



Planning Committee

Report of Head of Planning and Building Control, Regeneration Directorate on 01/03/2012

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2	23	11/1559/FL	ELECTRIUM POINT, ASHMORE LAKE WAY, WILLENHALL, WV12 4HD	Erection of two storey building for ambulance maintenance and associated office space (sui generis use).	Grant Permission Subject to Conditions
3	39	12/0016/FL	FIRST FLOOR (ABOVE POUNDLAND),81-85 PARK STREET, WALSALL, WS1 1LA	Change of use of first floor and part of ground floor from Retail (Use Class A1) to Leisure (Use Class D2), together with new entrance and shop front to Wisemore/Park Street elevation	Grant Permission Subject to Conditions

4	47	11/1576/FL	The Limes, Linley Road, Walsall, WS4 1HL	Demolition of existing building and erection of 13 dwellings.	Grant Permission Subject to Conditions and a Planning Obligation
5	63	11/1537/FL	LAND AT CARL STREET, WALSALL, WS2 7BE	Erection of 18 flats and 12 houses with associated parking, landscaping, access and associated works.	Grant Permission Subject to Conditions and a Planning Obligation
6	77	11/1561/FL	107 LICHFIELD ROAD, RUSHALL, WALSALL, WS4 1HB	Proposed two storey side extension to medical centre.	Grant Permission Subject to Conditions
7	87	11/1058/FL	THE BULLS HEAD P.H., PARK ROAD, BLOXWICH, WALSALL, WS3 3SW	Retention, refurbishment and extension of existing Bulls Head Public House. Including means of escape at first floor	Grant Permission Subject to Conditions
8	103	12/0003/FL	JAMI MOSQUE MADRASHA AND ISLAMIC CENTRE, 63 MOUNT STREET, WALSALL, WS1 3PL	First floor extension, entrance porch extension and erection of 3 minarets. revision to approved planning application BC53770P	Grant Permission Subject to Conditions
9	113	11/1233/FL	LAND BETWEEN 15-19 GOSCOTE ROAD/LAND ADJ. 2 & 6 MARLPOOL DRIVE, PELSALL, WALSALL	Proposed 2no. 4 bedroom detached dwellings and a detached garage.	Grant Permission Subject to Conditions

10	123	11/1487/FL	PLOT 2, BEACON VIEW, LITTLE ASTON ROAD, ALDRIDGE, WALSALL, WS9 0NN	Proposed alterations to dwelling house design on extant planning permission 10/0866/FL consisting of: The removal of basement and substitution of ground level attached garage. Minor roof changes, rear elevation projection, internal layout alterations and consequential window changes. The removal of existing sycamore tree and provision of two tree plantings.	Grant Permission Subject to Conditions
11	137	11/1572/FL	175 THE CRESCENT, WALSALL, WS1 2DD	First floor rear extension	Grant Permission Subject to Conditions



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Reason for bringing to committee: To seek a resolution from Members to confirm the position that the Local Planning Authority should take in respect of the appeal as set out below.

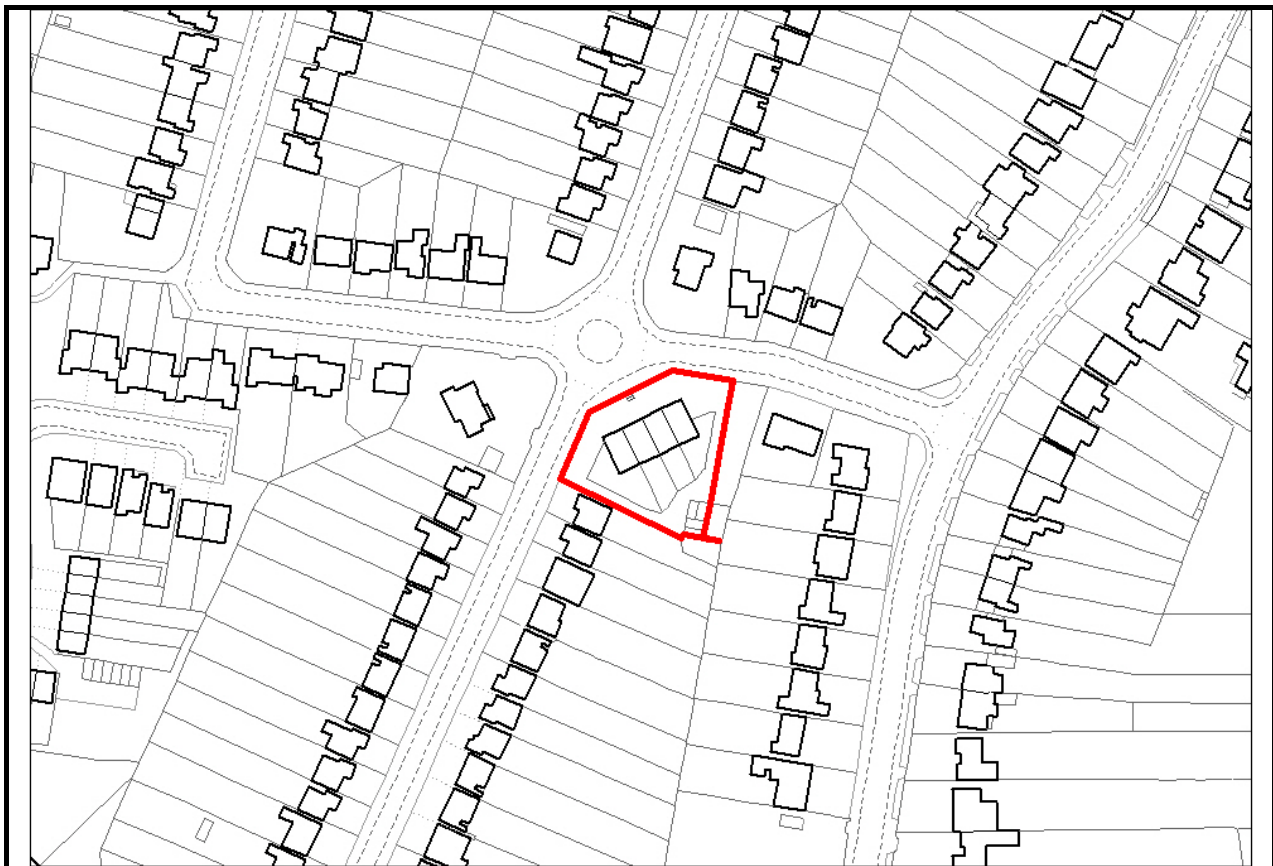
Application Number: 11/1217/FL
Application Type: Full application

Applicant: Mr David Stone
Proposal: Demolition of existing building and construction of 14 no. two bedroom apartments.
Ward: Paddock

Case Officer: Alison Ives
Telephone Number: 01922 652492
Email: planningservices@walsall.gov.uk
Agent: Sjölander de Cruz Architects
Location: 1 WOODSIDE CLOSE,
WALSALL, WS5 3LU

Expired Date: 05/01/2012

Recommendation Summary: Non Determination



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Status

An appeal against non-determination of this application has been lodged with the Planning Inspectorate. Determination of the application is now no longer in the hands of the Council. The Committee is required to indicate how they would have determined the application. This will inform the case to be presented to the Planning Inspectorate by Officers.

Application and Site Details

The site is situated on the southern side of Woodside Road on the corner of Woodside Close. The existing two storey building has a pitched roof and is set at an angle across the corner of the junction opposite a small traffic island. The building was originally constructed as four retail shops with living accommodation above but has subsequently been converted for entirely residential purposes. There are 6 x 1 bed flats and a two storey house in the block. The frontage of the site has an extensive tarmac surface used for parking.

There is an MEB sub-station at the side of the existing building fronting Woodside Road in line with the frontage of 1A Woodside Road and there is a vehicular access to a detached double garage at the rear of the application site alongside this. There is a large beech tree within the rear garden of 56 Skip Lane to the side and rear of the site which is protected by a Tree Preservation Order. An amenity area for the existing residential accommodation is set to the rear of the building. The site is located in a residential area characterised by two storey detached houses set back from the road in relatively large plots. Overall the area has an open and spacious appearance.

This application is a resubmission following refusal of five previous applications for:

- 16 x one and two bed apartments,
- 15 x two bed apartments,
- 13 x two bed apartments plus one apartment which was specifically designed for disabled occupancy with ancillary carers accommodation,
- 14 x two bed apartments,
- 14 x two bed apartments.

The first two applications were taken to appeal and were both dismissed by a Planning Inspector in May 2008. The third and fourth applications were also taken to appeal and both dismissed by a Planning Inspector in October 2010. The fifth application was taken to appeal and dismissed by a Planning Inspector in August 2011,

The last two appeals failed, principally, for reasons relating to the design of the repositioned sub station.

The current application is almost identical to the most recent refusal in all respects except for the substation siting and design and is submitted in response to the Planning Inspectors reasons for dismissing the appeal.

The current application proposes the demolition of the existing buildings and erection of 14 x 2 bed dual aspect apartments within three separate blocks, set around the corner. Blocks 1 and 2 would in effect be 2.5 storeys and have 5 apartments in each block. Block 3 would be 2 storeys and have 4 apartments. Each of the apartment blocks would remain

the same in terms of position and design as the last application 10/1650/FL, except for alterations to the front elevation of block one where it previously faced the then proposed sub station.

The three buildings would be set back between 6m and 8.2m from the back of the pavement. Each block would have a width of approx 12m and a depth of between 12m and 13m. The overall heights would range from 8m to 9.4m high. The building design includes bay windows and gable features, with facing brickwork and pitched tiled roofs.

The electricity substation would be relocated within a compound measuring 4m x 4m in area and sited between blocks 1 and 2, adjacent to the access. The pre-fabricated building would be made from coloured glass reinforced plastic (GRP). It would have a shallow pitched roof and measure 2.4m x 2.7m with a maximum height of 2.5m. It has doors that open onto the proposed access road to the rear car park. Landscaping is proposed around the building leaving an open frontage onto the access road. The substation would be accessed via the proposed car park access with planting proposed around it for screening purposes.

The layout includes 18 parking spaces. Of these, 16 spaces (including 1 disabled space) are in a communal parking area at the rear accessed via a gated driveway between blocks 1 and 2, off Woodside Road. A further parking space would be provided in front of block 1 and a disabled parking space would be provided in front of block 2.

