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To: DEVELOPMENT CONTROL COMMITTEE

Report of Head of Planning
and Transportation
On 21 February 2006

REASON FOR BRINGING TO COMMITTEE: Major Application

Application Number: 05/2423/FL/E3

Case Officer: Devinder Matharu

Application Type: Full application

Telephone Number: 01922 652429

Applicant: NEC Homes

Agent: Baker Goodchild Architects Ltd

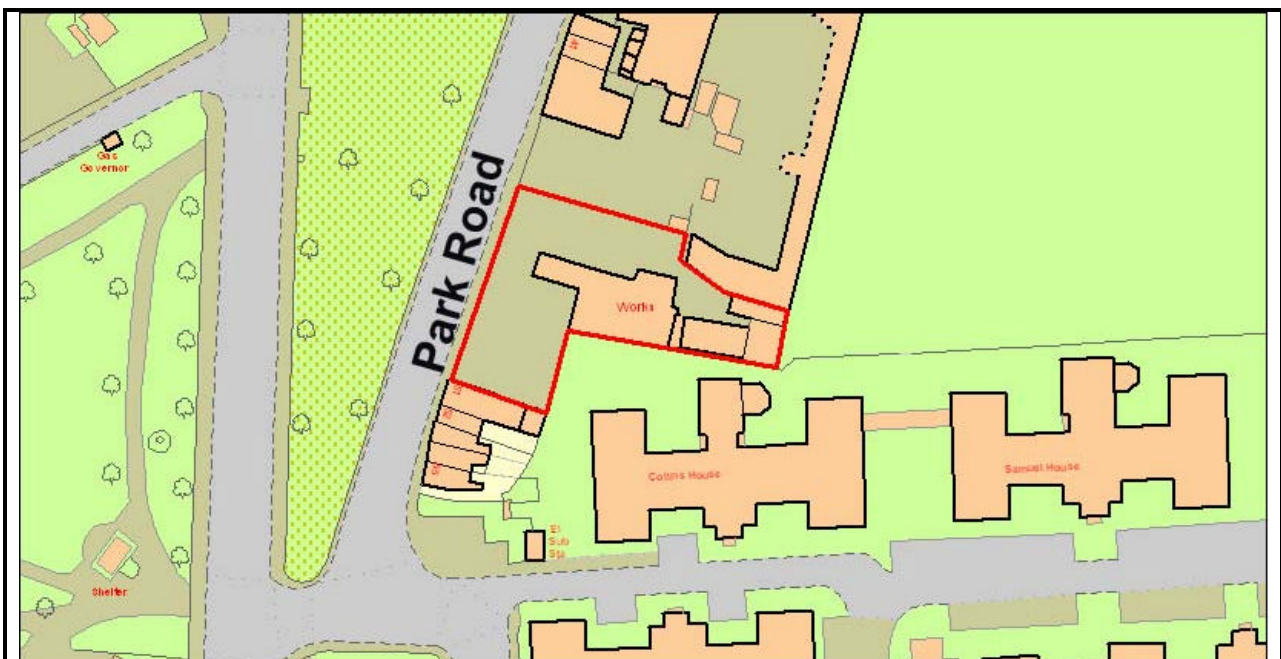
Proposal: Demolition of industrial buildings and erection of 12 apartments with associated amenity space and car parking

Location: 45A, PARK ROAD, BLOXWICH, WALSALL, WEST MIDLANDS, WS3 3SS

Ward: Bloxwich East

Expired: 13 March 2006

Recommendation Summary: S106 Agreement and Grant Permission Subject to Conditions



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Application and Site Details

The site lies within Bloxwich District Centre and Bloxwich Park Conservation Area, to the north east of the High Street. The site is currently used for wood working. There are buildings along the northern, eastern and in the central part of the site. To the south is a row of terrace properties, in mixed residential and commercial use. The south east of the site is a large single storey nursing home complex. The area to the north of the site is used as an access point to the rear of the commercial properties along Park Road. The area is used by monumental masons who occupy one of the commercial units. To the east and west of the site lie areas of open space.

The demolition of the existing buildings would be replaced with 12 apartments (10no two bed apartments and 2no one bed apartments) with vehicular access via an archway through the middle of the building. Fifteen parking bays will be located along the rear boundaries of the site. A communal amenity area of 390 square metres will be provided. The boundary with the nursing home would consist of a 2 metre high close board fence with a planted bed of trees.

The agent has submitted a design statement. The building will be positioned to the front of the site, so that it sits in line with the buildings to the south of the site, this scheme will be three storeys in height, replicating the development to the south. The contemporary manner of the design takes into account the features on the adjacent buildings and replicates these in this scheme. Random render panels would be incorporated on the front elevation, giving an informal appearance. Flat roof dormer windows are proposed on the front and rear elevations. The development closest to 42 Park road projects out at the rear some 4 metres from the main section of the building.

The site area is 0.12 hectares which would provide a density of 100 dwellings per hectare.

Relevant Planning History

None

Relevant Planning Policy Summary

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

Policy 2.2, 3.6, 3.7, GP2 and ENV10 seeks to enhance the natural environment, whilst protecting people from unacceptable environmental or pollution problems.

Policy GP3 (a) planning obligations will be used to secure the provision of any on or off site infrastructure, facilities or services.

Policy 3.64, ENV17 and ENV18 encourages new planting and ensures the protection, and enhancement of existing trees.

Policy 3.67, 3.68, 3.69, 3.70, ENV22, ENV23 and 3.79 relate to conserving wildlife and protected species and enhancement of the natural environment.

Policy ENV29, 3.104 and 3.106 seeks to ensure development preserves and enhances the character and appearance of the Conservation Area and applications for Conservation Area Consent must be accompanied by a planning application.

Policy 3.16, ENV32, 3.116, ENV33, 3.117 and H10- lists detailed criteria for considering quality of design of any development proposal including:- the appearance, materials height, proportion, scale and mass of the proposed buildings, the visual relationship of the proposal with adjacent areas, the street and the character of the surrounding neighbourhood, the effect on the local character of the area, together with landscape design.

Policy 6.3, H3 and H9 maximises the re-use of previously developed land provided a satisfactory residential environment can be achieved. Lower densities may be justified to provide larger houses to support urban regeneration.

Policy 5.2 and 5.3 To sustain and enhance the vitality and viability of Local centres and encourage the provision of housing within/close to centres.

Policy S8 and 5.47 investment in housing development within local centres will be encouraged to attract more activity and investment. Also identifies that residential amenity in such locations is not the same as that in suburban locations.

Policy 8.8 where residential developments necessitate the provision of improved educational facilities requirements to make a financial contribution to the costs of providing these facilities.

Policy BX 5 and BX6 Park Road will be targeted for environmental improvements and encourage the appropriate development/reuse of Park Road North for residential use.

Policy 7.36 and 7.52 PPG13 states sustainable transport modes should be promoted and access to public transport provided.

Policy T4 (b) and T7 (b) development should satisfy the car parking standards and direct frontage restricted.

Policy T13 car parking standards

Flats with communal parking spaces 1.5 spaces per unit

Residential Development Standards, April 2005 provides guidance to standards for residential dwellings. Part B refers to spaces around dwellings.

A minimum of 24 metres is usually required between all facing windows of habitable rooms of adjacent dwellings, and 13 metres between habitable room windows and blank walls exceeding 3 metres in height.

National Policy

Planning Policy Statement 1: Delivering sustainable development emphasis the need to reject poor design and the need for sustainable development.

PPG3: Housing, promotes sustainable development and the efficient use of previously developed land. It promotes the need for well designed new housing developments. Consideration of design and layout must be formed by the wider context. Landscaping is an integral part of new development and opportunities for new planting should be taken.

Planning Policy Guidance Note 9: Nature Conservation states that bats are protected under the 1981 Act. It is an offence to kill, injure or disturb bats found in non-living areas of a dwelling house (that is, in the loft) or in any other place.

Planning Policy Guidance Note 13: Transport, promotes sustainable patterns of development, which reduce the need to travel, especially by car.

Consultations

Transportation - No objections, however suggest the imposition of a condition relating to pedestrian visibility splays. The applicant has satisfactorily addressed the pedestrian visibility concern and this should be maintained thereafter. Parking space 8 has less than the 6m manoeuvring space required but on balance is considered acceptable.

Pollution Control - No objection. The developer would need to demonstrate that the site is suitable for residential use, due to the noise environment (traffic) and also due to possible contaminants, given the past/current activities conducted at the site.

Environmental Health and Consumer Services - No comments

Energis Communications Ltd - Energis communications are not affected by the proposal.

Fire Officer - Satisfactory access

Urban Regeneration, Conservation Services - The application is acceptable in principle. The site lies within Bloxwich Park Conservation Area.

Suggests conditions to require the recording of the building prior to demolition. Samples of facing materials, details of the vehicle entrance, eaves/verges, and windows and doors.

Education Walsall- We do require a contribution towards secondary school provision.

Severn Trent Water - No objection subject to the inclusion of a condition requesting details of drainage to be provided and approved by the LPA.

