



## Development Control Committee

29th April 2010

### Report of Head of Planning and Building Control, Regeneration Contents Sheet

Item No	Page No	Application Number	Site Address	Proposal	Recommendation
1	1	10/0074/FL	Christ Church C of E School, Harden Road, Walsall, WS3 1EN	Erection of replacement primary school building including 26 place nursery, replacement boundary fence, parking, new access road and landscaping.	Grant Permission Subject to conditions, unless additional information is received which raises matters
2	14	10/0265/FL	LAND AT THE JUNCTION OF HIGH STREET AND OGLEY ROAD, BROWN HILL S, WALSALL, WS8 6DW	Variation of condition 20 of planning approval 09/0645/FL (73 new build affordable dwellings which comprise 61 No. 2 bed 3 person flats, 6 No. 3 Bed 5 person houses, 2 No. 4 bed 6 person houses, 2 No. 4 bed 7 person houses & 2 No. 5 bed 7 person houses & new highway, parking courts, external works & landscaping) to provide a mix of tenures including social rent, shared ownership & market sale.	Grant
3	20	10/0126/FL	Unit 6, WOODS BANK ESTATE, WODEN ROAD WEST, WEDNESBURY	Change of Use from General Industry (B2) to Light Industry (B1), General Industry (B2) or Storage and Distribution (B8) adjacent to public footpath (WED.5)	Grant Subject to conditions
4	25	10/0308/FL	MANOR HOSPITAL, MOAT ROAD, WALSALL, WS2 9PS	Variation of Conditions 5, 7(e), and 17 of permission 06/0227/FL/W1 (regarding the timing of pedestrian works,	Grant Subject to conditions

				recording of archaeology investigations and access to buildings for recording)	
5	28	10/0188/FL	FOREST GATE LIBRARY, FOREST GATE, WILLENHALL, WV12 5LF	Demolition of former library and erection of 6no flats, together with 6no car parking spaces.	Grant Subject to conditions
6	39	10/0005/FL	THE BOAT P.H., BENTLEY ROAD SOUTH, WALSALL, WS10 8LW	Demolition of the existing Public House and Change of Use from Public House and Car Park to Car Wash with two mobile buildings.	Grant Subject to conditions
7 & 8	45	10/0252/LB & 10/0251/FL	30 BRADFORD STREET, WALSALL, WS1 1PN	Listed Building Consent: Provide extract from shop ducted through existing chimney.  Change of Use from sandwich shop to hot food takeaway and addition of tables to provide eat-in facilities (re-submission following withdrawal of 10/0030/FL).	Grant Listed Building Consent  Grant Subject to conditions
9	52	10/0286/FL	STREETLY YOUTH AND SPORTS CENTRE, FOLEY ROAD EAST, SUTTON COLDFIELD, B74 3HR	Alterations and extension to provide children's centre facilities for children under 5.	Grant Planning Permission
10	60	10/0287/FL	PARK HALL PLAYGROUP, FALMOUTH ROAD, WALSALL, WS5 3EZ	Removal of existing temporary nursery building and construction of new children's centre	Grant Subject to conditions
11	70	10/0101/FL	158A, LICHFIELD ROAD, WALSALL, WS4 1ED	Substitution of house type to retain plots 1-4 as dwelling houses	Grant Subject to conditions
12	79	10/0178/FL	LAND ADJACENT 28, MILLENNIUM CLOSE, WALSALL, WS3 4AY	Erection of one 4 bedroom detached house.	Grant Subject to conditions
13	87	10/0136/FL	111 HUNDRED ACRE ROAD, STREETLY, SUTTON COLDFIELD, B74	Two storey rear extension, access ramp with handrail and planting in front of house only.	Grant Subject to conditions



ITEM NO: 1.

To: DEVELOPMENT CONTROL  
COMMITTEE

Report of Head of Planning and  
Building Control, Regeneration  
Directorate on  
29 Apr 2010

**REASON FOR BRINGING TO COMMITTEE: Major application**

**Application Number:** 10/0074/FL

**Application Type:** Full application

**Applicant:** Walsall Council

**Proposal:** Erection of replacement primary school building including 26 place nursery, replacement boundary fence, parking, new access road and landscaping.

**Ward:** Blakenall

**Case Officer:** Alison Deakin

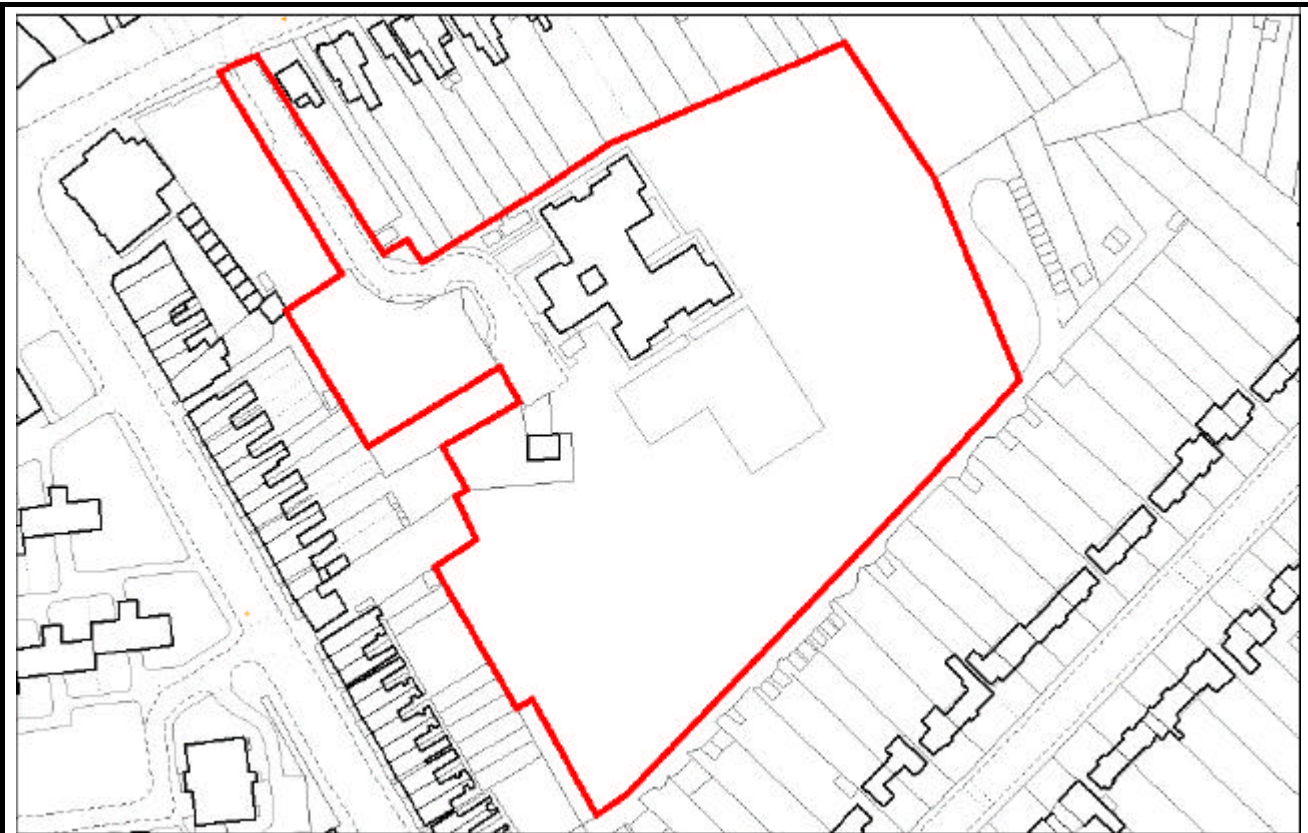
**Telephone Number:** 01922 652487

**Agent:** Seymour Harris Architecture

**Location:** Christ Church C of E School, Harden Road, Walsall, WS3 1EN

**Expired:** 06/05/2010

**Recommendation Summary:** Grant Permission Subject to conditions, unless additional information is received which raises matters



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## **Application and Site Details**

The proposal is for demolition of the existing single storey school buildings and erection of a new school including 24 car parking spaces, associated access and landscaping. A Masterplan for the site has been prepared. The proposed new school building is broadly circular in shape apart from the kitchen, store rooms, main hall and studio accommodation that project on the south western side. The main school building is single storey but the projecting building is two storeys with a plant room at first floor level above the kitchen and store rooms and roof voids above the main hall and studio. There is an open courtyard at the centre of the building that will provide early years soft and hard play and landscaping.

The proposed school building is positioned to the south of the existing school buildings on the current hard and soft play areas as the school has to remain open during construction. The position of the new school building avoids the need to demolish the existing school immediately but requires relocation of temporary mobile classrooms in the short-term. It is positioned so that the entrance is at the head of the main access with a proposed car park in the original school position at the rear of properties on Harden Road. A new sports pitch is located between the school and car park on the northern boundary and a Multi Use Games Area to the east. The wooded area in the south western corner of the site is to remain.

The main building is approximately 54m in diameter and has a maximum height of 6m. The roof projects beyond the walls of the building to create a canopy over the pedestrian path around the perimeter of the building. The single storey building has a series of vertical brickwork panels with glazing between and occasional timber boarding and external chalk boards. There are also some non-structural Silver Birch feature columns at the edge of the canopy. The proposed roof is a single ply membrane roof with imitation standing seams.

The two storey part of the building (kitchen, hall and store) is approximately 29m X 10.5m and has a maximum height of 8m. This is to be rendered with aluminium frame windows, timber fins to the hall and aluminium mesh panels.

The school has been designed as a 1.5 Form Entry with 354 pupil intake, including a 26 place nursery to allow for a future projected increase in pupils. There will be 37 full and part time staff. The new school will be open for local and managed community use during school hours and potentially extended hours pre and post school hours. There is no proposed use of the school or grounds at weekends at present, other than for school activities (i.e. no community use).

The supporting information identifies that the new hard play areas will be increased from 1060m<sup>2</sup> to 1404.28m<sup>2</sup>, the soft play areas will be reduced from 2431m<sup>2</sup> to 1051.46m<sup>2</sup> and the proposed sports provision will be increased from 3647.97m<sup>2</sup> to 4336m<sup>2</sup>.

The primary school premises are located off Harden Road to the east of the junction with Bloxwich Road, just outside Leamore Local Centre. Access to the school is via a driveway leading off an access road adjacent 28 Harden Road and also serving the Black Horse PH car park. The single storey school buildings lie to the rear of residential properties fronting Harden Road with playing fields surrounding and a wooded area to the south west of the school playing fields. A caretaker's house also lies within the school premises to the south west.

The design and access statement explains that the majority of the existing school buildings were constructed in the 1970's, externally clad with concrete panels, poorly insulated with asbestos and have now reached their useful lifespan. They are not readily and easily adaptable or able to be remodelled. There is currently space for one junior sized pitch marked out on the playing fields with additional grassed areas used for informal play.

The design and access statement explains that prior consultations have been carried out with the client user group, pupils, local community, the development team, planning, building control, Sport England and the Police Architectural Liaison Officer.

The site area is 1.8 hectares. The proposed gross internal floor space is 2028 sq m (701 sq m less than the original school building).

A number of reports have been submitted in support of the proposals including; Design & Access Statement, Ecological Scoping & Bat Survey, Arboricultural Report, Transport Assessment, Coal & Brine Report, Flood Risk Assessment, Statement of Drainage Design, Ground Investigation & Testing Report, Environmental Noise Survey, Sewer Record, Tree Survey and Site Logistics Plans.

### **Relevant Planning History**

08/1239/FL - Extension to form new staffroom, refurbish existing staffroom to form extended parent facilities and infill courtyard area to form new reception office plus disabled toilet facility – Granted subject to conditions 23/09/08

### **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: Supports the sustainable location of development.

2.2, 3.6, 3.7, & GP2: seek to make a positive contribution to the quality of the environment, whilst protecting people and ensuring adequate and safe access is provided.

3.16, GP7, ENV32 & 3.116: new development should be considered in relation to its setting and should create high quality of built and landscape design, well integrated with surrounding land uses and local character. Poorly designed development which fails to properly take account of the context or surroundings will not be permitted. Designing out crime' through design, layout, landscaping and boundary treatments is encouraged.

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

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

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

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

7.1: Seeks to promote an efficient highway network;

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



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

Schools: 2 car park spaces per classroom and 4 bike lockers for every car parking space plus taxi facilities.

8.1 & 8.7: The Council will seek to improve, expand and enhance facilities for education

LC6: Proposals resulting in loss or reduction of sports pitches will only be permitted if an assessment of current and future needs demonstrates an excess of sports provision on the site or at least equal compensatory provision is made.

## **Supplementary Planning Documents**

### **Designing Walsall SPD**

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

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

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

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

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

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

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

DW9a – Requires a contribution towards public art on qualifying schemes.

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

### **Conserving Walsall's Natural Environment SPD**

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

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

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

### **Regional Policy**

The Regional Spatial Strategy for the West Midlands promotes the regeneration of the metropolitan area and sustainable development in accordance with national government guidance.

### **National Policy**

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

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

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

## **Consultations**

**Transportation** – No objections in principle subject to details of access, cycle parking and construction phasing. Conditions are recommended to address these matters and a revised plan to demonstrate turning for a 9.3m long refuse vehicle. In the short to medium terms the school will continue to operate as a 1 FE (form entry) school but it is designed and built to accommodate 1.5FE in the longer term.

The Transport Assessment (TA) makes an estimate of the potential increase in the number of vehicle trips between the present 1FE school and the longer term proposed 1.5FE school. In the short to medium term there will be no net increase in trips but in the longer term it is estimated that there will potentially be an increase in the number of two-way trips on the network. However, the TA concludes that the number of additional trips will not have a significant detrimental impact on the local highway and any residual trips could be reduced by a robust School Travel Plan.

24 parking spaces, based on 2 spaces per classroom for 12 classrooms are acceptable.

The TA recommends improvements to the access road off Harden Road to improve pedestrian access to the school by reducing pedestrian /vehicle conflict and hence improve safety. However, it is accepted that this is the present means of access to the school and is to remain unaltered on the proposed plans.

**Pollution Control (Scientific Team)** – No objections subject to measures being put in place to address construction noise issues arising. A condition has been recommended to address this matter.

**Pollution Control (Contaminated Land)** – No objections in principle. However, there is a lack of information regarding ground gas protection measures required by the Site Investigation Test Report (Reference TPH/17794). A condition is recommended to address this matter.

**Urban Design** – Supports the proposals. The design & access statement explains the design process and resulting proposal effectively. In order to fulfil the requirements of policy DW9 in Designing Walsall about public art a condition is recommended.

**Arboricultural Officer** – No objections. The tree protection measures and guidelines in the tree survey should be adhered to therefore conditions to ensure this are recommended.

**Landscape** – No objections subject to provision of details of all hard and soft landscaping.

**Ecology** – To be updated at committee.

**Environment Agency** – No objections.

**Sport England** – No objections in principle. The application proposes a loss of playing field but formal pitch use can be accommodated on the new playing field provision. The benefits to sport arising from the Multi Use Games Area and new sports hall outweigh any predicted detriment caused by the loss of the playing field. As such, the application satisfies exception E5 of Sport England policy. However,

further thought should be given to reorganising the proposed soft play areas in a fashion which directly adjoins the playing field, providing opportunities for more informal play and giving greater flexibility to the whole field area.

**Walsall Children's Services** – Support the proposals. This scheme will provide a state of the art Primary school to replace the existing school that has significant asbestos and suitability issues. The new school will be a facility that can be a major step in the regeneration of the whole area. This development will offer greater opportunities for the pupils and families of the community and will enable delivery of the Council's vision for transforming learning. The facilities provided will be suitable for extended schools usage and will hopefully encourage community use of the new building. We fully support this application as we believe it to be great news for Christ Church School, the local community and the whole of Walsall.

**Police Architectural Liaison Officer** – No objections. The scheme has been designed to achieve Secured by Design accreditation which is supported. Measures recommended should include defensive planting to reinforce security afforded by boundary fencing, gates at the school entrance, CCTV, access control measures to the reception lobby, good levels of external lighting, and security doors and windows.

**Severn Trent Water** – No objections subject to provision of details regarding drainage. A condition is recommended to address this issue.

### **Public Participation Response**

None.

### **Determining Issues**

- Principal of development of a new school
- Layout and Design
- Impact on the character and appearance of the surrounding area
- Relationship to the surrounding occupiers
- Access and parking
- Ecology and Landscaping

### **Observations**

#### **Principal of development of a new school**

The proposed development provides a replacement school and improved facilities on an existing school site. The proposal therefore accords with policies 8.1 and 8.7 of the UDP.

#### **Layout and Design**

The proposed layout utilises the existing access, enables the existing school buildings to remain during the construction phase, maintains the woodland on site and respects separation distances between the proposed buildings and surrounding properties. The site layout also enables provision of a replacement sports pitch and new Multi Use Games Area (MUGA) plus additional hard and soft play areas throughout the school site. Provision for on-site parking is also maintained.

The design has been developed taking into account the client needs and enables a modern building that will serve both the school and community needs in the future. It



replaces buildings that have reached the end of their life and offers a more sustainable construction.

The scale and mass of the building are considered appropriate as they are proportionate to the size of the existing school and designed largely as single storey that will have minimal impact upon the surrounding area given the site is not prominent within the street scene. The new position provides a focal point at the head of the access and clearly defines the entrance to the new building. The design of the elevations successfully breaks up the mass of the building providing an interesting and colourful building using a variety of materials and textures.

#### **Impact on the character and appearance of the surrounding area**

The existing building is not prominent or visible from Harden Road. However, the new school building is positioned further west so that there will be a clearer approach from Harden Road and opportunity for a visual connection. The modern design will also be more striking giving it a greater presence from this approach.

The proposals are also designed to retain the woodland area and improve the quality of landscaping throughout the site and improve biodiversity.

The proposed site layout incorporates the same elements as the existing, yet offers improved facilities and circulation. The proposed redevelopment of the new school premises therefore respects the existing character and appearance is considered to be improved.

#### **Relationship to the surrounding occupiers**

The proposed new school building is positioned closer to properties on Broadstone Avenue than the existing school buildings. Nevertheless the nearest part of the building is single storey only and there remains over 45m separation between the dwellings and school building. There is also a vehicle access separating the two. Given this separation the proposals will have no greater impact upon outlook, privacy or daylighting for occupiers in Broadstone Avenue.

The proposed building is closer to the woodland than the original buildings but this serves as a partial screen to the two storey element of the building. The nearest dwellings on Bloxwich Road are approximately 65m away which is considered adequate to protect residential amenities.

The sports pitch and MUGA are located on the existing play field areas so the relationship to surrounding premises will not be dissimilar to present use of these areas and therefore has no greater impact upon amenities.

Once the new school is complete the original school buildings are to be demolished and the area formerly occupied by them used for car parking. The dwellings on Harden Road are 35m away from this car park and there are existing trees within residential gardens that screen the site which is to be supplemented by a new hedge along the boundary. The use of the car park should not therefore be visible or create any more noise or disturbance than the existing car park on the site.

#### **Access and parking**

The proposed means of access is via the existing access between the public house car park and the side boundary of 28 Harden Road. However, this is extended on a straight axis into the site. The proposals create a segregated pedestrian path

alongside the vehicle access making it safer for pedestrians. A car park accommodating 19 spaces is available in front of the school and a further 5 spaces (including 2 disabled parking bays) available directly in front of the main entrance. This level of provision complies with the requirements of policy T13. The design and access statement also highlights that secure, covered and lit cycle parking will be available.

The drawing supplied indicates the turning of vehicles encroaches onto the boundary of the caretaker's property. An amended plan has therefore been requested to demonstrate how turning can be achieved entirely within the allocated manoeuvring area on the school property. Comments on this will be reported at Committee.

A school travel plan has been provided to encourage sustainable travel for staff, pupils and parents but further details are required which is recommended by a condition. The Transport Assessment concludes that the number of additional trips to the school premises in the future will not have a significant detrimental impact on the local highway network.

Measures have been included throughout the site and the building to ensure level access for disabled users.

### **Ecology and Landscaping**

The Ecological Scoping and Bat Survey provided concludes no bat roosts were found within the woodland or within the school buildings. Whilst there is a possibility that bats may be roosting in the gable of the Caretakers House and temporary mobile classroom these are not being demolished (although the mobile classroom may be relocated). Further surveys are recommended in the event that trees are to be felled or buildings demolished. There is also no evidence of other protected species within the site. Ecology comments will be reported at committee.

It is proposed to thin the woodland to manage it as a resource for the school and increase opportunities for biodiversity.

The submitted landscape plan shows retention of the woodland, creation of soft and hard play areas throughout the site, soft and hard landscaping and new tree planting along the access. This is considered to respect the character of the existing landscaped setting.

### **Summary of Reasons for Granting Planning Permission**

The principle of a replacement school that improves facilities for education is acceptable.

The layout utilises the existing access, enables the existing school to function during construction of the new school and retains the existing woodland. A new sports pitch and Multi Use Games Area are included to maintain facilities for sport on the site.

The scale and mass of the new school buildings are appropriate within the surrounding context as they respect the scale and massing of the original school and the new position of the building provides a focal point at the head of the access and a greater presence on Harden Road. The design of the buildings breaks up the mass of the building further and provides an interesting and colourful building. The design

also has a striking appearance and enhances the presence of the new school on Harden Road.

The position of the buildings, car park and sports pitches maintain the residential amenities of surrounding occupiers given the separation distances, boundary treatments and proposed uses which is not dissimilar to the existing school.

The parking provision accords with Council policy and subject to amended tracking details there is adequate space for turning and manoeuvring so no adverse impact upon highway safety. The Transport Assessment concludes that there will be no significant impact on the local highway network.

The supporting information states there will be no adverse impact upon ecology and new landscaping will improve the biodiversity of the site and enhance its setting and this conclusion is accepted.

For the above reasons the proposals are considered to accord with the aims of policies GP1, GP2, GP7, 2.2, 3.6, 3.7, 3.16, 3.116, 3.117, ENV18, ENV23, ENV32, ENV33, ENV40, 7.1, T7, 13, 8.1, 8.7 and LC6 of Walsall Unitary Development Plan and to Supplementary Planning Documents: Designing Walsall and Conserving Walsall's Natural Environment.

**Recommendation: Grant Permission Subject to conditions, unless additional information is received which raises mater**

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 other than in conformity with the following approved plans and documents: -

- Location Plan (AL(0)002) received 25/01/10
- Site Plan (AL(0)001) received 25/01/10
- Landscape & Fencing Plan (AL(0)013) received 25/01/10
- Topographical Survey (AL(0)003) received 25/01/10
- Ground Floor Plan (AL(0)010) received 25/01/10
- First Floor Plan (AL(0)011) received 25/01/10
- Roof Plan (AL(0)012) received 25/01/10
- Elevation Studies (AL(0)017) received 25/01/10
- North & East Elevations (AL(0)018) received 25/01/10
- South & West Elevations (AL(0)019) received 25/01/10
- Courtyard Elevations (AL(0)020) received 25/01/10
- Site Analysis (AL(0)005) received 25/01/10
- External Soft & Hard Play provision & external sports provision areas (AL(0)014) received 25/01/10
- Tree Constraints Plan received 25/01/10
- Drainage & Levels Plan (09-136-500 Rev A) received 25/01/10
- Existing & Proposed Site Sections (AL(0)016) received 25/01/10
- South Elevation Sketch Plan (AL(0)026) received 25/01/10
- Internal 3D Sketch looking into courtyard (AL(0)027) received 25/01/10

- 3D Model Views (AL(0)023) received 25/01/10
- West Elevation 3D Sketch (AL(0)024) received 25/01/10
- North Elevation 3D Sketch (AL(0)025) received 25/01/10
- Aerial View Sketch (AL(0)022) received 25/01/10
- Building Sections (AL(0)021) received 25/01/10
- Design & Access Statement prepared by Seymour Harris received 25/01/10
- Ground Investigation & Site Report prepared by GIP dated 16<sup>th</sup> December 2009 (TPH/17794) received 25/01/10
- Flood Risk & Run-Off Assessment prepared by Opus Joynes Pike Ltd dated December 2009 (J-S0266.DC001) received 25/01/10
- Arboricultural Report prepared by AL Smith dated 22<sup>nd</sup> September 2009 (THC/2009/09/22) received 25/01/10
- Environmental Noise Survey prepared by Premier Measurements dated 2<sup>nd</sup> October 2009 (3443/A/PS/EIR) received 25/01/10
- GroundSure EnviroInsight report received 25/01/10
- Coal Authority Report received 25/01/10
- Ecological Scoping & Bat Survey prepared by Apex Ecology Ltd dated October 2009 (NW/091021) received 25/01/10
- Transport Assessment prepared by IPRT Group dated 23/03/10 received 25/01/10

*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).

3. No demolition, construction or engineering works, (including land reclamation, stabilisation, preparation, remediation or investigation), shall take place on any Sunday, Bank Holiday or Public Holiday\*, and such works shall only take place between the hours of 07.00 to 18.00 weekdays and 08.00 to 16.00 Saturdays unless otherwise permitted in writing by the Local Planning Authority. No plant, machinery or equipment associated with such works shall be started up or operational on the development site outside of these permitted hours.

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

*Reason:* To protect the residential amenities of surrounding occupiers.

4. Prior to the commencement of the development details of ground gas ingress protection measures to be installed in the proposed structure shall be submitted to and agreed in writing with the Local Planning Authority.