Refuse and cycle storage facilities would be provided to the side and rear of block 2, adjacent to the access drive and parking area. A total of approximately 213 sqm of amenity space would be provided to the rear and between blocks 2 and 3.

The site area is 0.16 hectares which gives a proposed density of 87 dwellings per hectare.

Supporting documents provided by the applicant includes:

The Design & Access Statement –

Describes the planning history and appeal Inspector's decisions, refers to planning policies, provides an analysis of the site and its surroundings and describes the approach to and the design of the current proposals in addressing the previous reasons for refusal and appeal decisions.

The Planning & Sustainability Statement – Sets out the planning history, planning policy considerations (including commentary on Circular 03/09 - Costs Awards in Appeals and other Planning Proceedings) and key issues raised in the latest Appeal Inspector's decision dated 30 August 2011. On the issues of a Waste Audit and Site Waste Management Plan it is intended that waste resulting from the construction/demolition process will be recycled where possible. Storage is allowed on site for occupiers to recycle waste. Subject to ground conditions sustainable drainage techniques will be explored. There is no evidence that ground conditions would preclude the proposed development. The applicant considers these matters could be covered by conditions. The statement concludes that the revised application has sought to address in detail the comments of the last Inspector relating to the location and impact of the substation which they consider the revisions do.

The EM Fields Appeal Statement – Explains there are scientifically based guidelines for human exposure to electromagnetic fields (EMF). It also states there is no compelling

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evidence that chronic conditions are related to low-frequency EMF exposure which includes emissions from substations. The statement concludes that the siting and proximity of the substation proposed under application 10/1650/FL is not inconsistent with the guidance of the International Commission on non-Ionizing Radiation Protection (ICNIRP) Guidelines. It also highlights the measured and expected EMF exposure levels from the substation in Woodside Close will be a small fraction of the ICNIRP guidelines and even closer to the substation are likely to be comparable to those from domestic appliances. There is no consensus for precautionary measures or distances related to building homes near the type of substation in Woodside Road.

The Bat Survey - Concludes that there was no evidence of bats observed during the inspection and the development of the site is unlikely to have an impact upon bat populations. A letter from Ridgeway Ecology dated 8 November 2011 confirms that in their opinion at that time it was unnecessary to update the bat survey carried out in 2009 as the potential for bats to utilise the site for roosting is relatively low but the recommendations of the report still stand. If building work hasn't commenced by January 2012 then a new bat survey will be required. A further letter from Ridgeway Ecology dated 18 January 2012 confirms their opinion that it is unnecessary to present an updated bat survey as the potential for bats to utilise it as a roosting site is relatively low and the condition of the building has not changed. It restates that the recommendations in the original report still stand and if building work has not commenced by January 2013 then a new bat survey will be required.

The Updated Bat Survey (15th February 2012) – States an internal and external survey was completed on 13th February 2012. No evidence of bats was found in the houses or garage. The houses were considered of moderate bat roosting potential and the garage of limited roosting potential. No bats were observed during previous nocturnal surveys. As there has been no significant changes to the buildings since these surveys were carried out and the majority of access holes and roosting areas could be visually inspected no further survey work is considered necessary. The development is unlikely to have an impact upon bat populations. The report recommends demolition works are carried out with the expectation that bats may be found and procedures followed in the event that bats are found. The report recommends incorporation of roosting opportunities for bats in the new buildings and restriction on lighting that may illuminate bats flying/foraging in the area.

Relevant Planning History

07/0774/FL/E11 - Erection of 16 x one and two bedroom apartments – Refused 12/7/07.
Reasons for refusal:

1. The design of the proposed development is inappropriate in the area in that it fails to respect the local character in terms of fenestration, including; lack of bay windows, cat slide roof and the scale of the proposed dormers. Furthermore, the frontage parking is visually intrusive within the street scene and the outlook from the proposed dwellings due to the lack of soft landscaping and proximity of the parking spaces to the building.
2. The development would result in unacceptable demand on limited educational capacity and public open space provision in the locality in the absence of any financial contributions to address the shortfalls.

Subsequent appeal dismissed 21-05-08 because of the unacceptable adverse effect on the character and appearance of the area in failing to take account of the context and surroundings and compromise the quality of the local environment.

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07/1815/FL/E11 – Erection of 15 x 2 bed apartments – Refused 15-10-07.

Reasons for refusal:

1. The proposal would appear incongruous in the street scene due to its three storey appearance, design and scale; and the lack of adequate parking provision would lead to unacceptable on street parking.
2. The development would place undue pressure on limited education and public open space provision in the locality.

Subsequent appeal dismissed 21-05-08 because of the unacceptable adverse effect on the character and appearance of the area in failing to take account of the context and surroundings and compromise the quality of the local environment.

09/0617/FL – Demolition of existing shops/flats and construction of 13 new 2 bed flats and 1 flat for person with disabilities with associated carers accommodation – Refused 14-10-09. This was for one large apartment block building.

Reason for refusal:

1. The proposed development would be over dominant in the street scene by virtue of its massing and appearance, which would be detrimental to and not in keeping with the openness and character of the surrounding area, which consists of detached dwellings.

Subsequent appeal dismissed 28-10-10 because due to the scale and mass the development would create a dominant feature in the street scene which would be out of character with and detrimental to the surrounding area.

10/0038/FL – Demolition of existing building and erection of 14 x 2 bed apartments. Appeal against non-determination submitted, no decision made by Walsall MBC. This was for three separate apartment buildings on a similar footprint to the current application.

Appeal dismissed 28-10-10 for the single reason relating to the position and appearance of the relocated substation that would create an incongruous feature which would detract from the openness of the area to the detriment of its character.

10/1650/FL – Demolition of existing building and erection of 14 x 2 bed apartments – Refused 4 May 2011. This showed three separate apartment buildings and a new substation located in front of block 1 adjacent to the boundary with 1A Woodside Road.

Reasons for refusal

1. The siting and proximity of the substation in relation to the proposed block of flats is still an incongruous structure in the street scene by way of its design and proximity to neighbouring dwellings, which would detract from the openness of the locality and be detrimental to the character of the area.
2. The siting and proximity of the substation falls short of the International Commission on Non-Ionising Radiation Protection (ICNIRP) guidelines.

Appeal dismissed 30 August 2011 for a single reason relating to the incongruous position and prominence of the substation which would not integrate with the pleasant and open residential character of the surrounding area. It would fail to integrate with the pattern of development due to its size, poor design and high public visibility. It would seriously harm the character and appearance of the surrounding residential area and the setting of the proposed apartment block 1.

Relevant Planning Policy Summary

Black Country Core Strategy & UDP Policies

(Note the full text version of the BCCS and UDP is available from First Stop Shop in the Civic Centre and on the Council's web site)

The current version of the Black Country Core Strategy and associated appendices can be accessed at;

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

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

Black Country Core Strategy 2011-2026

The BCCS was adopted by the Council on 3rd February 2011 and now forms part of the statutory development plan. It replaces certain “saved” policies in the UDP.”

2a: Seeks to create a network of cohesive, healthy and prosperous communities across the Black Country, deliver high quality distinctive places which respect the diversity of the Black Country natural and built environment and attract new employment opportunities.

2b: Encourages sustainable management of material resources through minimising waste, ensuring all members of the community have the best access to housing, previously development land is prioritised over greenfield sites and encourages a comprehensive approach to development.

CSP2: Outside strategic centres and regeneration corridors will provide a mix of good quality residential areas where people choose to live.

CSP4: A high quality of design of the built and natural environment is required. Design of spaces and buildings will be influenced by their context.

TRAN2: Proposals likely to have significant transport implications should provide an acceptable level of accessibility and safety by all modes of transport to and from all parts of a development.

DEL1: All new developments should be supported by the necessary on and off-site infrastructure to serve the development, mitigate its impacts on the environment, and ensure that the development is sustainable and contributes to the proper planning of the wider area.

ENV2: Development proposals will be required to preserve and, where appropriate, enhance local character.

ENV3: Seeks to deliver urban renaissance through high quality design that stimulates economic, social and environmental benefits.

HOU2: Density and type of new housing will be informed by:

- The need for a range of types and sizes of accommodation to meet sub regional and local needs
- The level of accessibility
- The need to achieve high quality design and minimise amenity impacts

All developments will aim to achieve a minimum density of 35 dph, except where higher densities would prejudice historic character and local distinctiveness

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

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

GP3: Planning obligations will be used to secure any on or off-site mitigating measures made necessary by a development.

H3: Encourages provision of additional housing through windfall sites provided that a satisfactory residential environment can be achieved and that the development would not unacceptably constrain the development of any adjacent site.

ENV13: To protect the general amenity of occupiers' development in close proximity to substations will not normally be permitted.

ENV14: seek to bring forward derelict, vacant or underused land and buildings for new uses.

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

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

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

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

T7 – Car Parking

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

T8: Encourages walking and provision in development to enhance this.

T10 (a): Refers to accessibility standards.

T13: Development will provide adequate on-site parking to meet its own needs, and that there will be no adverse effect on highway safety and the environment.

Flats with Communal Parking 1.5 spaces per unit

LC1: Residential developments will be required to make financial or other contributions which will enable the provision of new, or the improvement of existing urban open spaces.

Designing Walsall (SPD) (Feb 2008)

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

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

DW2: Safe & Welcoming Places - all new development must contribute to creating places that feel safe.

DW3: Character - all new development must be designed to respect and enhance local identity

DW4: Continuity - Well defined streets with a continuity of built form are important.

DW5: Ease of Movement – connections to existing routes

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

DW7: Diversity – contribute to creating living places that offer a mix of activities to the widest range of possible uses

DW8: Adaptability – contribute to creating flexible and adaptable places that can easily change over time.

DW9: High Quality Public Realm - new development must seek to ensure it creates places with attractive environmental quality. Provision of public art is required on schemes of 15 dwellings or more.

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DW 10: Well Designed Sustainable Buildings - new development should make a positive contribution to creating a sustainable environment.

Local Character Guidance: East – Gillity Village, Park Hall and Pheasey

The areas display a local vernacular of medium to large sized semi detached and detached housing. New development should reflect the quiet residential character of these areas and their communities in their design. Future development should respect the spacious and low density form of development.