Central Networks - Do not wish to register an objection.

Architectural Liaison Officer - No lighting plans, lighting should be designed to cover high risk areas. The following areas must be lit- main and rear accesses, car parking area, all footpaths and refuse areas. Photo-electric cell or timer switch should automatically control all lighting.

Public access should be restricted by a form of access control i.e Proximity Access Control system and door entry system.

Alcoves will increase the fear of crime, as these are places where someone might hide whilst pedestrians are approaching. Fencing at the sides should be brought forward so that it is level with the building line. The rear entrance door should be brought forward to the building line to eliminate the same problem.

On both sides of the building are dead areas and a secure gate at the ends will make a sterile area.

Ground floor windows adjacent pavement, to help reduce the fear of crime, suggest the whole development is moved back and the front fenced to give residents a defensible space. The fence line being adjacent with the building line of adjacent buildings.

Perimeter fence is in poor condition, no fencing details provided.

Urban Regeneration, Landscape Services - No objection subject to species and numbers of climbers being specified.

Black Country Archaeologist - Site lies within the historic core of the settlement of Bloxwich and there is a possibility of the discovery of buried archaeological deposits relating to early settlement of Bloxwich during the ground works for the development. In line with PPG16 the applicant be asked to commission an archaeologist to monitor ground works and record any archaeological features of interest which may be uncovered. Recommend condition be imposed.

Strategy Team - Proposal acceptable in principle.

Representations

One letter has been received stating that they have no objections, however would like to point out that the boundary of the development is within close proximity of Collins House, a single storey 30 bedded care home. They advise that the development will increase activity to the rear of the proposed apartments, particularly in terms of traffic. The boundary treatment should be designed to mitigate traffic noise by the provision of an acoustic fence or wall in conjunction with tree planting for visual amenity. Parking bays 12 and 13 are in close proximity to the conservatory to the day room.

They also advise that restrictions on the developer should be imposed to control the working hours during construction and demolition works.

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

Determining Issues

The determining issues here are:

- The principle of residential development
- the impact on the character and appearance of the Conservation Area
- level of amenity for occupants
- impact on the residential amenity of surrounding buildings
- access and service arrangements

Observations

Principle of development

The site lies within Bloxwich District Centre where residential development is supported, residential developments in centres assist to promote the vitality and viability of such centres,

by keeping centres alive outside of shopping hours, as well as offering an opportunity to attract more activity and investment. Residents have easy access to centre facilities which are within walking distance. Furthermore, this site is identified in the UDP under Policy BX6 for development opportunity, where residential development would be acceptable, subject to satisfactory amenity levels.

Impact on Character and appearance of the Conservation Area.

The design of the scheme is modern, however it does take into account the historic features of the existing development to the south of the application site and the pattern of development by reflecting brick course and chimneys. Conditions can be imposed to secure detailed design information on windows, doors, eaves, verges and vehicle entrance details, so as to ensure the building does sit in context with the neighbouring buildings.

The existing buildings to the south sit flush with the highway; this development follows that pattern of existing development. By locating the building to the front of the site, the scheme compliments the street scene. If the structure was to be pushed further back into the site as suggested by the Police, it would out of character and thus detrimental to the setting of the Conservation Area.

The height of the development reflects that of the surrounding buildings, it sits level with number 51 Park Road, so that within the street scene this modern development sits proud with the historic buildings, overlooking Bloxwich Park. The large windows on the front elevation utilise the views of the park to the west. The development also provides an active frontage with main doors leading into the site off Park Road.

The modern design compliments the appearance and character of the Conservation Area.

Amenity for residents

The proposal provides a satisfactory level of private amenity space to the rear of the building for this district centre location, where there is an adjacent public park.

The alcoves on the front elevation are relatively small and given that the building sits along the highway any person hiding here would be noticed. Furthermore, the front of the site is quite open with Bloxwich Park on the opposite side of the road. The alcove to the rear of the building has been removed by bringing the rear access door forward. Natural surveillance would provide a secure environment.

A noise survey will need to be undertaken to establish background noise, so that the development can be secured with effective noise measures to provide a satisfactory living environment for occupants. This can be secured through a planning condition.

Revised plans have been received which illustrate a preliminary lighting scheme to the rear parking area, in order to ensure the lighting scheme is satisfactory and does not cause light pollution, details of all the lighting columns and the intensity of the illumination can be requested through planning condition. Furthermore, proximity access control lighting and door entry systems have been included. The fence either side of the building on the front elevation has been brought forward and the 'dead ends' have been gated off. These measures will ensure a secure living environment is provided for occupants.

Access to the parking areas has been defined with direct footpaths. The inclusion of trip rails between planted and parking areas will ensure planted areas flourish. Details of the self climbers can be conditioned to ensure they are appropriate for this site.

Impact on amenity of surrounding buildings

The principle impact would be the outdoor communal area at the nursing home from overlooking, but this would be addressed by additional planting on the boundary, secured by a planning condition. The 30m separation distance from the proposed development and the conservatory and communal lounge windows should avoid any undue loss of privacy. The retention of the 2m high brick boundary wall, the erection of a 2m high close boarded fence and planting along the parking area should prevent any nuisance from traffic parking.

It is considered that residential development would provide a better living environment for local residents, as the existing site is used for wood workings with a number of comings and goings. Furthermore, the rear windows would provide natural surveillance and also help keep the area alive outside of shopping hours.

Access and parking

Vehicular access to the site is via the entrance point in the middle of the building. The site accommodates acceptable bin storage and cycle storage facilities. The proposed parking bays are acceptable and the building has been redesigned to accommodate pedestrian visibility splays.

The development secures a lower level of parking, the development requires a parking requirement of 18 spaces and this development secures 15 parking spaces. This is considered to be acceptable in a district centre location, where other transport modes are available within walking distance.

Conclusion

It is considered that the residential development here would bring a positive benefit to Bloxwich District Centre, as it will allow an area marked for development opportunity to be developed and allow this development to sit comfortably within the Conservation Area, as it enhances the site. Furthermore, it will help with the vitality and viability of Bloxwich Centre by keeping the centre alive outside of normal shopping hours. Subject to conditions and a Section 106 Agreement to secure a financial contribution towards addressing the shortfall in education capacity in the area. It is considered that this scheme is supportable.

Recommendation: S106 Agreement and Grant Permission Subject to Conditions

That Planning Permission is granted subject to a section 106 Agreement:

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 works hereby approved shall only be carried out as shown on the plan numbers 05/11/12A and 05/11/11 received on 18 January 2006, and plan numbers 05/11/10C and 05/11/13C received on 7 February 2006.

Reason: To ensure only the approved works are implemented.

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

4) No development shall commence until details of the vehicular entrance, eaves, verges, windows and doors have been submitted to and approved in writing by the Local Planning Authority. The development shall be completed with the approved details and retained as such.

Reason: To ensure the details do not detract from the setting of the Conservation Area.

5) No development shall commence until a lighting scheme for the rear parking area has been submitted. Details shall include the type of light lamps, intensity of the illumination and angle of the lamp on the horizontal. These details shall be approved in writing by the Local Planning Authority. The development shall be completed with the approved details and implemented prior to occupation and retained as such.

Reason: To protect the amenity of those residents at Collins House.

6) No development shall commence on site until details of the disposal of both surface and foul water drainage have been submitted to and approved in writing by the Local Planning Authority. The development shall be completed with the approved details and retained as such.

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

7) No development shall take place until a written scheme of investigation which has been submitted by the applicant and programme of archaeological work and building recording in accordance with a brief written by the council's archaeologist has been implemented, and approved in writing by the Local Planning Authority.

Reason: to ensure that below ground archaeological remains are recorded ahead of and/or during development and in the interests of the historic merits of the area.

8) The archway access drive should provide pedestrian visibility splays of 2.4m by 3.4m and these shall be maintained at all times.

Reason: In the interests of public and high way safety.

9) No development shall commence until a noise survey, undertaken to include daytime and night time monitoring, has been submitted to the Local Planning Authority. This survey should have regard to the advice and guidance contained in Planning Policy Guidance PPG 24 'Planning and Noise'; the 'Calculation of Road Traffic Noise' Department of Transport and Welsh Office 1988; British Standard BS 4142: 1997 'Method for rating industrial noise affecting mixed residential and industrial areas'; and British Standard BS 7445: 1991 'Description and measurement of environmental noise'.

Reason; In the interests of the amenity of the residents of the proposed development

10) Before development commences details of a noise insulation scheme to protect the occupants of the proposed apartments from noise shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented prior to the occupation of the development and thereafter retained in accordance with these approved details. The scheme should have regard to the advice and guidance contained in BS8233 1999: 'Sound insulation and noise reduction for buildings - Code of practice' to achieve a good criteria of indoor ambient $L_{Aeq, T}$ noise level for bedrooms (30 dB) and reasonable level for living rooms (40 dB). The approved scheme shall be completed prior to occupation of any dwelling. Party wall and floor structures should have reasonable resistance to airborne and impact sound in accordance with Approved Document E of the Building Regulations 2000 (as amended).