*Note for Applicant:*

*Advice on basic ground gas ingress protection requirements can be found by reference to the following publication; "Protective measures for housing on gas-contaminated land", BRE Report 414, ISBN 1 86081460 3 (contact CRC Ltd 020 7505 6622 for order information). Details of measures included in the existing structure may be available by contacting the original developer.*

*Reason:* To ensure the health and safety of occupiers of the building.

5. A validation report confirming the details of the measures implemented in accordance with condition 4 together with substantiating information shall be submitted to and agreed in writing by the Local Planning Authority prior to the development being brought into use.

*Reason:* To ensure the health and safety of occupiers of the building.

6. Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved Drainage and Level Plans, Drg No. 09-136-500, Rev. D, Jan 10 before the development is completed.

The scheme shall also include:

- Limiting the surface water outflow to 7.4 l/s
- A Sustainable surface water drainage scheme including permeable paving and cellular storage designed to adequately store surface water up to and including the 1 in 100 year plus climate change event.
- Details of how the scheme shall be maintained and managed after completion

*Reason:* To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance.

7. Prior to the commencement of the development, full details of the proposed cycle storage facility, which shall be covered and illuminated, shall cater for at least 20 cycles (10 stands) and relocated nearer to the main pedestrian/cycle route to school entrance, shall be submitted for approval in writing by the Local Planning Authority. The approved details shall be fully implemented prior to the first use of the school.

*Reason:* To encourage the use of alternative sustainable modes of transport other than by motor car and to help meet the objectives of the School Travel Plan.

8. Prior to the commencement of the development, a revised School Travel Plan shall be provided in accordance with the requirements of the Department for Children Schools and Families Advice Note to include more in depth information and evidence of consultation. The revised Travel Plan shall be submitted to the Council's School Travel Advisor for approval in writing and revised on an annual basis thereafter.

*Reason:* To ensure the satisfactory development of the site and encourage sustainable travel alternatives.

9. Prior to the commencement of the development, a site construction and management plan, to reduce the potential conflict between staff, pupils and construction traffic and to avoid unnecessary congestion on the local highway network, shall be agreed in writing with the Local Planning Authority in consultation with Local Highway Authority and implemented in accordance with the agreed details.

*Reason:* In the interests of highway safety and the safety of pupils, parent and staff on site during construction works.



10. The approved tree protection measures detailed in the Arboricultural Impact Assessment by Tree Health Consulting Ltd dated 22 September 2009 shall be fully implemented prior to the commencement of any works on site and shall be retained until the completion of the development. The land so enclosed shall be kept clear of all contractors' materials and machinery at all times, as laid out in British Standard 5837:2005

*Reason:* To safeguard the trees on the site.

11. No digging of trenches or changes in ground level shall be undertaken within the canopy of any tree to be retained on the site without the written approval of the Local Planning Authority.

*Reason:* To safeguard the trees included in the Tree Preservation Order on the site.

12. During demolition, site preparation and building operations no storage of materials, equipment or waste, nor passage of vehicles, nor lighting of fires shall take place beneath the canopy of any tree to be retained.

*Reason:* To safeguard the trees on the site.

13. Within 6 months of the implementation of the permission hereby granted a Public Art Statement shall be submitted to and approved in writing by the Local Planning Authority that will demonstrate the following and shall be implemented in accordance with the agreed details and retained thereafter:

- i. a description of the relationship between the Public Art Statement the Local Authority's public art policies and/or strategies
- ii. description of the process for commissioning the lead artist(s)
- iii. description(s) of work that will be realised through the collaboration between the appointed artist, other artists, architects and/or other design professionals
- iv. timescales for the development and implementation of all the public art
- v. details of the commissioning for other artists if appropriate
- vi. learning opportunities where available for less experienced artists and public art managers
- vii. details of ownership, maintenance and de-commissioning of public art
- viii. budget allocations relating to all of the above criteria

*Reason:* To comply with policy ENV34 of the UDP and Policy DW9 of Designing Walsall SPD.

14. No development shall commence on site until details of planting in accordance with the submitted scheme of landscaping shown on approved drawing AL(0)013, including spatial arrangement of proposed soft landscaping, species, numbers and size of all shrubs and trees, topsoil depths and specifications and staking details of proposed trees as well as any necessary phasing of implementation, have been submitted to and approved by the Local Planning Authority. The scheme shall be completed in accordance with the approved details before the development is occupied, unless otherwise agreed in writing with the local planning authority, and retained as such. All planted areas shall be maintained for a period of 5 years from the full completion of the scheme. Within this period any tree(s), shrubs or plant which die, becomes seriously diseased, damaged or is removed shall be replaced

with a tree, shrub or plant of the same or greater size and same species as that originally required to be planted.

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

15. No development shall be carried out until samples of facing materials to be used in external walls and roofs of the development and details of all fencing, boundary and surface treatments have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be maintained in accordance with the approved details unless the local planning authority agrees to any variation in writing.

*Reason:* To ensure the satisfactory appearance of the development.

16. The playing field shall be constructed and laid out in accordance with the standards and methodologies set out in the guidance note "Natural Turf for Sport" (Sport England, March 2000) and maintained thereafter.

*Reason:* To ensure the development is fit for purpose, subject to high quality design standards and sustainable

17. The Multi Use Games Area hereby permitted shall be constructed in accordance with Sport England Technical Design Guidance Notes unless otherwise agreed with the Local Planning Authority in consultation with Sport England and maintained thereafter in accordance with the agreed details.

*Reason:* To ensure the development is fit for purpose, subject to high quality design standards and sustainable

18. Prior to the commencement of the use a Community Use Scheme shall be submitted to and approved in writing by the Local Planning Authority. The Scheme shall include details of pricing policy, hours of use, access by non-school users, management responsibilities and include a mechanism for review. The approved Scheme shall be implemented upon commencement of use of the development.

*Reason:* To secure well managed safe community access to the school.



To: DEVELOPMENT CONTROL  
COMMITTEE

Report of Head of Planning and  
Building Control, Regeneration  
Directorate on  
29 Apr 2010

**REASON FOR BRINGING TO COMMITTEE: Major Application**

**Application Number:** 10/0265/FL  
**Application Type:** Full application  
**Applicant:** Walsall Housing Group  
**Proposal:** Variation of condition 20 of planning approval 09/0645/FL (73 new build affordable dwellings which comprise 61No. 2 bed 3 person flats, 6No. 3 Bed 5 person houses, 2No. 4 bed 6 person houses, 2No. 4 bed 7 person houses & 2No. 5 bed 7 person houses & new highway, parking courts, external works & landscaping) to provide a mix of tenures including social rent, shared ownership & market sale.  
**Ward:** Brownhills  
**Recommendation Summary:** Grant

**Case Officer:** Andrew White  
**Telephone Number:** 01922 652429  
**Agent:** Walker Troup Architects  
**Location:** LAND AT THE JUNCTION OF HIGH STREET AND OGLEY ROAD, BROWNHILLS, WALSALL, WS8 6DW

**Expired:** 09/06/2010



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## **Application and Site Details**

The current proposal is to vary condition 20 of planning approval 09/0645/FL. Condition 20 stated; the development shall be occupied, managed and retained as 100% social rent tenure unless otherwise agreed in writing.

Funding arrangements that are secured via the Homes and Communities Agency (HCA), require a mixed tenure. The applicants seek to provide a mix of tenures including social rent, shared ownership and market sale, which equates to 12 shared ownership, 12 outright sale and the remaining 49 properties to be socially rented homes. In varying condition 20, the applicants also wish the Council to consider foregoing the S106 contributions as the funding arrangements mean the previous approach to contributions needs to be updated.

## **Relevant Planning History**

09/0645/FL Provision of 73 new build affordable dwellings which comprise 61 no. 2 bed 3 person flats, 6 no. 3 bed 5 person houses, 2 no. 4 bed 6 person houses, 2 no. 4 bed 7 persons houses and 2 no. 5 bed 7 person houses and new highway, parking courts, external works and landscaping. Approved 20/07/09

## **Relevant Planning Policy Summary**

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

### **Walsall Unitary Development Plan March 2005**

#### **GP3: Planning Obligations**

These will be used, as appropriate, to secure the provision of any on or off-site infrastructure, facilities, services or mitigating measures made necessary by the development.

#### **H4: Affordable Housing**

(b) Affordable housing is defined as; (i) housing provided by a registered social landlord or local authority- allocating on the basis of need. Dwellings made available for rent, subsidised home ownership, such as shared ownership, where registered landlord or local authority retains a continuing interest.

(e) On sites considered suitable for the provision of affordable housing, 25% of total dwellings to be affordable.

(i) The provision and continued availability of affordable housing under this policy will normally be secured through the use of Planning Obligations.

#### **ENV34: Public Art**

The Council will require the provision of public art to enhance the quality and individuality of existing buildings, spaces or new development especially in public spaces, public buildings, important and prominent locations.

#### **LC1(d): Urban Open Space**

Residential developments will be required to make a financial contribution to enable the provision of new or improved urban open spaces.

Policy 8.8 indicates that residential developments will only be permitted where adequate school capacity exists or can be provided. The Council will require developers to make a contribution to the costs of providing these facilities.

**Designing Walsall (SPD) (Feb 2008)**

DW9: High Quality Public Realm - new development must seek to ensure it creates places with attractive environmental quality.

Residential development for 15 units or more require a contribution of £350.00 per dwelling towards the provision of public art. The development of 73 dwellings would generate a need for a financial contribution of £25,550.00.

**Urban Open Space (SPD) (April 2006)**

Requires a contribution towards improvements to or provision of urban open space within the proximity of the application site on residential developments of 10 units or above, based on the number of bedrooms provided and the ward. The development of 73 dwellings would generate a need for a financial contribution of £139,108.00.

**Education (SPD) (Feb 2007)**

Requires a contribution towards local primary and secondary education facilities where required according to capacity with a threshold of 10 residential units and above. The development of 73 dwellings would generate a need for a financial contribution £108,957.90 because the level of surplus places in local secondary schools are below 10%.

**Affordable Housing (SPD) (April 2008)**

There is a requirement to provide affordable housing on each new development of 15 dwellings or above. 25% affordable element to be 100% social rent, whilst developments should not differentiate between affordable and private housing in terms of design, location or material specification, therefore, tenure blind. The development of 73 dwellings would generate a need for 18 units with 100% social rent units.

**Healthcare (SPD) (January 2007)**

There is a requirement to provide contributions to help meet new healthcare requirements either providing new facilities or contribute to improving existing facilities needed to meet additional demand arising from housing developments of 1 hectare or 30 dwellings or more. The development of 73 dwellings would generate a need for a financial contribution of £63,793.80.

**Consultations**

**Urban Design** – No objections.

**Education Walsall** – No objections. A contribution towards secondary school provision of £108,957.90 would be required.

**Housing Strategy**- No objections, support the variation to condition 20 as this will maximise chances of securing HCA funding for this gateway site.

**Representations**

None

**Determining Issues**

- Variation of condition 20 to allow a mix of tenures and the discounting of S106 contributions



## **Observations**

### **Variation of condition 20 to allow a mix of tenures and the discounting of S106 contributions**

The applicants submitted a financial appraisal with 09/0645/FL to demonstrate that the development was not financially viable. The district valuer service assessed the scheme and concluded that 100% socially rented development would be unviable. In approving the development and based on the DVS advice, the Council discounted all of the S106 requirements. However, the DVS noted that should the development come forward as a mixed tenure development the gross development value could be greater with the resulting residential value able to accommodate the proposed S106 contributions. Therefore, condition 20 was imposed limiting the development to 100% socially rented housing.

Following the planning approval, the applicant has been working with the Homes and Communities Agency (HCA). The HCA has stated that in order for them to fund the development, it is necessary to amend the tenure mix from 100% social rent to some shared ownership and outright sale. It is now an explicit condition of funding that the scheme is mixed tenure equating to 12 shared ownership homes, 12 homes outright sale and the remaining 49 properties will be social rented homes.

The principle to vary condition 20 of planning approval 09/0645/FL to allow a mix of tenures is considered acceptable in this instance. In accepting the variation, the Council must now consider that the development would attract S106 requirements for affordable housing, education, healthcare, open space and public art. The S106 requirements for the development are as follows;

#### **Affordable Housing**

Whilst the application has been submitted by a registered social landlord, to comply with the Council's UDP policy H4 and Affordable Housing SPD, the applicant is required to enter into a planning obligation to retain 25% of the dwellings as 100% social rent tenure. This equates to 18 units.

#### **Urban Open Space**

An Urban Open Space contribution of £139,108.00 is required to comply with the Urban Open Space SPD and LC1(d) of the UDP

#### **Healthcare**

A healthcare contribution of £63,793.80 is required to comply with the Healthcare SPD and 8.9 of the UDP.

#### **Public Art**

A public art contribution of £25,550.00 (£350.00 per unit) is required to comply with the Designing Walsall SPD and ENV34 of the UDP.

#### **Education**

The level of surplus places in local secondary schools is below 10%, therefore a contribution of £108,957.90 is required towards secondary school provision within the local area, in line with Policy 8.8 of the UDP and Education SPD.

This provides a total contribution payable to comply with all of these policies would be £337,409.70.

The applicants have submitted a financial appraisal for the DVS to assess whether the development with a mixed tenure would be financially viable. The DVS has assessed the applicant's financial appraisal, considered the Council's requirements for S106 contributions, set out the factors to be considered and concluded;

*Accordingly, my opinion of the proposed residential development scheme is that it is **not viable** as at the date of this report, taking into account the Alternative Use Value which is based on an alternative residential open market development scheme, inclusive of 18 affordable (social rented tenure) units as agreed with Walsall Metropolitan Borough Council. My residual appraisal for the proposed development scheme inclusive of my assessment of the Alternative Use Value includes allowances for Level 3 of the Code for Sustainable Homes, Lifetime Homes and Secured by Design which I understand are planning requirements.*

Based on the DVS results concluding that the development would be unviable and the requirement of the HCA that to secure grant funding the development must be mixed tenure, it is considered in this instance, the deletion of condition 20 and foregoing the S106 contributions would be acceptable in order to deliver an important gateway regeneration development in Brownhills Town Centre.

### **Summary for reasons of approval**

The applicants have previously demonstrated the development was not financially viable as an affordable housing development. In approving the original development, based on the DVS advice, the Council set aside all of the S106 requirements. At the time the DVS noted that should the development come forward as a mixed tenure development the resulting residential value may accommodate the Council's S106 contributions. Condition 20 was imposed limiting the development to 100% socially rented housing.

The applicant working to bring the development forward, the Homes and Communities Agency (HCA), has stated that to fund the development, it is necessary that the tenure be mixed, equating to 12 shared ownership homes, 12 homes outright sale and the remaining 49 properties will be social rented homes.

The applicants have submitted a financial appraisal as part of the variation of condition for the DVS to assess whether the development with a mixed tenure would be financially viable. The DVS has assessed the applicant's financial appraisal, considered the Council's requirements for S106 contributions and concluded that the proposed residential development scheme is not viable taking into account the Alternative Use Value which is based on an alternative residential open market development scheme, inclusive of 18 affordable (social rented tenure) units. The residual appraisal for the proposed development scheme inclusive of the assessment of the Alternative Use Value includes allowances for Level 3 of the Code for Sustainable Homes, Lifetime Homes and Secured by Design.

Based on the DVS concluding the development would be unviable and the requirement of the HCA that for the applicants to secure grant funding the development must be mixed tenure, it is considered in this instance, the deletion of condition 20 and foregoing the S106 contributions would be acceptable in order to deliver an important gateway regeneration development in Brownhills Town Centre.

The proposal would accord with the aims and objectives of the development plan, in

particular policies GP3, H4 (b) (e) (i), LC1(d), 8.8, of Walsall's Unitary Development Plan (2005) and Supplementary Planning Documents: Designing Walsall (2008), Education (2007), Urban Open Space (2006), Affordable Housing (April 2008) and Healthcare (January 2007).

### **Summary of Reasons for Granting Planning Permission**

The applicants have previously demonstrated the development was not financially viable as an affordable housing development. In approving the original development, based on the DVS advice, the Council set aside all of the S106 requirements. At the time the DVS noted that should the development come forward as a mixed tenure development the resulting residential value may accommodate the Council's S106 contributions. Condition 20 was imposed limiting the development to 100% socially rented housing.

The applicant working to bring the development forward, the Homes and Communities Agency (HCA), has stated that to fund the development, it is necessary that the tenure be mixed, equating to 12 shared ownership homes, 12 homes outright sale and the remaining 49 properties will be social rented homes.

The applicants have submitted a financial appraisal as part of the variation of condition for the DVS to assess whether the development with a mixed tenure would be financially viable. The DVS has assessed the applicant's financial appraisal, considered the Council's requirements for S106 contributions and concluded that the proposed residential development scheme is not viable taking into account the Alternative Use Value which is based on an alternative residential open market development scheme, inclusive of 18 affordable (social rented tenure) units. The residual appraisal for the proposed development scheme inclusive of the assessment of the Alternative Use Value includes allowances for Level 3 of the Code for Sustainable Homes, Lifetime Homes and Secured by Design.

Based on the DVS concluding the development would be unviable and the requirement of the HCA that for the applicants to secure grant funding the development must be mixed tenure, it is considered in this instance, the deletion of condition 20 and foregoing the S106 contributions would be acceptable in order to deliver an important gateway regeneration development in Brownhills Town Centre.

The proposal would accord with the aims and objectives of the development plan, in particular policies GP3, H4 (b) (e) (i), LC1(d), 8.8, of Walsall's Unitary Development Plan (2005) and Supplementary Planning Documents: Designing Walsall (2008), Education (2007), Urban Open Space (2006), Affordable Housing (April 2008) and Healthcare (January 2007).



ITEM NO: 3.

To: DEVELOPMENT CONTROL  
COMMITTEE

Report of Head of Planning and  
Building Control, Regeneration  
Directorate on  
29 Apr 2010

**REASON FOR BRINGING TO COMMITTEE: Major Application**

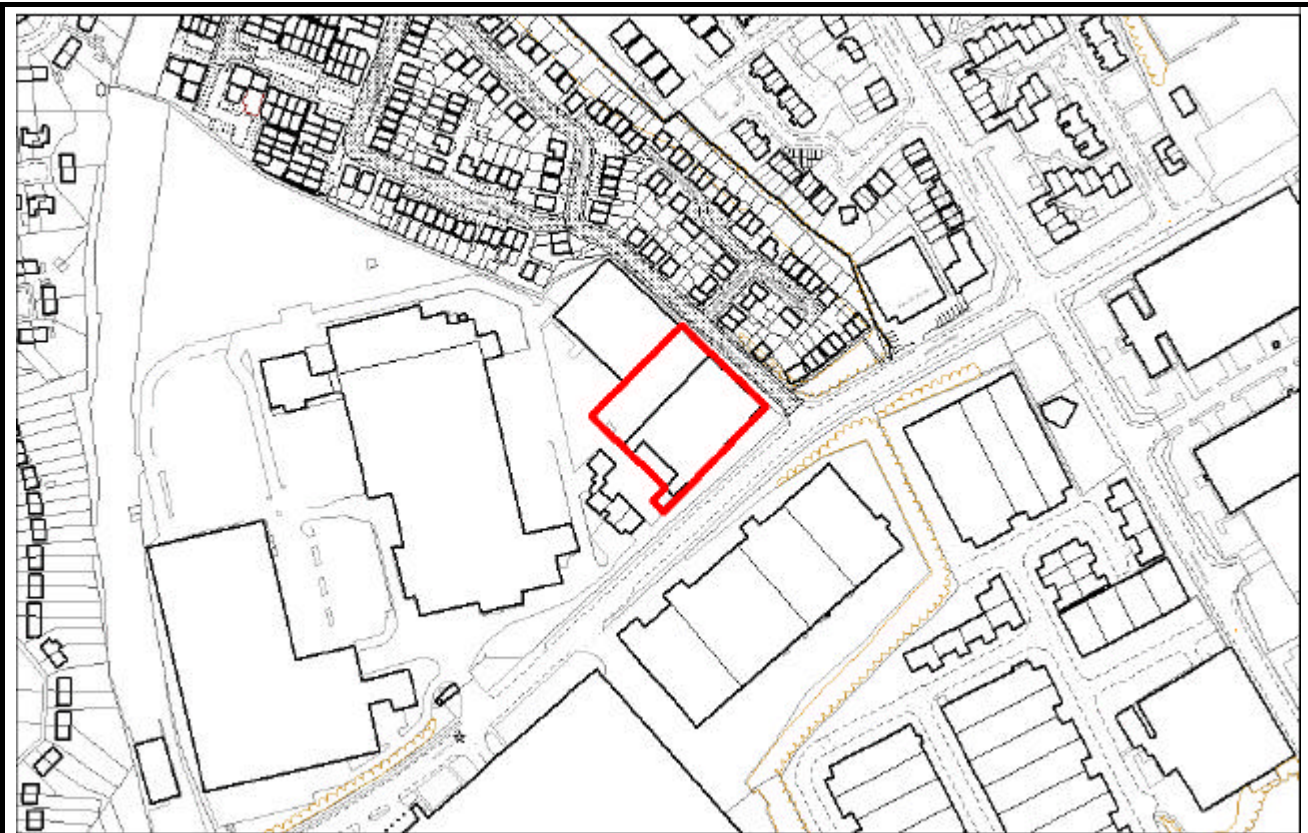
**Application Number:** 10/0126/FL  
**Application Type:** Full application  
**Applicant:** LCP Securities Ltd  
**Proposal:** Change of Use from General  
Industry (B2) to Light Industry (B1),  
General Industry (B2) or Storage and  
Distribution (B8) adjacent to public footpath  
(WED.5)

**Case Officer:** Jan Scrivens  
**Telephone Number:** 01922 652436  
**Agent:** G H Design Ltd  
**Location:** Unit 6, WOODS BANK  
ESTATE, WODEN ROAD  
WEST, WEDNESBURY

**Ward:** Darlaston South

**Expired:** 10/05/2010

**Recommendation Summary:** Grant Subject to conditions



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## **Application and Site Details**

This application seeks consent to change the use of unit 6 (which is on the Woden Road frontage of the estate) from a B2 general industrial use to B1 (research & development and light industry), B2 (general industrial) or B8 (storage/distribution). The total floor area of the unit is 2152 square metres.

This is a purpose built industrial unit within an existing industrial estate accessed off Woden Road West, Darlaston, via an in / out and a one way road system around the perimeter of the estate.

The unit has been vacant since February 2009 and the purpose of the planning application is to open up the marketing potential of the unit with the aim of securing a tenant and thereby securing the viability of the estate.

There are 7 dedicated parking spaces within the curtilage of the site, although there are other shared car park areas situated around the industrial estate.

The estate has a mix of uses which include B1, B2 or B8.

The unit adjoins public footpath no. 5 Wednesbury, which the development does not affect, and residential development under construction on the former TRW site. There will be a new residential estate road between the dwellings and the application site.

## **Relevant Planning History**

Various permissions to convert units within this estate to B1, B2 and B8 between 1998 and 2010.

## **Relevant Planning Policy Summary**

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

The site is not identified as a core employment area.

## **Unitary Development Plan**

GP1: Supports the sustainable location of development.

GP2 and 3.6 seek the protection of people from unacceptable noise pollution and other environmental problems.

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

3.7...protect from unacceptable noise, pollution and other environmental problems...encourage relocation of bad neighbour uses from residential and other sensitive areas

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

ENV14...encourage reclamation and development of derelict and previously developed land where feasible,

4.1...seek to improve the local environment and enhance the image of the area, introduce security improvements to reduce crime and vandalism and create new, and safeguard existing, job opportunities.



4.2...promotes investment and diversification to meet the needs of both inward investors and existing firms

Policies T7 and T13 relate to parking standards

### **Designing Walsall SPD**

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

### **Local Development Framework (LDF)**

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

### **Regional Planning Policy**

The Strategy seeks to provide broad regional directives and recognises the role of the regeneration of the Black Country to the overall performance of the West Midlands Region.

The focus for the Black Country policies are to continue its economic, physical and environmental renewal focused around improved infrastructure and the regeneration of town and city centres (including Walsall) to create modern and sustainable communities.

Overall the strategy promotes sustainable regeneration of previously developed land, promoting a high quality environment and sustainable development capable of being accessed by a variety of transport modes.

### **National Policy**

Planning Policy Statement (PPS) 1: Sets out the overarching planning policies on the delivery of sustainable development through the planning system. PPS1 indicates that planning policies should promote high quality inclusive design in the layout of new developments and individual buildings and that design which fails to take the opportunities available for improving the character and quality of an area should not be accepted." Paragraphs 33 to 39 also state the importance of good design. Supplementary document published on the need to address climate change through the planning system.

PPs4...seeks a positive approach to the location of new business developments and assisting small firms....economic growth and high-quality environment to be pursued together....the importance of industrial and commercial development to be considered with that of maintaining and improving environmental quality.

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

### **Consultations**

**Transportation:** No objection, provided that class B1(a) is excluded.

**Public Rights of Way Officer:** No objection

**Pollution Control Contaminated Land Team** has no objection.

**Pollution Control Scientific Team** has no objection.

## **Representations**

None

## **Determining Issues**

- Principle of the use
- Impact on surrounding occupiers
- Parking and access.

## **Observations**

### **Principle of the use**

The site is within an established employment area and as such the proposed change of use to include B1, B2 / B8 uses accord with the policies of the Unitary Development Plan, therefore the principle is acceptable.

