTEE

Report of Head of Planning
and Building Control,
Regeneration
On 17 Jul 2007

REASON FOR BRINGING TO COMMITTEE: Requiring delicate judgement

Application Number:
07/0885/FL/W3

Case Officer: Mrs J Scrivens

Application Type: Full application

Telephone Number: 01922 652436

Applicant: MPB Structures Ltd

Agent: Taylor Wells Design Ltd

Proposal: Refurbish 15 & 17
Selborne Street, Change of Use of
19 to form 3 dwellings. Demolition
of rear part of factory and
replacement by 4 dwellings

Location: 15-19, SELBORNE
STREET, CHUCKERY, WALSALL, WEST
MIDLANDS, WS1 2JN

Ward: St. Matthews

Expired:

Recommendation Summary: Grant Subject to conditions



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Application and Site Details

This is a site in Selborne Street, Walsall formerly occupied by two dwellings and a factory (the latter extended deep into the site). Planning permission was granted (a committee decision) in 2003 to refurbish the dwellings and convert the factory, no.19 Selborne Street, into 7 dwellings (two flats and one house in the street frontage building, and two flats and two houses in the rear wing).

After permission was granted, the two houses (Nos. 15 and 17) were refurbished and two flats and a house created from the front part of the factory. The rear wing of the factory was demolished and replaced by two new build flats and two new build houses. None of the conditions of the permission were complied with and the development is therefore unauthorised in its entirety.

The current application is to retain the works which have been carried out.

The layout approved under the original permission has been retained. Nos.15 and 17 (two bedroom Victorian terraced dwellings) have no rear garden but share a courtyard 60 sq.m. in area with two flats converted from the factory and the two new build flats.

The two new build houses, which are at right angles to Selborne Street at the rear of the site, have different sized gardens 9 and 9.7 metres long and 58 and 114 sq.m. area. The remaining part of the former factory, on the Selborne Street frontage has been converted back to a house with a garden over 53 sq.m..

Pedestrian and vehicular access to six of the properties is via an archway which served the factory. Two parking spaces for disabled drivers are shown to be provided together with cycle parking. These features were part of the original scheme and are unchanged.

The approval predated the adoption of the Residential Design Standards document and was largely approved because it retained an attractive building complex and brought it back into new use.

Selborne Street is in an area of mixed uses, terraced housing , factories, a church and a mosque.

Relevant Planning History

03/1619/FL/W3 Refurbishment of existing dwellings and conversion of factory to dwellings, granted 2003.

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

Unitary Development Plan

GP2 and Env32 seek good design.

ENV26 and ENV27 seek to protect architectural heritage.

H3 encourages windfall sites where a good environment can be achieved.

Regional Spatial Strategy

Seeks to focus development in the Major Urban Areas and achieve good design

Residential Design Standards

Sets standards for private amenity space for housing.

National Policy

PPG1 seeks good design and a good environment for development.

Consultations

Transportation – comments awaited – will be in Supplementary report.

Representations

One letter has been received from a company in Selborne Street advising that the development has already been carried out. The writer implies that there are concerns about the development but does not specify what these are.

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

Determining Issues

- Principle of development
- Parking/highway safety
- Design

Observations

Principle of development.

The conversion of the factory to residential accommodation was considered acceptable as part of the approval of 03/1619/FL/W3. The present scheme is virtually identical, other than being partly new buildings. What is previously acceptable as a conversion can not now be resisted as new build (though the loss of the old building on the site is regretted).

Parking/highway safety

The development provides only parking for disabled drivers. This was considered and approved as part of the original scheme. Visibility from the archway is substandard but there would be very few cars using it. Again this was part of the original scheme. The gates to the development have been set back to enable vehicles to park clear of the highway while the gates are opened. The gates would need to open automatically for ease of access and this could be required by condition (as recommended). The precise location of

the gates, and the relationship between traffic safety and the security of residents (e.g. members will be familiar with the abuses of tunnel access and side entries) are matters that need to be balanced in judging a submission under that condition.