Reason; In the interests of the amenity of the resident of the proposed development

11) No development shall commence until a ground and gas contamination survey, including a site investigation survey has been submitted to the Local Planning Authority. A copy of any ground survey and site investigations, together with a report setting out proposed remedial measures to deal with any identified and potential hazards arising from any gas and/or land contamination shall be submitted to the Local Planning Authority within 1 month of completion. The construction of buildings shall not commence until a validation statement has been submitted to the Local Planning Authority and approved by the Local Planning Authority, to ensure that any contamination present or remaining will not affect the buildings or infrastructure. This survey should have regard to the advice and guidance contained in Planning Policy Statement 23 - Planning and Pollution Control; the Environment Agency Contaminated Land Report 11(CLR 11); British Standard BS10175: 2001 'Investigation of potentially contaminated sites - Code of Practice'; British Standard BS5930: 1999 'Code of practice for site investigations'; Waste Management Paper No. 27 'Landfill Gas'; or any relevant antecedents of such guidance.

Reason: To prevent the possibility of surface and/or groundwater pollution.

12) No development shall commence on site until details of all boundary treatment, including fences and gates have been submitted to and approved in writing by the Local Planning Authority. The boundary wall to the east of the site between the application site and the Nursing Home, Collins House shall be retained at all times unless otherwise agreed in writing by the Local Planning Authority. The development shall be completed with the approved details.

Reason: To ensure the boundary treatment provides an effective mitigation measure to protect the amenity of all residents and that the appearance and type of gates and fences enhance the appearance of the Conservation Area.

13) No development shall commence on site until details of the species and numbers of the self climbers are submitted and approved in writing by the Local Planning Authority. Only the approved species shall then be implemented. Any plant failing to become established within 5 years shall be replaced to the satisfaction of the Local Planning Authority. The planting hereby approved shall be implemented within 6 months after the completion of the development and maintained in perpetuity. Any plant failing to become established within 5 years shall be replaced to the satisfaction of the Local Planning Authority.

Reason: To ensure satisfactory development of the site.

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

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

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

Reason: To protect the amenity of the residents of Collins House Nursing Home.

16) No development shall commence until facilities to prevent any recycled, processed, or re-processed waste materials (including liquids) entering onto public footpaths, the public highway or other premises beyond the curtilage of the development site, including watercourses, drains and sewers, unless by discharge consent issued by the relevant agency 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: In the interest of the amenity of the area and to prevent pollution in the area.

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

The proposed development is considered to comply with the relevant policies of the development plan, in particular policies 2.2, 3.6, 3.7, GP2, GP3, 3.16, ENV10, ENV18, 3.64, ENV22, ENV29, 3.104, ENV32, 3.116, ENV33, 3.117, H10, 6.3, H3, H9, 5.3, S8, 5.47, 8.8, BX5, BX6, T4, T7 and T13 of Walsall's Unitary Development Plan, and, on balance, having taken into account all material planning considerations, the proposal is acceptable.

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



To: DEVELOPMENT CONTROL COMMITTEE

Report of Head of Planning
and Transportation
On 21 February 2006

REASON FOR BRINGING TO COMMITTEE: Major Application

Application Number: 05/2418/FL/W5

Case Officer: Karon Hulse

Application Type: Full application

Telephone Number: 01922 652492

Applicant: Alexander Construction Supplies Limited

Agent: Simon Cartwright

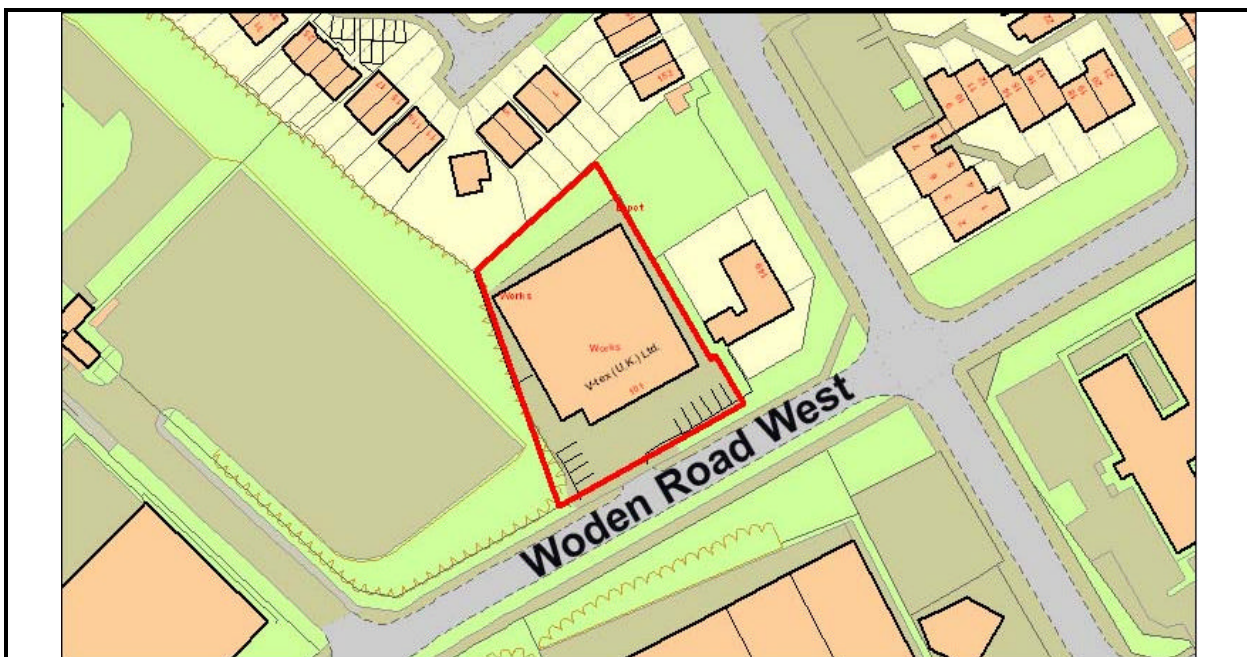
Proposal: Change of Use to B8 Distribution warehouse

Location: 101, WODEN ROAD
WEST, WEDNESBURY, WALSALL, WEST
MIDLANDS, WS107TB

Ward: Darlaston South

Expired: 09 March 2006

Recommendation Summary: Grant Permission subject to conditions



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Application and Site Details

This application seeks to change the use of a previously approved industrial unit from a B1 use to a B8 use on the site at 101 Woden Road West, Darlaston.

The previous planning permission granted consent for a B1 use to operate 24 hours a day.

The site is accessed from off Woden Road West. There are residential properties at the rear of this site in Phoenix Rise which is on a higher level.

The hours of operation being proposed are 7.00am to 7.00pm Monday to Friday and 7.00am to 1.00pm Saturday.

Relevant Planning History

There have been a number of approvals for the use of the new industrial unit on this site for B1 and B2 uses (light and general industry). Prior to the construction of the new unit the site was occupied by a well established haulage yard with vehicle repair garage and the storage of roofing materials.

The most recent planning consent granted an extension to the rear and a change of use to B1 use class only, BC54724P refers and was granted on 19th October, 1999. The site is currently vacant.

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

3.6...schemes should help improve the environment of the Borough

3.7...proposals for development or redevelopment should protect people 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

4.4...Core employment uses defined as industry and distribution in Classes B1b, B1c, B2 and B8...in locations of strategic importance and good accessibility...better quality buildings and/or development opportunities... safeguarded for core employment uses.

- GP1... location of development guided by principles of sustainable development and involve:-
- a) Locating facilities where they are accessible to everyone and minimise the need to travel... a sequential approach requiring the location of development....Development should be of a scale appropriate to the size of the centre
 - b) Mixed-use developments will be encouraged to minimise travel and increase local diversity and vitality...subject to no unacceptable adverse impact on the environment.
 - c) A sequential approach maximising re-use of derelict, vacant and underused urban land and buildings ... make best use of urban land and buildings...development proposals should not prejudice beneficial use of any adjoining land or buildings, or other parts of a building

GP2... expect all developments to make a positive contribution to quality of the environment...development having adverse impact on environment will not be acceptable

GP4...promote and encourage comprehensive local area regeneration initiatives which revitalise local economy, create/ safeguard jobs, protect / enhance natural and built environment, bring forward derelict, vacant or underused land and buildings for new uses.

National Policy

PPG4...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.

Consultations

Transportation - no objections (subject to a condition restricting size of delivery vehicles to the site)

Pollution Control Division - no objections subject to ground contamination survey etc.

Fire Service - satisfactory

Central Networks - no objections

Severn Trent Water Ltd. - no objection

Environment Agency - no objection

Representations

I have received two letters of representation, one of which contains a petition with 13 signatures on it, these signatures are from Phoenix Rise (immediately at the rear of the site), and Darlaston Road, their concerns are in respect of noise from 24 hour operations, engines running, shouting, vehicle horns, noise and disturbance.