The unit is situated within a purpose built industrial estate, which already has a mix of uses ie B1(b - research & development / c - light industry), B2 - General Industry and B8 - Storage and Distribution. Consent was previously granted in 2010, 2009 and 1998 for B1, B2 and B8 uses on other units on the estate, there have been no changes in policy which would require a different view to be taken on this particular unit. Office use (B1a) is however not acceptable in policy terms in industrial areas and if planning permission is granted, a condition should be imposed which excludes this use.

### **Impact on Surrounding Occupiers.**

The development of the former TRW site for residential brings dwellings closer to this estate than previously. However the industrial estate is well established and measures, such as noise attenuation, have been incorporated into the design of the new dwellings to reduce any potential impact from this industrial estate. The existing use of this unit is for general industrial any change of use to include B8 storage and distribution and B1 light industrial etc. will not have any impact on those residents above the existing which could already exist from this estate. Similarly there will be no impact on the amenities of those residents in Dangerfield Lane.

### **Parking and Access**

The application utilises the existing access to this long established industrial estate and the one way traffic system around it, therefore there will be no impact in terms of access/egress or manoeuvring around the site.

There is satisfactory provision of parking both adjacent to the unit and around the estate.

Transportation has raised no objections to the parking arrangements for this unit.

## **Summary of Reasons for Granting Planning Permission**

The proposed change of use to include B1, B2 and B8 use of this unit is in accordance with the overall use of the industrial estate. The change of use of this unit will continue to promote investment and diversification within this location to meet the

needs of both inward investors and existing firms, thereby securing the estate's viability and vitality. The proposed change of use will have no additional impact on nearby residential amenity above that which exists from this industrial estate. Therefore the proposed development is considered to comply with the relevant policies of the development plan, in particular policies 3.6, 3.7, 3.16, ENV14, 4.1, 4.2, GP1, GP2 and GP4 of Walsall's Unitary Development Plan, and, on balance, having taken into account all material planning considerations, the proposal is acceptable.

**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 materials, goods or refuse shall be stored or deposited in the open on any part of the site other than refuse in a refuse container which shall be positioned to avoid interference with car parking spaces and vehicle manoeuvring on the site.

*Reason:* To ensure the satisfactory appearance of the development.

3. No industrial process shall take place in the open on any part of the site.

*Reason:* To safeguard the amenities of the occupiers of adjoining premises and to ensure the satisfactory appearance of the development.

4. This permission grants consent for the use of the premises for purposes within Classes B1 (b), B1(c), B2 and B8 of the Town and Country Planning (Use Classes) Order 1987 only and not for any other purpose.

*Reason:* To define the permission and to control the location of B1 (a) office uses in accordance with policy JP7, which are town centre uses in planning policy terms.



To: DEVELOPMENT CONTROL  
COMMITTEE

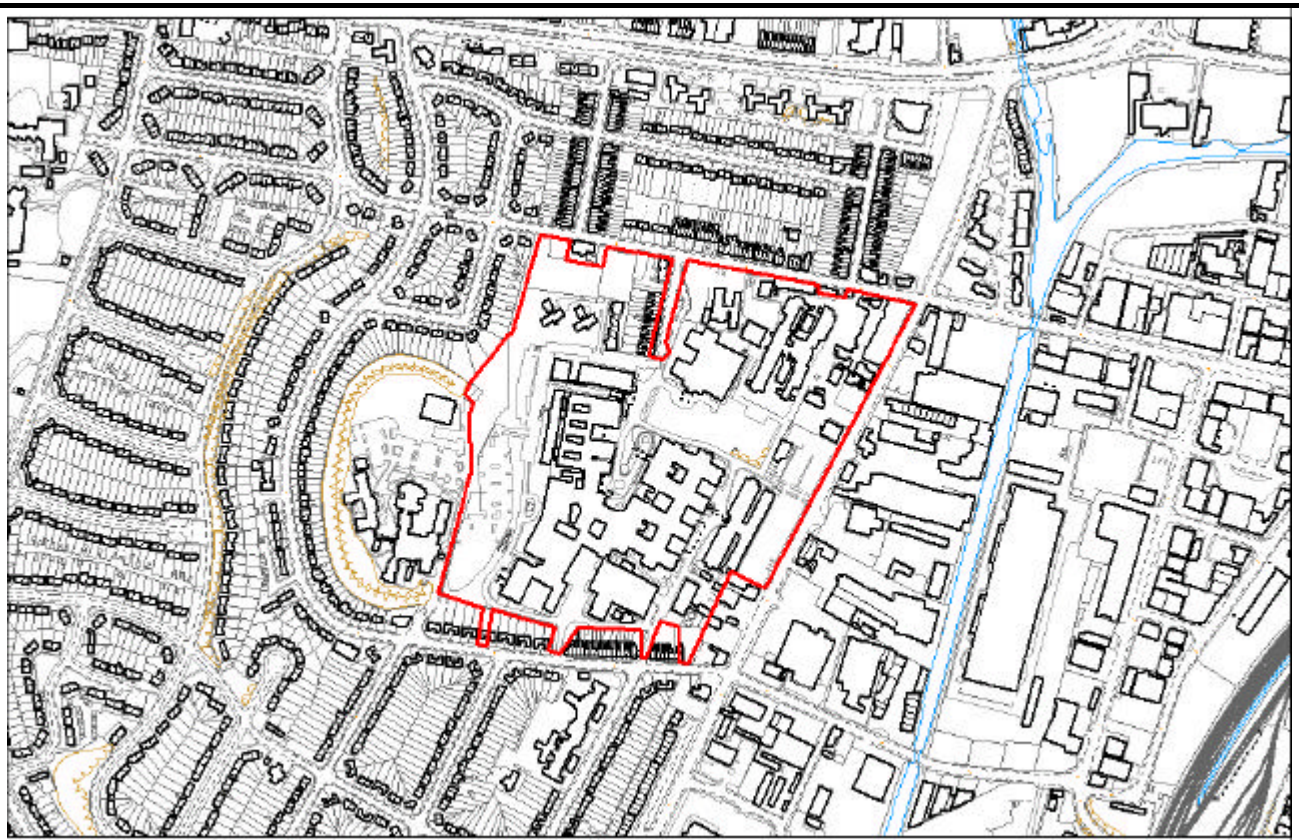
Report of Head of Planning and  
Building Control, Regeneration  
Directorate on  
29 Apr 2010

**REASON FOR BRINGING TO COMMITTEE: Major application**

**Application Number:** 10/0308/FL  
**Application Type:** Full application  
**Applicant:** Skanska Walsall JV  
**Proposal:** Variation of Conditions 5,7(e),  
and 17 of permission 06/0227/FL/W1  
(regarding the timing of pedestrian works,  
recording of archaeology investigations and  
access to buildings for recording)  
**Ward:** Pleck  
**Recommendation Summary:** Grant Subject to conditions

**Case Officer:** Bob Scrivens  
**Telephone Number:** 01922 652488  
**Agent:** Skanska Walsall  
**Location:** MANOR HOSPITAL, MOAT  
ROAD, WALSALL, WS2 9PS

**Expired:** 15/06/2010



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## **Application and Site Details**

Planning permission has been given for a major development of the manor Hospital. That work is nearing completion.

Three of the conditions on the permission require actions before occupation of the new development. The applicants seek to vary the time limits in those conditions (not to avoid doing what is required, only change when it needs to be done).

The conditions are:-

### **Condition 5**

A scheme of works to be agreed with the LPA to improve pedestrian links to the town centre, and implement the agreed scheme before occupation.

### **Condition 7(e)**

Preservation by record of buildings to be demolished, and deposit copies with the LPA before occupation.

### **Condition 17**

Allow access to the old buildings to interested parties (Local History Centre, Black Country Archaeologist, Community History Officer) for recording and preservation actions.

On condition 5, the applicants advise that they are working with WRC, and the Waterfront developers to define a coherent strategy for the pedestrian links from the hospital, through Waterfront to the Town Centre. That work is in hand, but is not yet ready. They seek a further year to comply with the condition.

On conditions 7 and 17, they advise that the old buildings are still in use as active parts of the hospital. They will not be vacated until the new buildings are brought into use. It would not be practical to allow access, etc. until after vacation. Variations are sought to that effect.

## **Relevant Planning History**

Various permissions for the development of the hospital.

## **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 / Regional Spatial Strategy / National Policy**

All seek to promote walking, good design, and the protection, in suitable ways, of our historic environment. However, none of the policies is relevant to the question of compliance with conditions, in the manner of this application.

## **Consultations**

**Police** – no objection.

## **Public Participation Responses**

None.



## **Determining Issues**

- Whether changing the time limits for compliance with the conditions has adverse effects

## **Observations**

### **Whether changing the time limits for compliance with the conditions has adverse effects**

There are clearly good reasons for the proposed variations. It would be foolish to require action on the footpath links in isolation from the other activities. It is not practical to secure word perfect compliance with the building recording conditions, until after vacation. Equally, compliance on the extended time frames has no significant adverse effects.

## **Summary of Reasons for Granting Planning Permission**

The proposal will deliver compliance with the existing approval, on revised timetables relating better to the practical actions needed. The proposed development is considered to comply with the relevant objectives of the development plan, and, on balance, having taken into account all material planning considerations, the proposal is acceptable.

## **Recommendation: Grant Subject to conditions**

A) Condition 5 of planning permission 06/0227/FL/W1 is varied to require that within 12 months of the date of this permission the developers of that planning permission will:-

1. submit a scheme of works for the improvement of the pedestrian links to the town centre, including off-site works, for the written approval of the Local Planning Authority
2. implement the scheme agreed under part (1) of this condition.

*Reason:* To promote the use of walking as a means of access to the site.

B) Conditions 7(e) and 17 of planning permission 06/0227/FL/W1 are varied to require that the developers of that planning permission

1. within 3 months of the date of this permission submit a timetable for the delivery of the requirements of condition 7(e) and 17 of planning permission 06/0227/FL/W1, for the written approval of the Local Planning Authority
2. implement the scheme agreed under part (1) of this condition.

*Reason:* To secure adequate records of the historic elements of the site.



ITEM NO: 5.

To: DEVELOPMENT CONTROL  
COMMITTEE

Report of Head of Planning and  
Building Control, Regeneration  
Directorate on  
29 Apr 2010

**REASON FOR BRINGING TO COMMITTEE: Disposal of Council Owned Land**

**Application Number:** 10/0188/FL

**Application Type:** Full application

**Applicant:** Mr Jatinder Samra

**Proposal:** Demolition of former library  
and erection of 6no flats, together with  
6no car parking spaces.

**Ward:** Willenhall North

**Recommendation Summary:** Grant Subject to conditions

**Case Officer:** Marilyn Kowalski

**Telephone Number:** 01922 652492

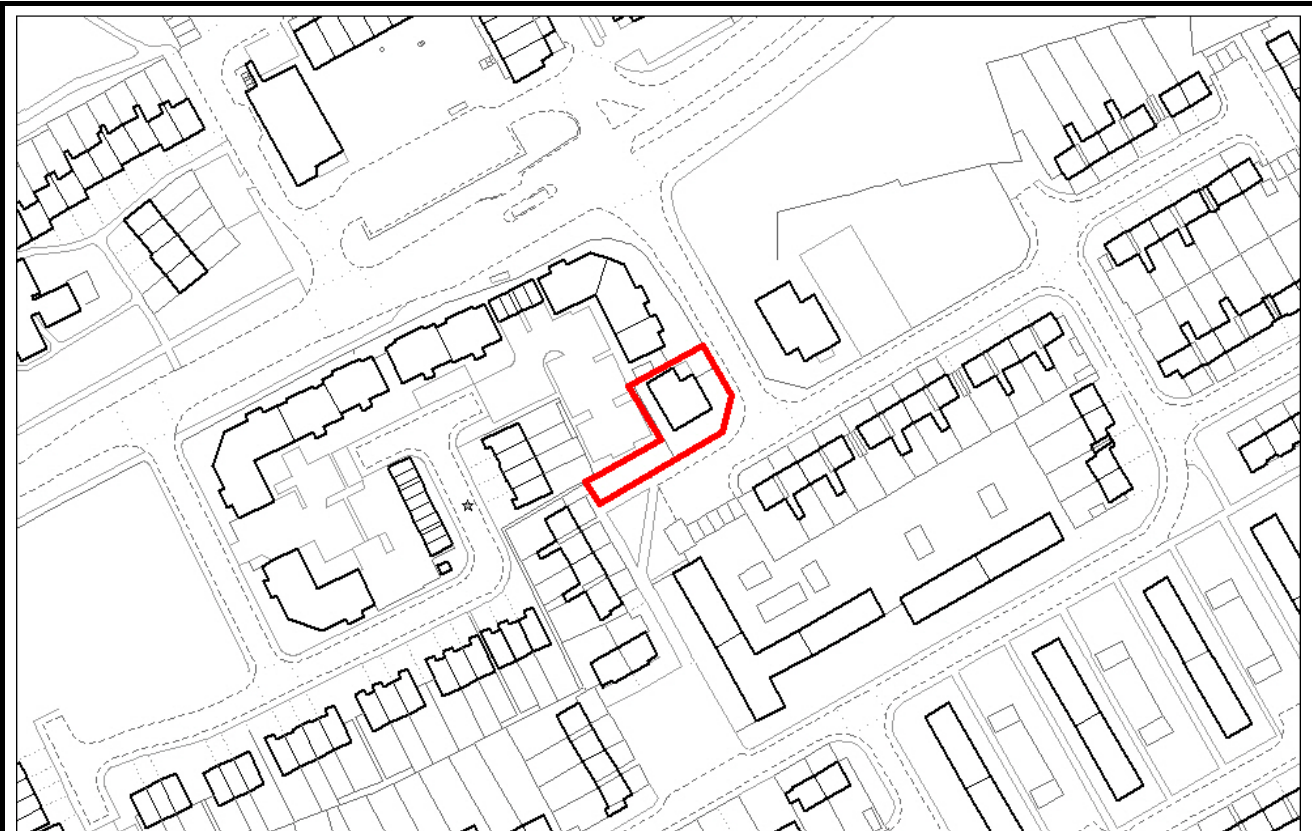
**Agent:** Spooner Architects

**Location:** FOREST GATE

LIBRARY, FOREST

GATE, WILLENHALL, WV12 5LF

**Expired:** 26/04/2010



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## **Application and Site Details**

The application is for six 2-bed apartments. The site is roughly “L” shaped and is approximately 0.06ha. in area. The site is bounded by new apartments to the North West, housing to the west and south and church to the east. It formerly accommodated a council owned library that has been relocated.

Density is 100 dwellings per hectare. Parking is provided at 100% along the Rugeley Avenue frontage directly from the street.

The design and access statement states that the site is in a sustainable location, within easy reach of public recreational amenity facilities in Brereton Road and is well served by public transport.

Four of the apartments have rear facing balconies. There are strips of amenity space to the Forest Gate frontage, the rear of the development and to the rear of the parking spaces fronting Rugeley Avenue .

The building proposed is three storey with a symmetrical central doorway.

## **Relevant Planning History**

07/2606/FL/W2 Demolition of former library and erection of 6 two bedroom apartments and 2 one bedroom apartments and 8 car parking spaces Withdrawn 22<sup>nd</sup> July 2009

### **Adjoining site:-**

04/2385/FL/W2 Erection of 137 no dwellings together with all associated road and sewer works at Henry Squire and Sons Ltd, Lichfield Road, New Invention, Walsall

**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**

2.1 and 2.2 define the overall strategy of the plan, GP1 and 3.1 seek sustainable development, urban regeneration, & environmental improvement are identified

GP2, GP7, 3.6, 3.16, ENV18 and ENV32 - improve the environment of the Borough

H3 encourages additional housing through the re-use of previously developed sites.

Policy H9 gives advice about housing densities. This supports developments in the range of 30 -50 dwellings per hectare on most sites.

H10 refers to layout and design.

T7 parking provision should be well designed and sensitively integrated. T13 also sets parking standards.

T10 (c) Accessibility standards for all transport modes should continue to be met throughout the life of a development.

### **Supplementary Planning Document (SPD)** **Designing Walsall SPD**

DW1-Sustainability – new development must show that its design maximises energy efficiency in terms of layout, orientation and sustainable use of resources;  
DW2- Safe and Welcoming places- all development must contribute towards creating places that feel safe, secure and welcoming for everyone;  
DW3 – Character -design to respect and enhance local identity;  
DW4- Continuity -attractive spaces within new development should be defined or enclosed by buildings, structures or landscape;  
DW5 Ease of movement- Create places that are easily connected, safe to move through;  
DW6 – Legibility - new development should contribute to creating a place that has a clear identity;  
DW9 – High Quality public realm - new development must seek to ensure it creates places with attractive environmental quality;  
DW 10 – new development should make a positive contribution to creating a sustainable environment.

Annexe E: Numerical Guidelines for Residential Development ... identifies privacy and aspect distances between dwellings including 24m separation between habitable windows for two storeys and above, 13m separation between habitable room windows and blank walls exceeding 3 metres in height, 45° code, garden dimensions of 12m in length and 68m<sup>2</sup> for housing and 20m<sup>2</sup> per dwelling where communal provision is made, and the provision of boundary walls. Although failure to comply with these guidelines may not by itself be a reason for refusal of an application, it will be a factor to be used in determining whether a proposal would be compatible with the wider character of the area or the existing dwelling or the amenity of neighbours.

### **Regional Spatial Strategy for the West Midlands (RSS 11)**

The Regional Spatial Strategy has been revised and republished on 15<sup>th</sup> January 2008 to reflect the first Phase of Review with the 2<sup>nd</sup> Phase of Review nearing completion. The Strategy seeks to provide broad regional directives and recognises the role of the regeneration of the Black Country to the overall performance of the West Midlands Region. The next phases of review are underway.

The focus for the Black Country policies is to continue its economic, physical and environmental renewal focused around improved infrastructure and the regeneration of town and city centres (including Walsall) to create modern and sustainable communities.

Overall the strategy promotes sustainable regeneration of previously developed land, promoting a high quality environment and sustainable development capable of being accessed by a variety of transport modes.

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

Policies UR1, UR1b, UR1c and UR3 which seek to regenerate urban areas and in particular the major urban areas. Policies CF1, CF3, CF4 and CF5 seek to encourage housing in sustainable locations.

Policies QE1, QE2, QE3, QE4 and QE5 which seeks to improve the quality of the environment whilst preserving quality and historic buildings and locations. The policies also aim to enhance public spaces and urban green space. Policy CC1, EN1, EN2 seeks to conserve energy and address climate change.

Policies T2, T3, T4, T5 and T7 seek to reduce the need to travel and promote sustainable modes of transport.

There is no need for this application to be considered under the Conformity Protocol.

**Black Country Joint Core Strategy** – The Core Strategy has completed its Preferred Options consultation, and its further consultation stage finished on 15<sup>th</sup> January 2010. Examination in Public takes place in July 2010. The site is designated within the Strategy as part of Regeneration Corridor 7 (RC7) for strategic housing. At this stage, the strategy carries little weight, but the development is consistent with it.

### **National Policy**

PPS1 seeks to promote sustainable use of previously developed land whilst locating uses such as offices and retail development in town centres with a strong emphasis on high quality design. PPS6 seeks to strengthen and diversify town centres.

PPS 3: 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.

PPG13, promotes development accessible transport locations, reducing the need to travel by car and promoting walking, cycling and public transport. This is supported by Manual for Streets (published May 2007) which promotes a flexible approach to design and materials that build a high quality environment. PPG14 indicates how to accommodate development on unstable land. PPG15 seeks to improve the historic environment

Other related documents are PPG25 Development and Flood Risk, 'By Design' companion to PPG's, Urban Design Compendium, Safer Places, The Planning System and Crime Prevention and By Design - Urban Design in the Planning System: Towards Better Practice.



## **Consultations**

**Transportation** – No Objection.

**Pollution Control (Contaminated Land)** - Pollution Control Contaminated Land Team support this development proposal subject to a desk study and site reconnaissance being carried out to identify the potential for contaminants and/or ground gases likely to be present on the site. Should the potential presence of contamination and/or ground gases be identified on site a ground contamination survey and site investigation should be carried out to identify risk to future occupants or structure on the site. Conditions to address these concerns have been provided.

**Pollution Control (Scientific Team)** - no objection to this proposal with the proviso that measures are put in place to address noise issues arising. A condition has been recommended to address this matter

**Environmental Health** – No objections.

**Fire Service** – No objection. Satisfactory for fire service access

**Police Architectural Liaison Officer** – No objection to amended plans. Would encourage achieving Secured by Design accreditation and detailed recommendations are made (these are in a Note for Applicant in the recommendation).

## **Representations**

None

## **Determining Issues**

- design and layout
- impact on neighbours
- transportation issues

## **Observations**

### **Design and Layout**

The earlier application for the site, which was withdrawn, faced the possibility of a refusal on design grounds. It included a subsidiary 2 storey wing asymmetrically placed to the side of the building. The design of the currently proposed development has been amended to remove this subsidiary wing and reduce the number of apartments from 8 to 6. It is a simple, but attractive design, close to back of pavement.

The newly built apartments, adjoining the site, create an attractive urban edge to the road, at a point near the New Invention a local centre (The Square). This approach was supported. The proposed building emulates the design of these apartments. Regarding the height of the building, the newly built apartments adjoining the site are 4 storeys in height. The proposal is three storeys. It is therefore considered that there

will be an acceptable relationship, and one which suits the emerging character of the area.

Overall, the design is satisfactory.

Policies in the Unitary Development Plan are aimed at delivering good quality private amenity space. They require that the amount of space a development provides should be maximised; the design should create a high quality living environment which is well integrated with surrounding land uses. The Designing Walsall Supplementary Planning Document reiterates these principles and prescribes a minimum amenity area of 20 sq m of useable space per dwelling where communal provision is provided.

The scheme has been amended since it was submitted, to move the building forward to allow a larger usable amenity area at the rear. This now meets the "Designing Walsall Supplementary Planning Document" standard of 20 sq m of usable amenity space per apartment.

Boundary treatment of the amenity space comprises a 1 m high brick wall with railings on top to an overall height of 1.8m is proposed around the amenity area to the side joining up with the rear fence which encloses it. This would not reduce light levels to ground floor flats but will prevent unauthorised access to the rear amenity area.

The size of the site and the requirements of the building and its accommodation means that it is not possible to provide a direct link to the amenity space from the upper floors. The doors to the side of the building opening into the amenity space are from the living room of the end ground floor flat, and similar doors have been provided to the other ground floor flat. The flats on the other two floors have 3 sq. m balconies which will provide valuable private amenity space and they will also have access from the front of the development to the rear amenity space through a side gate. A condition is suggested ensuring that the side gate is locked with a control system details of which are to be provided for approval. The development is therefore considered to be satisfactory in respect of amenity provision.

### **Impact on neighbours**

The newly built apartments adjoining the site are 4 storeys in height. The proposal is three storeys. It is therefore considered that there will be no undue impact from those flats.

The proposal fits neatly on the site, and its relationship to the existing houses to the south and west, across the roads will not impact on the residents.

The Police originally had concerns regarding windows to the side elevation and securing the perimeter. The amended plans address these matters and the issues have been resolved. The only remaining issue is that the screen fencing around the bin store should not have any climbing aids that would allow access to the store or enclosed gardens from the public side. A condition to this effect has been suggested. A 1m high brick wall with railings to a total height of 1.8m is proposed along the Rugeley Avenue frontage to the rear of the parking, joining up with the rear boundary. This encloses the area and still provides for adequate surveillance to the car parking.

The car parking spaces will be overlooked by living /dining room windows which have been proposed in the side gable wall facing the Rugeley Avenue frontage. This will provide some surveillance to the parked vehicles.

### **Transportation issues**

There are 6 parking spaces on the plans which equates to 100%. The Unitary Development Plan requires 9 parking spaces minimum for 6 apartments. However, the site is in a sustainable location close to public transport and the facilities of the local centre, and Transportation has not raised any objections. The provision is therefore considered satisfactory.

### **Summary of Reasons for Granting Planning Permission**

The proposals are considered to be satisfactory in terms of design as the building is in scale with adjoining development and the constraints of the site. By emulating the design of the adjoining development it is considered that an attractive urban edge to the road will be created which complements the character of the surrounding area. The rear amenity area meets the standards set out in the "Designing Walsall Supplementary Planning Document" and provides 20 sq m of usable amenity space per apartment in size terms.

Boundary treatment comprising a 1 m high brick wall with railings on top to an overall height of 1.8m is proposed around the amenity area to the side joining up with the rear fence which encloses it. This would not reduce light levels to ground floor flats but will prevent unauthorised access to the rear amenity area whilst providing defensible space. Whilst the size of the site mean that it is not possible to provide a direct link to the amenity space for the upper floors a condition will ensure that these residents have access to this space, in addition they will have balconies which will provide valuable private amenity space.

It is considered that there will be little undue impact or effect on privacy from the taller flats adjoining.

A note for applicant has been included in the decision which will ensure that the scheme incorporates security measures to meet the requirements of the police architectural liaison officer regarding "Secured by Design Accreditation".

The car parking spaces will be overlooked by habitable room windows which have been proposed in the side gable wall facing the Rugeley Avenue frontage. This will provide surveillance to the parked vehicles.

Parking equates to 100% this is considered satisfactory as the site is in a sustainable location close to public transport

The proposed development is considered to comply with the relevant policies of the development plan, in particular policies 2.1, 2.2, GP1, GP2, GP7, 3.1, 3.6, 3.16, ENV18, ENV32, H3, H10, T7, T13, T10(c) and, on balance, having taken into account all material planning considerations, the proposal is acceptable.