Annexe E: Numerical Guidelines for Residential Development identifies privacy and aspect distances between dwellings including 24m separation between habitable windows for two storeys and above, 13m separation between habitable room windows and blank walls exceeding 3 metres in height, 45° code, garden dimensions of 12m in length and 68m² for housing and 20m² per dwelling where communal provision is made, set backs to avoid terracing and provision of boundary walls. Although failure to comply with these guidelines may not by itself be a reason for refusal of an application, it will be a factor to be used in determining whether a proposal would be compatible with the wider character of the area or the existing dwelling or the amenity of neighbours.

Conserving Walsall's Natural Environment SPD

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

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

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

Urban Open Space (SPD) (April 2006)

Requires a contribution towards improvements to or provision of urban open space within the proximity of the application site on residential developments of 10 units or above, based on the number of bedrooms provided and the ward.

Education Supplementary Planning Document and Public Art (Contained with Designing Walsall)

On 9th November 2011, the Council's Cabinet resolved to revoke the Education SPD and Appendix D of Designing Walsall SPD (relating to Public Art) because they are no longer consistent with the legal requirements for planning obligations, and cannot be applied in their current form.

The Council could still seek planning obligations towards education infrastructure pending the introduction of CIL, where it was justified. For example, Walsall Children's Services would have to demonstrate that existing services would not be able to accommodate the impacts from the proposed development and that to provide a satisfactory service to the residents of a new housing development, a new facility would have to be provided, or an existing facility would have to be upgraded. To be justified, it would also be necessary to identify the specific education project(s) that planning obligations would contribute to, and the timescale within which the specified project(s) would be implemented.

Regional Strategy for the West Midlands

On 6 July 2010 the Secretary of State issued a direction to revoke Regional Spatial Strategies. Following a legal challenge this was reversed by the High Court on 10 November 2010.

The Government responded by advising its proposed abolition of the RSS system (abolition will require legislation, through the Localism Act and will take time) should be a material consideration in decisions. On 7 February 2011 the High Court published its judgement that the proposed abolition can be a material consideration. The Localism Act has now received Royal Assent and is moving towards Enactment. Further consultation has been undertaken regarding the Strategic Environmental Assessment of the proposed abolition of the RSS. The Localism Act and the abolition of the RSS continue to be capable of legal challenge.

Officer's advice is that the RSS remains part of the statutory development plan for the Borough (with the saved policies of Walsall's UDP and the Black Country Core Strategy), and decisions should be made in accordance with it unless material considerations indicate otherwise.

National Policy

The National Planning Policy Framework Consultation Draft was issued on 25 July 2011. The document has now completed its consultation and received wide-spread publicity and significant responses. Ministers have confirmed that amendments to the document will be made. The CLG Select Committee has completed its assessment with 35 key recommendations. The Government is considering these. As such, the consultation document carries very limited weight. Officers note the intention of Government is that the planning system is plan-led and Local Plans are the starting point for the determination of any planning application.

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

PPS3: Housing, the objective of the revised guidance is to:

- Support further increased housing needed across the country
- Bring additional brownfield land back into use
- Increase the design and environment standards of new homes and neighbourhoods in order to move towards zero carbon development

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

PPG13: Transport, promotes more sustainable patterns of development for housing development and encourages assessment of the location and accessibility of jobs, services and transport choices and to reduce travel, especially by car. Local Authorities should not require developers to provide more spaces than they themselves wish, other than in exceptional circumstances, for example where there are significant implications for road safety which cannot be resolved through on-street parking controls.

PPS23: Planning & Pollution Control advises a Precautionary approach of a 5m exclusion zone around substations, transformers etc.

The Localism Act 2011

The Localism Act 2011 is now in force in part having come on to the statute book on 15th November 2011. Regulations to implement neighbourhood planning however are not in force at the present time.

The Act itself sets out a range of powers and duties given to Local Planning Authorities in connection with neighbourhood planning but does not provide any powers for neighbourhood forums which might become designated under the Act to veto development or types of development. Communities and Local Government the government department with responsibility for planning has issued a plain English guide to the Localism Act. That guide says that "Neighbourhood planning will allow communities, both residents, employees and business to come together through a local parish council or neighbourhood forum and say where they think new houses, businesses and shops should go and what they should look like. It does not refer to neighbourhood development orders or plans saying what development should not be allowed. The guide also confirms that the Localism Act 2011 requires any neighbourhood orders or plans to be in line with national planning policy and the strategic vision for the wider area set by the local authority. In the case of this Local Planning Authority the strategic vision would be the Black Country Core Strategy which is an up to date strategy with aims for growth and regeneration including the provision of housing. Any neighbourhood plans would have to show that they were in accordance with an overarching Core Strategy and housing targets. The Localism Act 2011 will not prevent consideration of this application on previously developed land by a Planning Inspector at appeal.

Consultations

Transportation – No objections subject to conditions relating to access, layout and cycle storage and Travel Planning. The proposal is for 18 parking spaces, including 2 disabled spaces, to serve 14 apartments which equates to an overall level of 128.5%. Policy T13 requires a typical level of parking of 1.5 spaces per unit which equates to 21 spaces for 14 flats. The parking provision is identical to the level of parking proposed under the previous refused scheme 10/1650/FL which was dismissed at appeal.

Whilst the level of parking was not a refusal reason or a reason for the appeal dismissal, the Inspector did consider residents concerns over the proposed level of parking provision and its potential impact on local highway network. The Inspector stated that this was considered at some length under the previous appeals and concluded that the evidence before him, together with recent changes in Government policy requiring Local Authorities to set parking limits, did not lead him to alter these previous conclusions that the level of parking is acceptable and the site is not in an unsustainable location.

The proposal utilises the existing access off Woodside Road with improvements which is considered acceptable. The redundant crossing in Woodside Close is to be removed subject to statutory requirements.

Pollution Control (Scientific Team) – No objections in principle. Conditions were recommended to be imposed on any planning permission to limit noise levels from the substation plant and to restrict hours of demolition and construction to protect nearby residents.

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Pollution Control (Contaminated Land) – No objections subject to works being carried out to investigate and remediate any localised ground contamination and ground gas issues associated with the historic filled ground from a former pond or marsh. Details are required prior to commencement of any development.

Western Power Distribution (formerly Central Networks) – No objections. The proposal affects both an existing ground mount substation (Woodside Rd No. 13282) and 11,000 and 400 volt underground apparatus. The proposals are acceptable subject to the following:

- The freehold land for the GRP distribution substation is 4 x 4 metres and suitable cable width easements is provided by the developer.
- Developer to meet all costs associated with the diversion and protection of WPD apparatus (both 11,000 & 400 volt), this includes bell mouth access works and substation relocation.
- Developer to undertake all reinstatement within the development site.
- Access is to be from the newly constructed access road to the car park, the frontage of the substation should also face/open onto this.
- Developer to provide suitable legal substation access, cable easements, surveyors and s/s freehold at their costs. There may also be a surrender value for the land which may need to be sort from WPD estates dept.
- All work commencement would be subject to successful clearance of legal issues.

Environmental Health – No objections.

Ecology – No objections subject to imposition of conditions to conserve local bat populations. A further bat survey has been submitted carried out on 13 February 2012.

Bat surveys were received for previous applications carried out in 2007 and 2009. Both surveys were carried out by a nationally recognised bat ecologist at optimum times of the year. Both involved activity surveys. The findings of both surveys were broadly similar with no evidence of bats using the buildings but occasional records of bats flying in the vicinity.

The further bat survey carried out in February 2012 is a detailed, illustrated and thorough report which found no evidence of bats with the existing dwellings of “moderate” value for bats and the adjacent garage of “limited” value. The building had not changed significantly since the previous surveys and the majority of the potential roosts could be inspected so further survey work was considered not necessary. It concludes the development is unlikely to have an adverse impact on local bat populations. Sufficient survey work has been done to justify the recommendations reached. The recommendations should be incorporated into proposed planning conditions.

Arboricultural Officer – No objections. There is a mature Beech tree situated off site in the rear garden of 56 Skip Lane but this is unlikely to be detrimentally affected. The existing trees on site are few and of low amenity value. The proposal does offer the opportunity to plant replacement trees within the layout.

Walsall Children’s Services - Serco – No objections.

Police Architectural Liaison Officer - No objections in principle. The car park has little natural surveillance so it is recommended that secure fencing is installed around the perimeter and that an access control system is installed for the gates. Provision of security doors and windows, an access control system for the flats, lighting and provision of defensible space are recommended.

Severn Trent Water – No objections subject to provision of drainage details.

Public Participation Response

In respect of the original submission there are 36 letters of objection (from 29 addresses), 1 letter of objection from the Cottage Farm Residents Association, 1 letter from Park Hall Residents Association, 2 letters from Councillor R Martin and a petition of objection with 263 signatures. The objections are summarised as follows: -

- No objection to the principle of redevelopment for residential purposes
- Given the long history of opposition to similar developments, refusals by Council and dismissed appeals by the Planning Inspectorate it should be clear that local residents do not want this type of development
- Despite the Planning Inspectorate decisions this is a local issue requiring a local decision
- Existing residents feel there is injustice to local residents because same points keep being ignored
- Not addressed previous objections
- Overdevelopment incorporating a third storey in the roof
- Over-dominant design
- Massing and scale is too big for both the site and the area and would lead to a cluttered appearance
- Too high density for the area (which is below 40)
- Out of character with the area and compromises the quality of the area
- Not a sustainable location no frequent bus service
- Inadequate amenity space
- Lack of play space for children
- No local demand for apartments, houses would be more appropriate
- Insufficient parking for the number of proposed apartments
- On-street overspill parking caused affects highway safety and Emergency Services and waste collection vehicles could be restricted and unable to access
- Overspill parking would have detrimental affect on the street scene and make narrow roads dangerous
- Inadequate parking for occupants and visitors that fails to comply with policy
- Excessive noise and nuisance from cars and lighting
- No test for noise levels from the car park
- Overlooking and loss of privacy to adjacent gardens and properties
- Proximity of block 3 will block natural light to kitchen
- Sub-station position is impractical
- Substation design is still 'large, ugly and box like' and would result in an incongruous feature in the local street scene
- Lack of details on how the substation is accessed or how it is camouflaged
- Health concerns regarding risk to occupants in close proximity to the proposed sub-station