Determining Issues

- Principle of the development
- Servicing

Observations

Principle of the development

The site, up until it was developed, was used as a haulage yard, at that time residents in Phoenix Rise had concerns about its operations which were 24 hours a day with both operations and deliveries taking place throughout the night.

This application whilst reverting the site back to a storage and distribution use offers an opportunity to place stricter controls over the way it is operated and afford better protection to residents.

The objectors concerns as stated are primarily based on the use of the premises for 24 hour operation, these hours of operation are not being sought by this application and the proposed hours of operation, 7.00am to 7.00pm are considered to be satisfactory and well within the terms of acceptability.

Noise or nuisance from this site would be comparable to an industrial premises. However, conditions restricting the use of tannoy systems etc will further control its operations.

The site is currently vacant and this approval will bring the site forward into an acceptable use in accordance with planning policy.

Servicing

The unit will be serviced from Woden Road West. This is at the furthest point away from residents in Phoenix Rise. This arrangement was previously considered acceptable by other approvals for factory use.

Storage and distribution uses tend to attract more vehicles than factories. The site has a limited turning area within its curtilage, I am recommending a condition restricting the permitted size of delivery vehicles to the site. This can be adequately controlled by the applicants who have already informed some of their clients that they will only accept deliveries by rigid body vehicles (the largest being 7.5 tonnes).

This will ensure that all loading/unloading can be carried out within the sites curtilage and that vehicles can enter / egress in a forward gear.

Conclusion

I consider the development of this site will further maintain the growth of this industrial estate and the details as submitted are acceptable.

Recommendation: Grant Permission subject to conditions

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

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

2. No development shall be carried out until details of proposed refuse and waste recycling facilities have been approved in writing by the Local Planning Authority. The approved scheme shall be implemented before the development is brought into use, and shall be thereafter retained.

Reason: To ensure the satisfactory functioning of the development.

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, or succeeding Orders, there shall be no vehicular access to the site, other than through the access as shown on the deposited plans, without the prior approval of a planning application.

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

4. Installation of floodlights shall accord with recommendations issued by *The Institution of Lighting Engineers* for the reduction of light pollution. No light shall be directed at, illuminate, reach or cross any occupied dwelling.

Reason : To safeguard the amenity of adjoining and nearby occupants

5. No electrical or electronic sound amplification equipment shall be installed internally or externally to the building without the prior written approval of the local planning authority.

Reason : To ensure the satisfactory functioning of the development.

6. Any plant, machinery or equipment used in connection with supplying, generating and/or transferring heating, ventilation, air conditioning, chilling and freezing systems in the proposed units shall be located at positions approved in writing with the local planning authority.

Reason : To ensure the satisfactory functioning of the development.

7. The roller shutter door shown on the approved plans shall remain closed other than for access, egress or emergency purposes.

Reason : To safeguard the amenity of adjoining and nearby occupants

8. The premises shall not be occupied outside the hours of 0700 to 1900 on Monday to Fridays; 0700 to 1300 on Saturdays; and not at all on Sundays or Public Holidays.

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

9. Noise levels emitted by operations carried out on the site measured at the boundary of nearby dwellings in Prince Street shall not exceed :

Period	Hourly Value	Maximum Value
0700 - 1900	L _{Aeq} - 50 dBA	L _{Afmax} - 55dBA
1900 - 2300	L _{Aeq} - 45dBA	L _{Afmax} - 50dBA
2300 - 0700	L _{Aeq} - 40 dBA	L _{Afmax} - 45dBA

(NB : The first noise criteria is an hourly average noise level, or equivalent continuous noise level denoted as L_{Aeq}, the second is a maximum instantaneous noise level which is denoted as L_{Afmax}. These noise criteria are applicable at a minimum height of 1.2 metres above ground level at or within 1 metre at the boundary of nearby housing.)

Reason : To safeguard the amenities of nearby residential occupants.

10. All loading and unloading of goods shall take place within the curtilage of the site and at no time shall the site be serviced by delivery vehicles exceeding 7.5 tonnes.

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

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



To: DEVELOPMENT CONTROL COMMITTEE

Report of Head of Planning
and Transportation
On 21 February 2006

REASON FOR BRINGING TO COMMITTEE: Major Application

Application Number: 06/0193/FL/W2

Case Officer: Marilyn Kowalski

Application Type: Full application

Telephone Number: 01922 652488

Applicant: Ikea Properties Development Ltd

Agent: RPS Planning (Sally Miles)

Proposal: distribution warehouse (Class B8)
with associated access, parking and
landscaping

Location: LAND ADJ TO IKEA,PARK
LANE,WEDNESBURY,WALSALL,WEST
MIDLANDS

Ward: Bentley & Darlaston North

Expired: 08 May 2006

Recommendation Summary: Grant Permission subject to conditions



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Current Status

This is a repeat application.

There have been a series of proposals from Ikea. The most recent was a proposal for a B8 warehouse, on land to the north of the existing store. That application was held to be invalid, on the argument that it would be so closely related to the retail store that it would be retail not B8. (the issues are set out in the body of this report).

An appeal for non-determination was lodged, and there is a Public Local Inquiry (PLI) scheduled for 4/4/2006.

There has been extensive consideration of the issue of how the new building will function. The issue turns on the degree to which the new building will be part of the store. A remote warehouse would not be part of the store. The location of this warehouse immediately adjoining the retail store has introduced complications.

If there is no functional separation between the two buildings then the new warehouse is part of the retail store. Deciding whether this is the case calls for a judgement (addressed in the Observations section).

Given the conclusions reached, I have explored with Ikea the scope for this re-submission. A decision to approve would obviate the need for the PLI. It is therefore important to reach a speedy decision. The period for comments from neighbours expires after your committee, and some consultation replies have not been received. I have recommended that you delegate the decision, to allow a decision to be made at the earliest possible moment, consistent with those processes.

Application and Site Details

The site is vacant land (presently in use as a builders compound while work is done inside the Ikea building).

The proposal is to erect a warehouse, with associated service yards and parking.

It would act as a link in the company's supply chain (national warehouses, buffer warehouses and retail stores). It would serve the Walsall store, and others in the area.

It would provide Customer Order Distribution (COD), currently not a facility present at the Walsall store. Under COD, goods are paid for in the store but the order is processed by computer etc, and the goods are delivered to the customer's address direct from the COD base.

Relevant Planning History

The history of the application site prior to the involvement of Ikea comprises a permission from 1998 for a B2 / B8 (factory / warehouse) unit.

The immediately adjoining Ikea store is also relevant.

The Black Country Development Corporation granted planning permission for the construction of the store in 1989 (ref BCW104) subject to a number of conditions including one restricting the use to non-food retailing only. The permission did not impose any restrictions on the development in terms of floorspace or external alterations.

In the period 2002 to 2004, there were a series of applications to extend the retail store and the retail site, some including use of the present site. These raised a number of issues, e.g. the relationship to retail policy, and all were withdrawn before a decision was made.

The single exception to this pattern was the earlier version of the present scheme, which is the subject of the PLI referred to in the introductory paragraphs. (This application did not include any of the Ikea retail site.)

In parallel with these actions, an application was submitted in 2004 (ref: 04/2427/CP/W2) seeking a certificate of lawfulness (a determination of whether planning permission is needed) for the construction of a mezzanine floor and the insertion of doors. The conclusion was that a planning application was not needed. That work is underway.

You considered a report relating to unauthorised buildings in June 2005 and gave authority for enforcement. Some of these works have been resolved, others are awaiting the completion of the present building programme.

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

Ikea stores are retail and are governed by retail planning policies. For the reasons set out in the Observations section, these policies are judged not to be relevant to the present application.

The site is surrounded by a range of commercial uses. There is housing on the opposite side of Park Road. In that context, the UDP contains:-

2.1 on promoting the economy and the environment, among other things

GP2, 3.6, ENV32, 4.2, 4.3, on protecting the environment

JP1 lists new employment sites, and the list includes this site

JP7 controls uses on employment sites and lists inappropriate uses (B8 is not one of the prohibited uses and is therefore acceptable)

T7, T13 on car parking provision

National Policy

For this sort of use on this sort of site, national policy says little beyond the generalities of promoting the economy, community and road safety, minimising car parking, and promoting good design.

Consultations

For the reasons set out in the introduction, there are no replies available at the time of writing. However, the earlier application (subject to the PLI) attracted comments from a number of groups. None raised issues which are insurmountable, in relation to a B8 permission. The

potential conditions (in the recommendation) reflect these issues, as they are presently understood. Refinements and changes will be necessary when replies are received.

The work done on the appeal makes it clear that there are no transportation issues inherent in the scheme.

Representations

None at the time of writing.

In relation to the previous application, only one resident made representations (though they were stated to be on behalf of several others). The concerns expressed were:-

1. risk of nuisance from access and traffic opposite six houses
2. late night early morning movements are already a problem (it is assumed this relates to the Ikea store)
3. on street parking by employees
4. risk to value of homes

I have included this material as an indication of the likely response from neighbours.