Design

The layout of the development is substandard in terms of amenity space but this was considered and approved as part of the original development. The specific justification was the conversion of an old building, and reflected a preparedness to compromise on normal design standards (subsequently enshrined in the Residential Design Standards). In the present position, arguing that the development should now comply with those standards is not a position that can be recommended.

On a technicality, the submitted drawings do not accurately reflect the elevations that have been built and amended plans would need to be submitted to rectify this. The recommendation reflects this.

Conclusion

The development as built is much less attractive than the scheme originally approved, because of the loss of the Victorian factory building which would have given the development character. It is unlikely however that enforcement action would be successful in respect of the changes alone.

Recommendation: Grant Subject to conditions

1. No development shall be carried out until details of the proposed boundary treatment for the site have been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall include any internal site divisions. The approved scheme shall be implemented before any part of the development is brought into use and thereafter retained.

Reason: To safeguard the amenities of the future occupiers of the site and those of the occupiers of the adjoining dwellings.

2. No development shall be carried out until details of the appearance of the cycle store have been submitted to and approved in writing by the Local Planning Authority. The cycle store shall be erected in accordance with the approved details prior to the occupation of any dwelling on the site and thereafter retained for the use of the occupiers of these plots.

Reason: To ensure the satisfactory appearance of the cycle store and to encourage cycle use.

3. Within one month of the date of this permission, the disabled car parking spaces shall have been clearly marked out, and shall be thereafter retained..

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

4. Within one month of the date of this permission, details of the proposed refuse storage facilities for the development shall have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the satisfactory functioning of the development and in the interests of the amenity of future occupiers of the development.

5. Within one month of the date of this permission, details of the appearance of the access gates together with details of proposed security measures and means of access for disabled drivers (including if necessary the relocation of the gates) shall have been submitted to and approved in writing by the Local Planning Authority. The details submitted shall include the provision of a high level fireman's override switch linked to the access gates. The approved detail shall be implemented within one month of approval, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the satisfactory appearance and functioning of the development

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, or succeeding Orders, no development within Classes A, D and E of Schedule 2 Part 1 to the Order shall be carried out to any of the dwellings on the site without the prior approval of a planning application.

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

7. The accessway serving the dwellings on the site (whether as their main or secondary access) shall not be used by vehicles, other than those of disabled persons or cycles, for either access or parking. Parking for disabled persons' vehicles shall only take place within the spaces allocated on the approved plan.

Reason: In the interests of the satisfactory functioning of the development and the amenity of its future occupiers.

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, or succeeding Orders, no windows or doors, other than as shown on the deposited plans, shall be installed in any part of this development without the prior approval of a planning application.

Reason: In the interests of maintaining the amenity of adjacent residential occupiers.

Summary of reasons for granting planning permission and the policies and proposals in the development plan which are relevant to the decision.

The proposed development is considered to comply with the relevant policies of the development plan, in particular policies GP2 and ENV32 and, on balance, having taken into account all material planning considerations, the proposal is acceptable.

Further details are available by referring to the officer's report which can be viewed, subject to availability, in Planning Services. As the application was

approved by the Development Control Committee, the report can be viewed on the Council's website at www.walsall.gov.uk.