### **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. This development shall not be carried out until a schedule of facing materials to be used in external walls and roofs has been approved in writing by the Local Planning Authority.

*Reason:* To ensure the satisfactory appearance of the development.

3. 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.

*Reason:* To ensure the satisfactory provision of off-street parking, to ensure the satisfactory appearance of the development and to ensure the satisfactory functioning of the development.

4. The boundary treatment shown on the deposited plans shall be implemented before the development is brought into use and shall be thereafter retained and the screen fencing around the bin store and the boundary treatment along the Rugeley Avenue frontage to the rear of the parking, joining up with the rear boundary, shall not have any climbing aids that would allow access to the store or to the enclosed gardens from the public side.

*Reason:* To ensure the satisfactory appearance and functioning of the development and in the interests of security.

5. No demolition, construction or engineering works, (including land reclamation, stabilisation, preparation, remediation or investigation), shall take place on any Sunday, Bank Holiday or Public Holiday\*, and such works shall only take place between the hours of 07.00 to 18.00 weekdays and 08.00 to 16.00 Saturdays unless otherwise permitted in writing by the Local Planning Authority. No plant, machinery or equipment associated with such works shall be started up or operational on the development site outside of these permitted hours.

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

*Reason:* To safeguard the amenity of the area

6. No ground fires shall be permitted on the development site for the purposes of waste disposal.

*Reason:* To safeguard the amenity of the area.

7. Before this development is brought into use the details of an access control system to the side gate access to the rear amenity space shall be submitted to and approved in writing by the Local Planning Authority.

*Reason:* To ensure satisfactory access to the rear amenity area for all of the apartments.

8. Prior to built development commencing:-

- i) A desk study and site reconnaissance, shall be conducted to identify the potential for contaminants and/or ground gases likely to present a risk to proposed structures or future occupants of the development to be present on site. Results of the desk study and site reconnaissance shall be submitted to and agreed in writing prior to built development commencing. (see Note for Applicant D)
- ii) In the event that the desk study and site reconnaissance indicates the potential presence of contamination and/or ground gases on site. Prior to built development commencing a site investigation, ground contamination survey and assessment of ground gas, having regard to current best practice shall be undertaken. (see Note for Applicant A)
- iii) Prior to built development commencing a copy of the findings of the site investigation, ground contamination survey and ground gas assessment, together with an assessment of the hazards arising from any land contamination and/or ground gas shall be forwarded to the Local Planning Authority. (see Note for Applicant B)
- iv) Prior to built development commencing a "Remediation Statement" setting out details of remedial measures to deal with the identified and potential hazards of any land contamination and/or ground gas present on the site and a timetable for their implementation shall be submitted to and agreed in writing by the Local Planning Authority. (see Note for Applicant B)
- v) The remedial measures as set out in the "Remediation Statement" required by part iii) of this condition shall be implemented in accordance with the agreed timetable.
- vi) If during the undertaking of remedial works or the construction of the approved development unexpected ground contamination not identified by the site investigation required by part ii) of this condition is encountered development shall cease until the "Remediation Statement" required by part iii) of this condition has been amended to address any additional remedial or mitigation works required and agreed in writing by the Local Planning Authority.
- vii) A validation report confirming the details of the measures implemented together with substantiating information and justification of any changes from the agreed remedial arrangements shall be submitted to and accepted in writing by the Local Planning Authority prior to the development being brought into use. (see Note for Applicant C)



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

## NOTES FOR APPLICANT

- A. Ground investigation surveys should have regard to current “Best Practice” and the advice and guidance contained in Planning Policy Statement 23 – Planning and Pollution Control; British Standard BS10175: 2001 “Investigation of potentially contaminated sites – Code of Practice”; British Standard BS5930: 1999 “Code of practice for site investigations”; Construction Industry Research and Information Association “Assessing risks posed by hazardous ground gasses to buildings (Revised)” (CIRIA C665); or any relevant successors of such guidance. You are strongly advised to consult with the Local Planning Authority on the construction, location and potential retention of any boreholes installed for the purposes of ground gas and or groundwater before installation of same.
- B. When making assessments of any contaminants identified as being present upon the land, considering their potential to affect the proposed land use and deciding appropriate remediation targets regard should be had to the advice given in CLR 11 “Model Procedures for the Management of Land Contamination”, The Contaminated Land Exposure Assessment (CLEA) model (Latest Version), Science Report – SC050021/SR3 “Updated technical background to the CLEA model” and Science Report – SC050021/SR2 “Human health toxicological assessment of contaminants in soil” or any relevant successors of such guidance. This list is not exhaustive. Assessment should also be made of the potential for contaminants contained in, on or under the land to impact upon ground water. Advice on this aspect can be obtained from the Environment Agency.
- C. Validation reports will need to contain details of the “as installed” remediation or mitigation works agreed with the Local Planning Authority. For example photographs of earth works, capping systems, ground gas membranes, and structure details should be provided. Copies of laboratory analysis reports for imported “clean cover” materials, manufacturer’s specification sheets for any materials or systems employed together with certification of their successful installation should also be submitted. Where appropriate records and results of any post remediation ground gas testing should be included in validation reports. This note is not prescriptive and any validation report must be relevant to specific remedial measures agreed with the Local Planning Authority.
- D. The desk study and site reconnaissance shall have regard to the previous unknown filled ground and materials used and processes carried on. Further details on the matters to be addressed is available in “PPS 23 : Planning and Pollution Control”, Annex 2, Development on Land Affected by Contamination”, paragraphs 2.42 to 2.44. and “Model Procedures for the Management of Contamination” (CLR 11, DEFRA/Environment Agency). The results of the desk study and reconnaissance will be used to determine the need for further site investigation and remediation.
- E. The development should be built to achieve “Secured by Design” accreditation wherever possible, as recent research shows that developments constructed to

this standard suffer on average around 50% less crime than non-Secured by Design developments. This would also ensure that minimum security standards are installed from the outset and would be a valuable letting or selling point. As minimum levels of security all doors should conform to PAS24 and all windows should conform to BS7950 and the performance standard relevant to the material of their construction. Consideration should be given to the use of laminated glass in ground floor glazed areas to afford greater security to the windows. An access control system should be installed to prevent unauthorised intrusion into the building. This should consist of an electronic door release and telephone entry system linked to each individual flat. Utility meters should be in the communal area of the building to negate the need for entry into an individual property to access the meters. This will reduce the opportunity for bogus official type offences to occur. There should be illumination of the outside of the building to deter criminal or anti social behaviour and to provide reassurance to occupants. The lighting could be controlled by a PIR sensor or photoelectric cell. Any planting should not impede surveillance of the property or provide cover to persons with criminal or anti social intent.

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ITEM NO: 6.

To: DEVELOPMENT CONTROL  
COMMITTEE

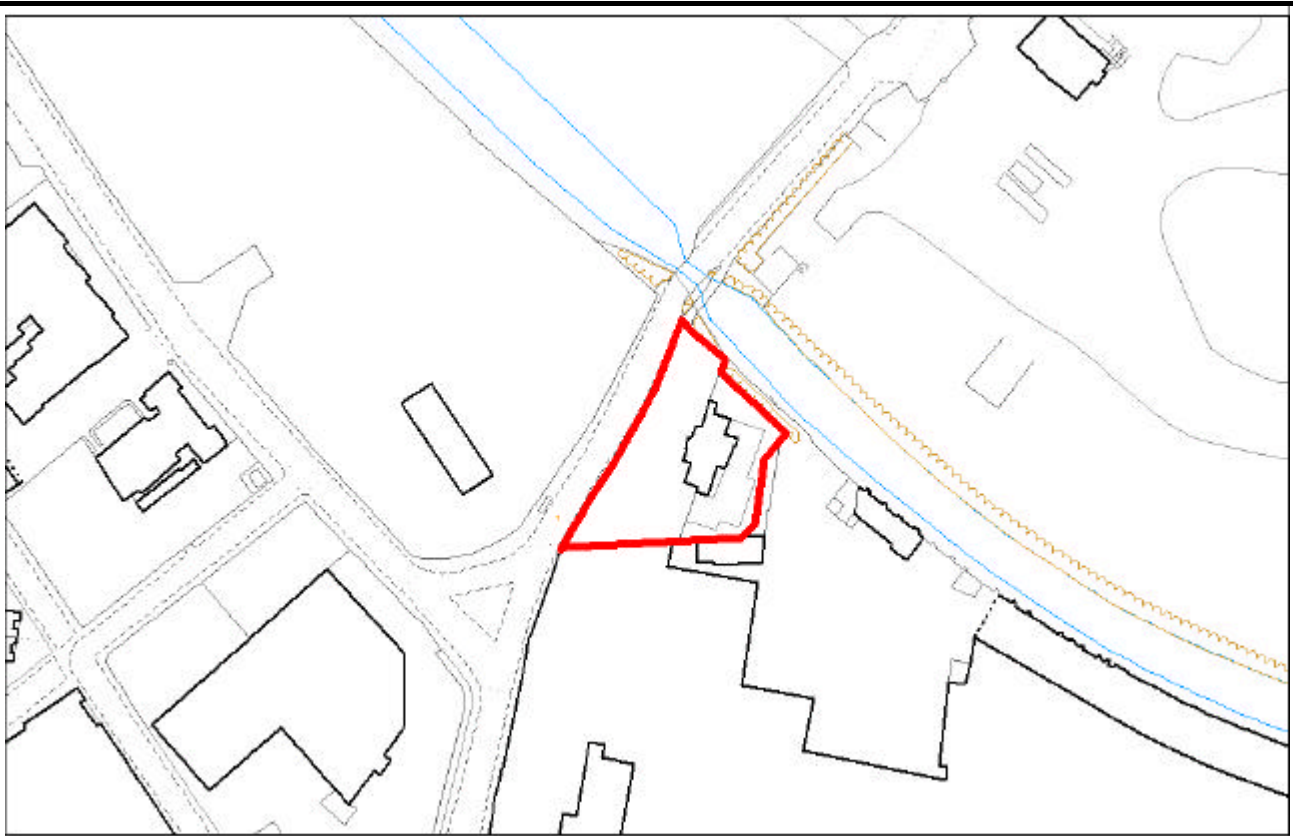
Report of Head of Planning and  
Building Control, Regeneration  
Directorate on  
29 Apr 2010

**REASON FOR BRINGING TO COMMITTEE: Unresolved objection from key  
consultee**

**Application Number:** 10/0005/FL  
**Application Type:** Full application  
**Applicant:** Mr Aktin Gjura  
**Proposal:** Demolition of the existing Public  
House and Change of Use from Public  
House and Car Park to Car Wash with two  
mobile buildings.  
**Ward:** Bentley & Darlaston North  
**Recommendation Summary:** Grant Subject to conditions

**Case Officer:** Jan Scrivens  
**Telephone Number:** 01922 652436  
**Agent:** Architectural Services  
**Location:** The Boat P.H., Bentley  
Road South, Walsall, WS10 8LW

**Expired:** 16/04/2010



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## **Application and Site Details**

This application seeks retrospective consent for a hand car wash and valeting service on the site of the former Boat Public House, Bentley Road South, Darlaston.

The Boat is semi-derelict as the result of a fire. The application proposes its demolition and the siting of two mobile buildings at the rear of the site to form office and customer waiting area.

There would be one vehicular access to Bentley Road South towards the southern end of the frontage. There would be 14 customer/staff car parking spaces on the southern boundary and 3 valeting spaces adjacent to the canal with the car wash area between.

The hours of operation of the business would be 9a.m. to 7 p.m. Monday to Friday inclusive, 9 a.m. to 6 p.m. Saturdays and 9 a.m. to 6 p.m. Sundays and Bank Holidays.

The site adjoins a canal and the adjacent canal bridge on Bentley Road South is currently undergoing improvement works.

The surrounding area is predominantly commercial/industrial. It is within the Darlaston Strategic Development Area.

## **Relevant Planning History**

09/0102/FL Retrospective change of use to car wash. Refused 12.05.09 for reasons relating to the location of the car wash in relation to the access to the site ( resulting in vehicles queing on the highway to the detriment of highway safety) and the prejudicial effect of the use on the future development of the whole site.

09/1076/FL Change of use from former public house and car park to car wash. Refused 30.9.09 as the car wash use would prejudice the future use of the site

**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 supports sustainable development – the location of facilities where they are accessible to everyone and minimise the need to travel

GP2 and 3.6 require development to make a positive contribution to the improvement of the environment.

3.7 seeks to protect people from unacceptable noise, pollution and other environmental problems

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

JP5 states that buildings in core employment areas will normally be safeguarded for core employment uses.

7.36, T7 and T13 relate to car parking and road safety.

LC8 relating to the loss of community facilities sets out criteria for an assessment of the need to retain facilities such as public houses.

### **Consultations**

**Transportation:** No objection

#### **Pollution Control:**

**Contaminated Land Team** has no objection but recommends that the applicant be advised of the possibility of localised ground contamination.

**Scientific Team:** no objection.

**British Waterways:** No objection subject to conditions relating to waste storage and collection, protection of ground water and the canal. Also requests a condition relating to boundary treatment.

**Inland Waterways Association:** Objects. The cleaning and valeting of vehicles would be close to the canal and there are no mitigation measures proposed to prevent pollution of the canal. There is the possibility of contamination of the canal and the mains drainage system. The former public house will be lost. This should be retained to offer the same facilities as the mobile buildings and provide positive benefits to the environment which the mobiles would not.

**Walsall Regeneration Company:** Object to the approval of this use on a permanent basis as the site is part of Darlaston Strategic Regeneration Area and is a regeneration priority. The proposal offers poor visual amenity and low value added to the Darlaston economy. It will not generate a high level of permanent and sustainable employment or raise skills. WRC would not object to a temporary permission of two years to prevent the site falling into further dereliction.

**Development Team:** No objection provided that this is a temporary consent to prevent the use prejudicing the long term development opportunity of the site.

### **Representations**

None

### **Determining Issues**

- Policy
- Loss of a community facility
- Transportation
- Pollution
- Amenity

### **Observations**

#### **Policy**

The site is within a designated Core Employment Area and policy JP5 aims to safeguard such sites for core employment uses. Its position within Darlaston Strategic Development Area also promotes the redevelopment of the site for



industrial purposes.

Previous refusals for a car wash on part of the public house site have been based upon its potential to block the redevelopment of the whole of the site but this has now been overcome by the enlargement of the application site to include all of the land comprising the pub curtilage. Redevelopment, when it occurs, would mean the end of the car wash use.

A car wash is not a use which WRC would like to see on a permanent basis given their aims for the regeneration of this area; however they consider that a temporary permission would prevent the site from further dereliction. Officers concur with this conclusion.

### **Loss of a community facility**

The public house had been closed and for sale for some time before the car wash business occupied part of the site; the building had been vandalised. It is unlikely in terms of other policies of the development plan that a new public house would be required in this location and there are other public houses within reasonable distance of this site. The loss of the public house would not therefore be a reason to refuse this application.

### **Transportation**

There has been a previous refusal for a car wash based upon car washing taking place in proximity to the entrance, causing vehicles to queue on the highway to get into the site. This has now been overcome by the increased site area and the reorganisation of the site. There are now no transportation objections to the development.

### **Pollution**

The use does have the potential to cause pollution of both the canal and groundwater. However this can be controlled by the imposition of appropriate planning conditions.

### **Amenity**

The loss of the public house is unfortunate since this was an attractive building but the applicant advises that it would not be economic to repair it.

The boundary treatment with the canal is in poor condition and is potentially unsafe as well as detrimental to the visual amenity of the area. This could be remedied by the imposition of a condition relating to boundary treatment.

### **Conclusion**

The proposed application would overcome the previous reasons for refusal of this development provided that it is controlled by condition. The site should ultimately be redeveloped by permanent buildings and a long term use. A temporary consent would however enable the site to provide some employment benefits and keep the site from falling into further dereliction.

## **Summary of Reasons for Granting Planning Permission**

The development is acceptable on a temporary basis only since the site should ultimately be developed by permanent buildings and a long term use; it would however enable the site to provide some employment benefits and keep it from further dereliction. The public house has been closed for some time and has failed to attract a buyer for the business; the building has been vandalised and since there are other public houses in the area there is no objection to the loss of this facility. The development has the potential to cause pollution and to adversely affect the appearance of the adjacent canal but these matters can be controlled by planning conditions. The restriction of the access/egress to the site to one point would improve highway safety on Bentley Road South. The approval of this application on this basis would be in accordance with policies GP1, GP2, 3.6, 3.7, ENV32, 7.36, T7 and T13 of Walsall's Unitary Development Plan and would not prejudice the regeneration of this part of Darlaston Strategic Development Area in accordance with policy JP5 of the Development Plan..

## **Recommendation: Grant Subject to conditions**

1. The use hereby permitted shall cease no later than 2 years from the date of this decision and the portable buildings shall have been removed from the site. The site shall be left in a neat and tidy condition, unless a further planning application for the continued use or the removal of this condition has been approved by the Local Planning Authority.

*Reason:* An unlimited permission may prejudice the redevelopment of the site in accordance with policy JP5 of the Development Plan and the regeneration aspirations for Darlaston Strategic Development Area.

2. Within one month of the date of this decision details of a boundary treatment with the canal shall have been submitted to the Local Planning Authority. The approved boundary treatment shall have installed within two months of this decision and thereafter retained.

*Reason:* In the interests of the appearance of the area and public safety.

3. Within one month of the date of this decision, details of proposed waste storage and collection and mitigation measures to protect the canal corridor from the valeting operation shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented within two months of the date of this decision and thereafter retained.

*Reason:* To prevent pollution of the waterway and ground water from wind blow, seepage or spillage of waste products and materials from the valeting operation.

4. Within one month of the date of this decision, details of the proposed drainage of the site, including proposals for petrol/oil interceptors, shall have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented within two months of the date of this decision and thereafter retained.

*Reason:* To ensure that the development is provided with a satisfactory means of drainage and to minimise the risk of water pollution.

5. Within two months of the date of this decision the public house shall have been demolished and the site shall have been hardsurfaced in materials to have been approved in writing by the Local Planning Authority and the car parking, washing and valeting spaces shown on the deposited plan shall have been marked out. These shall thereafter be retained and used for no other purpose.

*Reason:* To ensure the satisfactory functioning of the site.

6. The in/out access to Bentley Road South shown on the amended plan drawing no.853/01B shall be the only access/egress to/from the site. The more northerly gates on the frontage to the site shall remain closed at all times as shown on drawing no.853/01B.

*Reason:* In the interests of highway safety.

7. This decision relates to drawing no. 853/01B deposited on 12.4.10; drawing no.853/02 deposited on 21.1.10 and to the location plan only as shown on drawing no.853/01A..

*Reason:* To define the permission.

#### Notes for applicant

i) the applicant is advised to contact Mr. Des Harris, Third Party Works Engineer, to ensure that any necessary consents are obtained and that the works comply with British Waterways' ' Code of Practice for Works affecting British Waterways'.

ii) British Waterways offer no right of support to the adjacent property. The land owner should take appropriate steps to ensure that their works do not adversely affect the canal infrastructure at this location.

iii) This area was formerly utilised for a factory/works and a public house that may have resulted in localised ground contamination that may present Health and Safety implications for persons undertaking ground works. No specific detail of ground conditions in the area is available other than that obtained from previous land use data and historic mapping. This information should be brought to the attention of the builder or contractor undertaking the development in order that they may implement any Health and Safety at Work precautions they feel appropriate when undertaking construction work at the site of the proposed development.

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ITEM NO: 7 & 8.

To: DEVELOPMENT CONTROL  
COMMITTEE

Report of Head of Planning and  
Building Control, Regeneration  
Directorate on  
29 Apr 2010

**REASON FOR BRINGING TO COMMITTEE: Significant public interest**

**Application Number:** 10/0252/LB

**Application Type:** Listed Building  
Consent Alter/Extend

**Applicant:** Mrs Deana Read

**Proposal:** Listed Building Consent:  
Provide extract from shop ducted through  
existing chimney.

**Ward:** St. Matthews

**Recommendation Summary:** Grant Listed Building Consent

**Case Officer:** Jan Scrivens

**Telephone Number:** 01922 652436

**Agent:**

**Location:** 30 BRADFORD  
STREET, WALSALL, WS1 1PN

**Expired:** 03/05/2010

**Application Number:** 10/0251/FL

**Application Type:** Full application

**Applicant:** Mrs Deana Read

**Proposal:** Change of Use from sandwich  
shop to hot food takeaway and addition of  
tables to provide eat-in facilities (re-  
submission following withdrawal of  
10/0030/FL).

**Ward:** St. Matthews

**Recommendation Summary:** Grant Subject to conditions

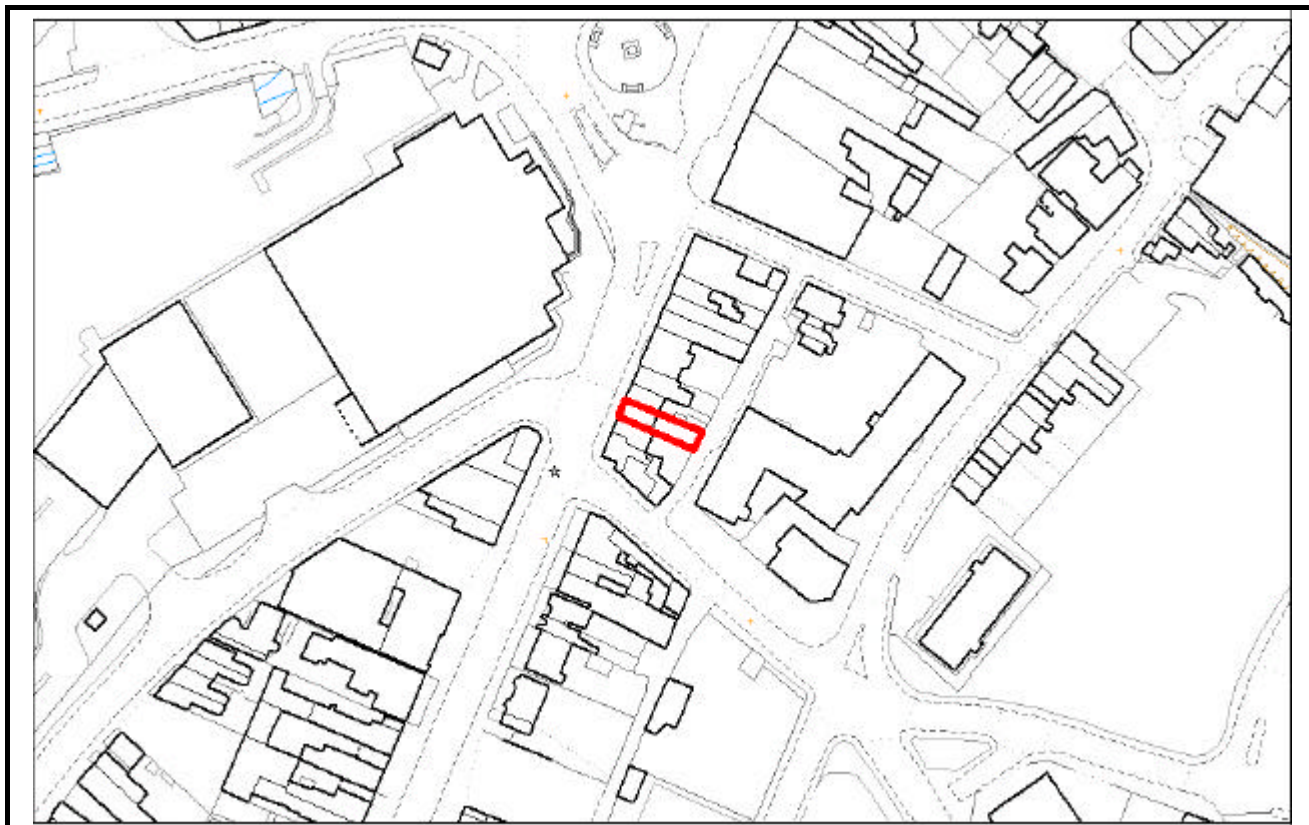
**Case Officer:** Jan Scrivens

**Telephone Number:** 01922 652436

**Agent:**

**Location:** 30 BRADFORD  
STREET, WALSALL, WS1 1PN

**Expired:** 03/05/2010



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### **Application and Site Details**

The application property is within the Bradford Street Conservation Area adjoining the Jerome K Jerome Museum, close to the corner with Caldmore Road. It has a flat above and the rear of the property is visible from Little Newport Street, to which it has access. It is a Listed Building. There are bus stops directly outside the site.

These applications relate to a former sandwich shop which has become a low key hot food takeaway with an eat-in facility, and seek Listed Building Consent for the installation of a flue through the chimney. The premises currently sell sandwiches with hot fillings and some hot food and the applications seek to regularise this position and to install a flue.

The proposed opening hours are not stated, the applicant has indicated that these are negotiable.

(In the previous now withdrawn application 10/0030/FL, hours were  
8a.m. to 2.00 a.m. Monday to Friday;  
8a.m. to 5 a.m. Saturday  
10.00 a.m. to 2.00 a.m. Sundays and Bank Holidays.)

### **Relevant Planning History**

10/0030/FL Change of use from sandwich shop to hot food takeaway and installation of extract flue at rear. Withdrawn March 2010.