Determining Issues

- principle of the use
- nuisance for neighbours

Observations

Principle of the use

The use of an employment site, such as this, for a B8 use is inherently acceptable.

The previous version of this application was seen, by officers, as controversial. The view was reached that the proposed warehouse would not be a B8 use. Instead, it was concluded that it would be a functional and integral part of the Ikea retail store. As such it would be an A1 use, and subject to the whole range of retail policies. The application was held to be invalid..

That view was contested by Ikea, the non-determination appeal followed as a result and this is the key issue in the PLI in April. It was an item debated at the Pre-Inquiry Meeting recently (the PIM, among other things sets out the issues the Inspector wishes to explore). The initial debate focussed on the definition of a B8 use (i.e. it is legally not a retail use) and the question of whether customers would access the new building. Ikea are clear that they will not allow customers to access the new building, and that they can accept a condition restricting the use to B8.

Before and after the PIM, much work has been done by all parties, and each side has sought Counsel's opinion.

The issue turns on the degree to which the new building will be part of the store. A warehouse 5 miles away would not be seen as part of this retail store (as opposed to servicing the store by supplying it with goods). The location of the currently proposed warehouse immediately adjoining the retail store introduces complications.

If there is no functional separation between the two buildings then the new warehouse is part of the retail store, and is an extension to it. Retail planning policy requires such an extension to a retail store to be subjected to a range of tests to determine its acceptability.

Conversely, if the warehouse functions in the same way as a warehouse 5 miles away would have done, it would not be part of the retail store in the same way.

Deciding which situation exists is a matter of fact and degree. Until the building is operational, it is a matter of argument.

Given the terms that Ikea have been prepared to include in the present application, the indications from the PIM, and the emerging balance of advice from the various Counsel's opinions, I have reached the view that the Council's position at the PLI is precarious. I have, as a result, explored with Ikea the scope for this re-submission.

At this point in time, I see no reason to resist the current application, in the terms being suggested. These are embodied in the suggested conditions.

My recommendation to delegate the decision includes a recommendation that you empower me to make judgements about any matters that may arise in relation to representations or consultations, to allow a decision to be made as rapidly as practical, without further committee involvement (unless I conclude that is necessary).

Nuisance for neighbours

Ikea propose limited hours of servicing for the site, and matching controls over working in the open on the parts of the site near houses. On the basis of present information, I would not anticipate any problems, with appropriate conditions.

Some of the objections to the last application imply that Ikea's retail store may be in breach of time limits on servicing. That situation will be explored separately, and may require enforcement action. If so, I shall report in due course.

Recommendation: Grant Permission subject to conditions

RECOMMENDATION - DELEGATE DETERMINATION SUBJECT TO CONDITIONS BASED ON THOSE BELOW

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

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

2. No development shall be carried out unless and until arrangements have been made for the satisfactory drainage of the site, such arrangements to have been previously approved in writing by the Local Planning Authority.

Reason : To ensure that the development permitted is provided with a satisfactory means of drainage.

3. No development shall be carried out until a site investigation (the methodology of which, and the design, specification and location of any boreholes necessary for ground gas monitoring, shall previously have been submitted to and approved in writing by the Local Planning Authority) has been undertaken. The details submitted shall have regard to the advice and guidance contained in Waste Management Paper no.27 'Landfill Gas'. A copy of the site investigation - together with a report setting out proposed remedial measures to deal with any identified and potential hazards arising from any asphyxiant, toxic and/or flammable gases shall be submitted to and approved in writing by the Local Planning Authority prior to the development taking place. All approved remedial measures shall be completed prior to occupation of any of the buildings.

Reason : To ensure the satisfactory development of the site.

4. No development shall be carried out until details of the sprinkler tank, and any necessary screening to ensure it has a satisfactory effect on visual amenity in the area, has been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented before the development is brought into use, and thereafter retained, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the satisfactory appearance of the site.

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

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

6. Prior to any unit being occupied details shall be submitted to the Local Planning Authority to demonstrate that any landscaped areas contain 'clean soil' to a minimum depth of 300mm. (This may involve the importation of clean soil and pit planting of large shrubs and trees will require a greater depth of clean soil).

Reason : To ensure the satisfactory development of the site.

7. No materials, goods or refuse shall be stored or deposited in the open on any part of the site other than in refuse containers whose locations shall have been previously agreed in writing by the Local Planning Authority..

Reason : To prevent congestion on-site to the potential detriment of highway safety and to ensure the satisfactory appearance and functioning of the development.

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, or succeeding Orders, there shall be no vehicular access to the site, other than through the access as shown on the deposited plans, without the prior approval of a planning application.

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

9. There shall be no parking on the site other than in parking spaces shown on the deposited plans, except for loading and unloading of goods which shall take place within the curtilage of the site, unless otherwise agreed in writing by the Local Planning Authority.

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

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

Reason : To safeguard the amenities of local residents

11. The development hereby permitted is for a B8 warehouse only, as defined in the Town and Country Planning (Use Classes) Order 1987.

Reason: To define the approved use of the site.

12. No part of the building shall be used as a customer collection or ordering point for members of the public, nor shall the public attend the site for the purpose of collecting goods that have been ordered and purchased from the adjacent retail store.

Reason: To define the approved use, and prevent use of the site by retail customers.

13. A) There shall be no deliveries or despatches from the warehouse on Sundays, Bank or Public Holidays.

B) There shall be no deliveries to or despatches from the warehouse outside the hours of 07.00 to 17.00 on any day when deliveries are allowed under part 'A' of this condition.

C) All loading doors shall be kept closed, other than when deliveries / despatches are allowed to take place.

D) There shall be no use of the main loading yard at the west side of the site, other than when deliveries / despatches are allowed to take place.

14. Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound shall be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound shall at least be equivalent to the capacity of the largest tank, vessel or combined capacity of interconnected tanks or vessels plus 10%. All filling points, associated pipework, vents, gauges and sight glasses must be located within the bund or have separate secondary containment. The drainage system of the bund shall be sealed with no discharge to any

watercourse, land or underground strata. Associated pipework shall be located above ground and protected from accidental damage. All filling points and tank/vessels overflow pipe outlets shall be detailed to discharge downwards into the bund.

Reason : To prevent pollution of the water environment.

15. Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings shall be passed through trapped gullies with an overall capacity compatible with the site being drained.

Reason : To prevent pollution of the water environment

16. Installation of floodlights shall accord with recommendations issued by *The Institution of Lighting Engineers* for the reduction of light pollution. No light shall be directed at, illuminate, reach or cross any occupied dwelling.

Reason : To safeguard the amenities of local residents

17. Noise levels emitted by operations carried out on the site measured at the boundary of nearby dwellings in Park Road shall not exceed :

Period	Hourly Value	Maximum Value
0700 - 1900	L _{Aeq} - 55 dBA	L _{Afmax} - 70dBA
1900 - 2300	L _{Aeq} - 50 dBA	L _{Afmax} - 65dBA
2300 - 0700	L _{Aeq} - 45 dBA	L _{Afmax} - 55dBA

(NB : The first noise criteria is an hourly average noise level, or equivalent continuous noise level denoted as L_{Aeq}, the second is a maximum instantaneous noise level which is denoted as L_{Afmax}. These noise criteria are applicable at a minimum height of 1.2 metres above ground level at or within 1 metre at the boundary of nearby housing.)

Reason : To safeguard the amenities of nearby residential occupants.

18. No electrical or electronic sound amplification equipment shall be installed internally or externally to the building without the prior written approval of the local planning authority.

Reason : To safeguard the amenities of local residents and to ensure the satisfactory functioning of the development.

19. Any plant, machinery or equipment used in connection with supplying, generating and/or transferring heating, ventilation, air conditioning, chilling and freezing systems in the proposed units shall be located at positions approved in writing with the local planning authority.

Reason : To safeguard the amenities of local residents and to ensure the satisfactory functioning of the development.

NOTES FOR APPLICANT :

- A) All instrumentation utilised for sound measurement shall conform to 'Type 1' of British Standards BS EN 60651: 1994 'Specification for sound level meters' and/or BS EN 60804: 1994 'Specification for integrating-averaging sound level meters' (or any

superseding standard(s) as applicable) which shall have been verified in accordance with British Standard BS 7580 'Specification for the verification of sound level meters' Part 1: 1996 'Comprehensive procedure' within a preceding 2 year period.

- B) The warehouse hereby approved should not be used in a way that is ancillary to the neighbouring retail unit. Should that occur there is the potential for a material change of use (needing planning permission) to occur.

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

The proposed development is considered to comply with the relevant policies of the development plan, in particular policies 2.1, ENV32, JP7, T13 of Walsall's Unitary Development Plan, and, on balance, having taken into account all material planning considerations, the proposal is acceptable.

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



To: DEVELOPMENT CONTROL COMMITTEE

Report of Head of Planning
and Transportation
On 21 February 2006

REASON FOR BRINGING TO COMMITTEE: Significant community interest.