To: DEVELOPMENT CONTROL COMMITTEE

Report of Head of Planning and
Building Control,
Regeneration
On 17 Jul 2007

REASON FOR BRINGING TO COMMITTEE: Significant community interest

Application Number:
07/1071/FL/W6

Case Officer: Val Osborn

Application Type: Full application

Telephone Number: 01922 652436

Applicant: Chamberlin and Hill PLC

Agent: Mr Harvey Boucher

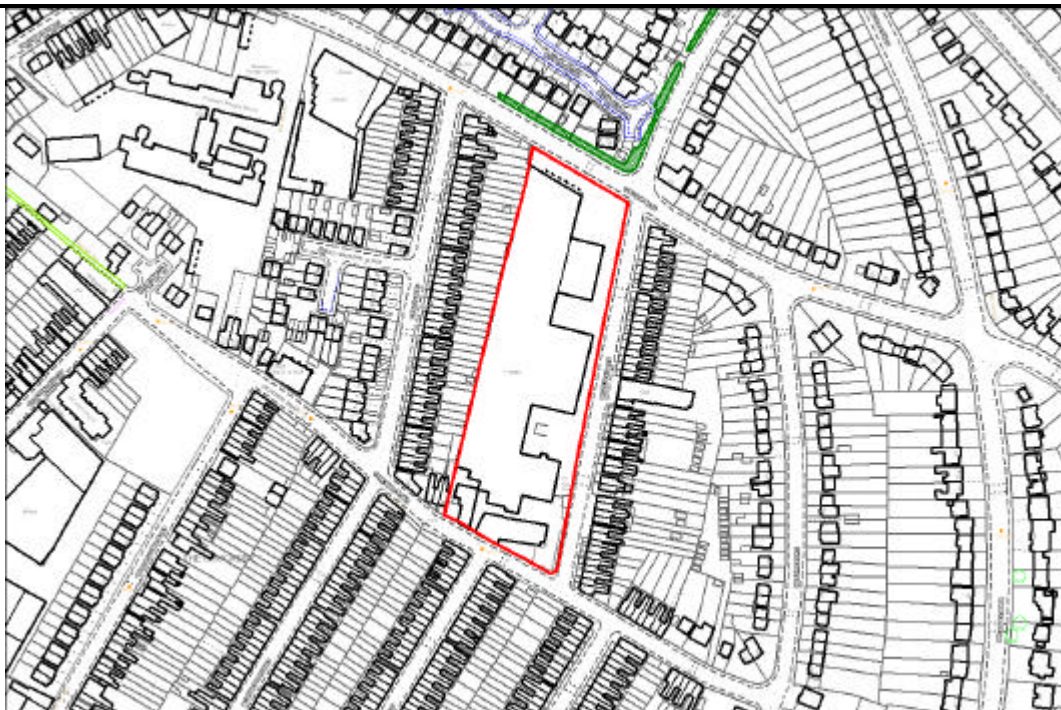
Proposal: To Build a new high wall
and gates to Lincoln Road elevation
of foundary site

Location: CHAMBERLAIN & HILL
PLC, CHUCKERY ROAD, WALSALL,

Ward: Paddock

Expired:

Recommendation Summary: Delegate to Head of Planning and Transportation



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Application and Site Details

The site is at the corner of Beacon Street and the frontage of Lincoln Road, Chuckery, Walsall and proposes the erection of a 3.6m high double-skin brick wall at the back edge of the pavement.

The proposal involves the closure of an existing lorry entrance and exit (both 10.7m wide), to Chamberlain and Hill's factory site, near to the junction of Lincoln Road and Beacon Street. The replacement single access would be 18.8m wide, towards the western end of the Lincoln Road frontage of the foundry.

The existing service/despatch yard would continue to provide lorry access and circulation space.

The proposed wall would be designed with recessed panels and relief and capped piers to match the existing wall along the majority of Beacon Street. Two 5m 'panels' of brick would be erected on Beacon Street frontage to complete the wall boundary along the entire street and a further eight 5m panels would be erected on Lincoln Road, with the 18.8m access between and sliding gates installed.

Two further 5m wide and 3.6m high brick panels would be erected on the remaining part of the Lincoln Road frontage, west of the proposed new access, adjacent to garages of 80 and 82 Tong Street.

The proposal provides for tree planting in a border within the factory site.

The site is the northern end of the factory complex and is the main entrance for deliveries and despatch of goods at the site. The area is also a transit site for palletised goods.

On Lincoln Road, existing boundaries to the foundry comprise low walls with railings and a wall, all to 1.8m in height, between the existing accesses.

On the opposite side of Lincoln Road to the existing accesses the boundary to rear gardens of houses on Nutmeg Close nearest the proposal's site is a dwarf wall with railings, with a 2m high fence set behind.

The gable elevations and related buildings of houses fronting Tong Street and Beacon Street are at back of footpath on Lincoln Road and extend to between 2.5m and 7m in height.

Trees have been planted within Chamberlain and Hill's site and close to the wall along Beacon Street, so that the crowns of the trees appear above the boundary wall.