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

GP2 and 3.6 require new development to improve the quality of the environment  
ENV27 alterations to listed buildings will only be permitted where it can be demonstrated that the internal/external appearance, character and value of the building will not be harmed.

ENV32 requires the design of proposals to take account of their context.

S1 defines food and drink uses as appropriate to Town Centres

S10 considers takeaway uses to be appropriate to town centres subject to the following considerations:

- i) the proposal must not adversely affect the amenities of existing or proposed dwellings by reason of noise, smell, disturbance or traffic impact
- ii) the closing times of the premises will be considered in relation to the amenities of nearby dwellings
- iii) the absence of off-street parking where this would be likely to lead to on-street parking in a hazardous location
- iv) ventilation and fume extraction equipment must be positioned to avoid potential problems of noise, vibration and odour to nearby occupiers and the equipment must not be detrimental to visual amenity

**Consultations**

**Transportation:** No objection

**Pollution Control Scientific Team:** No objection

**Pollution Control Contaminated Land Team:** No objection

**Environmental Health:** No objection

**Conservation Officer:** No objection. The chimney stack and pots should be retained and the proposed cowl for the flue painted black.

**Police - Crime Reduction Officer:** Objects to the proposed opening hours. There have been 15 recorded incidents of crime relating to a nearby hot food takeaway in the last 12 months; and 33 incidents in Bradford Street and 5 in Bradford Place over the same period. If another late night takeaway is allowed to operate in this area it will afford greater potential for such behaviour and will create extra pressure on already stretched police resources.

**Representations**

Four letters of objection have been received, making the following points:

- adjoining premises already suffer smell from this property; cooking already takes place and the menu has expanded, increasing the problem. Customers of the hairdressers next door but one complain of the smell and this may affect the viability of the business. The single skin brickwork and poor jointing allows smell and noise through and there are no proposals in the application to overcome this; the first floor single glazed window and velux roof light in the Jerome building would experience cooking smells from the proximity of the flue . The adjoining

occupiers and the Jerome Museum are likely to experience noise and vibration from the installation/operation of the flue

- there is already a problem with rubbish being discarded in doorways, particularly due to the proximity of the bus stop; the adjoining occupiers have to clear up regularly
- the application is retrospective, the majority of food items being offered for sale are hot
- Walsall is becoming a town of takeaways, pound shops and charity shops; it needs more quality shops; there are already four fast food establishments within sight of the Jerome Building – how many more are required?
- this use is unsuitable for a grade II listed building, prior to this sandwich bar opening the block attracted professional businesses such as solicitors; the adjoining Jerome Building has been expensively restored to a high standard; another use of this type is detrimental to the conservation area
- will there be sufficient fire protection between the flue and takeaway and the adjoining buildings
- a roller shutter has been added to this listed building without planning permission; other businesses who would like a shutter have been advised that this would be unlikely to be granted: the signs are ugly, how did these get planning permission?
- there is no parking allowed outside the premises; the change of use will increase traffic flow and customers will take advantage of the absence of traffic wardens at night; there are already problems with a nearby takeaway with cars parking on double yellow lines causing gridlock in Bradford Place; buses would have to park in the middle of the street causing a traffic jam and passengers would have to get on and off the bus in the middle of the road, risking their safety
- anti social behaviour by drunks is already experienced in this area; the change of use will increase this problem
- the hours of operation are unclear in the present application
- there is already an issue with rats and pigeons feeding on discarded food in Bradford Street, Bradford Place and Midland Road. An additional shop generating more food waste would only encourage vermin

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

### **Determining Issues**

- Principle of the use
- Amenity and effect of the proposal on the Conservation Area and Listed Building
- Parking

### **Observations**

### **Principle of the use**

Policy S1 defines takeaways and restaurants as appropriate uses for a town centre. There are no policy restrictions on the number of such uses which are acceptable within a particular area.

### **Amenity and effect of the proposal on the Conservation Area and Listed Building**

The installation of the flue within the chimney can be achieved without significant alteration to the fabric of this listed building. It would also minimise the effect of the proposal on the character and visual amenity of the Bradford Street Conservation Area. The retention of the chimney pots and chimney stack could be required by condition on any approval given for the listed building application.

An A3/A5 use (restaurant / takeaway categories) would not necessarily be detrimental to the character and visual amenity of a conservation area or detract from the appeal of the adjoining premises to professionals as argued by the representations. Such effects would depend to a degree on the management of the business and this is outside the control of the Council. It would also depend on the quality of the shop front, shutters, advertisements and flue which are matters within the control of the Council as planning authority. Neighbours have expressed concern that the shutters and advertisements for this business are unauthorised and/or ugly; these matters do not form part of the applications and will be investigated separately

Neighbouring properties are concerned that there is an existing smell from cooking at the premises and that this may increase if planning permission is granted for this use. The property does not currently have a fume control and extract system and given that some cooking occurs already there will inevitably be some smell. It is possible that the construction of the buildings would increase the transmission of cooking smells but the installation of a ventilation and fume extract system as proposed should improve matters. Control of this issue would rest with Environmental Health who have not objected to the application.

Neighbours are also concerned about increased litter and vermin arising from this proposal. The shop already sells food to be taken away (sandwiches and similar are a lawful shop use) and selling heated food would not in itself result in more litter. However if people are eating while waiting for a bus then the adjoining premises may suffer from more litter than usual. The nearest bin is situated almost at the corner of Newport Street, a distance which would make people waiting for the bus disinclined to use it. The applicant could be required by planning condition to provide a bin to be located adjacent to the bus stop.

The applicant has indicated that the opening hours for the premises are negotiable. Late opening hours have the potential to affect residential neighbours but there are few of these in the vicinity of the site and the occupiers of the flat above have not objected. It is generally accepted that takeaway opening hours can be later in the town centre than for example in a suburban shopping parade and that a reduced level of residential amenity is to be expected in the town centre.

The Police Crime Reduction Officer has commented that there have been several incidents of crime and disorder in the area late at night and that he could not support a closing hour of either 2 or 5 a.m. (both of which times were suggested by the applicant in the withdrawn application) since dealing with these incidents stretches

police resources. He recommends that if a closing hour of 2 a.m. is approved then it should be subject to conditions requiring qualified door staff on Thursday, Friday and Saturday evenings, a Link radio connection and CCTV system.

Many of the takeaway premises in the town centre have no closing hours imposed by planning condition (although they may have under licensing regulations) but it is clear that in this part of the town at least there have been several incidents where customers of takeaways have been responsible for anti-social activity in the early hours of the morning. The Police have already had to take a nearby property into review under the licensing powers. Officers do not consider that it would be advisable to permit very late hours for this application and this is embodied in the recommendation, although this is a situation which could be reviewed in the future, by a new application, if the applicant wishes.

### **Parking**

Neighbours are concerned that customers will be encouraged to park on the double yellow lines or the bus stop if the planning application is approved. The shop already sells food and selling hot food would not necessarily attract more car borne customers who would be prepared to ignore the parking restrictions or the presence of buses. This is a matter which can be controlled during the day by parking wardens and at night there would be less conflict with traffic. Transportation has not raised any objection to this planning application.

### **Summary of Reasons for Granting Planning Permission**

A hot food takeaway is an appropriate use within a town centre. The installation of ventilation and fume extraction equipment would minimise cooking smells and the location of the flue within an existing chimney will minimise the effect of the proposal on the appearance of this listed building and on the visual amenity of the Bradford Street Conservation Area. The provision of an additional litter bin will assist in reducing litter in the vicinity of the premises. In view of incidences of crime and disorder in the vicinity of the site at late hours it has been considered necessary to impose a condition which restricts the opening hours of the premises but otherwise the impact of the development on the amenity of neighbours would not be excessive given its town centre location and the restrictions which are imposed by condition. Any illegal parking which occurs outside the site as a result of this development is a matter for parking enforcement. The approval of this application, with appropriate conditions, would be in accordance with policies GP2, 3.6, ENV27, ENV32, S1 and S10 of Walsall's adopted Unitary Development Plan.

### **Recommendation: Grant Subject to conditions**

1. Within two months of the date of this decision the ventilation and fume extraction equipment shown on the submitted plans, shall have been installed and be available for use. The equipment shall thereafter be retained and maintained in working order. The cowl of the flue shall have been powder coated black or painted black prior to its installation.

*Reason:* In the interests of the amenity of adjacent occupiers and to maintain the visual amenity of the Bradford Street Conservation Area.

2. Within two months of the date of this decision the 'grease guzzler' shown on the submitted plans shall have been installed and be available for use. This approved equipment shall thereafter be retained and maintained in accordance with the manufacturer's or installer's requirements.

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

3. Within one month of the date of this decision proposals for a litter bin to be installed on the footpath in Bradford Street shall have been submitted to the Local Planning Authority. The submitted details shall include the design of the bin, its precise location and frequency and responsibility for emptying it. The approved details shall be implemented within one month of their approval and the bin emptied in accordance with the agreed emptying schedule and thereafter retained.

*Reason:* In the interests of the amenity of the area and the visual amenity of the Bradford Street Conservation Area.

4. The premises shall not be open for business outside the hours of  
08.00 to 23.00 hours Monday to Friday inclusive,  
08.00 to 23.30 Saturdays  
08.00 to 23.00 hours on Sundays.

*Reason:* In the interests of the effective policing of anti-social behaviour in Walsall Town centre.

#### **Recommendation: Grant Listed Building Consent**

1. Within one month of the date of this decision details of the proposed means of installation of the flue shall have been submitted to and approved in writing by the Local Planning Authority. The submitted details shall demonstrate the reversibility of the work and also the means of securely storing and rebuilding the chimney pots and stack if this is approved as necessary to the installation of the flue. The cowl of the flue shall have been powder coated black or painted black prior to its installation. The work shall be carried out in accordance with the approved details within two months of the date of this decision.

*Reason:* To minimize the impact of the proposal on the fabric of this listed building and on the visual amenity of the Bradford Street Conservation Area.





ITEM NO: 9.

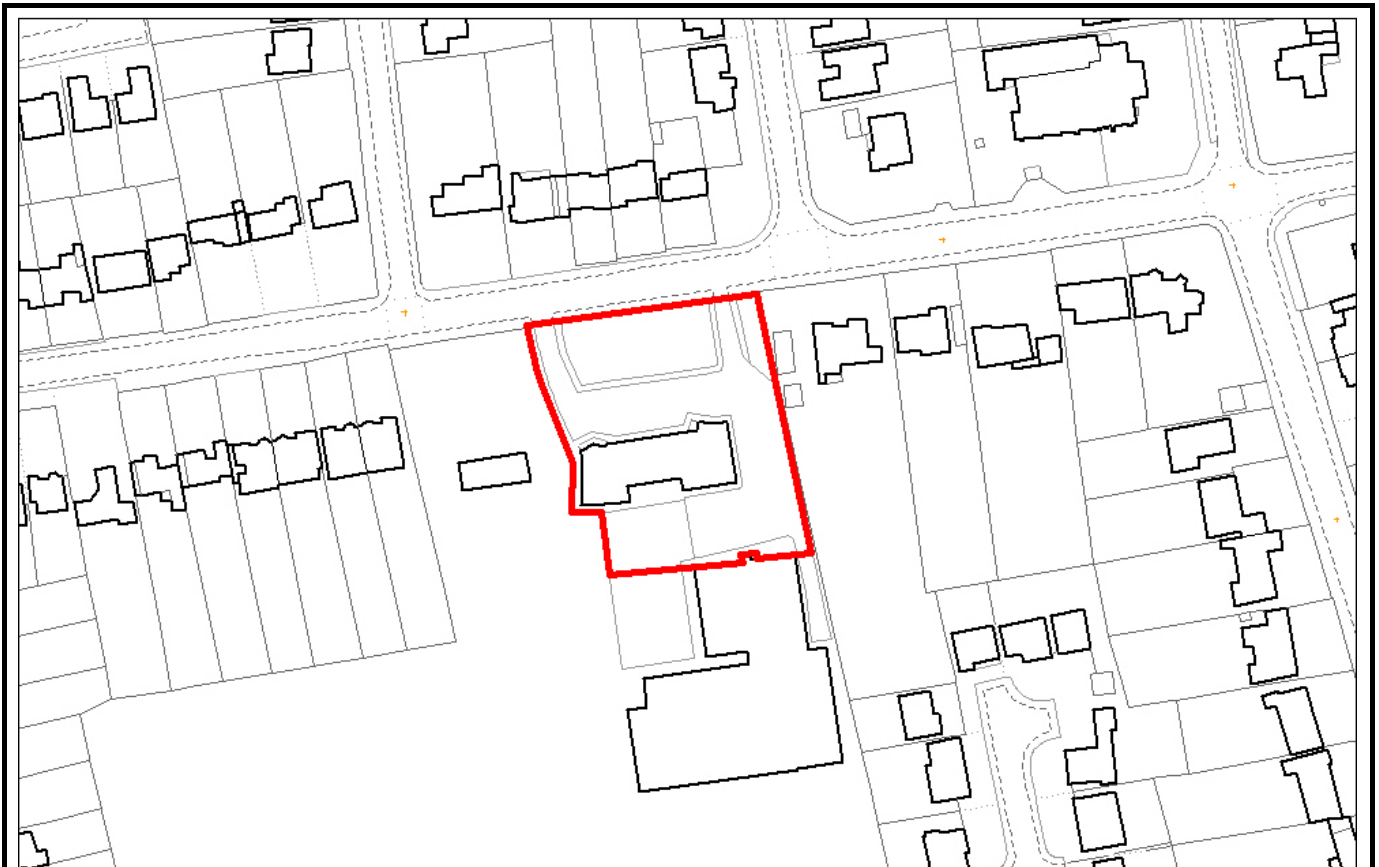
To: DEVELOPMENT CONTROL  
COMMITTEE

Report of Head of Planning and  
Building Control, Regeneration  
Directorate on  
29 Apr 2010

**REASON FOR BRINGING TO COMMITTEE: Contrary to policy**

**Application Number:** 10/0286/FL  
**Application Type:** Full application  
**Applicant:** Walsall Property Services  
**Proposal:** Alterations and extension to  
provide children's centre facilities for  
children under 5.  
**Ward:** Streetly  
**Recommendation Summary:** Grant Planning Permission

**Case Officer:** Alexander Keen  
**Telephone Number:** 01922 652527  
**Agent:** BBLB Architects llp  
**Location:** STREETLY YOUTH AND  
SPORTS CENTRE, FOLEY ROAD  
EAST, SUTTON COLDFIELD, B74 3HR  
**Expired:** 12/05/2010



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## **Application and Site Details**

This application is for internal and external alterations, including a rear extension, to the eastern wing of the existing Streetly Community Association building. These works are required to adapt the building to provide Children's Centre Facilities for children under the age of 5 and their families. The proposed alterations are as follows:

The access to the main entrance would be remodelled, widening the entrance steps and landing and providing a hand rail, in order to comply with Part M of the Building Regulations. The existing ramp access would be retained and improved as a result of widening the landing. An existing window in the front elevation would be altered, to enable proposed internal alterations to create a new reception point.

The eastern wing of the building would be extended to the rear to provide approximately 60m<sup>2</sup> of additional floorspace. As existing this wing projects 3.2m out to the rear, and this would increase by 4m to 7.2m. The width of the wing would not be increased. The roof of the proposed extension would match the profile metal roof of the existing building, and would fall from the proposed rear elevation to a valley return that joins with the lower edge of the existing roof. The existing flat roof of the eastern wing would be retained.

Ambulant escape steps would be constructed to the rear linking with a new escape door to be inserted in the existing western elevation of the eastern wing. Windows would be provided in the new rear elevation, enabling the existing rear car park to be viewed from the proposed parent & child/community room. The whole exterior of the eastern wing would be rendered using two complementary bands of colour (colour to be confirmed).

Two parking spaces would be lost to the front as a result of remodelling the entrance, and 4 new spaces would be provided to the rear, resulting in a net gain of 2 parking spaces. A maximum of 16 children are expected to use the facilities at any one time, with a maximum of 4 staff in attendance. The centre would be open between 08:00 and 18:00, but with the majority of activity expected during the middle of the day.

The existing community building is set approximately 30m back from the highway and comprises a central hall with a wing of smaller rooms either side. The building is of mid-20<sup>th</sup> century construction and the design is simple, light and functional and not dominant in the streetscene, though it lacks architectural detail or features of visual interest.

The area is predominantly residential and is characterised by large suburban dwellings varying in age and architectural style. There is an area of hardstanding and an area of grass and trees, edged by a hedge, separating the building from the highway and softening its appearance in the streetscene. There is parking available to the front and rear of the existing building and this is shared with the Streetly Sports and Youth Centre to the south.

Immediately to the east is the Streetly Area of Special Townscape Character, where the design of new development is subject to Supplementary Planning Guidance. The eastern and western boundaries of the application site are both marked by

established trees and shrubs. The Streetly Sports and Youth Centre building and playing field lie immediately to the south.

A Design and Access Statement has been submitted in support of the application.

### **Relevant Planning History**

**08/1404/FL** – Over-cladding of the community centre roof – granted subject to conditions – 5<sup>th</sup> November 2008.

### **Relevant Planning Policy Summary**

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

### **Saved policies of Walsall's Unitary Development Plan 2005**

GP1 states that the location of development will be guided by the principles of sustainable development and should make efficient use of existing infrastructure, including community facilities to minimise the need to provide additional facilities.

GP2 seeks to ensure that all development makes a positive contribution to the quality of the environment. Relevant considerations to be taken into account in the assessment of this application include:

- I. Visual appearance
- VI. Overlooking or loss of privacy
- VII. The adequacy of the access, and parking.
- X. The effect on species, habitats and sites of nature conservation or geological interest.
- XII. The effect on individual trees on or near the site.
- XX. Any other factor of environmental significance.

ENV18 states that the Council will ensure the protection, positive management and enhancement of existing woodlands, trees and hedgerows.

ENV23(b) requires all new development to take full account of existing features of value for wildlife, including sites used by species protected by European law and/or British legislation.

ENV32(a) states that poorly designed development or proposals which fail to properly take account of the context or surroundings will not be permitted, particularly on a visually prominent site and on sites adjacent Green Belt land.

ENV32(b) requires the quality of design of any development proposal to be assessed using the following criteria:

- The appearance of the proposed development
- The height, proportion, scale, and mass of proposed buildings/structures.
- The materials proposed for buildings, external spaces and means of enclosure.

- The visual relationship of the proposed development with adjacent areas, the street and the character of the surrounding neighbourhood.
- The effect on the local character of the area.
- The proposed vehicular and pedestrian circulation patterns.

S6 states that outside the identified centres, existing community facilities will be encouraged to continue to meet the day-to-day needs of their communities.

Strategic Policy Statement 8.7 states that the enhancement of existing, and the provision of new, facilities for education, health and other community needs will be encouraged.

T7 requires all development to satisfy the parking standards set out in saved policy T13, which expects 1 parking space to be provided per 22msq of gross floorspace.

### **Supplementary Planning Documents**

“**Designing Walsall**” provides guidance on how to achieve good urban design within Walsall, and expects high quality development that reflects the borough’s local distinctiveness and character. In particular, it focuses on delivering sustainable development that is safe and welcoming and respects and enhances local identity.

Policy NE1(c) of “**Conserving Walsall’s Natural Environment**” requires all planning applications on sites where protected species can reasonably expected to be present to be supported by survey work. Annex 1A states that a detailed bat survey should be submitted where any part of the site lies within 50 metres of open land.

### Regional Planning Policy

Policy QE7 of the Regional Spatial Strategy for the West Midlands (RSS11) places a responsibility on local authorities to give priority to the protection and enhancement of species and habitats that receive statutory protection, and policy QE3 seeks to create a high quality built environment for all.

### National Planning Policy

Planning Policy Statement 1: Delivering Sustainable Development promotes good design as a key element in achieving sustainable development. In particular, paragraph 34 states that design which is inappropriate in its context should not be accepted, and paragraph 35 states that high quality design should be the aim of all those involved in the development process.

Planning Policy Guidance 13: Transport promotes sustainable patterns of development which reduce the need to travel, especially by car. In particular, Local Authorities should not require developers to provide more parking spaces than they themselves wish, other than in exceptional circumstances, for example where there are significant implications for road safety which cannot be resolved through on-street parking controls.

### **Consultee Responses**

**Transportation** – No objections, subject to a condition requiring the proposed new parking bays to be clearly marked out and retained thereafter.

**Pollution Control: Contaminated Land** – No objections

**Pollution Control: Scientific** – No objections, subject to a condition controlling the times at which demolition and construction works can occur, to limit noise.

**Environmental Heath** – No objections

**Ecology** –The Council's Ecology Officer has advised that though the application site meets the criteria for a formal bat survey to be submitted (as the site lies within 50 metres of open land and is near to mature trees), a bat survey is not required as there is insufficient green infrastructure in the area and therefore it is unlikely that bats are present on the site.

That said, a note to the applicant is recommended to be attached to the Decision Notice if planning permission is granted.

**Trees** – No objections

**Landscape** – No objections

**Fire Service** – No objections

### **Public Participation Responses**

None

### **Determining Issues**

- Principle of use
- Design, and impact on the character of the streetscene
- Impact on amenities of nearby residents
- Parking
- Impact on the natural environment

### **Observations**

#### **Principle of use**

The principle of an extension to an existing community building is supported by saved policy S6 and Strategic Policy Statement 8.7 of Walsall's Unitary Development Plan, subject to other criteria of the Plan being satisfied.

#### **Design, and impact on the character of the streetscene**

The proposed alterations to the main entrance and window in the front elevation of the eastern wing are considered minor, and would not alter the appearance of the building significantly.

The design of the rear extension is not considered disproportionate in scale to the existing building, being single storey, of equal width to the existing rear elevation of the eastern wing, and extending out to the rear of the eastern wing by 4m. The elevations are plain, reflecting the appearance of the existing building, and the



proposed roof in particular has been designed to integrate well with the existing roof. As an addition to the existing building, the extension would not be viewed from the street, and would therefore have no impact on the character of the streetscene.

The use of coloured render to the whole of the exterior of the eastern wing would emphasise a single identity for this part of the building and would ensure that the proposed extension would not appear as an obvious addition. Furthermore the use of coloured render, if chosen sensitively with regard to the character of the area, would add visual interest to the appearance of the building as viewed from the street.

The application site is adjacent the boundary of the Streetly Area of Special Townscape Character but not within it, and therefore the guidance contained within the SPG is not applicable in this case. "Designing Walsall" expects high quality development that respects local character, and to ensure this a condition of granting planning permission would be that details of the proposed render are submitted to the Local Planning Authority for approval.

In summary, the proposed exterior alterations and extension are considered to be sensitively designed to integrate well with the existing building, and the use of an appropriate render which respects the character of the streetscene would add visual interest.

### **Impact on amenities of nearby residents**

It is considered that there would be minimal impact on the amenity of residents opposite the application site as the extension would be to the rear of the building and not visible from the street, and the alterations to the front are considered to be minor. Likewise, the impact on the amenities of residents adjoining the application site is considered minimal as the proposed extension would be single storey, and there would be no potential for overlooking.

It is also considered that noise resulting from the proposed activities would not have a detrimental impact on the amenities of nearby residents, as this is unlikely to be any greater than the noise already experienced from the day-to-day activities taking place in the community centre and the youth and sports hall. The proposed hours within which the activities would take place are not considered unsociable and would be limited to during the day on weekdays only.

The greatest potential for noise impacting on the amenities of nearby residents is considered to be during the construction phase, and to address this Pollution Control have recommended a condition to control the times of demolition and construction.

In summary, it is considered that the proposal would have no impact on the amenities of nearby residents by virtue of overlooking or visual harm, and would not result in an unacceptable level of noise as a result of the proposed activities. Noise resulting from demolition and construction work could be controlled by condition.

### **Parking**

The proposal would result in a net gain of 2 parking spaces. The parking standards set out under saved policy T13 of Walsall's Unitary Development Plan state that 1 parking space should be provided per 22msq of gross floorspace. As the proposal would provide approximately 60sqm of additional floorspace, 3 new parking spaces

would be required to meet this standard. In this case Transportation have advised that the proposed net gain of 2 parking spaces is acceptable, as the existing shared car park serving the community building and the youth and sports hall is considered to be ample to meet the day-to-day parking needs of the site.

### **Impact on the natural environment**

Though the proposal meets the criteria for a formal bat survey to be submitted, the Ecology Officer has advised that a bat survey is not required as there is insufficient green infrastructure in the area and it is unlikely that bats are present on the site. Should planning permission be granted, the potential risk of bats being present can be addressed through a note to the applicant advising of the actions required if bats are found during the works.

Similarly, the Tree Officer has advised that the proposal would not have significant arboricultural implications, and therefore would be acceptable in this regard.

In summary, it is considered that the proposal is unlikely to have any impact on the natural environment.

The proposed exterior alterations and rear extension are considered to be sensitively designed to integrate well with the design of the existing building, and the use of an appropriate render which respects the character of the streetscene would add visual interest. Likewise, it is considered that there would be no impact on the amenities of nearby residents by virtue of overlooking or visual harm, or by virtue of noise associated with the nature and times of the proposed activities. The proposal is unlikely to have any impact on the natural environment, and it is considered sufficient additional parking would be provided to ensure the day-to-day parking needs of the site can continue to be reasonably met. Therefore the proposal accords with the aims and objectives of saved policies GP1, GP2, ENV18, ENV23(b), ENV32, S6, T7 and T13, and Strategic Policy Statement 8.7 of Walsall's Unitary Development Plan, the SPD "Designing Walsall" and policy NE1(c) of the SPD "Conserving Walsall's Natural Environment", policy QE7 of the Regional Spatial Strategy for the West Midlands (RSS11), Planning Policy Statement 1: Delivering Sustainable Development and Planning Policy Guidance 13: Transport.