Application Number: 06/0026/FL/W3

Case Officer: Mrs J Scrivens

Application Type: Full application

Telephone Number: 01922 652436

Applicant: Mr Trubshaw

Agent: Paul Clifton Associates

Proposal: Change of use from offices to 7 self contained apartments and alterations to elevations

Location: 57-58, NEW ROAD, WILLENHALL, WALSALL, WEST MIDLANDS, WV13 2DA

Ward: Willenhall South

Expired: 03 March 2006

Recommendation Summary: Grant Permission subject to conditions



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Application and Site Details

The application proposes the conversion of both properties to 7 flats (without any extensions), giving a density of 83 dwellings per hectare.

The properties currently share a car park at the rear which is reached through a gated arched access between the buildings. The gates would be altered to give electronic remote opening. The existing parking area would be reduced to provide amenity space to the rear of no.57 and between no.58 and the outbuilding at the rear (proposed to be one 'flat').

A small area of landscaping to the rear of the site, adjacent to the rear garden of no.30A Wolverhampton Street, would be removed to create one parking space and ten car parking spaces would be provided overall.

The submitted plan indicates that there would be landscaping to the front of both properties. No.57 is currently hardsurfaced at the front. The majority of refuse bins would be stored under the arched link; the bin for the detached outbuilding would be stored adjacent to it.

There would be some alterations to the buildings (mainly installation/replacement of windows). The front elevation of no.57 would be the most significant change with the replacement of a 1960's style bow window and stone panel with a more traditional window.

Relevant Planning History

This application is a revised proposal following previous refusals relating to 57 and 58 new Road for conversion and extension to form 11 flats. They were refused for a poor environment for the occupiers of the development; substandard car parking layout and detriment to the amenities of adjoining residents through the loss of landscaping and the position of the bin store.

05/0406/FL/W3 Conversion of existing offices into 4 one bed apartments plus extension to apartment 2. Refused 9.5.05

05/0407/FL/W3 Conversion of existing offices into 5 one bed apartments plus small bungalow into one bed apartment. Refused 9.5.05

05/1596/FL/W3 Conversion to 4 one bed apartments and extension to apartment 2. Refused 13.10.05

05/1570/FL/W3 Conversion to 5 one bed apartments and existing outbuilding to one bed apartment. Refused 13.10.05

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

Development Plan.

GP2, 2.2 and 3.6 relate to environmental protection and improvement.

H3 relates to the conversion of buildings for housing.

H10 relates to the design and layout of housing.

ENV32 relates to design

T13 relates to car parking.

National Policy.

National policy set out in Planning Policy Guidance Note PPG3: Housing supports the re-use of previously developed sites for housing provided that a satisfactory residential environment can be achieved. Variety in accommodation type within neighbourhoods is encouraged and reduced levels of parking can be acceptable on main transport routes.

Consultations

Transportation: No objections. The proposal would reduce the parking required at the site.

Pollution Control: No objections. Recommends conditions to address traffic noise, hours and activities of construction works and potentially contaminated land.

Environmental Health: No objections.

Fire Service: No objections.

Police Architectural Liaison Officer: No objections. Recommends security lighting for the access and car parking areas and that any shrub planting on the New Road frontage be kept low to aid natural surveillance and reduce the fear of crime.

Representations

2 letters and a petition of 7 names have been received, objecting to the application on the following grounds:

- loss of privacy to back garden
- noise and nuisance from people using rear amenity areas, particularly at unsocial hours
- loss of security since the gates were previously locked after office hours
- loss of landscaping at the rear and proximity of the car park could result in damage to rear fence
- the small outbuilding is in a very peculiar position and it will feel as if someone is living right at the bottom of the garden. The proximity of this building as living accommodation could prejudice the safety of the writer's child.
- potential health problems from the bins
- number of apartments proposed
- these type of properties usually attract younger occupants, undesirable and DSS claimants resulting in problems and anti social behaviour; the petitioners have lived here respectably for nearly 30 years and this proposal will de-value their properties.
- New Road is a lovely mix of Victorian houses, Willenhall Lock Museum, dental surgeries and detached houses. It would be down graded by this proposal.
- developers are allowed to make profits with no regard for the people that live in the area

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

Determining Issues

- Whether there is any need to retain these properties in employment use

- Car parking
- Whether a satisfactory residential environment can be achieved
- The effect of the proposals on the amenity of neighbours and the area.

Observations

Whether there is any need to retain these properties in employment use.

These properties are not within Willenhall district centre or a defined core employment area and there are no policy objections to the loss of office use. In principle, residential development would be acceptable in this predominantly residential area.

Car parking.

The proposal would require 10.5 spaces to meet Development Plan standards. 10 spaces are shown on the submitted scheme but one of these would require the removal of part of the landscaping to the rear of 30A Wolverhampton Street. This landscaping should be retained (as a feature of the site, and as a buffer for the neighbours).

The loss of this space and the retention of the landscaping would still provide an acceptable level of parking (the site is on a main bus route and within walking distance of Willenhall District Centre). If however Members are concerned about the loss of one space then the scheme could be revised to include this within the larger amenity space proposed to the rear of no.58.

Whether a satisfactory residential environment can be achieved.

Previous refusals on this site have raised issues of the layout of the flats in relation to the car parking and lack of amenity space for the flats. The current application proposes direct access to the car park from six of the seven flats which is acceptable. The reduction in the number of flats proposed from 11 to 7 has enabled this application to provide increased amenity space, which would give a satisfactory residential environment for the occupiers of the flats.

The issues of road traffic noise and ground contamination raised by Pollution Control can be resolved by appropriate planning conditions.

The location of the majority of the bins would not constitute a health problem. The bin for the detached outbuilding would have to be wheeled to the frontage for collection. It would be sufficiently far from other residential properties to avoid offence.

The effect of the proposal on the amenity of neighbours and the area.

Neighbours have expressed concern at the potential for noise arising from the use of the outbuilding for residential purposes and the use of the rear parking area. The outbuilding is some 18metres from the rear of the house concerned, which would not be unusually close between residential properties. Similarly, the proposed parking area is for residential development and parking at the rear of properties is fairly typical of this area.

The use of the rear parking area and amenity space would not result in a loss of privacy any greater than between dwellings anywhere else. The residential occupation of the outbuilding would not cause overlooking since it is single storey.

Security would be improved by the occupation of the site, especially at night and with the retention of the gates. The Police Architectural Liaison Officer has made recommendations with regard to lighting and landscaping of the frontage which could be secured by condition.

Concerns have been expressed that flats would attract occupiers given to anti-social behaviour. No evidence has been supplied to support this view.

The application proposes improvements to the front elevation of no.57 and to the frontages of both buildings in the form of landscaping. These works will be of benefit to the streetscene and the amenity of the area.

Recommendation: Grant Permission subject to conditions

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

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

2. No development shall be carried out until details of acoustic glazing and ventilation for the front elevations of nos. 57 and 58 New Road have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the occupation of any flat in these buildings.

Reason: In the interests of the amenity of future occupiers of these properties.

3. No development shall be carried out until

a) additional information on whether industrial or commercial activities have been undertaken at the site

and

b) a preliminary risk assessment of the potential for ground contamination

have been submitted for the approval of the Local Planning Authority. The assessment will identify the need for and details of any necessary remediation of the site. The remediation shall be carried out in accordance with the approved details, and a validation statement confirming the remediation has been completed will be submitted to the Local Planning Authority before occupation of any dwelling on the site.

Reason: To ensure the safety of occupiers of the site and neighbours.

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

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

5. No development shall be carried out until a scheme of lighting for the site has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall include the provision of a photo-electric cell or timer switch to automatically control all lighting. The approved scheme shall be implemented before any dwelling on the site is occupied.

Reason: In the interests of maintaining the security of the site.

6. No development shall be carried out until a detailed landscaping scheme for the site, (including any necessary phasing of implementation), has been approved in writing by the Local Planning Authority. The submitted scheme shall include the retention of all the existing landscaping on the rear boundary of the site with nos. 30 and 30A Wolverhampton Street. The approved scheme shall be implemented in the first planting season (1st October - 1st April) following any part of the development being brought into use, or in accordance with any agreed phasing.

Reason: To ensure the satisfactory appearance of the development.

7. All planted and grassed areas and associated protective fencing shall be maintained for a period of 5 years from the full completion of the approved scheme. Within this period:

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

Reason: To ensure the satisfactory appearance of the development.

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

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

9. The materials to be used for the external alterations shall closely match in colour and texture those of the existing buildings. The existing and proposed new window frames shall be made of timber.

Reason: To ensure the satisfactory appearance of the development, in the interests of the visual amenity of the area.

10. The conversion of nos. 57 and 58 New Road and the outbuilding to the rear of no.58 into flats shall take place simultaneously unless otherwise agreed in writing by the Local Planning Authority.

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

11. Notwithstanding the details shown on the submitted plans, space 8 of the proposed car park shall be deleted from the proposals and the existing landscaping in this position retained and incorporated into the landscape scheme for the site.

Reason: To ensure the satisfactory appearance of the development and the amenity of future occupiers.