Relevant Planning History

BC26982P – extension to despatch bay loading canopy, granted 1989.

BC47059P – erection of weather enclosure to shotblasting machine, granted 1996

BC59723P – extension to broaching shop, granted 1999, expired permission.

Relevant Planning Policy Summary

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

Walsall Unitary Development Plan March 2005

Policy 2.2 – development should create, sustain and enhance a high quality built environment and be of a high quality design.

Policy GP 2 expects development to make a positive contribution to the environment and considers (II) the susceptibility to pollution of any kind as an adverse impact which would not be permitted, and VII. Adequacy of access will be taken into account.

3.6 Development should improve the environment.

3.7 The Council will seek to protect people from environmental problems

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

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

Policies 7.1, 7.8 seek to secure an efficient transport network that is safe and secure for all users.

National Policy Guidance

Planning Policy Statement 1; development should be sustainable and seek to maintain and improve the existing environment.

Consultations

Pollution Control; There is a long standing history of dealing with environmental emissions from Chamberlain and Hill's factory, which, in recent years, has chiefly centred on deposited dust(s) and fine particles emitted from fugitive and or contained sources.

In specific regard to dust emissions, Pollution Control have previously raised a number of concerns with the company related to the yard area, and in the context of it thus considered the construction of a boundary wall would provide environmental benefits by virtue of helping to mitigate wind-whipped dust travelling off site toward neighbouring residential development. Additionally, the wall structure will offer acoustic barrier benefits by virtue of providing enhanced noise screening of operations and activities taking place in the yard area. Consequently this application is supported.

Public Participation Responses

Five letters object on the following grounds;

- Traffic: it will not eliminate the parking problems caused by staff. The proposal would not create space within the factory's yard or stop lorries parking in Beacon Street and Lincoln Road, waiting to off-load. Lorries, especially foreign wagons, have problems accessing the yard and often block off the road and cross over, so as to be able to manoeuvre into the existing yard access. The site cannot accommodate two hgv's delivering at the same time. These are hazards to highway safety and a Transportation Safety Audit is required;
- Increased noise; noise will bounce off the proposed wall, carrying the reversing bleep to adjoining properties.
- Dust fallout will not cease and it is likely that the access gate will allow the free flow of dust and rubbish as it will flow over the wall;
- Planting trees will cause further nuisance when the dust is blown from the leaves and in winter the leaf fall makes pavements slippery.
- The wall will take light from the rear of adjoining gardens;
- The wall will be a dull, lifeless imposing, oppressive, negative and ugly feature in the street
- The proposed access is inadequate for the safe manoeuvring of vehicles, particularly delivery lorries, to the site.

A petition of 111 signatures objects on the grounds that the proposal will not have "any significant benefit to Chamberlain and Hill's pollution problems but will only create a visually depressing barricade".

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

Determining Issues

- Impact on visual amenity
- Noise and pollution
- Adequacy of access

Observations

Impact on visual amenity

The proposed wall must be considered in two parts – firstly the two panels of 7.35m total length along Beacon Street and secondly the 40m section along Lincoln Road.

An identical wall to that proposed exists along Beacon Street and the likely impact in visual terms can be envisaged from that. Two 5m brick panels of the proposed wall would complete the wall boundary up to the corner of Beacon Street, replacing existing dwarf walls and railings, at back of footpath. The existing wall acts as a screen mitigating noise and visual intrusion arising from activities in adjacent service areas of the foundry. The completion of the wall boundary of Beacon Street would extend this effect.

The proposed wall would be 14m away from the front elevation of 84 Beacon Street. The existing wall is in front of the bay windows on the front of the house and the proposal would be in front of the garage.

On Lincoln Road the proposed wall would, in terms of visual appearance, be a significant, dominant, and high structure in the street scene. However there are walls and other high structures at back of footpath, so the proposed wall would not be out of character.