### **Recommendation:**

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, (as amended) 1990.

2. Details of the proposed coloured render to be used to face the exterior walls of the development must be submitted to and approved in writing by the Local Planning Authority before this development is begun.

*Reason:* To ensure the satisfactory appearance of the development and to protect the character of the area, and to comply with policy ENV32 of Walsall's Unitary Development Plan.

3. The materials used in the construction of the roof of the development shall match as closely as possible the materials used in the construction of the existing roof.

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

4. No demolition, construction or engineering works, (including land reclamation, stabilisation, preparation, remediation or investigation), shall take place on any Sunday, Bank Holiday or Public Holiday\*, and such works shall only take place between the hours of 07.00 to 18.00 weekdays and 08.00 to 16.00 Saturdays unless otherwise permitted in writing by the Local Planning Authority. No plant, machinery or equipment associated with such works shall be started up or operational on the development site outside of these permitted hours.

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

*Reason:* To protect the amenity of nearby residents.

5. Prior to the first occupation of the development the 4 new car parking bays, as shown on the approved plan, shall be clearly demarcated on the ground and shall thereafter be retained for this purpose only.

*Reason:* To ensure sufficient parking is available on site to reasonably meet the day-to-day needs of the development.

#### NOTE

Although the application does not require a formal bat survey, there is a risk that bats may be using the existing building for roosting. It is therefore important that you are satisfied that there are no bats using the buildings affected by the development before work is carried out. Any damage, destruction or disturbance to bats roosts is a criminal offence. Care should be taken during building works and if any bats or evidence of bats are discovered work should stop and advice should be sought from Natural England. They can be contacted on Tel: 0845 6014523 or e-mail: [wildlife@naturalengland.org.uk](mailto:wildlife@naturalengland.org.uk)

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ITEM NO: 10.

To: DEVELOPMENT CONTROL  
COMMITTEE

Report of Head of Planning and  
Building Control, Regeneration  
Directorate on  
29 Apr 2010

**REASON FOR BRINGING TO COMMITTEE: Contrary to Policy**

**Application Number:** 10/0287/FL

**Application Type:** Full application

**Applicant:** Walsall Council Property  
Services

**Proposal:** Removal of existing temporary  
nursery building and construction of new  
children's centre

**Ward:** Paddock

**Recommendation Summary:** Grant Subject to conditions

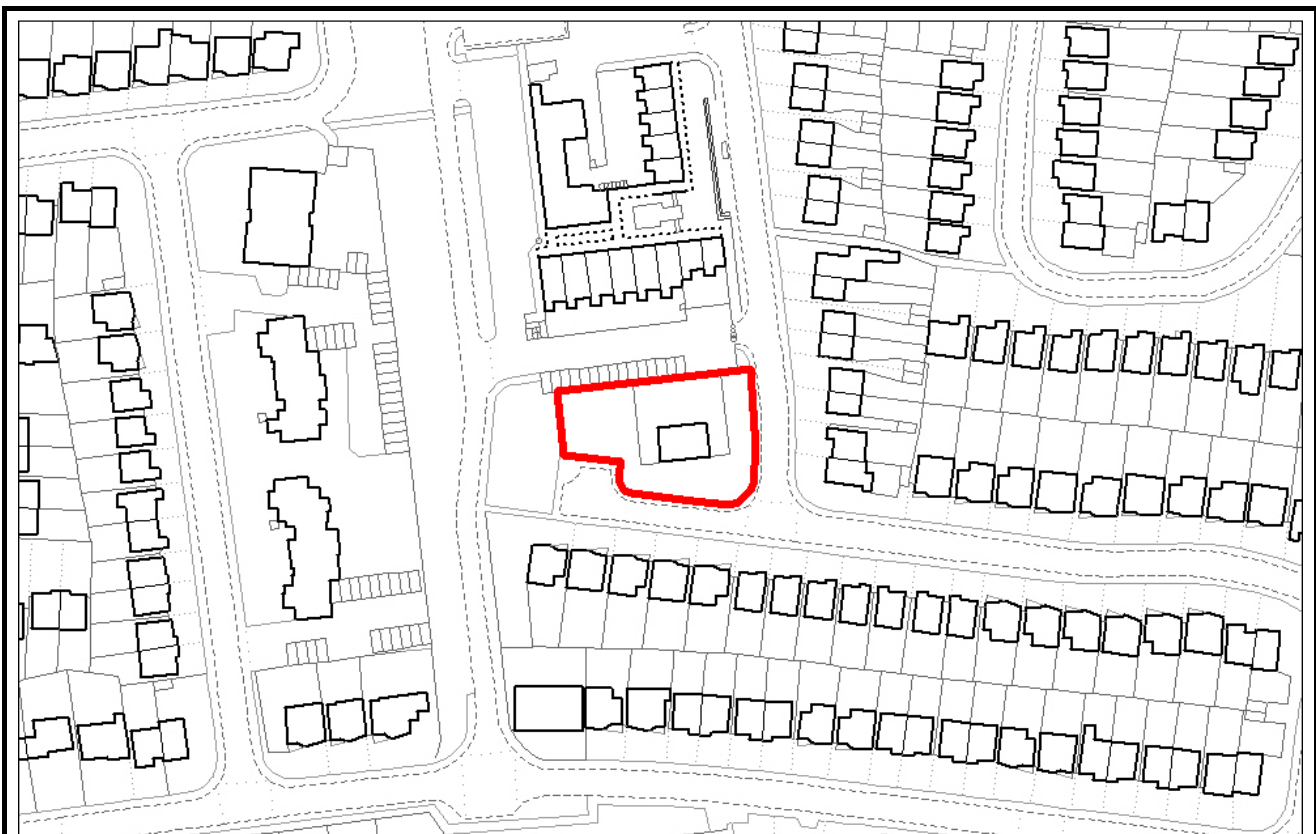
**Case Officer:** Barbara Toy

**Telephone Number:** 01922 652429

**Agent:** BBLB Architects llp

**Location:** PARK HALL  
PLAYGROUP, FALMOUTH  
ROAD, WALSALL, WS5 3EZ

**Expired:** 11/05/2010



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## **Application and Site Details**

The site is situated on the northern side of Falmouth Road (no through road) on the corner of Liskeard Road. The existing mobile classroom building is in poor condition and has been on site since the early 1970's used by Park Hall Playgroup. Vehicle access to the site is from the turning head in the road and leads to an unmarked car park area.

The site forms the southern element of the Park Hall local centre. A row of lock up garages forms the northern boundary of the application site, with shops with flats above and a public house beyond. To the south within Falmouth Road are detached two storey houses. To the east, within Liskeard Road, are semi detached two storey houses and to the west is Treyamon Road, which is a cul de sac that provides access to the local centre, with three blocks of three storey flats and lock up garages set on the opposite side. The immediate area therefore provides a variety of types and styles of property.

The application proposes the erection of a new single storey building for use as a children's centre, which would continue to house the Park Hall Playgroup and provide new additional facilities to meet the learning, health and family support needs of children in the area. The proposals include an enclosed garden/play area and covered external play area to the rear of the building and revised car parking arrangements. The building facilities would include an office/consulting room, disabled and staff WC's, bathroom, baby changing, children's playgroup room, multi use training room, storage and a kitchen.

The building would be in a similar position to the existing playgroup building, but has a larger footprint. The building would be a modern designed timber framed construction with an arched standing seam metal roof to the main rear element and a Sedom green roof to the lower element on the frontage. Coloured render and timber would provide additional interest to the building. The building would be of a sustainable design exceeding minimum environmental performance standards and maximises solar gain.

The centre would employ 3 – 4 members of staff and accommodate a maximum of 24 children (as existing). The original proposals indicated the centre would be open Monday - Friday 0800 – 1800 hours (as existing), however this has been recently amended to opening Monday to Friday 0800 – 2100 hours and Saturdays 0800 – 1800 hours to allow occasional evening and Saturday use.

12 parking spaces would be provided including 2 disabled spaces, utilising the existing access arrangements from the hammerhead in Falmouth Road.

A covered external play area and play area/garden would be provided to the rear as the existing facility, secured by 2m high fencing. The proposals would result in the loss of 4 trees that currently front Liskeard Road.

A Design and Access Statement and a Tree Report have been submitted in support of the proposals.

## **Relevant Planning History**

None.



## **Relevant Planning Policy Summary**

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

### **Walsall's Unitary Development Plan 2005**

#### **GP1: The Sustainable Location of Development**

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

#### **GP2: Environmental Protection**

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

i. Visual appearance

vi. The adequacy of parking facilities

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

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

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

#### **ENV18: Existing Woodlands, Trees and Hedgerows**

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

#### **ENV32: Design and Development Proposals and Policy 3.16.**

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

#### **S1: Definition of Town Centre Uses**

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

#### **S2: The Hierarchy of Centres**

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

#### **S5: The Local Centres**

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

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

#### **LC8: Local Community Facilities**

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

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

#### **T13: Parking Provision for Cars, Cycles & Taxis**

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

### **Designing Walsall SPD**

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

Ground floor activity and natural surveillance will be maximised and blank walls

avoided. Development must make a positive contribution to the character of the area in which it is proposed.

Annexe E: Numerical Guidelines for Residential Development identifies privacy and aspect distances between dwellings including 24m separation between habitable windows for two storeys and above, but also recognises that this standard will be applied more robustly at the rear than across roads at the frontage and in this case can be used as a guide for other forms of development

### **National Policy**

PPS 1: Delivering Sustainable Development

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

PPG13: Transport

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

### **Consultations**

**Transportation** – no objection subject to conditions regarding car park layout and cycle storage. Policy T13 requires 13 car parking spaces for the development. The application proposes 12 spaces including 2 disabled spaces. This is considered acceptable as the site is situated within the Park Hall local centre with the availability of public parking areas nearby.

**Pollution Control** - Contaminated Land Team – No specific contaminated land requirements

Scientific Team – No objections

**Environmental Health** – No adverse comments

**Landscape Officer** – No objections subject to a condition requiring the submission of a detailed landscaping scheme.

**Tree Officer** – No objections subject to conditions to ensure appropriate tree protection measures, no dig design and porous surface within the root protection area of remaining Norway Maple tree and replacement tree planting. The proposals would result in the loss of one significant Norway Maple to accommodate the proposed layout. The area to the south of the site has good potential for replacement planting of visually significant trees and should be utilised for mitigation planting. Four other trees are recommended for removal for arboricultural reasons (2 sycamores and 2 Prunus species), these are not visually prominent and are in poor to fair condition. Their removal could also be mitigated with replacement planting.

**Urban Design** - No objections. The design is contemporary within an area of more traditional development, but it would be acceptable. Designing Walsall SPD states that development must make a positive contribution to the character of the area in which it is proposed. As the building is not residential, it would be difficult for the form and layout of the proposal to reflect the residential properties in the area and therefore an alternative approach is necessary, understandable and acceptable. The

visual impact of the building appears uplifting from the plans. Although it would not necessarily reflect the form or materials of the surrounding development I do not consider this to be a negative aspect to the proposal. It would make a positive contribution to the character and appearance of the area, as well as designing in various sustainable features such as the maximisation of solar gain and ventilation through the design, orientation and type of construction.

**Fire Service** – Satisfactory access for fire appliances.

**West Midlands Police** – No objections, secure boundary fencing should be considered together with a reduction in the height of planting to improve security and surveillance of the site. An access control system should be used and consideration given to a CCTV system.

**Walsall Children's Services – Serco** – Fully support the development. The scheme will continue to provide a home for Park Hall Playgroup but also provide additional learning, health and family support facilities for children in the Paddock Community. The scheme will be funded through the Government's Childcare Quality and Access Capital Grant, to improve the learning environment for children in the Early Years. Utilising the funding at this site would meet the aims of the grant.

### **Public Participation Responses**

Three letters of objection have been received, (one includes photos of indiscriminate parking during drop off and pick up times).

#### **Objections:**

- A futuristic design out of character with the surrounding area and buildings
- Proposed building too high, creating an eyesore
- Loss of trees which should be protected, replacement trees needed.
- Existing parking and highway safety issues
- The use should not be used in the evenings as there is enough existing disturbance in the evenings from the takeaways etc
- The car park access should be off Treyamon Road to prevent disturbance to residents
- The centre should not be used at night
- Lack of consultation by the Community Association and too late in the day
- Falmouth Road is not wide enough for parking but visitors continue to park on street rather than using the car park
- The proposed new building and increased activities will increase parking and the current problems.
- The Community Association already recognise that there is an on street parking issue
- The Community Association objectives and activities includes reference to improving the conditions of life of the inhabitants, they cant achieve this if they don't increase parking volume.

#### **Comments:**

- A request to the tree officer for a tree preservation order on the trees on the site to ensure their retention

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

### **Determining Issues**

- Principle of the use
- Design and layout
- Impact on amenities of the surrounding occupiers
- Parking and highway safety
- Trees and landscaping

### **Observations**

#### **Principle of the Use**

The proposals provide a replacement building on the site, which would continue to provide facilities for the Park Hall Playgroup and provide additional family support services for children and parents in the area. The proposals would therefore enhance the existing community facility.

The principle of the use is already well established with the existing nursery/playgroup facility which has been on the site since the early 1970's.

Community and public service uses such as nurseries and day centres are defined as town centre uses. The site is situated within the Park Hall local centre where the retention, enhancement and further development of shops, services and town centre uses are encouraged by policy S5. The principle of the use is therefore considered acceptable and in compliance with policy.

#### **Design and Layout**

The building would be sited in a similar location on the site to the existing temporary building, but would provide a larger footprint than the existing (an increase from approx 100sqm to 251sqm). This would allow for improved facilities within the building and an appropriately sized secure play area to the rear, though this brings the building closer to the Liskeard Road and Falmouth Road frontages.

The building has been designed with two key elements, the larger element set towards the rear with an arched metal roof and a smaller element with lower Sedom green roof fronting Falmouth Road. The highest part of the building (5.5m) would be in the centre with the lower element between 2.8m and 3.5m high on the frontage. Whilst the new building would be larger and higher than the existing building it fits well within the plot and provides a more efficient use of the site.

The building is of a modern design maximising space, light and includes sustainable features such as maximisation of solar gain and ventilation through the design, orientation and type of construction. The building would have a timber frame, metal arched roof, green roof, roof lights, colour and render, creating a building with strong identity. The modern design provides a contrast to the existing buildings and character of the area, which comprises a variety of ages and styles of properties, which would be difficult to replicate. The proposals make a positive contribution to the character and appearance of the local centre and the wider area.

The sustainable design of the building aims to exceed the minimum standards of environmental performance. The entrance to the building is visible from Falmouth

Road providing legibility and the simple internal layout provides legibility for the people using the building.

The design and layout of the proposals is considered acceptable and sits comfortably within the plot.

### **Impact on amenities of the surrounding occupiers**

Whilst the proposed building would be larger than the existing and sit closer to Falmouth Road (by 4m) and Liskeard Road (by 6.4m), the separation distance to the existing residential properties in Falmouth Road and Liskeard Road ranges from 22.5m to 25.9m, including the highway. Appendix E of Designing Walsall recommends a separation distance of 24m between habitable room windows in two storey developments, but recognises this standard will be applied more robustly at the rear than across roads. The separation distance from the proposed single storey building to the houses on the opposite side of the road is considered appropriate.

The building would continue to accommodate up to 24 children within the playgroup, (as existing) but will also provide facilities for parents which may result in parents as well as children at the premises at any one time.

Any inconvenience to nearby residents from the comings and goings is unlikely to be any greater than the existing situation. By the nature of the use (established in 1970's) drop off and pick up times may be busy, but the provision of more formal parking and manoeuvring arrangements as proposed is likely to improve the current situation.

The site is located within the local centre where it is recognised that residential amenity will be influenced by activities associated with the existing shops and pub that are open into the evening.

It is considered that the proposed new building would have no adverse impact on the amenities of the surrounding residential occupiers over and above the existing situation.

### **Parking and highway safety**

The proposals would provide 12 parking spaces (including 2 disabled spaces) in the same location as the existing parking area and would utilise the existing vehicle access from the turning head of Falmouth Road.

Whilst UDP policy T13 requires 13 car parking spaces as a maximum provision for the size of the building. The site is situated in a sustainable location within a local centre, that has public car parking facilities and the site is within easy walking distance of a large number of residential properties. A local bus service (374) serves the Park Hall estate and the local centre and operates an hourly service from 0730 to 1800 hours Monday to Saturday (no Sunday service), and would therefore be available to staff and users of the facility. The level of parking is acceptable.

Objectors have raised highway safety and congestion at the site and within Falmouth Road and Liskeard Road at drop off and pick up times for the existing playgroup. The existing car park area is unmarked and therefore not always used to its full potential, the proposals provide 12 marked spaces and appropriate manoeuvring for space for vehicles.



The proposed use would accommodate the same number of children within the playgroup as existing but would provide an additional facility for parents to stay and attend training and advice sessions. The use would therefore not attract more visitors, but parents may stay longer and not just drop off, and therefore are more likely to park more considerately and create less indiscriminate parking.

### **Trees and Landscaping**

The proposals would result in the loss of one significant Norway Maple on the Liskeard Road frontage to accommodate the proposed layout. The area to the south of the site on the corner of Liskeard Road and Falmouth Road will be utilised for replacement planting of visually significant trees to mitigate for its loss. In addition four other trees are recommended for removal in the tree report due to their condition, 2 sycamores (1 adjacent to the Norway Maple on Liskeard Road and 1 to the south of the proposed building fronting Falmouth Road) and 2 Prunus species (to the rear of the site). The replacement planting would also mitigate for their loss, enhance the general street scene and provide additional screening of the proposed building.

The tree officer has raised no objections subject to the provision of tree protection measures in accordance with the submitted tree report, a no-dig design and porous surface within the root protection area of a Norway Maple tree on the Falmouth Road frontage and appropriate mitigation planting.

### **Summary of Reasons for Granting Planning Permission**

The proposals would provide a new purpose built, multi use children's centre for use by the local community to replace the existing playgroup facility. The proposals would provide a new modern designed building providing a high level of sustainability and maximise space and light. Whilst the building has a larger footprint and height than the existing building on the site it fits well within the plot and maximises the use of the land.

The modern design is considered appropriate and would complement the existing properties in the area that provide a variety of types and styles of properties.

The proposals include 12 formal parking spaces, which is one space below the maximum standard identified in Policy T13, however the site is situated in a sustainable location within a local centre, that has public car parking facilities, within easy walking distance of a large number of residential properties and a local bus service for the estate and local centre. The level of parking is acceptable.

Objectors have raised the issue of on street parking, highway safety and congestion at the site, within Falmouth Road and Liskeard Road particularly at drop off and pick up times for the existing playgroup. However the existing car park area is unmarked and therefore not always used to its full potential. The proposed use would accommodate the same number of children within the playgroup as existing, but would provide an additional facility for parents to stay and attend training and advice sessions whilst the children play. The use would therefore not attract more visitors, but parents may stay longer and not just drop off, being more likely to park more considerately and create less indiscriminate parking.

Any inconvenience to residents from comings and goings is unlikely to be any greater than the existing situation. By the nature of the use (established in 1970's) drop off

and pick up times may be busy, but the provision of more formal parking and manoeuvring arrangements is likely to improve the current situation.

The site is located within the local centre where it is recognised residential amenity will be influenced by activities associated with the shops and pub. It is considered that the proposed new building would have no adverse impact on the amenities of the surrounding residential occupiers over and above the existing situation.

The separation distance from the proposed single storey building to the houses on the opposite side of the road is considered appropriate.

The Local Planning Authority is of the opinion that the proposed development gives rise to no material harm. Accordingly the proposal accords with the aims and objectives of the Unitary Development Plan policies GP1, GP2, 3.6, 3.113, 3.116, ENV18, ENV32, S1, S2, S5, 8.7, LC8, T7 and T13, Supplementary Planning Document Designing Walsall and PPS 1: Delivering Sustainable Development and PPG 13: Transport.

**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, (as amended) 1990.

2. This permission relates to drawing Nos.8104/P01, 8104/P02, 8104/P03 (Co), 8104/P04 (Sq), 8104/P05(Co) and 8104/P06 received on 15th March 2010, 8104/P07 received on 16th March 2010 and Design and Access Statement received on 15th March 2010 and Tree Report by Tree Health Consulting Ltd received on 31st March 2010..

*Reason:* In order to define the permission.

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

*Reason:* To safeguard the visual amenity of the area.

4. Prior to the commencement of the development, full details of the proposed cycle shelter facility shall be submitted to and approved by the Local Planning Authority in writing. The shelter shall be secure, covered and illuminated.

*Reason:* To ensure the satisfactory completion and operation of the development and to encourage the use of alternative, sustainable modes of transport other than the car.

5. The approved tree protection measures detailed in the BS: 5837 tree report by Tree Health Consulting Ltd (Ref THC/2010/03/017AS dated 17 March 2010) shall be fully implemented prior to the commencement of any works on site and shall be retained until the completion of the development. The land so enclosed shall be kept

clear of all contractors' materials and machinery at all times, as laid out in British Standard 5837:2005

*Reason:* To safeguard the trees on the site.

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

*Reason:* To safeguard the future of the trees on site.

7. No development shall be carried out until details of the 'no-dig' design and porous surface within the root protection area of the Norway Maple (T5) identified on the Tree Protection Plan (fig 2 within Appendix 3) of the tree report by Tree Health Consulting Ltd (Ref THC/2010/03/017AS) dated 17 March 2010, have been submitted to and approved by the Local Planning Authority. The approved details shall be fully implemented prior to first occupation of the premises.

*Reason:* To safeguard the future of the trees on the site.

8. Unless otherwise agreed in writing by the Local Planning Authority, before this development is brought into use, the accessways, vehicle parking and manoeuvring areas shall be either

A) surfaced in a porous or permeable hardwearing material or

B) provision shall be made to direct run-off water from an impermeable hard surface, to a permeable or porous area within the site.

Details of the proposed design and drainage provision, including information on the sub soil type and sustainable drainage methods (e.g. rainwater harvesting), shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of development. The areas shall thereafter be retained and used for no other purpose.

*Reason:* In order to ensure sustainable high quality development and reduce the impact of development on natural resources.

9. The premises shall not be open for use outside the hours of 0800 - 2100 Mondays to Friday and 0800 – 1800 hours on Saturdays, unless otherwise agreed in writing with the Local Planning Authority.

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



ITEM NO: 11

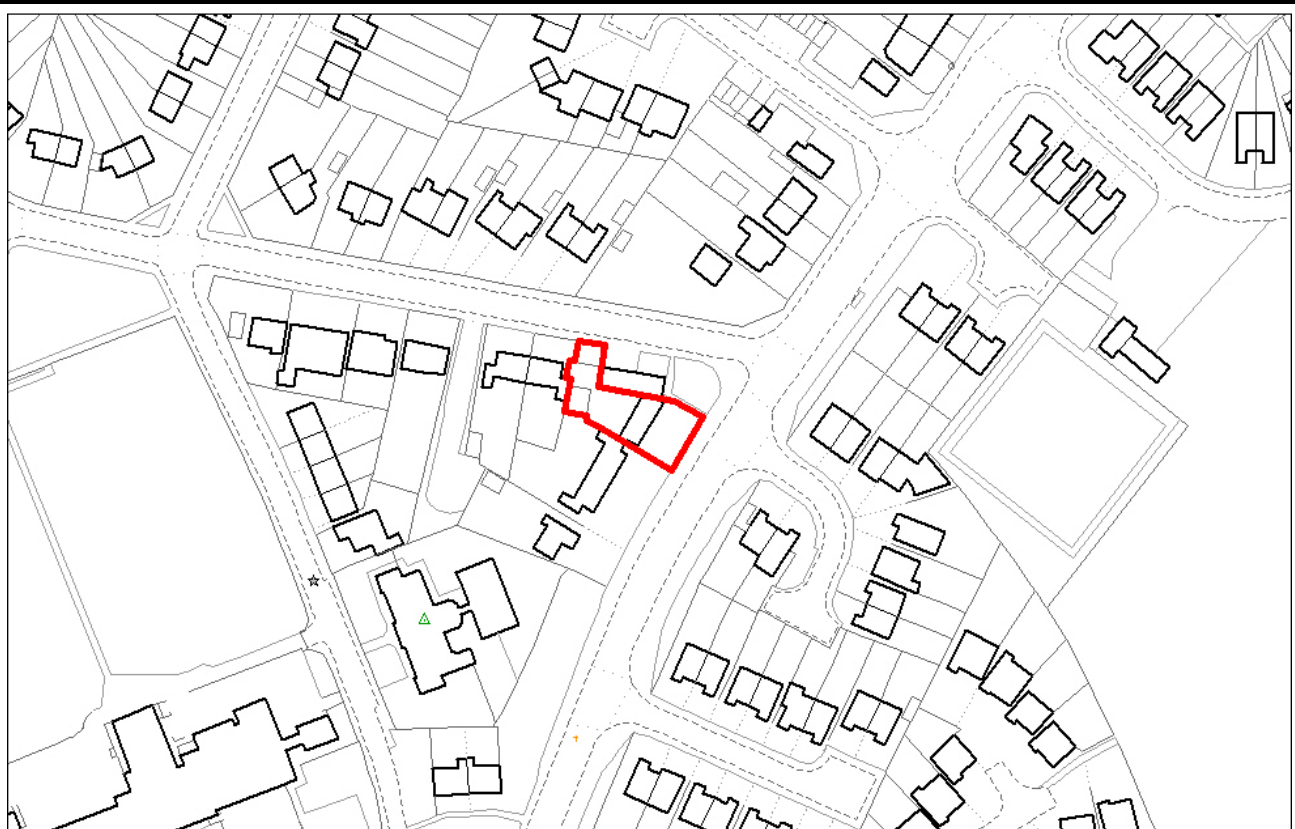
To: DEVELOPMENT CONTROL  
COMMITTEE

Report of Head of Planning and  
Building Control, Regeneration  
Directorate on  
29 Apr 2010

**REASON FOR BRINGING TO COMMITTEE: Conflicts with policy and  
significant community interest**

**Application Number:** 10/0101/FL  
**Application Type:** Full application  
**Applicant:** Dhillon Properties  
**Proposal:** Substitution of house type to  
retain plots 1-4 as dwelling houses  
**Ward:** Rushall-Shelfield  
**Recommendation Summary:** Grant Subject to conditions

**Case Officer:** Alison Deakin  
**Telephone Number:** 01922 652487  
**Agent:**  
**Location:** 158A, LICHFIELD  
ROAD, WALSALL, WS4 1ED  
**Expired:** 30/04/2010



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## **Application and Site Details**

The proposal relates to the former social services building at the junction of Lichfield Road and Willows Road, Shelfield. Planning permission was granted in 2007 to create 8 flats.