12. No flat shall be occupied until the proposed car park, except as amended by condition 11 of this decision, has been surfaced in tarmacadam or similar impervious hardwearing material and the car parking spaces marked out. The parking and manoeuvring areas shall thereafter be retained and used for no other purpose.

Reason: To ensure the satisfactory provision of off-street parking.

13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 or succeeding Orders, no extensions to the dwelling formed by the conversion of the outbuilding to the rear of 58 New Road shall be constructed without the prior submission and approval of a planning application.

Reason: To ensure the satisfactory functioning of the remainder of the development and to safeguard the amenities of the future occupiers of the other properties on the development and adjacent occupiers.

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

The proposed development is considered to comply with the relevant policies of the development plan in particular policies GP2, 2.3, 3.6, H3, H10, ENV32 and T13 of Walsall's Unitary development Plan and, on balance, having taken into account all material planning considerations, the proposal is acceptable.



To: DEVELOPMENT CONTROL COMMITTEE

Report of Head of Planning
and Transportation
On 21 February 2006

REASON FOR BRINGING TO COMMITTEE: Significant Community Interest

Application Number: 05/2383/FL/E7

Case Officer: Owain Williams

Application Type: Full application

Telephone Number: 01922 652420

Applicant: Walsall Metropolitan Borough Council

Agent: Allen Construction Consultancy

Proposal: To provide a new build childrens centre at the Leighswood School.

Location: LEIGHSWOOD SCHOOL, BROAD MEADOW, ALDRIDGE, WALSALL, WS9 8HZ

Ward: Aldridge/Central & South

Expired: 16 February 2006

Recommendation Summary: Grant Permission subject to conditions



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Application and Site Details

This application is for the construction of a new build children's centre within the combined grounds of the Leighswood Infant and Junior Schools

The centre would be between the two sets of school buildings behind an existing area of saplings which the school has planted adjacent to the site boundary onto Broadmeadow. There would be a car park to the south of the building providing 19 spaces including for disabled drivers. Vehicular and pedestrian access would be separate but both opening onto Broadmeadow.

The application is accompanied by a statement of support from the applicant that the new multi-purpose centre will provide quality education, childcare, family support, parent training and health care through the new innovative building offering the highest quality environment for children and their families. It is stated that the centre will complement the school nursery class and is therefore best placed to offer the greatest potential to support the development of high quality services for young children and families. The statement suggests that this would be in line with Central Government guidance for the development of children's centres on school sites.

The report goes on to say that the development at Leighswood School forms part of the strategic planning for children's services in Walsall and has received Cabinet approval. The facility is located centrally to the community it is intended to serve and was based on consultation (through the Local Neighbourhood Partnership) and statistical evidence of the 30% most deprived areas that must be covered by Children's Services.

The facility is to accommodate a total of 49 children and provide 14/15 jobs. No use is currently planned during weekends but the centre would be available 48 weeks per year from 8am to 6pm. The building is on an area that is not playing fields and does not reduce the existing provision of designated pitches. The area of grass is not used to support school activities as these are catered for by the other areas of the site. Once the new building is in place, access to this part of the site will be improved, allowing further use of the otherwise unused grassed area for sports activities and multiple functions, such as fetes, community events or periodic activities.

Relevant Planning History

05/1303/FL/E5 - To provide a new build children's centre on existing school grounds - Refused permission on 24th August 2005, would result in significant loss of playing fields Isolated from existing groups of buildings on site

Relevant Planning Policy Summary

Unitary Development Plan

Policies GP2 and 3.6 seek environmental improvement/protection in relation to new development.

Policy ENV32 will not permit poorly designed development or proposals which fail to properly take account of the context or surroundings.

Policy ENV33 seeks good landscape design

S1 (a) VI: Public service ... facilities in class D1 are town centre uses

S6: New small-scale local facilities will be permitted if it can be shown (among other things) that the proposal is appropriate in scale and kind to meet a local need, that the local need cannot be better met in a nearby centre, and the proposal will improve accessibility to facilities by means other than the car, and above all, will be within convenient, safe walking distance of the community it is intended to serve.

T10 (b)III: if the proposal is to meet a local need it would be exempt from the accessibility standards in T11 and T12.

Regional Spatial Strategy

The RSS (embodied in RPG 11) contains policies to ensure that new social infrastructure is developed in or on the edge of an appropriate level of existing centre and is accessible by all modes by potential users, to coordinate decisions on schools investment and the provision of new facilities with urban renewal, and to provide a range of educational facilities and services across all tiers to promote urban renaissance (UR4)

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

Consultations

Transportation - No objections subject to the imposition of conditions relating to visibility splays. The applicant should be advised to contact the Council's School Travel Plan Co-ordinator for advice and help in producing a School Travel Plan, if the school is not already developing one.

Pollution Control - No objections

Environmental Health - No objections

Sport England - No objections following confirmation that no sports pitches are affected

Environmental Regeneration, Landscape Section - The proposed planting is unacceptable for the following reasons:

- The formation of narrow planting beds to the edges of parking bays and roadways will inevitably lead to damage from vehicle over-run and pedestrian trampling. Also significant maintenance liabilities and creates a very competitive situation for successful plant growth.
- The use of just two shrub species is a poor response to the needs of this site, prickly shrubs are not acceptable near small children
- Deciduous, largely native clean stemmed trees such as birch, cherry and oak should be used, not those proposed

A revised scheme would be need to be submitted for approval.

Leisure, Culture and Lifelong Learning - No objections

West Midlands Police - The cycle racks should be moved around to the front of the building where they can be overlooked by the windows to add an element of natural surveillance. It is recommended also that all doors and windows are secured by design specification. The canopy over the front entrance to the lobby may be used as a climbing aid to gain access on to the roof and therefore needs revising.

Fire Officer - Unsatisfactory. The access road will need to be enlarged to allow a fire appliance to turn.

Central Networks - No objection. Request application be notified of equipment in close proximity to the site

Representations

13 Letters have been received objecting on the following grounds

1. Insufficient car parking
2. Increased traffic including construction traffic
3. Dangerous access
4. Disturbance to residents in school holidays and after school hours

Many raise issues relating to the existing parking and traffic situation for Broadmeadow residents. They feel it should be residents only parking, a 20 mph speed limit and that parking for their homes should be provided off-road.

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

Determining Issues

The determining issues are:

- Appropriateness of location and need for the facility
- Car parking and access
- Design and Layout

Observations

Appropriateness of location and need for the facility

The location has been chosen as it lies within an area which has been identified as being deprived of these kind of services. This proposal will provide the local community with this service to give support and provide quality education, childcare and health care. The location within the school is an opportunity to complement the existing services. The proposed centre is a small scale unit which is tailored to the local community. The proposed location would be walking distance from the community it is intending to serve therefore promoting ways of travel other than the car

Car parking and access

Many of the issues raised by objectors relate to pick-up and drop-off parking by parents of the children at the existing school and the inconvenience and danger this causes to people who are resident in the immediate vicinity. The submission of a school Travel Plan should help address this issue.

No highway objection has been raised. The car parking provision for the scheme is considered acceptable. Provided suitable visibility can be achieved the vehicular access is also acceptable. The turning head has now been subsequently widened and meets the requirements needed for fire access. The police concerns about the cycle rack location could be resolved by a planning condition.

Design and Layout

The building is to be roughly midway between the two elements of the school. The centre would complement the infant school more so than the junior school and therefore is orientated to a similar angle of that of the infant school to try and achieve cohesion between the two. The design of the new centre picks out different features from the school buildings and incorporates them into its design. For example there is a slight incline in the roof of the infant school and this has been accentuated in the new design. The area between the centre and junior school could be made more accessible for sporting activities bringing the centre more into the schools infrastructure. The access road into the site has now been curved and also orientated to match that of the building which also does not take up as much of the land as the previous application. The design of the front canopy of the centre is a concern to the Police as it may act as a climbing aid. Since the consultation the canopy to the front of the building has been altered and is no longer a flat roof which would have easily been accessible. The canopy is now an extension of the sloping roof which has a rounded end and would not be easily accessible due to the angle of the roof and the smooth end. This would need the approval of the Police.

Recommendation: Grant Permission subject to conditions

Grant Permission Subject to Conditions

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

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

2. This development shall not be carried out until samples of the facing materials to be used have been approved in writing by the Local Planning Authority.

Reason: To ensure the satisfactory appearance of the development.

3. No development shall be carried out until a detailed landscaping scheme for the site has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented within 12 months of any part of the development being brought into use, or such other period as may be agreed in writing by the Local Planning Authority.

Reason: To ensure the satisfactory appearance of the development.

4. All planted and grassed areas and associated protective fencing shall be maintained for a period of 5 years from the full completion of the approved scheme. Within this period:

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

Reason: To ensure the satisfactory appearance of the development.

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

Reason: To ensure the satisfactory appearance of the development.