- Query whether the plans are accurate and there is room to drive past sub-station to access rear car parking
- Lack of a full landscaping scheme means cannot determine whether the proposed landscaping will be effective
- Proposed planting may be ineffective to achieve the softening of the development if mature trees are not planted from the outset
- Protected trees have already been removed and fears for future tree removal
- Potential damage to protected tree through excavation works
- Inadequate space for construction traffic which would cause congestion on the surrounding roads
- Reduction in ground level required at Block 1, coupled with the known very poor and unstable ground conditions puts significant risk to number 1A Woodside Road which has suffered subsidence in the past
- Lack of security to the boundary giving access to nearby houses
- Concern over proposed boundary treatment and potential costs to existing neighbours to make good
- Lack of detail of boundary treatment
- Little change from the earlier proposals
- Request the application is held back until the Localism Bill can be acted upon by communities

As a result of additional consultation on amended details a further 13 letters of objection have been received plus 4 letters from Cottage Farm Resident's Association and 1 from Park Hall Residents Association. Councillor McCracken also objects and supports local residents in their opposition to the proposals. The further objections are summarised as follows:

- the Localism Act 2011 gained Royal Assent on 15th November 2011 and should be referred to in the application report
- Chapter 3 of the Localism Act begins the process of bringing the Government directive that LPA's must have regard to the wishes of the local community with regard to planning matters
- The petition presented by COFRA opposing the development represents 95% of households in the area covered by COFRA
- COFRA original objections still stand
- Strong local opposition to the proposals
- Failure to comply with national, regional and local planning policies and guidance
- Failure to comply with the validation criteria as limited details provided
- Lack of landscaping details or reference to ecological enhancement
- A conditional approval is not acceptable and does not deal with landscaping effectively – residents have no faith that officers will determine appropriate landscaping
- Inadequate details of the substation which is not secured within a fenced compound and may be prone to theft and vandalism which is a safety concern
- Lack of noise attenuation to the car park which adjoins residential boundaries
- A Noise Impact Assessment should be required to make any meaningful assessment
- An Air Quality Assessment should be required that considers air borne pollution in the form of exhaust emissions and potential impact on surrounding residents
- Failure to meet the Council's parking standards as there is a shortfall of more than 30%

- There are 15 spaces serving 7 flats presently so providing 16 spaces for 14 flats that is inadequate
- Potential overspill parking by residents and visitors of the development on street is a highway hazard and there are no measures proposed to control this
- Potential for overspill on-street parking was considered sufficient reason to refuse an application in Featherston Road so a consistent approach is not being taken
- Proposals affect the enjoyment of existing residents homes and health issues
- The proposed car park is too close to residential properties
- The position of Block 1 will block light to surrounding houses
- Proposed blocks 2 and 3 at three storeys overlook surrounding housing affecting privacy
- Allowing three storey development sets an unwanted precedent
- The substation is still highly visible in the street scene and inappropriately sited between dwellings
- The substation has only been moved a few centimetres
- Lack of security or landscaping
- Increased traffic congestion and parking on street due to lack of parking that causes a highway hazard
- The building is out of keeping in height and design and leads to overlooking
- Continued attempts to gain planning permission causes stress and worry to residents
- Overdevelopment in size mass and scale
- Insufficient parking
- Relocation of the substation is impractical
- Inadequate amenity space
- The application should not have been validated as there are required items missing including; Planning & Sustainability Statement, Waste Audit, Site Waste Management Plan, Sustainable Urban Drainage System, Desk Top Site Investigation
- The site is filled ground and there is evidence of subsidence in the vicinity
- Proposals cheapen the area and lower standards by short term tenants who would not care for the area
- The appeal should be heard by Informal Hearing or Public Inquiry

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

Determining Issues

The Council is required to have full regard to the Inspector's findings in the previous appeal decisions for this site as a material consideration in the determination of any future applications. Consideration must also be given to whether there has been any material change in circumstances since that appeal decision.

The substation was the key issue of concern raised by the Planning Inspector in the most recent appeal decision and in particular:

- The effect of the proposed substation on the character and appearance of the surrounding residential area and the proposed development
- The effect on living conditions of potential residential occupiers, with particular reference to possible electromagnetic fields from the substation above ICNIRP guidelines and due to its closeness

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Other material considerations discussed by the Planning Inspector related to

- Character and appearance of the area
- Density
- Proposed housing mix
- Car parking provision
- Amenity space/noise & disturbance/loss of outlook/light and privacy/protected beech tree
- National Planning Policy Framework
- Localism Act

Other matters to be considered

- Protected species, Bats
- Provision for Education & Urban Open Space

The Inspector was satisfied on all aspects of the proposal except for those relating to the siting and design of the substation. The current appealed application aimed to address the outstanding issues in relation to the substation.

Observations

The effect of the proposed substation on the character and appearance of the surrounding residential area and the proposed development

The proposal is to relocate a new substation between apartment blocks 1 and 2 adjacent to the access. The proposed substation is a GRP building 2.4m x 2.7m with a maximum height of 2.5m. There are two doors on the structure facing the access within the site. The substation is proposed to be screened from direct views from the opposite side of Woodside Close by proposed planting, once established, but no details of landscaping have yet been provided. Any planting could be controlled through condition requiring maintenance and replacements for a period of 5 years post approval, but not in perpetuity. There are no proposals to create a fenced enclosure for the substation.

The proposed substation is broadly in line with the apartment buildings positioned parallel to the access within 2.4m of Block 2. Its proposed glass reinforced plastic (GRP) construction and shallow pitch roof design does not reflect the materials and design of the proposed apartments or existing housing in the area which are constructed of facing brick with pitched tiled roofs.

It is also considered to be utilitarian in appearance. The Inspector commented on the previously proposed 'utilitarian brick structure', referring to it as 'large, ugly and box like', which is further out of keeping with the surrounding dwellings. The proposed GRP structure would be a stark contrast to the surrounding buildings. The substation frontage on the access road would be visible within the street scene when viewed approaching from the east and from the car park access. Also views would be available from the habitable room windows in the side elevation of apartments in block 1.

The size of the substation has been reduced from 3m x 3.2m to 2.4m x 2.7m but has been increased in height by 0.7m to 2.5m. A previous appeal Inspector considered a substation 2.5m in height acceptable on the basis that it would be sunk into the ground to disguise it but the proposed substation is not proposed to be sunk into the ground and would be at the same ground level as the apartment buildings so would be potentially more obtrusive

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for the reasons referred to above. The proposed substation utilises the car park access without requiring a segregated part of the site for operators to maintain the substation. However, this means the doors to the substation face the access and are still visible from the apartment block 1 and would be partially visible from the street when approaching from the east. The proposal does not entirely address the appeal Inspector's concerns in this respect.

The proposed landscaping would not address these concerns and may not be reliable as an effective screen for the lifetime of the development, nor can it ever be a substitute for well designed built development.

The substation is now closer to the apartment building than any of the earlier proposals. It is 2.4m at the closest point to apartment block 2 whereas on earlier schemes it was between 3.2m and 4m away from the nearest apartment blocks. For this reason it is still obtrusive within the site and from the apartments in block 1 which are 4.1m away at the closest point.

Pollution Control officers have commented that a condition could be imposed on any permission, requiring the developer to demonstrate that noise levels emitted from the substation would not exceed a specific limit in order to protect residential amenities.

For the above reasons the proposals do not satisfactorily address the appeal Inspector's concerns as the proposed substation is closer to the proposed apartments, detrimental to the outlook from block 1, its construction would be large, ugly and box like, seen from within the street scene and a stark contrast to the apartment building in terms of its design and materials to be used. As such it would fail to integrate with the character of the proposed development and would appear incongruous within the surrounding area.

The effect on living conditions of potential residential occupiers with particular reference to possible electromagnetic fields from the substation above ICNIRP guidelines and due to its closeness

The developer has provided evidence regarding electromagnetic fields and confirms that the substation will be ICNIRP compliant and well below the guideline levels. This evidence has been accepted by the appeal Inspector for 10/1650/FL and was sufficient to convince him that the substation would be safe. Although the substation is closer to both apartment blocks 1 and 2 than the earlier proposals (3.8m from block 1 and 2.6m from block 2) the evidence provided by the applicant has demonstrated that the potential electromagnetic fields pose minimal risk to the occupiers.

For the above reasons the proposed proximity of the substation to the apartment blocks will not have a significant impact on the living conditions of potential residential occupiers from electromagnetic fields.

Other material considerations discussed by the Planning Inspector **Character and appearance of the area**

The previous appeal Inspector for 10/1650/FL considered that

"the size, scale and appearance of the three apartment blocks would be consistent with the design of existing dwellings in the area and would sit comfortably within the existing pattern of development and would not create dominant features or look out of place."

The design of the apartment blocks remains unaltered since this decision was made and in the circumstances, whilst recognising that objectors maintain their contrary view, the proposed apartment buildings were considered acceptable and would cause no harm to the character or appearance of the area.

The apartment block design was also considered in the appeal decision for 10/0038/FL which related to three separate apartment buildings on a similar footprint to that now proposed. The Inspector concluded that

“the separation between the blocks themselves would create a sense of spaciousness within the site and reflect the pattern of development within the area.” She also stated *“all three blocks are a similar size and the ridge heights would not be out of character in the street scene”* and that *“the design of the blocks would be more akin to a domestic dwelling than an apartment block”*.

Therefore the principle of the buildings now proposed has already been considered as acceptable by the Inspectors.

The proposed layout includes landscaping to the frontage and private amenity space to the rear, with 2 parking spaces on the frontage, also reflecting the character and appearance of the surrounding area and taking into account the comments made by the Planning Inspector regarding parking on the frontage.

Taking into account the previous appeal Inspectors' decision the Planning Committee did not include these matters in the reason for refusal of 10/1650/FL. The current proposal has an almost identical layout and design (with the exception of the substation) and so in light of the above comments it is considered that the proposed apartment buildings overcome the previous reasons for refusal in terms of their dominance, massing, appearance and are more characteristic of the area.

The level of landscaping detail provided is considered sufficient to determine the proposals as they clearly show where new planting will be introduced and a condition requiring full details of plant species will enable the Council to control future planting.

Whilst residents consider that their objections keep being ignored and that they reiterate that they do not want this type of development, the Council and Planning Inspectorate have taken into consideration the concerns of the local community. On balance, the design and layout of the apartment blocks are considered to be in keeping with the area and cause no significant harm to residential or visual amenities of the area.

Density

The appeal Inspector notes the proposed development would be at a high density (87 dph) but emphasises

“Government advice makes it clear that this is acceptable provided, as here (with the exception of the substation), it is well designed and does not compromise the quality of the local environment – and that it is in the right location.”