The current proposal is for creation of dwelling houses rather than flats. The external fabric of the building has been built in accordance with the approval with the exception of a narrow first floor window in the gable elevations but the units have been completed as four two storey dwellings. The current proposal therefore seeks to regularise the situation. The proposal includes individual gardens for each of the dwellings.

The design and access statement *explains “that although the individual gardens are small and do not meet the 68m2 guideline in SPD: Designing Walsall they would provide sufficient amenity space for occupiers”*. The reasons they give are that *“the dwellings are designed for singles and couples who are only likely to use the space for sitting out and drying washing and as the gardens are small no shed is required for mowers or tools as none are needed. The individual gardens are more likely to be used as they are secure private allocated areas rather than the communal area approved previously”*. *The gating of the garden and parking area to serve the four houses would keep it secure and enable the space to be used as a kick about area and so serve a dual purpose when vehicles aren’t parked there. The main living areas face Lichfield Road where amenity value is to be gained from overlooking the deep front garden areas. There is alternative leisure and amenity facilities nearby that would offer benefits to future occupiers, for example Shelfield Park where there is a ball court and young children’s play area.”*

The site is located within a predominantly residential area. There is a clinic and Primary School in Coalheath Lane to the south west of the site. The present buildings have an open frontage comprising grass areas facing Lichfield Road and a parking area facing Lichfield Road.

The design and access statement concludes that the external appearance of the building will remain as approved as will the parking provision. Allowing the proposals will kick-start the second phase of development which in turn will create jobs and four further flats.

## **Relevant Planning History**

07/2056/FL/E11 – Conversion and extension of offices to form 8 residential units – Withdrawn 9/11/07. The application proposed four houses with direct vehicular access from Lichfield Road and four flats with shared access and parking off Willows Road.

07/2475/FL/E11 – Change of Use/Extensions to former office building to 8 residential units – Granted subject to conditions 12/12/07.

## **Relevant Planning Policy Summary**

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

## **Unitary Development Plan (UDP)**

GP1: Supports the sustainable location of development.



2.2, 3.6, 3.7, & GP2: seek to make a positive contribution to the quality of the environment, whilst protecting people and ensuring adequate and safe access is provided.

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

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

3.16, GP7, ENV32, H10 and 3.116: seeks the design of residential developments to create high quality living environments, well integrated with surrounding land uses and local character. Poorly designed development which fails to properly take account of the context or surroundings will not be permitted. Designing out crime' through design, layout, landscaping and boundary treatments is encouraged.

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

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

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

H9: Housing densities in the range of 30 -50 dwellings per hectare are likely to be suitable on most sites, however higher densities are encouraged in locations close to town and district centres and in locations with good accessibility to a choice of means of transport.

7.1: Seeks to promote an efficient highway network;

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

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

1, 2 & 3 bedroom houses – 2 spaces per unit

Flats with communal parking - 1.5 spaces per unit.

## **Supplementary Planning Documents**

### **Designing Walsall SPD**

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

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

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

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

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

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

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

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

Annexe E: Numerical Guidelines for Residential Development ... identifies privacy and aspect distances between dwellings including 24m separation between habitable

windows for two storeys and above, 13m separation between habitable room windows and blank walls exceeding 3 metres in height, 45° code, garden dimensions of 12m in length and 68m<sup>2</sup> for housing and 20m<sup>2</sup> per dwelling where communal provision is made, set backs to avoid terracing and provision of boundary walls. Although failure to comply with these guidelines may not by itself be a reason for refusal of an application, it will be a factor to be used in determining whether a proposal would be compatible with the wider character of the area or the existing dwelling or the amenity of neighbours.

### **Regional Spatial Strategy for the West Midlands**

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.

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)).

### **National Policy**

PPS1: Promotes sustainable development and good design.

PPS 3: Encourages reuse of previously-developed land for housing. Paragraph 10 indicates that housing policy objectives provide the context for planning for housing through development plans and planning decisions. Some of the specific outcomes that the planning system should deliver are well-designed housing built to a high standard and in suitable locations, which offer a good range of community facilities and with good access to jobs, key services and infrastructure.

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

### **Consultations**

**Transportation** – No objections subject to implementation of access and layout details. Policy T13 requires 2 car parking spaces per 2 bedroom dwelling as a maximum. The proposal includes provision of 6 car parking spaces which equates to 1.5 spaces per dwelling. On the basis that the site is located on the A461 Lichfield Road where there are frequent bus services to Walsall town centre and there is provision for a cycle storage facility on site to encourage alternative means of travel the level of parking provision is adequate.

**Pollution Control (Scientific Team)** – No objections.

**Pollution Control (Contaminated Land)** – No objections.

**Environmental Health** – No objections.

**Fire Service** – No objections.

### **Public Participation Responses**

Five letters of objection received which are summarised as follows: -

- Inadequate parking and none for visitors. Would encourage overspill parking on the street making vehicular movements difficult. Existing parking

congestion in Willows Road particularly when parents drop of school children at the local school

- Lack of vehicle turning space on the site
- Inadequate garden space, should not rely on local park for amenity space. There is a need for garden equipment storage as there remains a large front garden to each of the properties
- Proposed study could be used as a third bedroom
- No mention of disabled access
- No comment on bin storage
- Incorrect site address as it should be 158a, 160-162 Lichfield Road
- Don't understand what a "full" application is
- Application refers to only part of the former social services site
- Overdevelopment of the site to maximise profit for the developer
- Manipulation of Council and community to maximise profit
- The original permission should be implemented. The applicant has ignored the original permission and was on site regularly so could have prevented the building contractors from developing the site incorrectly
- There is a difference between flats and houses internally and externally
- Fence and wall of surrounding property should be protected from damage from vehicles
- Rear access and alleyways serving plots 1-4 should be securely gated to protect surrounding properties

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

### **Determining Issues**

- Principle of development
- Layout & Design
- Relationship with neighbouring properties
- Parking & Access

### **Observations**

#### **Principle of development**

The principle of residential development has been established by the permission in 2007. The principle to provide houses on the first four plots instead of flats is considered acceptable as the site will then accommodate a mix of house types which include four flats. The proposal also seeks to make more effective use of an existing building in a sustainable location, on a main bus route within 400m of Shelfield local centre.

#### **Layout and Design**

The footprint of the building is exactly the same as approved under application 07/2475/FL/E11. The internal layout has altered to accommodate four houses instead of four flats and a narrow first floor window has been included in the end gables, serving hallways which are non-habitable rooms. The proposed alterations to the internal layout do not have any greater potential for overlooking neighbouring properties and no greater impact upon the character of the area.

The amenity area at the rear of the building was previously to be shared private amenity space for the flats. It is proposed to divide this between the four dwellings as private gardens. The garden areas are below the guideline of 68m<sup>2</sup> set out in

Appendix E SPD: Designing Walsall. The rear gardens vary between 3m and 5.2m in length and between 17.4m<sup>2</sup> and 30m<sup>2</sup> in area. Revised plans have been requested to omit the path on the southern site boundary and incorporate this land as additional garden area for the plot nearest 164 Lichfield Road. This would increase the garden area to approximately 26m<sup>2</sup> and improve residential amenities for the occupier. There is gated access from each garden to the parking areas at the rear and it is anticipated that this space could serve a dual function as additional amenity space when vehicles are not parked there.

The site is close to Shelfield Local Centre, on a main bus route to Walsall town centre and near to other leisure and amenity facilities of Shelfield Park. It is considered the location offers alternative amenity benefits for future occupiers that would outweigh the shortfall in private amenity space although objectors consider that the developer should not rely on these alternative facilities as they are not within the control of the developer and may close or be redeveloped. Officers consider the other benefits sufficient to outweigh the lack of private amenity space.

The objectors consider the gardens do not allow space for incorporation of garden sheds which there may be a need for. However, there are a variety of shed sizes available, including smaller storage facilities that could be accommodated on the site.

There is no mention of disabled access within the submission but the site is flat so there is level access to each of the dwellings. There is no specific reference to bin storage for the development, the wider site plan shows communal bin storage accommodated near the Willows Road frontage and Transportation are satisfied with this provision. The application is for a substitution of house types on the first phase of the development the submission makes it clear how the second phase links together and how the site will operate as a whole.

The property address 158a Lichfield Road has been questioned by neighbour's but this is the correct postal address and is the same address as referred to on the earlier permission to which it relates.

### **Relationship with neighbouring properties**

The footprint of the building has not altered from the earlier permission and neither has the position or layout of the rear amenity space and parking areas. The relationship to adjoining properties will be no different and it is considered residential amenity is maintained. There is now a first floor hallway window, 400mm wide, in the gable elevation of the building that faces 164 Lichfield Road but as this is a non-habitable room it is considered there will be minimal overlooking to result in loss of privacy.

The internal changes creating dwelling houses rather than flats have not altered the external appearance of the building and the principle of facing habitable room windows on both floors is already established. Despite neighbour concerns, there is no significant difference internally or externally that would have an adverse impact upon neighbours or the character of the area. It is regrettable that the developer failed to implement the original permission correctly but given that there are very little material changes to the building externally and the principle of four 2 bedroom units was approved previously, provision of four 2 bedroom dwelling houses is considered acceptable in this instance. The principle of four units on this part of the site has been approved so claims that the proposal is over-development in order to maximise profit

for the developer are unfounded (though making a legitimate profit is not a reason to approve a planning application).

One neighbour is concerned that their fence and wall should be protected from damage by vehicles and that the rear accessway to the site should be securely gated to prevent potential trespass or theft. There is a small margin around the perimeter of the parking spaces so vehicles will not have to pull right up to the fencing of neighbouring properties and the plan shows gates to the site and all accesses to the rear amenity area to provide security. The layout is identical to the previously approved application 07/2475/FL/E11 which is considered acceptable.

### **Parking & Access**

The means of access to the site and parking arrangements are identical to the previously approved scheme. The layout shows four secure parking spaces at the rear of the four dwellings. A further four spaces are available on the Willows Road frontage to be shared between the dwellings and flats of the second phase. Transportation are satisfied that this is adequate parking to cater for the proposed dwellings as the site is close to a main bus route. Cycle storage is provided on site to encourage alternative means of travel. The parking standards in policy T13 are maximum standards and require 2 spaces per dwelling but Transportation has already accepted that 1.5 spaces per unit is adequate in this location.

One objector has stated that there is parking congestion in Willows Road near the junction with Lichfield Road, particularly when parents drop off school children. The level of parking provision for the site is considered adequate and visitors would be able to use the shared spaces of the development fronting Willows Road. It is worth noting that the former use was a social services office which could have attracted a greater amount of vehicles and traffic congestion. In the event that overspill parking did occur on street this is not a classified road and there is no legitimate reason to prevent this.

The layout for parking is identical to that already approved and the reversing aisle for vehicles to turn within the site is acceptable to allow vehicles to exit the site in a forward gear.

One objector is concerned that the proposed study could be used as a third bedroom. However, this does not alter the parking requirement.

### **Summary of Reasons for Granting Planning Permission**

The principle of four 2 bedroom units on this part of the site has been established by granting planning permission 07/2475/FL/E11. The footprint of the building is identical to the earlier permission, the only change being the inclusion of a first floor non-habitable hallway window in the gable elevations. The principle of facing habitable room windows has been approved so the internal alterations to form houses rather than flats have no greater impact upon neighbours outlook or privacy.

Despite the fact that the private rear gardens do not meet the Council's size guidelines, they do provide some individual private space and the parking area can serve a dual purpose as additional amenity when no cars are parked there. There are also a variety of small sheds and storage boxes available that could fit within the proposed gardens to store tools. There are additional amenity benefits from the



location of the site close to local shops, amenities and visual benefits from the front lawns. On balance the smaller gardens are acceptable in this instance.

The site is flat so level access for disabled persons is achievable and bin storage provision is made near the Willows Road frontage.

The first floor hallway window is narrow and serving a non-habitable room. This would only allow restricted views of 164 Lichfield Road and is considered not sufficient ground to refuse permission. Other than these windows there is very little material change to the exterior of the building and no implications upon the character or appearance of the building within the street scene.

The parking areas and all access to the rear amenity space are gated to provide security for the proposed dwellings and neighbouring properties. The parking layout is identical to the earlier permission and inclusion of a margin around the parking spaces reduces potential damage to fencing caused by vehicles. Parking and access arrangements are identical to the earlier permission and are considered adequate to cater for two bedroom dwellings. There should be no increase in congestion from the earlier scheme and there is adequate space for vehicle manoeuvring on site. If the study was used as a third bedroom this would not alter the parking requirement.

**Recommendation: Grant Subject to conditions**

1. Prior to the first occupation of the development hereby approved the external parking and garden areas as shown on the approved plans shall be available for use.

*Reason;* To ensure the availability of parking and amenity space.

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

- Site Location Plan received 05/03/10
- Proposed Site Plan (Drg no 04) received 01/02/10
- Proposed Ground & First Floor Plans and Elevations (Drg no 01) received 01/02/10
- Design & Access Statement received 01/02/10

*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).

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

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

4. No dwelling shall be occupied until a detailed landscaping scheme for the site, to include replacement tree planting along the site frontage (including any necessary phasing of implementation), has been submitted to and agreed in writing with the Local Planning Authority. The scheme shall be completed in accordance with the approved details before the development is occupied, unless otherwise agreed in writing with the local planning authority, and retained as such. All planted areas shall be maintained for a period of 5 years from the full completion of the scheme. Within this period any tree(s), shrubs or plant which die, becomes seriously diseased, damaged or is removed shall be replaced with a tree, shrub or plant of the same or greater size and same species as that originally required to be planted.

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

5. Prior to the first occupation of the development hereby approved, all access ways, vehicle manoeuvring and parking areas shall be fully consolidated, surfaced and drained and the parking bays shall be clearly demarcated on the ground. These areas shall be retained thereafter.

*Reason:* To ensure the satisfactory development of the site.

6. Prior to the first occupation of the development hereby approved full details of secure access gates to the pathways and vehicle access shall be submitted to and approved in writing by the local planning authority and then implemented in accordance with the agreed details and maintained throughout the life of the development.

*Reason:* In the interests of the amenity of the area.

7. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995, or succeeding Orders, no development within Classes A, B, C, E and F of Part 1, Schedule 2 to the Order or Class A of Part 2, Schedule 2 to the Order shall be carried out at the dwelling hereby approved without the prior submission and approval of a planning application.

*Reason:* To enable the Local Planning Authority to retain effective control over future development at the site and protect neighbour's amenities.



To: DEVELOPMENT CONTROL  
COMMITTEE

Report of Head of Planning and  
Building Control, Regeneration  
Directorate on  
29 Apr 2010

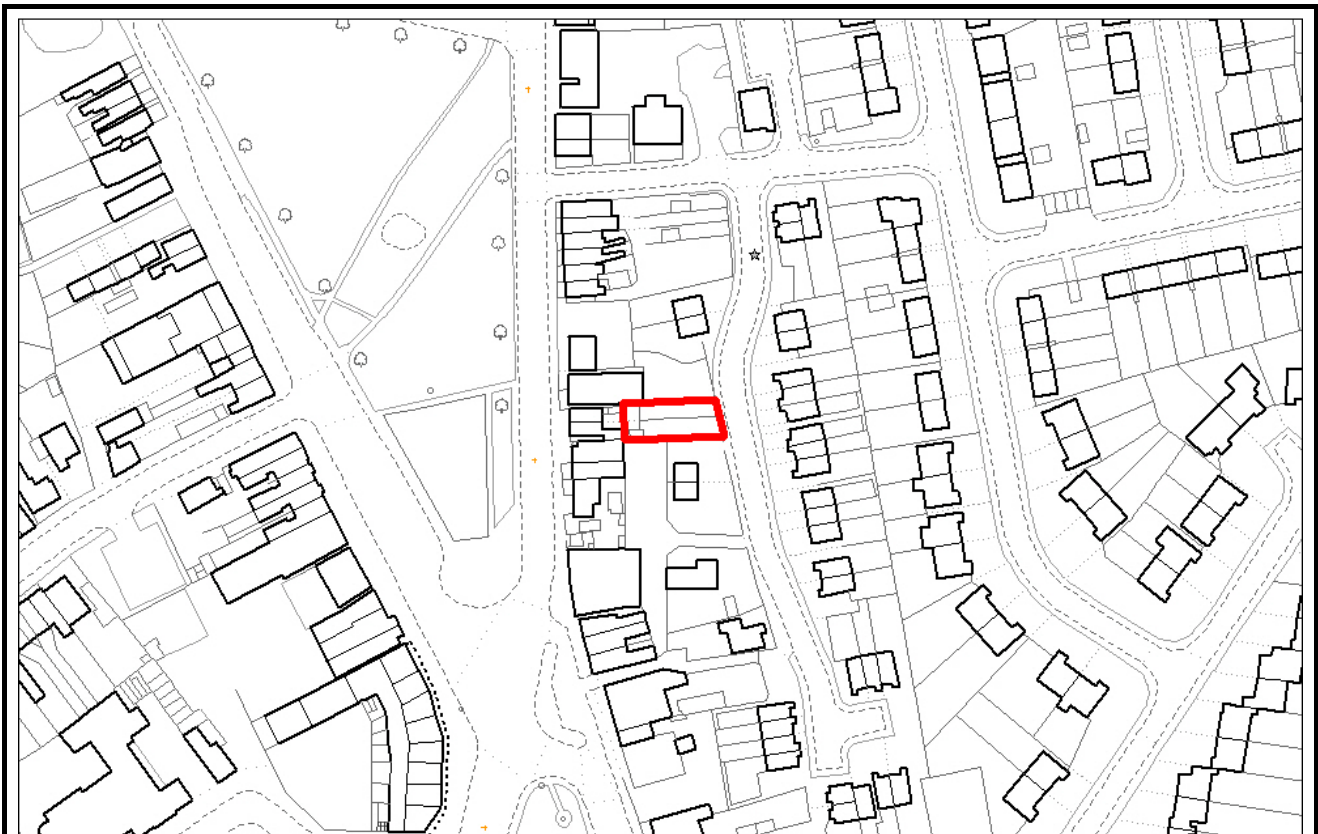
**REASON FOR BRINGING TO COMMITTEE: Conflicts with policy**

**Application Number:** 10/0178/FL  
**Application Type:** Full application  
**Applicant:** Allied Securities Ltd  
**Proposal:** Erection of one 4 bedroom detached house.

**Ward:** Pelsall

**Recommendation Summary:** Grant Subject to conditions

**Case Officer:** Alison Deakin  
**Telephone Number:** 01922 652487  
**Agent:** Mr G.J Smalley  
**Location:** LAND ADJACENT  
28, MILLENNIUM  
CLOSE, WALSALL, WS3 4AY  
**Expired:** 16/04/2010



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## **Application and Site Details**

The proposal is for the erection of a detached four bedroom house on vacant land adjacent 28 Millennium Close within the Pelsall Local Centre and Pelsall Common Conservation Area. This application is a resubmission following the refusal of a pair of semi-detached houses on the land.

The proposed house has a staggered footprint with a front projecting gable, 2.7m forward of the adjacent dwelling 28 Millennium Close. The front half of the proposed dwelling is 7m long X 4.3m wide and the rear half 9.7m long X 4.4m wide giving an overall width of 8.7m. The main roof is pitched, 7m high. A chimney has been incorporated on the front southern side of the roof, corbelling at the roof eaves, a feature brick at the centre of the projecting gable and window headers. There is an integral garage and driveway providing parking for two vehicles off street and landscaping has been incorporated on the frontage which is partially enclosed by a 600mm high brick wall. The rear garden is between 9m and 15m long as the footprint of the house is staggered and 8.5m wide giving a total area of approximately 105m<sup>2</sup>. Pedestrian access to Norton Road is available from the rear garden.

The site is located at the rear of commercial premises 15/16 Norton Road, has a low section of brick wall along the Millennium Close frontage and 2m high fencing around the perimeter. The commercial premises have extensions at the rear that overlook the site. The car park serving the Council offices on Norton Road adjoins the north of the site and there is new housing opposite and to the south. There is also a car park at the rear of 28/30 Millennium Close that adjoins the south-western boundary of the site.

The Design & Access Statement concludes that 'the proposals offer the opportunity to use previously used land in a sustainable location within walking distance of local shops and services. Also, that the design of the development is consistent with the character of the surrounding area and will enhance the appearance of the area by redeveloping unused and unsightly derelict land.'

## **Relevant Planning History**

09/1169/FL – Erection of a pair of semi-detached houses – Refused 4/11/09 for four reasons broadly relating to the following: - (1) dominance of parking on frontage, lack of landscaping or boundary treatment gives cramped appearance detrimental to residential amenities and fails to preserve or enhance the conservation area (2) small rear gardens overlooked by commercial premises gives poor outlook and poor amenity value for potential occupiers (3) adverse impact on the outlook from 28 Millennium Close due to proximity of gable wall obtrusive from the habitable room windows of 28 (4) failure to demonstrate how design opportunities preserve or enhance character and quality of the conservation area due to lack of design details, confirmation of materials or means of enclosure.

## **Relevant Planning Policy Summary**

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

### **Walsall UDP March 2005**

GP1: Supports the sustainable location of development.

2.2, 3.6, 3.7, & GP2: seek to make a positive contribution to the quality of the environment, whilst protecting people and ensuring adequate and safe access is provided.

3.16, GP7, ENV32, H10 and 3.116: seeks the design of residential developments to create high quality living environments, well integrated with surrounding land uses and local character. Poorly designed development which fails to properly take account of the context or surroundings will not be permitted. Designing out crime' through design, layout, landscaping and boundary treatments is encouraged.

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

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

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

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

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

T13: car parking standards - 1, 2 & 3 bedroom houses – 2 spaces per unit

### **Designing Walsall SPD**

Aims to promote a high quality environment and high standards of urban and landscape design throughout the Borough and identifies the basis on which the design of buildings and spaces will be considered during the development control process. Relevant policies include the following:

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

DW2: all new development must contribute towards creating places that feel safe, secure and welcoming for everyone;

DW3: design should respect and enhance local identity;

DW9: new development must seek to ensure it creates places with attractive environmental quality.

Annexe E: Numerical Guidelines for Residential Development ... identifies privacy distances between dwellings including 24m separation between habitable windows for two storeys and above, 13m separation between habitable room windows and blank walls exceeding 3 metres in height, 45° code, garden dimensions of 12m in length and 68m<sup>2</sup> for housing and 20m<sup>2</sup> per dwelling where communal provision is made, set backs to avoid terracing and provision of boundary walls. Although failure to comply with these guidelines may not by itself be a reason for refusal of an application, it will be a factor to be used in determining whether a proposal would be compatible with the wider character of the area or the existing dwelling or the amenity of neighbours.

### **Regional Spatial Strategy for the West Midlands**

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.

### **National Policy**



PPS1: Promotes sustainable development and good design.

PPS 3: Encourages reuse of previously-developed land for housing. The planning system should deliver well-designed housing built to a high standard and in suitable locations.

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

PPG15: Provides advice on protection of conservation areas.

### **Consultations**

**Transportation** – No objections in principle subject to maintenance of adequate pedestrian visibility and construction of the access.

**Pollution Control (Scientific Team)** – No objections in principle with the proviso that measures are put in place to address noise issues that may arise during construction. A condition is recommended.

**Pollution Control (Contaminated Land)** – No objections.

**Environmental Health** – No objections.

**Conservation Officer** – No objections in principle. The revised plans have addressed earlier concerns as a chimney is included plus corbelling and a new front boundary wall thus taking greater account and referencing locally distinctive elements.

**Arboricultural Officer** – No objections.

**Fire Officer** – No objections.

### **Public Participation Response**

None.

### **Determining Issues**

- Principle of residential development
- Layout and design
- Relationship to conservation area
- Relationship with surrounding occupiers
- Access and parking

### **Observations**

#### **Principle of residential development**

The proposal offers the opportunity to make better use of urban land, efficient use of the existing infrastructure and reclaim a derelict site. Development for residential purposes would also provide an opportunity to screen the rear elevations of the commercial properties on Norton Road. On this basis proposed redevelopment is considered acceptable in principle.