In terms of the existing street, built form such as walls can create enclosure and have a positive impact. The existing wall along Beacon Street is overlooked by houses for its entire length and there is therefore surveillance of the blank wall's elevation. The existing wall is therefore overlooked and does not adversely impact on the public realm. However, at the junction of Beacon Street and on Lincoln Road, there are no habitable room windows overlooking the proposed wall. The proposal would present a blank and inactive elevation to the public realm for its 48m length. This is considered to be poor design.

Corners of streets are particularly sensitive locations where pedestrian inter-visibility is an attribute to be secured. Closing the corner entirely by a high wall is not considered to be a good design feature. The application can be amended to retain the existing railings and set the new boundary wall behind. No net loss of access space would result as the area is already one of 'frontage landscaping'. This set back would allow for pedestrian inter-visibility and reduce the visual impact of the wall. Amended plans are awaited, and include the retention of the existing beech tree on the corner. This is also safeguarded by a condition.

Noise and Pollution

The proposed wall is described by the applicant to be located to reduce the extent of materials from within the foundry site being blown out of the site through the eastern-most access nearest to the junction of Lincoln Road and Beacon Street. Pollution Control supports the application in so far as it mitigates the impact of wind-blown dust at the site. Additionally the wall will offer an acoustic barrier to the activities within the yard.

Adequacy of access

The application proposes the removal of one access closest to the junction of Lincoln Road and Beacon Street. This existing access is considered to be substandard and presents a danger to highway users because it is located close to the junction. In this respect the application is supported.

Internal service spaces at the foundry would remain as existing so that delivery lorries would still be able to turn within the foundry complex and nearest to the 'cupola' building. The proposal therefore has no impact on the servicing areas and operating areas of the factory.

Conclusion

On Beacon Street, the proposed wall will be a continuation of the existing boundary and will mitigate impacts from the service yard behind.

On Lincoln Road, the proposed wall would not be unrelated to existing structures and could be off-set at the corner so as to minimise its visual impact. The proposed landscaping and retention of the existing tree would also mitigate visual impact.

It is considered that, on balance, the detrimental visual impact of a 3.6m high wall on Lincoln Road is offset by the mitigation of environmental impacts such as noise and dust blow from Chamberlain and Hill's servicing areas. This mitigation will be a benefit to overall amenity.

Recommendation

The Committee is asked for delegated authority to the Head of Planning and Building Control to approve the application on the following basis, subject to receipt of no further material representations and receipt of amended plans;

Recommendation: Delegate to Head of Planning and Transportation

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. This development shall not be carried out until a schedule of facing materials to be used in external walls and roofs and samples thereof, and details of the design and appearance of the proposed gates, have been approved in writing by the Local Planning Authority.

Reason; To ensure the visual amenity of the area.

3. The proposed access shall be brought into use before the existing accesses on Lincoln Road are closed off. The proposed access shall be available for use before the erection of the proposed wall is commenced.

Reason; To ensure the visual amenity of the area.

4. Before development is commenced a landscape scheme shall be submitted to and approved by the Local Planning Authority. The landscape scheme shall include an arboricultural impact assessment, in accordance with BS5837:2005.

Reason; To ensure the visual amenity of the area.

5. The scheme shall particularly provide for the retention of the existing tree at the corner of Lincoln Road and Beacon Street. This tree shall not be lopped, topped or felled, or otherwise removed without the expressed consent in writing by the Local Planning Authority.

Reason; To ensure the visual amenity of the area.

6. The approved landscape 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: To ensure the satisfactory appearance of the development

7. Any tree, shrub or plant which dies, becomes seriously diseased, damaged or is removed within three years of planting, shall be replaced by a tree, shrub or plant of the same or greater size and the same species as that originally required to be planted.

Reason: To ensure the satisfactory appearance of the development.

Summary of reasons for granting planning permission and the policies and proposals in the development plan which are relevant to the decision

The proposed development is considered to comply with the relevant policies of the development plan, in particular policies GP2, ENV32 and 7.1 of Walsall's Unitary Development Plan, and, on balance, having taken into account all material planning considerations, the proposal is acceptable.

Further details are available by referring to the officer's report which can be viewed, subject to availability, in Planning Services. If the application was approved by the Development Control Committee, the report can be viewed on the Council's web site at www.walsall.gov.uk