Despite objectors concerns about the high density and overdevelopment of the site these matters have been considered in earlier applications and as the layout and design of the

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current scheme is almost identical, consideration of density is the same. The appeal Inspector also considered the provision of apartments would give a more mixed and varied housing provision in the area as encouraged in PPS3.

Policy HOU2 of the BCCS states that all developments should aim to achieve a minimum net density of 35 dwellings per hectare: the proposals accord with this aim. It also states density and type of new housing will be informed by the need for a range of types and sizes of accommodation to meet sub regional and local needs, the level of accessibility and the need to achieve high quality design and minimise amenity impacts. Although recent changes to PPS3 has removed the 30 dwellings per hectare national indicative minimum density, it still requires the efficient use of land and states the density of existing development should not dictate that of new housing by stifling change and requiring replication of existing style and form.

PPS3 states that imaginative design and layout of new development can lead to more efficient use of land without compromising the quality of the local environment. Over development results in designs which impact unduly on the character and amenity of the locality. The amended design approach addresses these concerns and demonstrates that overdevelopment of the site would not occur.

Policy CSP4 states that design of spaces and buildings will be influenced by their context and the current scheme is reflective of the local character and surrounding area. The layout shows appropriate building sizes and position that achieves appropriate gaps between the buildings, separation distances, provides shared private amenity space and bin and cycle storage facilities to accord with Council requirements. Although parking provision is below UDP requirements, similar provision has been accepted by the Appeal Inspector and the Transportation officer is satisfied that provision is adequate to cater for the development.

On balance the accommodation provides a satisfactory layout that is considered not to be over-development and would provide a mix of housing types and size to the area, where apartments are not over represented and therefore comply with policies CSP4 and HOU2 of the JCS, ENV32 of the UDP and PPS3.

Designing Walsall local character guidance indicates that new development should respect the spacious and low density form of development in the area. Whilst the proposals provide a higher density than the surrounding area, this is as a direct result of the provision of apartment accommodation, which is under represented in the area. The spacious form of development is respected through the provision of three separate blocks with significant gaps between the buildings and landscaping to the frontage, reflecting the character of the area.

Proposed housing mix

The appeal Inspector highlighted that whilst the Designing Walsall SPD and 2007 Housing Needs Survey advises that family homes should be built these documents are designed to feed in to policy and are not policy itself. The appeal Inspector also noted the type of housing i.e. apartments was not given as a previous reason for refusal and are considered to offer an appropriate mix and varied housing provision in the area as encouraged in PPS3. The current proposal shows the same mix of house types, 14 two bedroom apartments, and so the principle has already been established as acceptable.

Car parking provision

There are 18 parking spaces, including 2 disabled parking spaces, proposed. Sixteen spaces would be in a parking court at the rear and 1 space each in front of blocks 1 and 2. Policy T13 requires 21 spaces for 14 flats plus disabled parking. The Transportation officer is satisfied with the level of parking proposed (128.5%) despite being 3 spaces short of the maximum parking requirement (excluding disabled provision) given in policy T13, particularly as the site is in a sustainable location. This is the same level of parking as proposed for the earlier refusal 10/1650/FL where lack of parking was not given as a reason for refusal.

The last appeal Inspector highlighted the change in Government policy in January 2011 which removed the requirement for local authorities to set maximum parking limits for residential development. Residents are concerned that car parking provision is inadequate to serve the residents of the proposed development or their visitors and that overspill parking on street will cause congestion, restrict access and create a traffic hazard. The Transportation officer considers the level of parking to be acceptable in this instance and does not object to the shortfall from the maximum standards as the development would not result in a level of on-street parking which would impair the safety of road users. There has been no material change in the circumstances since the earlier appeal decisions to suggest the level of parking will not be adequate.

Residents consider provision for construction traffic is limited in the area. Nevertheless construction is only for a limited period and the Transportation officer is satisfied that the proposals would not cause a significant traffic hazard.

The sustainability of the site has also been considered under the previous appeal and determined that this is an appropriate location for the type of proposed development.

Amenity space/noise & disturbance/loss of outlook/light and privacy/protected beech tree

The last appeal Inspector recognised that there have been no material changes in the circumstances relating to the above matters since the earlier appeal decisions in October 2010. In the circumstances as all of these matters have been considered previously and found to have no significant impact, the current proposal, which makes no changes to the scheme that would affect these matters, is also considered acceptable.

Residents still object to the proposals on all of the above grounds but as the scheme proposes no changes to the layout and design other than to relocate the substation there is no material change that could affect the above matters and outweigh the Inspector's decision which is a material consideration in determination of this application.

National Planning Policy Framework (NPPF)

The National Planning Policy Framework Consultation Draft was issued on 25 July 2011. The document has now completed its consultation and received wide-spread publicity. Ministers have confirmed that amendments to the document will be made. The final document is due for publication in Spring 2012. As such, the consultation document carries very limited weight. Officers note the intention of Government is that the planning system is plan-led and Local Plans are the starting point for the determination of any planning application. In the circumstances, as acknowledged by the appeal Inspector limited weight can be attached to the NPPF and the LDF policies take precedence and this position has not changed.

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Localism Act

Objectors have requested that the application should be held in abeyance until the Localism Bill can be acted upon by communities. The Localism Bill has progressed and is now the newly enacted Localism Act. Whilst awaiting further regulations, it raises a number of issues but does not give the right to veto development. In fact it is the opposite. The Act requires that sustainable development is promoted and approved with the minimum of delay. It is the Government's view that local communities, through neighbourhood development orders and neighbourhood plans, have the right to say yes to more development and share the benefits (through increased community infrastructure provisions) in terms of safeguarding and improving local services (e.g. schools and parks). Neighbourhood plans and development orders have a duty to co-operate with other parts of the Borough and have to show compliance with the Development Plan, i.e. the Black Country Core Strategy. As this is an up to date plan and the Core Strategy's aims for growth and regeneration including the provision of housing, any Neighbourhood Plan for the Cottage Farm area will have to show that it is in accordance with the overarching housing targets and plans. As such, the Localism Act will not materially alter the consideration of this application.

The last appeal Inspector also concluded that limited weight could be attached to the NPPF as it was only a developing Act and required production of new plans and policies which are not presently available. Even if the application was still currently with the council to determine it would be unreasonable to defer a decision on the current application to allow such plans and policies to be produced.

Other matters to be considered

Protected species: bats

The Council is required to consider the presence of protected species when determining planning applications. Bats surveys in support of previous applications have shown no evidence of roosting bats and provided recommendations for the conservation of local bat species. The applicant's ecologist placed a shelf life on the 2009 report which expired in January 2012. A new bat survey was carried out in February 2012 which again found no evidence of bats and states the dwellings are of "moderate" value for bats and the garage of "limited" value. The evidence provided demonstrates the buildings have not changed significantly since the previous surveys were carried out and sufficient survey work has been carried out. The development is unlikely to have an adverse impact on bat populations. The recommendations in the bat survey should be incorporated into recommended planning conditions if the appeal is allowed.

Provision for Education & Urban Open Space

Policies DEL1 of the BCCS and GP3, 8.8 and LC1 of the UDP require, where appropriate, provision and improvement of local education facilities and improvements to or provision of urban open space within the proximity of the application site on qualifying developments above the threshold of 10 units. The SPD for Urban Open Space is also relevant.

Walsall Children's Services Serco have no objections to the proposals and considering the appeal Inspector's earlier decision where contributions were calculated on the net increase in the number of dwellings, which is relatively small, it is recommended that no contributions are collected in this specific case.

It is also noted that at a meeting of Cabinet on 9 November 2011 it was resolved to refer the SPD for Education to the Secretary of State to request that it be revoked. As a consequence of this decision, the weight that can be given to the Education SPD is now reduced, though technically it is still part of the Walsall LDF until they are revoked or replaced by new policy. In the meantime, and until a CIL regime is in place, the Council will continue to seek planning obligations where they are justified and pass the "tests" in the regulations. However, in this instance, it is considered the suggested contribution towards Education provision (£33,669.21) cannot be justified and is therefore not required.

Similarly, the appeal Inspector's earlier decision commented on the net increase in dwellings in relation to calculations for an Urban Open Space contribution and concluded that no Urban Open Space contribution was payable. The SPD is silent on the issue of net increase in units in a redevelopment scheme but in this particular case regard must be taken of the Inspectors comments. It is recommended that no Urban Open Space Contribution be collected.

Given the above circumstances it is considered that the requirement for provision of urban open space and education is not required in this instance.

Recommendation

That Committee support the Officers view that the appeal should be dismissed and a case presented in relation to the following objection:

1. The proposal fails to address the concerns raised by the Planning Inspector in dismissing the previous appeal in relation to the design and siting of the substation, in particular because it is a pre-fabricated glass reinforced plastic (GRP) structure which is out of keeping with the design and materials used in the locality and proposed in the new development and due to its prominent siting would have an unacceptable impact on the character of the area and appear obtrusive and detrimental to the outlook from the proposed apartments. The proposed landscaping would not satisfactorily address these concerns in that planting cannot be relied upon in perpetuity to screen the substation. For these reasons the proposals are contrary to the aims of policies CSP4, ENV2 and ENV3 of the Black Country Joint Core Strategy and policies GP2, ENV13 and ENV32 of Walsall Unitary Development Plan and to Supplementary Planning Document: Designing Walsall.

Recommendation: Non Determination

1. The proposal fails to address the concerns raised by the Planning Inspector in dismissing the previous appeal in relation to the design and siting of the substation, in particular because it is a pre-fabricated glass reinforced plastic (GRP) structure which is out of keeping with the design and materials used in the locality and proposed in the new development and due to its prominent siting would have an unacceptable impact on the character of the area and appear obtrusive and detrimental to the outlook from the proposed apartments. The proposed landscaping would not satisfactorily address these concerns in that planting cannot be relied upon in perpetuity to screen the substation. For these reasons the proposals are contrary to the aims of policies CSP4, ENV2 and ENV3 of the Black Country Joint Core Strategy and policies GP2, ENV13 and ENV32 of Walsall Unitary Development Plan and to Supplementary Planning Document: Designing Walsall.



Planning Committee

Report of Head of Planning and Building Control, Regeneration Directorate on 01/03/2012

Reason for bringing to committee: Major application

Application Number: 11/1559/FL
Application Type: Full application

Applicant: Hortons Estate Limited
Proposal: Erection of two storey building for ambulance maintenance and associated office space (sui generis use).