#### **Layout and design**

The proposed dwelling has been staggered forward to provide greater separation to the facing elevation of 28 Millennium Close. 14 and 34 Millennium Close are in similar proximity to the footway and there is adequate gap between the dwellings either side. Although part of the proposed dwelling is closer to the street it is considered not to be obtrusive given the varied building line on this side of Millennium Close. The staggered footprint of the proposed building also allows greater separation (of 15m) from the lounge window and 9m from the proposed kitchen window to the commercial premises at the rear giving an improved outlook for future occupiers. The provision of a single dwelling instead of two allows a larger rear garden area in excess of 105m<sup>2</sup> that accords with Council guidelines and provides adequate private amenity space. There is also greater scope to incorporate garden planting to screen the rear of the commercial premises and social services building to enhance the amenity space. For these reasons the proposals are considered to have addressed reasons 2 and 3 of refusal 09/1169/FL.

The dwelling incorporates a single garage and driveway leaving space on the frontage to incorporate soft landscaping and a low boundary wall. The parking will not be dominant in the street or obtrusive from the lounge window of the dwelling itself, enhancing the conservation area and addressing reason 1 for refusal of 09/1169/FL.

The proposal shares boundaries with the car parking serving the adjacent social services premises and the car park at the rear of 12 – 14 Norton Road. However, this relationship between the proposal and car parks is no worse than the relationship to existing residential properties and is considered reasonable. The social services car park which is closest is not generally used out of normal office hours so should cause little disturbance to future occupiers. The other car park already shares a boundary with 28 Millennium Close so the proposal has a similar relationship.

### **Relationship to conservation area**

Improvements have been made to the proposal to reflect design details within the conservation area including a chimney, corbelling at the eaves, window headers and provision of a low brick boundary wall and landscaping. The low brick boundary wall, although only 600mm due to the need to maintain visibility at the access, is designed to match the boundary walls on surrounding properties. Provision of this boundary treatment and landscaping goes some way to compensating for loss of the original wall that ran along the site frontage. The changes to the proposals are considered to enhance and improve the appearance of the site within the conservation area addressing refusal reason 4 of application 09/1169/FL.

### **Relationship with surrounding occupiers**

The design of the dwelling has been revised to allow greater separation from the side facing habitable room windows of 28 Millennium Close. The proposed dwelling is now off-set from the windows allowing a separation of 10.8m. Although this is less than the 13m recommended in Appendix E of Designing Walsall, the proposed dwelling is to the north of 28 Millennium Close and considered to have no adverse impact upon daylight. There are no directly facing first floor windows in the proposed dwelling and it is considered there is no loss of residential amenity sufficient to warrant refusal.

The changes to the design and position of the proposed dwelling are considered to have addressed refusal reason 3 of application 09/1169/FL.

### **Access and parking**

The Transportation officer is satisfied with the parking provision subject to maintenance of pedestrian visibility splays. The proposed front boundary wall is only 600mm high so should not impede visibility from the driveway. As only one parking space is located on the frontage and landscaping is included this reduces the potential dominance of parking within the street scene and improves the quality of the design.

### **Summary of Reasons for Granting Planning Permission**

The principle of developing the site for residential purposes is acceptable as it makes more effective use of urban land by developing a vacant site.

The layout and design respect the surrounding context in terms of the position of the dwelling within the street and separation from surrounding properties. The garden area is appropriate to serve a four bedroom dwelling. The incorporation of a garage and provision of landscaping and a front boundary wall make satisfactory provisions within the street.

The design includes a chimney, corbelling, window headers and a front boundary wall that reflects locally distinctive elements improving the appearance of the site within the conservation area.

Although the separation between the side elevation of 28 Millennium Close and the new dwelling is 10.8m (2.2m below the 13m guideline in SPD: Designing Walsall) the proposed dwelling lies to the north and there are no first floor facing windows, hence there is no loss of privacy or adverse impact upon daylighting. The staggered footprint of the dwelling is also designed to reduce the scale of the dwelling from the outlook of 28 Millennium Close.

The provision of 2 parking spaces is acceptable to serve the proposed dwelling in this location.

For the above reasons the proposals are considered to accord with the aims of policies GP1, GP2, GP7, 2.2, 3.6, 3.7, 3.16, ENV14, ENV29, ENV32, ENV33, ENV40, 6.3, H3, H9, H10, 3.116, 3.117, S2, S5, 7.1, T7 and T13 of Walsall Unitary Development Plan and Supplementary Planning Document: Designing Walsall.

### **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. The works hereby approved shall only be carried out in accordance with details contained within the following approved plans and specifications except insofar as may be otherwise required by other conditions to which the permission is subject;

- Location Plan received 19/02/10
- Block Plan, Site Layout, Floor Plans, Elevations, Sections, Corbelling and Wall Details received 29/03/10
- Roof Plan and Street Scene to Millennium Close received 01/04/10

- Planning, Design & Access Statement dated February 2010 received 19/02/10

*Reason:* In order to define the permission and ensure the satisfactory development of the application site.

3. No demolition, construction or engineering works, (including land reclamation, stabilisation, preparation, remediation or investigation), shall take place on any Sunday, Bank Holiday or Public Holiday\*, and such works shall only take place between the hours of 07.00 to 18.00 weekdays and 08.00 to 16.00 Saturdays unless otherwise permitted in writing by the Local Planning Authority. No plant, machinery or equipment associated with such works shall be started up or operational on the development site outside of these permitted hours.

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

*Reason:* To protect the residential amenities of surrounding occupiers.

4. Sample panels of all new facing brickwork (for both the house and front boundary wall) shall be provided on site showing the proposed brick type, colour, texture, face bond, pointing mortar mix and finish profile. Before work is commenced confirmation of the materials and methods shall be approved in writing by the Local Planning Authority and carried out in accordance with the approved details.

*Reason:* To ensure the satisfactory appearance of the development.

5. Before any work is commenced, the details of the type and colour(s) of the protective finish to be used on all external joinery shall be agreed in writing with the Local Planning Authority.

*Reason:* To ensure the satisfactory appearance of the development.

6. Rainwater goods (gutters, downpipes, hopperheads etc) shall be half round in profile, powder coated cast aluminium and shall be retained thereafter unless the local planning authority agrees in writing to any variation.

*Reason:* To ensure the satisfactory appearance of the development.

7. No development shall be carried out unless and until arrangements have been made for the satisfactory sustainable drainage of the site, in accordance with details to be first submitted to and agreed in writing by the Local Planning Authority.

*Reason:* In the interests of the amenity of the area and to ensure satisfactory means of drainage.

8. No planting or structures exceeding 600mm in height above ground level shall be permitted within a pedestrian visibility splay of 2.4m X 3.4m in a southerly direction and 2.4m X 2.8m in a northerly direction. The splays shall thereafter be retained for this purpose.

*Reason:* In the interests of maintaining adequate pedestrian and vehicle intervisibility and highway safety.

9. Prior to the first occupation of the development, the driveway shown on the approved plan shall be implemented in accordance with the approved layout and shall be fully consolidated, surfaced and drained and shall thereafter be retained for this purpose.

*Reason:* To ensure the satisfactory development of the site and ensure availability of off-street parking.

10. Prior to the first occupation of the development, the proposed vehicle footway crossing to serve the development and reinstatement of the existing vehicular footway crossing back to full kerb height, shall be constructed to a specification to be approved and agreed in writing by the Local Planning Authority, and any works shall meet all statutory requirements.

*Reason:* To ensure the satisfactory completion and operation of the development.

11. Prior to the commencement of the development full details of planting to the front garden area shall be submitted to and approved in writing by the Local Planning Authority and retained in accordance with the agreed details unless the Local Planning Authority agrees in writing to any variation. All planted areas shall be maintained for a period of 5 years from the full completion of the scheme. Within this period any tree(s), shrubs or plant which die, becomes seriously diseased, damaged or is removed shall be replaced with a tree, shrub or plant of the same or greater size and same species as that originally required to be planted.

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

12. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995, or succeeding Orders, no development within Classes A, B, C and F of Part 1, and Class A of Part 2, Schedule 2 to the Order shall be carried out at the dwelling hereby approved without the prior submission and approval of a planning application.

*Reason:* To enable the Local Planning Authority to retain effective control over future development at the site and protect the visual appearance of the development within the street scene and protect neighbour's amenities.

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





ITEM NO: 13.

To: DEVELOPMENT CONTROL  
COMMITTEE

Report of Head of Planning and  
Building Control, Regeneration  
Directorate on  
29 Apr 2010

**REASON FOR BRINGING TO COMMITTEE: Significant community interest**

**Application Number:** 10/0136/FL

**Application Type:** Full application

**Applicant:** Mr & Mrs Darren Hinchcliffe

**Proposal:** Two storey rear extension,  
access ramp with handrail and planting in  
front of house only.

**Ward:** Streetly

**Recommendation Summary:** Grant Subject to conditions

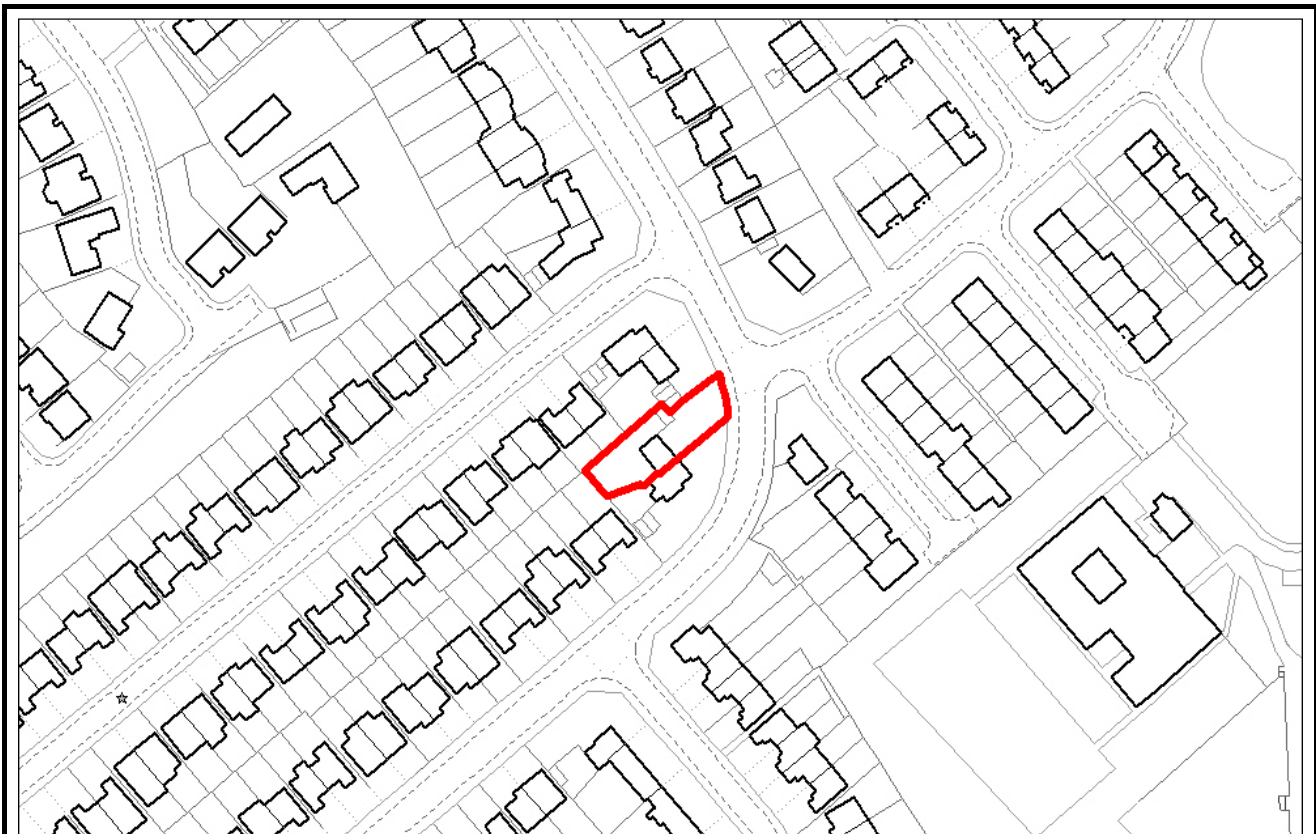
**Case Officer:** Jenny Townsend

**Telephone Number:** 01922 652420

**Agent:**

**Location:** 111 HUNDRED ACRE  
ROAD, STREETLY, SUTTON  
COLDFIELD, B74 2BJ

**Expired:** 06/04/2010



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## **Application and Site Details**

This application is for a two storey extension to the rear of a semi detached house which would enlarge the existing kitchen and provide a new utility area at ground floor and add a 4<sup>th</sup> bedroom with wet room above. A lift is proposed to be sited in the utility area which would give access to the new bedroom. The extension is for the use of the applicant's disabled son.

The original plans proposed a ramped walkway with a metal handrail for the length of the driveway to run alongside the boundary with number 113 from the back of the pavement in front of the house up to and then across the front of the house (in front of the existing porch) towards the gate between the house and the garage.

However amended plans have been received which now propose the ramp to be across the front of the house only.

A platform measuring 2.1 metres long and 1.9 metres wide is proposed in front of the house next to the boundary with number 113. This would lie in front of an existing planted area alongside the front porch, would be 1.5 metres forward of the side elevation of number 113 and would be the start of the wheelchair access to the rear of the house.

The ramp is to be concrete with a metal handrail measuring 0.9 metres high to the side. The plans show soft planting in front of the ramp across the width of the house, to the same height as the handrail.

The existing opening between the garage and the house is to be widened to allow passage for a wheelchair and the walkway would continue alongside the house to the rear corner of the extension and back towards the boundary with number 113 to double doors in the rear of the proposed extension. Level platform areas are proposed at each corner of the house to make it possible to manoeuvre the wheelchair.

There is a 1.0 metre high wooden fence to the front boundary between the application house and number 113.

The pair of semi-detached houses are situated on a bend in the road and number 113, the other half of the pair, lies at right angles to the side of the application house. Number 113 has a rainwater down pipe, guttering and a flue attached to the side of the long two storey section which lies alongside the rear boundary with the application house.

The side of number 113 projects approximately 3.5 metres beyond the rear of the application house and the proposed extension would project 0.3 metres beyond this with a gap of 0.3 metres between the side of 113 and the side of the extension. Double gable roofs are proposed to the extension with a valley between them. The ridge to the section closest to number 113 would be 0.7 metres lower than the ridge to the existing roof with the ridge to the remaining roof 1.2 metres lower.

The lift would be in the rear corner of the extension nearest to number 113 and windows and doors to the kitchen/utility area at ground floor and the bedroom and wet room at first floor level are proposed in the rear elevation facing across the rear garden of number 115. A secondary window to the kitchen is proposed in the side

elevation of the extension at ground floor level which would face towards the boundary with the rear of numbers 3, 5 and 7 Fordwater Road and a high level window is proposed at first floor level in the existing side wall of the house to serve the new third bedroom. This window is proposed to be inserted in the existing side wall of the house rather than the side wall of the proposed extension.

The houses in Fordwater Road have habitable room windows at both ground and first floor level and the separation between the side of the extension and the rear of the houses would be reduced to approximately 12.5 metres.

Number 113 has a kitchen window at ground floor and a bedroom at first floor level in the rear elevation facing towards number 115.

Number 109 lies forward of the application house and has an obscure glazed window at first floor level facing down the side boundary between the houses.

Number 115 lies to the rear and at right angles to the rear of the application house. Number 115 is higher in level and has a 1.8 metre high fence to the boundary with 111. There is a first floor window in the side elevation of 115 but this lies to the front of the house. The distance between the rear of the extension and the boundary with number 115 would be approximately 10 metres.

### **Relevant Planning History**

05/0917/FL/H4 Widen rear of garage. Granted subject to Conditions 19/07/05.

09/1138/FL Two storey rear extension, internal alterations and ramp in existing detached garage to allow access to the house. Refused 09/11/09 on the grounds that the overbearing impact on the kitchen window of 113 due to height and proximity to the boundary, would be detrimental to the amenity of 113; the separation between habitable room windows proposed in the side elevation facing habitable room windows on the rear of numbers 3, 5 and 7 Fordwater Road at approximately 15 metres be less than the minimum required (24 metres) and would allow overlooking which would affect the privacy and amenity of the neighbouring houses and the application house. The application failed to demonstrate there would be no undue noise or vibration from the proposed lift adjacent the Party Wall with number 113.

### **Relevant Planning Policy**

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

## **Unitary Development Plan Policies**

### **GP2: Environmental Protection**

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

I. Visual appearance.

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

VII. The adequacy of the access, and parking.

ENV32: Design and Development Proposals.

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.

T13: Parking Provision

1, 2 and 3 bedroom houses	2 spaces per unit
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4 bedroom houses and above	3 spaces per unit
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## PLANNING POLICY STATEMENT 1

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

### **Designing Walsall – Supplementary Planning Document**

Provides guidance on how to achieve good urban design within Walsall, including a range of key issues that developers must address. For residential developments, Privacy and aspect distances between dwellings must ensure that all occupants have a satisfactory level of amenity, whilst reflecting the existing and emerging character of the area. This will normally mean designing developments that, as a minimum, meet the numerical guidelines contained in Appendix E although distances greater than these guidelines state will be applicable where it is appropriate to the character of the area. It may be possible to achieve shorter distances through creative design or in order to protect an area's character.

24m separation between habitable windows in two storeys (and above) developments. This standard will be applied more robustly at the rear than across roads at the front.

The length of extensions in relation to the adjoining dwellings and a 45 degree code to assess the impact.

### **Consultations**

**Pollution Control Contaminated Land Team** – No specific contaminated land requirements.

**Access Officer** – No planning issues however has referred to Requirement M1 of Approved Document M for level and ramped approaches. This would be dealt with within the Building Regulations application.

**Occupational Therapist** – Concerns regarding the length of the walkway, the lack of platforms at the corners, the number of steps proposed to the porch, the possible intrusion of the steps from the driveway on the access in and out of the garage and the space around the opening to the vertical lift to manoeuvre the wheelchair.

### **Public Participation Response**

The occupiers of 3 and 5 Fordwater Road and 113 and 115 Hundred Acre Road have objected on the grounds that:

- the rear of the application house is higher which exacerbates the two storey elevation to the rear of number 3 Fordwater Road;
- the gable will reduce the visual skyline currently enjoyed from the rear of number 3 by approximately 50%;
- the rear garden vista to garden corridor at the rear of 113 Hundred Acre Road and adjoining properties will be lost;
- the depth and eaves design of the extension does not match the existing and this building character enjoyed with adjoining properties will be lost;
- the size of the extension appears excessive for the amount of accommodation required;
- alternative plans should be considered using the land at the side of 111 which would not have such an impact on an adjoining property and would take account of other extensions in the area;
- the extension would prevent access for maintenance;
- the extension goes beyond the building line and would overlook the rear patio causing an intrusion into privacy;
- because it projects beyond the building line, the extension would alter the appearance of the front of number 113 but not the application house;
- the new fence at the front was installed to minimise disturbance from the commercial activities at the front of the house but the ramps and platforms and their use so close to the front sitting room window would cause further invasion to privacy;
- noise and vibration from lift, ramps and platforms;
- close proximity of excavation work for foundations and services;
- large second floor window will face 115 and invade their privacy;
- significant loss of privacy to house and garden of number 5 with the 4<sup>th</sup> bedroom window overlooking the rear garden and living room (they presume the wet room will use masked glazing);
- extension will be visually overbearing due to short length (7 metres) of rear garden of number 5;
- increased roof size would block sun from rear garden and lower part of the house for longer periods;
- extension is too grand for 3 bedroom semi and will dramatically impact on all surrounding neighbours. Whilst sympathising with reason for extension they feel that extra space could be gained in a more considerate manner by converting garages or adding single storey extensions.

A further letter has been received from the occupier of number 113 following discussions with the applicants which informed that she now understood that there



was to be a gap between the extension and 113 (but didn't know the width). No new issues were raised but the previous concerns still stand.

The neighbours have been re-consulted on the amended plans however at the time of writing no representations have been received in respect of these plans. The consultation period expires on 27 April 2010. Any further comments will be reported at Committee.

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

### **Determining Issues**

- Design of Extension and Impact on Character of Area
- Impact on Amenity of Nearby Residents and whether the previous reasons for refusal have been overcome
- Parking

### **Observations**

#### **Design of Extension and Impact on Character of Area**

The extension would be to the rear of the house and the very short length (0.3 metres) which the extension would project beyond the rear gable of 113 would be so far back from the road as to be barely visible and would have little impact on the appearance of the pair of houses or the area. It is considered that the design of the extension would be compatible with the existing house.

The ramped walkway as shown on the amended plans would lie in front of the existing house with a platform area adjacent the wooden fence on the boundary with number 113. The proposed handrail would be approximately the same height as the fence and the planting proposed to the side of the walkway would soften the appearance of the walkway and provide screening that would be in keeping with planting in other nearby front gardens. A condition is recommended for a planting scheme to be agreed prior to works commencing.

#### **Impact on Amenity of Nearby Residents (and whether the previous reasons for refusal have been overcome)**

The extension would project approximately 0.3 metres beyond the rear of number 113. This short length means that there would be little impact on the rear windows of number 113 and the proposal would comply with policy.

The 0.3 metre gap proposed between the extension and 113 would minimise any impact on the amenity of the occupiers of 113 from noise or vibration from the proposed lift. Housing standards officers have assured that lifts used in these situations are hydraulic and electrically operated and make no noise. Whilst no technical specifications or noise level information has been submitted it is considered that the gap would overcome this aspect of the previous reason for refusal.

No windows are proposed in the side of the extension facing towards the rear of the houses in Fordwater Road so there would be no overlooking issues with regards to this part of the proposal.

The plans do show a high level window inserted at first floor level in the existing side wall of the house which would face towards the rear of the houses in Fordwater Road. However provided that this window is obscure glazed and non-opening (unless the part of the window which can be opened is more than 1.7 metres above the floor level of the room), it would be permitted development and would not require planning permission.

The bedroom window proposed on the rear elevation would be between 17 and 19 metres from the rear of numbers 3 and 5 Fordwater Road respectively. The short length of the rear gardens of the houses in Fordwater Road (approximately 7 metres) already allows a degree of overlooking from the existing dwelling and the addition of the extension would reduce this, certainly with regards to number 3 and because of the oblique angle (30 degrees or less) would limit the potential overlooking to number 5.

Therefore on balance the current proposal overcomes the previous reasons for refusal.

Number 115 is higher in level than the application house and does not have habitable room windows in their side gable which would face the rear of the proposed extension. The separation between the rear of the extension and the boundary with 115 (8.5 metres) would give rise to the potential for overlooking the garden of 115 from the rear facing bedroom window and may affect the amenity of the occupiers of 115 and the application house. The short length of the existing rear gardens of the houses in Fordwater Road, already face the rear of 115 leading to overlooking from the first floor windows of 5, 7 and 9 Fordwater Road and 117 Hundred Acre Road. The proposal would not be significantly worse over and above the existing situation sufficient to refuse the application in this instance.

### **Parking**

The number of bedrooms would be increased and therefore 3 off-road parking spaces would be required to meet Council's requirements. No change is proposed to the existing garage and together with the existing front driveway there is space to meet these standards.

### **Summary of Reasons for Granting Planning Permission**

The proposal will not cause a significant increase in overlooking, loss of privacy or loss of daylight or sunlight enjoyed by nearby properties.

The short length which the extension projects beyond the rear of 113 means that there would be little impact with regards to overbearing impact or loss of light to the rear of 113.

The design is in keeping with its surroundings.

The gap proposed to the side of the extension would prevent noise or vibration from the extension being transmitted through the walls of the extension.

The new bedroom window would be set in from the boundary with 113 and would be in a similar position to the existing bedroom window on the rear of 113 which overlooks the rear garden of the application house and would continue to be able to do this even if the extension were added.

The short rear gardens to the houses in Fordwater Road mean that there is already a degree of overlooking however the extension would improve this situation with

regards to number 3 and because of the oblique angle would not significantly worsen the existing situation with regards to number 5.

The extension would only project an additional 0.3 metres beyond the rear of number 113 and although the extension would lie to the south-east of the houses in Fordwater Road, this very short length means that there would be little change to the existing situation with regards to shading or loss of light to the rear gardens of the houses in Fordwater Road.

Maintenance and proximity of foundations and services are not material planning issues and are covered by other legislation.

The proposed development is considered to meet the aims and objectives of Walsall's Unitary Development Plan, in particular policies GP2, ENV32, H10, T7 and T13, and the Supplementary Planning Document "Designing Walsall" and other material planning considerations.

### **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, as amended.

2: The walls and roof of the extension shall comprise facing materials that match those which are used in the existing building as it exists at the time of this application, and shall be retained as such after completion of the extension, unless otherwise previously agreed in writing by the local planning authority.

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

3: The glazing to the rear first floor window serving the wet room shall comprise obscure glazing which shall thereafter be retained.

Reason: To safeguard the amenities of the occupiers of adjoining premises and to comply with policy GP2 of Walsall's Unitary Development Plan.

4: Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, or succeeding Orders, no side facing 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: To safeguard the amenities of the occupiers of adjoining premises and to comply with policy GP2 of Walsall's Unitary Development Plan.

5: This permission relates to the amended drawings deposited on 12 April 2010.

Reason: To define the permission.