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

Reason: To ensure the satisfactory provision of off-street parking

7. No development shall commence until details showing an amended design for the front canopy have been submitted to and approved in writing by the Local Planning Authority

Reason: To ensure the security of the premises

8. No development shall commence until details showing a revised site for the cycle rack have been submitted to and approved in writing by the Local Planning Authority

Reason: To ensure the security of the site

9. Prior to the occupation of the centre a transport assessment and associated travel plan shall be submitted to and approved in writing by the Local Planning Authority. A review of the travel plan will be undertaken at the start of each new school year

Reason: In the interests of highway safety and additionally because the submission of a travel plan is a statutory requirement under the guidance set out in PPG13 (Transport)

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

The proposed development is considered to comply with the relevant policies of the development plan, in particular policies GP2, ENV32, ENV33, S1, S6, T10b, LC6, 8.28, 8.29, 8.30, 8.31 of Walsall's Unitary Development Plan, and Planning Policy Guidance Note 17 Paragraph 15, and on balance, having taken into account all material planning considerations, the proposal is acceptable.

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



To: DEVELOPMENT CONTROL COMMITTEE

Report of Head of Planning
and Transportation
On 21 February 2006

REASON FOR BRINGING TO COMMITTEE: Significant Community Interest

Application Number: 05/2227/FL/H7

Case Officer: Nadia Humphreys

Application Type: Full application

Telephone Number: 01922 652528

Applicant: W. Hussain

Agent: Anthony Spruce

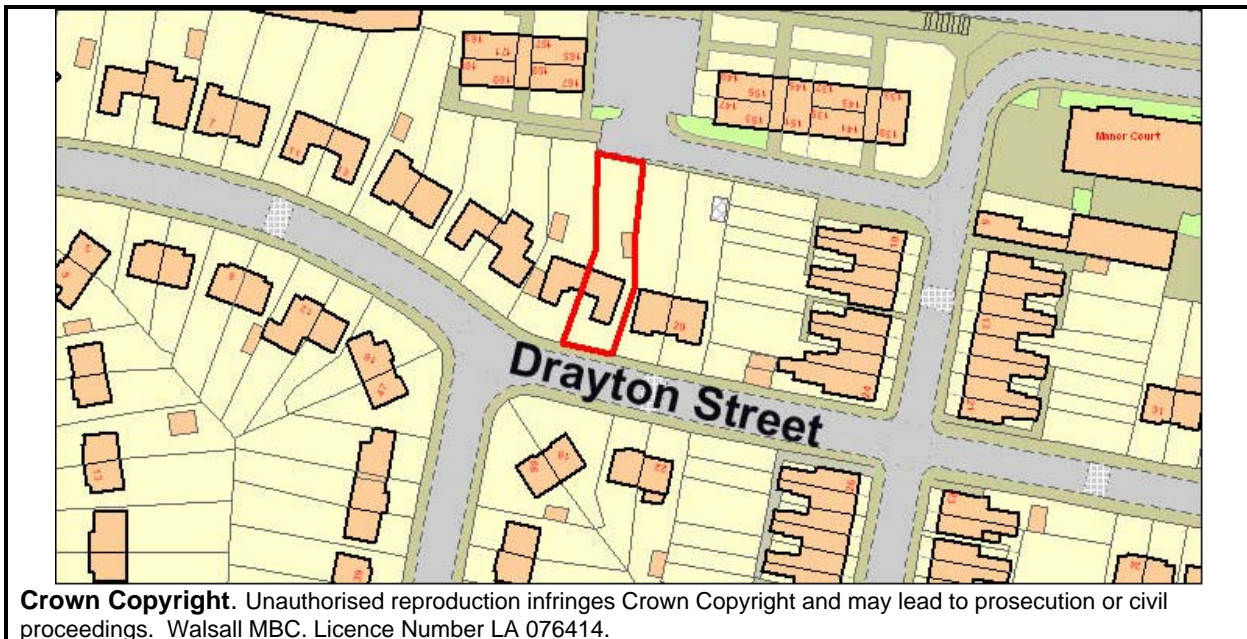
Proposal: First floor rear extension and bay window to front

Location: 25,DRAYTON STREET,WALSALL,WEST MIDLANDS,WS2 9QB

Ward: Pleck

Expired: 20 January 2006

Recommendation Summary: Grant Permission subject to conditions



Application and Site Details

This application is for a first floor extension to the rear of a semi-detached house and bay window to the front. The extension is to increase the total number of bedrooms from three to four.

The proposed extension is to project out 3 metres from the rear of the house at first floor and is to have a hipped roof to the same height as the existing roof. This is to be built above an existing single storey extension 4.2 metres in projection and be set 2.5 metres from the boundary with number 23, the other half of the pair.

The submitted plans indicate an obscure glazed window bedroom window to be inserted at first floor level in the side elevation of the original house. This window would face the side of the adjoining house number 27. Number 27 lies at an angle towards 25 with a gap of between 3 and 4 metres between the two houses. Number 27 is set back 1 metre from the rear of number 25 at first floor level and has a door with window to the rear at ground floor and a bedroom window at first floor on the nearest boundary with number 25. There is a ground floor kitchen window to the side which faces the existing side elevation to number 25, and a landing window at first floor. There is a large shed in the rear garden of number 27 which runs along the boundary with number 25.

Number 23 has a living room window at ground floor and bathroom window at first floor level on the rear close to the boundary with number 25. There is a lean-to store that lies across the boundary between number 23 and 25.

The front of the application house and adjoining properties are designed with a two-storey gable that projects 4.5 metres forward of the rest of the house. The proposed bay window is to be attached to the ground floor of this gable and is to project a further 1 metre to a maximum height of 3.6 metres.

There are no houses directly facing the rear of the house only a car parking area.

Relevant Planning History

02/1303/FL/H3 - Single storey front and rear extension - Withdrawn, 08/10/02

05/1266/FL/H7 - First floor rear extension and bay window to front - Permission Refused on the grounds the proposed extension would be detrimental to the amenity of the neighbouring house at number 27 by reason of it being over-bearing caused by the excessive length and massing relative to the adjoining dwelling, 17/08/2005

The extension was to project 4 metres on the side next to number 27 and 2.5 metres on the side next to number 23.

05/1721/FL/H7 - Double storey rear extension and bay window to front - Permission Refused on the grounds the rear extension would be detrimental to the amenity of the neighbouring houses in particular number 23, by reason of the excessive length and height relative to the adjoining dwellings. The roof shape would also be out of keeping with the existing house, with the pitch differing from that of the existing. There is a discrepancy between the proposed side and rear elevations in respect of the proposed roof height, 31/10/2005

The extension was to project 3 metres across the full width of the house.

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 Policies

GP2: Environmental Protection

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

I. Visual appearance.

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

ENV32: Design and Development Proposals.

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

H10: Layout, Design and Dwelling Mix.

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

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

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

T7 - Car Parking

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

Residential Development Standards

These include guidelines relating to design and a 45 degree code to assess the impact on adjoining dwellings.

National Policies

PLANNING POLICY STATEMENT 1

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

Consultation Replies

None

Representations

Letters of objection have been received from the occupiers of 20, 21, 27 and 29 Drayton Street. Objection reasons as follows

- The proposed rear extension would cause overlooking and a loss of privacy
- Reduce the value of neighbouring properties
- The extension would significantly alter the look of the house and be out of character with the street
- Building work for the existing extension caused problems for the neighbours

Determining Issues

The determining issues are whether the design of the extension would be compatible with the existing dwelling and the character of the wider area, the impact on the amenities of nearby residents, and parking.

Observations

The house is a plain design with a simple hipped roof to the side and a gable projection to the front. Although there are no other bay windows in the street of the design proposed, several houses have had bow windows and canopies added. The design of the proposed bay would reflect the existing roof shape of the house.

The design of the proposed rear extension with a hipped roof the same pitch as the existing roof would be in keeping with the design of the existing house.

The front bay would lie away from the boundaries with the houses to either side, and would have little impact on their amenity.

The first floor rear extension would comply with the 45 degree code relative to the habitable room windows at number 23 and 27 taking into consideration the correct angle of the houses. The extension would be partly shielded from the nearest part of number 23 by the existing ground floor extension to the application property, and the gap to number 27 means that there would also be little impact on this house. The shed in the rear garden of number 27 would limit any impact on the garden.

The only side-facing window that is proposed is to be a high level obscure-glazed window to be inserted in the side of the existing building to serve an existing bedroom. This window would face the blank gable wall to the side of number 27 and its height in the room concerned means that it would cause no overlooking of the adjoining house or garden.

With respect to the other concerns of the neighbours, the possible impact on property values and disruption from building work are not material planning considerations.

The front garden is already hard surfaced and would be able to park at least three cars, although few houses in the street have any off street parking.

Recommendation: Grant Permission subject to conditions

Conditions and Reasons for 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 external surfaces of the development hereby permitted shall match those used in the existing building before the development is brought into use, and shall thereafter be retained as such.

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

3: 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.

Summary of reasons for granting planning permission and the policies which are relevant to the decision

The proposed development is considered to comply with Walsall's Unitary Development Plan, in particular policies GP2, ENV32, H10, T7 and T13, and the Residential Development Standards, and on balance, having taken into account all material planning considerations, the proposal is acceptable.

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