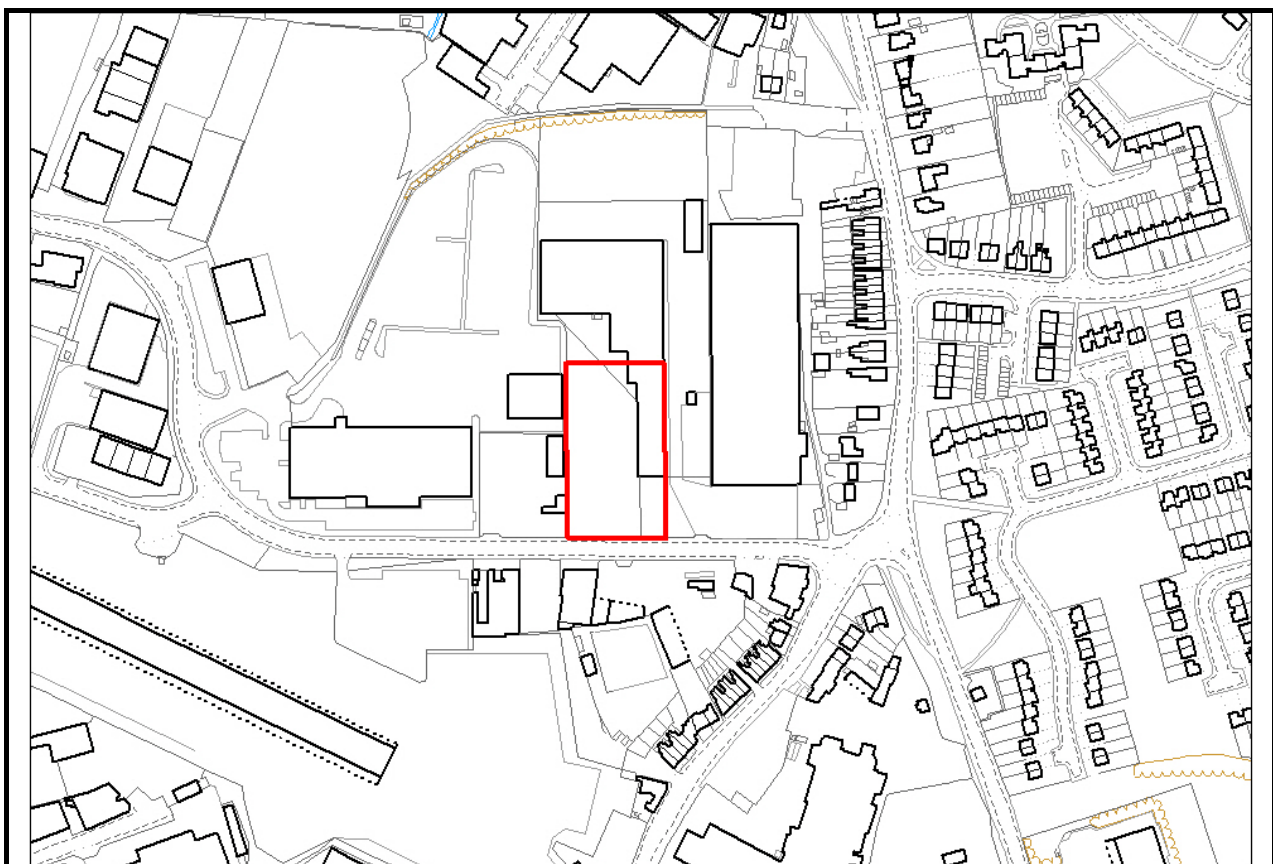
Ward: Short Heath

Case Officer: Alison Ives
Telephone Number: 01922 652492
Email: planningservices@walsall.gov.uk

Agent: Bryant Priest Newman Ltd
Location: ELECTRIUM POINT,
ASHMORE LAKE WAY, WILLENHALL,
WV12 4HD

Expired Date: 06/04/2012

Recommendation Summary: Grant Permission Subject to Conditions



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Application and Site Details

The proposal is to erect a two storey building for ambulance maintenance and associated office space (a sui generis use) on this vacant site on the northern site of Ashmore Lake Way, within the core employment area. There is a wall and railings across the front of the site behind which the land is level. The site has been mined in the past and there are issues regarding contamination. There are industrial and commercial premises surrounding the site in Ashmore Lake Way including a warehouse depot, scrap yard, Robert Wiseman Dairies, Nightfreight Haulage and Willenhall Trucks. There is housing nearby in Charles Street, Sandbeds Road and Clarkes Lane to the east of the site. The applicant owns the depot and surrounding sites to the east and north of the site.

West Midlands Ambulance Service is proposing to create 13 new Make Ready Hubs throughout the region supported by approximately 110 new Community Ambulance Stations which will be located close to the areas of activity and population areas.

The proposals for this site are to provide an ambulance hub where vehicles will be maintained, cleaned and prepared before being collected and dispatched to new Community Ambulance stations. Generally emergency callouts will not be responded to directly from the site unless there is a local emergency and an ambulance is available. The premises are to operate 24 hours a day.

The proposed building is positioned to the east of the site and is 31m wide x 38m long with a shallow hipped roof, 10m maximum height. The building has an internal floor space of 1407 sqm. Offices are proposed over two floors at the front of the building facing the street. Locker rooms, showers/toilets, storage and ancillary accommodation are also proposed. There are three vehicle workshop bays and a vehicle washing bay at the rear of the building, plus ancillary store rooms, and a vehicle “make ready” area located between the workshops and offices. The workshops are accessed from the rear of the building and the vehicle washing bay and “make ready” area from the side of the building.

The external facing materials include aluminium cladding, aluminium framed windows and dark colour coated metal panels. The proposal is to use solar PV panels on the roof to provide 10% of the energy demand of the building.

The layout of the site includes an external seating area and cycle storage at the front of the building, fuel, gas and oil storage tanks at the rear of the building. Parking is located to the front, side and rear of the building, 69 parking spaces and 7 disabled parking spaces. The access is located to the western side of the building and has remote control access gates set back to allow sufficient space for vehicles to pull off the highway. A separate pedestrian access is also proposed. There are 5 cycle spaces proposed and 26 ambulance parking spaces. A 2.4m high security fence will be installed around the perimeter of the site and CCTV monitoring.

Landscaped strips with hedge planting are proposed around the perimeter of the site with a wider strip along the frontage with tree planting.

About 230 staff will be employed at the site, 200 being qualified ambulance clinicians working shifts and the remaining 30 staff based on site. The Transport Assessment highlights day shifts will start between 06.00 and 07.30 and evening shifts starting between

18.00 and 19.15. The staff employed to prepare and maintain the emergency vehicles will work between 08.00 and 17.30.

The site is 0.5 hectares.

The Design & Access Statement – Describes the site and its surroundings, the policy background and proposed design and layout. It also explains measures to reduce energy consumption.

The Report on the Implications of Shallow Mine Workings concludes that the risks associated with shallow mine workings beneath the proposed development have been assessed and the implications on the health and safety of construction workers, building end users and other members of the public have been addressed.

The Site Investigation – Describes the site and explains the geology, it also demonstrates site investigation field work carried out, laboratory analysis, the strata encountered and a detailed quantitative risk assessment.

The Site Waste Management Plan – considers disposal of general office waste, clinical waste, vehicle maintenance waste and recycling.

The Renewable Energy Report – discusses consideration of various renewable energy options and proposes a roof mounted photovoltaic panels as a viable solution at the WMAS site. The panels will generate 10% of energy for the site.

The Part L2A (2010) report – Looks at the energy performance of the proposed building.

The BREEAM Ecology Report – States there are no records of amphibians, reptiles or terrestrial mammals on the site and the nearest bats were 2.2km to the south east. Due to the absence of connectivity none of the species will be affected by the development. There were no rare plants found or other protected species. The redevelopment provides the opportunity to establish a mix of native tree and shrub species along the site boundaries that will be more attractive to wildlife. In the long term bat boxes could be included on the new building.

The Landscape Scheme – includes a grass buffer along the site frontage sown with native wildflower seed mix and 5 native trees planted and native hedge planting.

The Framework Travel Plan – indicates a structure for the full Travel Plan to be prepared when the travel patterns of staff that will be employed at the site has been identified.

The Transport Statement – demonstrates the proposed development site is served by public transport and pedestrian/cycle networks and accessibility levels are high. Traffic flows generated by the development are predicted to be low and the impact on the local highway network is likely to be minimal.

Relevant Planning History

08/1044/PD – Prior notification for demolition of pitched roof industrial units – Withdrawn July 2008 as consent for demolition of industrial buildings was not required at this time.

BC58300P – Residential development of 153 dwellings and associated works – Refused
November 2002

(There are Tree Preservation Orders (5/1977 & 16/1992) covering trees to the east of the warehouse building to the east)

Relevant Planning Policy Summary

Black Country Core Strategy & UDP Policies

(Note the full text version of the BCCS and UDP is available from First Stop Shop in the Civic Centre and on the Council's web site)

The current version of the Black Country Core Strategy and associated appendices can be accessed at;

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

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

Black Country Core Strategy 2011-2026

The BCCS was adopted by the Council on 3rd February 2011 and now forms part of the statutory development plan. It replaces certain "saved" policies in the UDP."

2a: Seeks to create a network of cohesive, healthy and prosperous communities across the Black Country, deliver high quality distinctive places which respect the diversity of the Black Country natural and built environment and attract new employment opportunities.

2b: Encourages sustainable management of material resources through minimising waste, ensuring all members of the community have the best access to housing, previously development land is prioritised over greenfield sites and encourages a comprehensive approach to development.

CSP2: Outside strategic centres and regeneration corridors the broad approach will be to focus on previously developed land, locations with best access to services (where appropriate) and areas of lowest flood risk.

CSP4: A high quality of design of the built and natural environment is required. Design of spaces and buildings will be influenced by their context.

EMP3: Seeks to provide a portfolio of local quality employment land for those types of industrial, logistics and commercial activity that do not require strategic high quality employment areas and are not appropriate for town centres or residential locations.

TRAN2: Proposals likely to have significant transport implications should provide an acceptable level of accessibility and safety by all modes of transport to and from all parts of a development.

ENV2: Development proposals will be required to preserve and, where appropriate, enhance local character.

ENV3: Seeks to deliver urban renaissance through high quality design that stimulates economic, social and environmental benefits.

ENV7: All non-residential developments of more than 1,000 square metres floor space must incorporate generation of energy from renewable sources.

WM5: Where a proposal includes uses likely to generate significant amounts of waste, these should be managed either on-site or as close as possible to the source of the waste. Resource and waste management requirements should also be reflected in the design and layout of new development schemes.

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

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

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ENV10: Development of a facility which may cause pollution will only be permitted if it would not have an unacceptable adverse effect on nearby land uses.

ENV14: seek to bring forward derelict, vacant or underused land and buildings for new uses.

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

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

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

ENV35: The design of commercial buildings should be appropriate to their setting.

JP5: Core Employment Areas are locations of strategic importance and will be safeguarded for core employment uses. Proposals for other uses will only be permitted where; a need would be met which could not be satisfied elsewhere in the Borough or, the range and quality of employment opportunities would be significantly increased.

T7 – Car Parking

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

T8: Encourages walking and provision in development to enhance this.

T10 (a): Refers to accessibility standards.

T13: Development will provide adequate on-site parking to meet its own needs, and that there will be no adverse effect on highway safety and the environment. The proposal is for a sui generis use class that incorporates elements of the following:

Garages & vehicle repair workshops: 5 car parking spaces per service bay: At least 1 bike stand for every 10 car park spaces with minimum 2 bike stands Taxi facilities.

Use Class B1 (a): 1 space per 30m² of gross floor space: 1 bike locker for every 10 car parking spaces: Taxi facilities

Use Class B2: 1 space per 50m² up to 250m² then 1 space for every additional 100m² of gross floor space: 1 bike locker for every 10 car park spaces: Taxi facilities

Use Class B8: 1 space per 50m² of gross floor space up to 250m²: then 1 space per 100m² up to 2500m²: then 1 space for every 500m² of gross floor space: 1 bike locker for every 10 car parking spaces: Taxi facilitates.

Designing Walsall (SPD) (Feb 2008)

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

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

DW2: Safe & Welcoming Places - all new development must contribute to creating places that feel safe.

DW3: Character - all new development must be designed to respect and enhance local identity

DW4: Continuity - Well defined streets with a continuity of built form are important.

DW5: Ease of Movement – connections to existing routes

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

DW7: Diversity – contribute to creating living places that offer a mix of activities to the widest range of possible uses

DW8: Adaptability – contribute to creating flexible and adaptable places that can easily change over time.

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DW9: High Quality Public Realm - new development must seek to ensure it creates places with attractive environmental quality.
DW 10: Well Designed Sustainable Buildings - new development should make a positive contribution to creating a sustainable environment.

Conserving Walsall's Natural Environment SPD

NE1: All relevant applications to be supported by an adequate impact assessment.
NE7: planning applications with a potential to damage or destroy trees, woodlands or hedgerows should be supported by an arboricultural assessment and demonstrate trees to be retained will survive and space for them to develop is maintained.
N8, N9 & N10 deal with the need to fully assess, protect and secure compensatory planting for trees.

Regional Strategy for the West Midlands

On 6 July 2010 the Secretary of State issued a direction to revoke Regional Spatial Strategies. Following a legal challenge this was reversed by the High Court on 10 November 2010.

The Government responded by advising its proposed abolition of the RSS system (abolition will require legislation, through the Localism Act and will take time) should be a material consideration in decisions. On 7 February 2011 the High Court published its judgement that the proposed abolition can be a material consideration. The Localism Act has now received Royal Assent and is moving towards Enactment. Further consultation has been undertaken regarding the Strategic Environmental Assessment of the proposed abolition of the RSS. The Localism Act and the abolition of the RSS continue to be capable of legal challenge.

Officer's advice is that the RSS remains part of the statutory development plan for the Borough (with the saved policies of Walsall's UDP and the Black Country Core Strategy), and decisions should be made in accordance with it unless material considerations indicate otherwise.

National Policy

The National Planning Policy Framework Consultation Draft was issued on 25 July 2011. The document has now completed its consultation and received wide-spread publicity and significant responses. Ministers have confirmed that amendments to the document will be made. The CLG Select Committee has completed its assessment with 35 key recommendations. The Government is considering these. As such, the consultation document carries very limited weight. Officers note the intention of Government is that the planning system is plan-led and Local Plans are the starting point for the determination of any planning application.

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

PPS4: Encourages sustainable economic growth.

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

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

PPG24: Seeks to minimise the adverse impact of noise.

Consultations

Transportation – No objections subject to conditions relating to parking, access and travel. The applicant has submitted a Transport Statement to support the application which sets out the transport implications of the development.

About 230 staff will be employed at the site, 200 being ambulance clinicians working shifts with about 30 based on site. The shift changeover will be outside the main traffic peak hours between 08:00 to 09:00 and 17:00 to 18:00 where background traffic levels are relatively lower. The number of predicted vehicle trips that will be within the peak periods (23 two-way trips in the am peak and 34 two-way trips in the pm peak) is unlikely to cause any significant detrimental impact on the highway network.

In terms of parking the development is a sui generis use with elements of B1a and elements of garage/vehicle repair workshop use. The gross floor area is approximately 1400sqm. The B1(a) use would require 46 spaces + 5 disabled bays and the garage/workshop use would require 15 spaces plus 2 disabled spaces. In total the development requires 68 spaces including 7 disabled bays.

The proposals include 19 external parking spaces for ambulances and a further 70 spaces for staff plus 7 disabled bays and secure cycle storage. This is considered an appropriate level of parking and accords with Policy. A Staff Travel Plan will be developed and implemented to encourage staff to travel by sustainable means.

Pollution Control (Scientific Team) – There are concerns that noise from the development may impact on nearby residents so conditions are recommended to mitigate some of the potential noise impacts. The use of the building to maintain ambulances should not generate significant noise impact levels on nearby residents when compared to current levels and as a result of other industrial buildings acting as a screen between the proposed development and the nearby residential properties. It is also noted that the bay doors serving the garage workshop areas do not point in the direction of the residential properties, which will mitigate some of the potential noise impacts from the workshops. However, some recommendations are being made to ensure any such noise impacts will be minimised.

The key area of concern remains the potential use of emergency sirens. The applicant advises that in general the proposed site is for maintenance and not emergency response but has stated contingency intentions for road markings to ensure that if emergency responses are made from this site then immediate access to the road network should be clear of traffic, resulting in sirens not being immediately used. This issue clearly needs to be addressed in any planning permission to ensure commensurate safeguarding of the amenity in respect of local residential premises.

Pollution Control (Contaminated Land) – No objections subject to remediation and a validation report being carried out for the site as recommended by GIP in “Ground Investigation and Test Report” reference DNB/20052 31st January 2012). Conditions to address these concerns have been provided.

Environmental Health – No objections.

Ecology – Recommends ecological and landscape enhancements. The proposed native hedges are only 1m wide which would have limited visual impact, would have to be regularly clipped and many of the thorny species chosen are not compatible with parking. It is recommended that the width of the hedge planting is extended to 2.5-3m. Alternative species for ground flora is also recommended. An alternative seed mix for the front grassland should also be considered.

Rights of Way – There are two rights of way to the north of the site but the proposals will not impact upon them or their setting.

Severn Trent Water – No objection subject to provision of drainage details. An advisory about the public sewer close to the site is also recommended.

Police Architectural Liaison Officer – This is a high crime area and due to the nature of the products that will be stored at the site a full Secured by Design accreditation should be sought. The perimeter fencing should be 2.4m high around its perimeter and access control measures incorporated to prevent unauthorised access. CCTV is also recommended to provide improved surveillance of the car parking areas.

Fire Service – No objections.

Public Participation Response

None received.

Determining Issues

- Principle of accepting a sui generis use in the core employment area
- Layout and Design
- Relationship with surrounding properties
- Access and Parking
- Landscaping

Observations

Principle of accepting a sui generis use in the core employment area

Core employment uses are defined as use classes B1b (research & development), B1c (light industry), B2 (general industry) and B8 (storage or distribution). The proposals for a sui generis use is consistent with policy EMP3 of the BCCS as a local quality use in a local quality area and is an appropriate type of use in this core employment area. It also brings a previously developed site back into operation in accordance with policy ENV14 of the UDP.

Layout and Design

The proposed new building is located towards the front of the site set behind security fencing, a landscaped strip and parking which is similar to other premises in the vicinity. The majority of parking and the service bays are located at the side and rear of the building facing existing commercial premises where they will have less of a visual impact within the street.

The design of the building is a typical modern commercial building style but is considered appropriate within the area and the inclusion of the offices at the front provides improved surveillance of the street.

The developer proposes 2.4m high perimeter fencing, controlled access to the site and the building and CCTV monitoring throughout for security purposes as recommended by the Police. A condition is recommended to determine the exact design of the fencing.

Pollution Control officers recommend a condition to ensure that oil and fuel storage complies with Environment Agency guidelines but this is a matter that will be licensed under permit from the Environment Agency.

The design includes measures to reduce energy consumption and also includes photovoltaic panels on the roof that will produce 10% of the energy required for the building. This generation of energy from renewable sources is welcomed in accordance with policy ENV7 of the BCCS.

Relationship with surrounding properties

The site is located within a core employment area and the nearest surrounding occupiers are industrial and commercial premises. It is considered that the proposed use would not have any greater impact upon the use or operation of these surrounding premises. The new building and reinstatement of the site is also considered an improvement upon the present vacant site.

The nearest housing is in Sandbeds Road, Charles Street and Clarkes Lane to the east of the site. The nearest housing is approximately 50m away from the nearest part of the site boundary. There are other industrial/commercial premises closer to housing than the proposed ambulance hub including the existing depot building at the rear of Sandbeds Road and Willenhall Trucks at the rear of Charles Street properties. Pollution Control officers are concerned that noise from ambulance sirens during the night time may be a nuisance to nearby residents and have recommended a condition that the operator agrees a noise control strategy to control the use of vehicle sirens during the hours of 23.00 and 07.00 hours. There is a dairy premises and haulage firm further to the west on Ashmore Lake Way that also operate during the night.

The ambulance service have indicated that the proposed ambulance hub will predominantly be used for vehicle storage, maintenance, cleaning and preparation before being collected and dispatched to new Community Ambulance stations. Generally emergency callouts will not be responded to directly from the site unless there is a local emergency and an ambulance is available. In the circumstances, as the prime use is not for emergency callouts it is considered that the impact from noise from sirens will be limited and it would not be unreasonable to recommend a noise control strategy during the night time hours.

In response to pollution control concerns the West Midlands Ambulance Service (WMAS) have stated they will not ordinarily dispatch ambulance to respond to an emergency call from this facility other than circumstances where there is a requirement to attend an incident in the immediate locality and this would be the nearest crew. It may be that in this situation an ambulance is dispatched and the WMAS policy is to leave the site with only a blue flashing light which is normal procedure. The siren would only ever be used if there was traffic congestion preventing passage on the adjacent highway. The situation where

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traffic would be so heavy as to necessitate the use of the siren would be most unlikely in the middle of the night. In the circumstances the WMAS have requested that the condition recommended by Pollution Control officers is not necessary.

On balance, it is considered that the WMAS policy in relation to use of ambulance sirens during the night time (referred to above) could form the basis of a noise control strategy required as part of recommended condition 15. It is also noted it is likely that the sirens would only be used outside the site on the public highway.

Other conditions to protect neighbouring properties from noise from development and operation of the site are recommended.

Access and Parking

The proposal is for a new vehicle access located to the west of the building with a splayed entrance and remote controlled gates that allow vehicles to pull off Ashmore Lake Way while waiting to enter the site. There is a separate gated pedestrian access to the east of this. The Transport Assessment demonstrates the number of predicted vehicle trips within peak periods is unlikely to cause any significant detrimental impact on the highway network. A condition is recommended to provide engineered details of the new access.

The proposed ambulance hub is a sui generis use and there is no direct comparison for the purposes of calculating the parking requirements in accordance with policy T13. Transportation officers have calculated parking requirements on a hybrid basis that combines the office and garage/workshop floor space for a building of this size as requiring 68 spaces including 7 disabled bays. The proposals include 19 spaces for ambulances, 70 spaces for staff plus 7 disabled parking bays. The proposal has 9 parking spaces plus the 19 ambulance parking spaces over and above the hybrid parking calculation. This is considered acceptable as the developer has demonstrated that there will be no detrimental impact on the highway network and as a consequence the proposals comply with the aims of policy T13. Secure cycle parking will also be provided and a Travel Plan adopted to encourage staff to use alternative modes of transport.

Landscaping

The proposed layout includes narrow planting strips around the perimeter of the site varying between 1 and 2m deep where native mixed species hedge planting is proposed. There is a landscape strip 2m deep across the site frontage and landscaped areas on either side of the access and the front eastern corner that are larger at approximately 7m deep. New tree planting is proposed across the site frontage.

The Ecology officer has recommended the landscape areas should be increased in size and that alternative planting species are provided to improve the visual impact, enhance the ecological benefits and provide more compatible species for an area next to car parking and beneath the proposed hedges. There is scope to increase the landscaped areas on the frontage and amend the proposed planting to improve the likelihood of their retention throughout the life of the development.

Summary of Reasons for Granting Planning Permission

The principle of introducing a sui generis use for the ambulance hub is considered acceptable in this core employment area and reuse of previously developed land.

The layout and design is appropriate to the character of the surrounding area and offers a visual enhancement, improved surveillance of the street and greater security. The use of photovoltaic panels on the roof contributes towards generation of energy from renewable sources and is welcomed.

Redevelopment of the site has no adverse impact on the operations of surrounding commercial premises. The nearest housing will be protected from potential noise by appropriate conditions restricting activities external to the building and by a noise control strategy to protect residents from use of the ambulance sirens at night time.

The level of parking is appropriate to the proposed use and the developer has demonstrated there will be no significant impact on highway safety. Measures are also incorporated to encourage staff to cycle to work and use alternative modes of travel.

Landscape improvements are recommended and overall the proposals are considered to offer enhancement of the visual amenity of the area and ecological benefits.

In light of the above the proposals are considered to accord with the aims of policies 2a, 2b, CSP2, CSP4, EMP3, TRAN2, ENV2, ENV3, ENV7 and WM5 of The Black Country Core Strategy and saved policies 3.6, 3.7, GP2, ENV10, ENV14, ENV23, ENV32, ENV33, ENV35, 3.116, 3.117, JP5, T7, T8, T10a and T13 of Walsall Unitary Development Plan and Supplementary Planning Documents: Designing Walsall and Conserving Walsall's Natural Environment.

Recommendation: Grant Permission Subject to Conditions

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

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

2(a). Prior to the commencement of the development hereby permitted drainage plans for the disposal of surface water and foul sewage shall be submitted to and approved in writing by the Local Planning Authority.

2(b). The scheme shall be implemented in accordance with the agreed details before the development is first brought in to use.

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

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

- I. The remedial measures as set out in the "Remediation Statement" shall be implemented in accordance with the agreed timetable.

- II. If during the undertaking of remedial works or the construction of the approved development unexpected ground contamination not identified by the site investigation is encountered development shall cease until the “Remediation Statement” required by part i) of this condition has been amended to address any additional remedial or mitigation works required and agreed in writing by the Local Planning Authority.
- III. A validation report confirming the details of the measures implemented together with substantiating information and justification of any changes from the agreed remedial arrangements shall be submitted to and accepted in writing by the Local Planning Authority prior to the development being brought into use. (see Note for Applicant CL3)

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

4a. Prior to the commencement of the development, full engineering details of the new vehicle access point onto Ashmore Lake Way shall be submitted to the Local Planning Authority for approval in writing.

4b. The approved details shall be fully implemented to the satisfaction of the Local Planning Authority prior to the development first coming into operation.

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

5a. Prior to the development first coming into operation, all access ways, hard standing and parking areas shown on the approved plan shall be fully consolidated, hard surfaced and drained and the parking bays clearly demarcated on the ground. The disabled bays shown in the rear parking area shall be relocated to the front parking area being a more accessible location nearer to the building entrance.

5b. These areas shall thereafter be retained and used for no other purpose.

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

6a. Prior to the development first coming into use, full details of the proposed cycle shelter, which shall be secure, covered and illuminated, shall be submitted to the Local Planning Authority for approval in writing.

6b. The approved details shall be fully implemented prior to the development first coming into use and maintained thereafter in accordance with the agreed details unless otherwise agreed in writing by the Local Planning Authority.

Reason: To encourage sustainable modes of travel.

7a. Within 3 months of the development being in full operation, a survey of staff travel modes shall be undertaken and the results shall be utilised to develop the submitted Framework Travel Plan into a full Staff Travel Plan which shall be submitted to the Local Planning Authority for approval in writing.

7b. The agreed measures and targets contained in the Plan shall thereafter be implemented and monitored in accordance with the plan.

Reason: To encourage sustainable modes of travel.

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8. 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 thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the satisfactory appearance of the development.

9a. Prior to the commencement of the development full details of the location and design of the following matters shall be submitted to and approved in writing by the Local Planning Authority: -

- a) 2.4m high perimeter fencing
- b) access control measures

9b. The development shall be completed with the approved details and retained thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the satisfactory appearance of the development.

10a. Notwithstanding the details identified in the Landscaping Scheme prepared by Cotswold Wildlife Surveys (December 2011) no development shall commence until a revised landscape plan showing sizes, species and location of all planting has been submitted to and approved in writing by the Local Planning Authority.

10b. The approved landscaping scheme shall be implemented within 12 months of the development completed. All planting shall be maintained for a period of 3 years from the full completion of the scheme. Within this period any trees, shrubs or plants which dies, becomes seriously diseased, damaged or is removed shall be replaced with a tree, shrub or plant of the same or greater size and same species as that originally required to be planted, unless otherwise agreed in writing with the Local Planning Authority.

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

11. No public address system shall be installed internally or externally without the prior written approval of the local planning authority. Any public address system so installed shall be maintained in accordance with the approval.

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

12. No plant or machinery shall be located externally to the unit without the prior approval of the Local Planning Authority.

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

13. No vehicle servicing, maintenance or associated operation(s) shall take place external to the building structure; only essential building and garden maintenance shall be allowed externally.

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

14. External doors and windows serving any garage workshop areas shall remain closed other than for ingress, egress or emergency purposes when the workshop areas are in use.

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

15. Prior to the first occupation of the buildings a noise control strategy in respect of vehicle sirens shall be submitted to and agreed in writing with the local planning authority and implemented thereafter.

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

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

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

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

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

- Location Plan
- Proposed Site Plan & Proposed Block Plan (1955/1/100 Rev P3) received 2/2/12
- Proposed Site Plans – First Floor and Roof Level (1955/1/101 Rev P2) received 15/12/11
- Detailed Proposed Layouts (1955/1/150 Rev P2) received 15/12/11
- Proposed Elevations (1955/1/110 Rev P1) received 15/12/11
- Proposed Detailed Section AA/Typical Details (1955/1/202 Rev P) received 2/2/12
- Proposed Site Plan with indicative mine shaft and seam positions (1955/1/102 Rev P) received 15/12/11
- Proposed Site Sections/Indicative proposed floor levels (1955/1/201 Rev P) received 15/12/11
- Existing Site Plan (1955/1/010 Rev P) received 15/12/11
- Existing Site Sections (1955/1/200 Rev P) received 15/12/11
- Design & Access Statement prepared by Bryant Priest Newman received 15/12/11
- Report on the Implications of Shallow Mine Workings prepared by Keith Edmondson (Report F180 – Jan 2012) received 8/2/12
- Site Investigation, Site Waste Management Plan, Renewable Energy Report and Coal Mining Remediation Specification and Method Statement received 15/12/11
- Part L2A (2010) Report prepared by Halligan Associates (AC/al-w13609B2792) received 15/12/11
- BREEAM Ecology Report prepared by Cotswold Wildlife Surveys (dated 2 December 2011) received 15/12/11
- Landscaping Scheme prepared by Cotswold Wildlife Surveys (December 2011) received 15/12/11
- Framework Travel Plan prepared Phil Jones Associates (November 2011) received 15/12/11

- Transport Statement prepared by Phil Jones Associates (December 2011) received 15/12/11

Reason: For the avoidance of doubt and in the interests of proper planning, (except in so far as other conditions may so require).

Note for applicant regarding public sewers

Severn Trent Water advise that there is a public sewer located close to the application site. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent. You are advised to contact Severn Trent Water to discuss your proposals. Severn Trent Water will seek to assist you in obtaining a solution which protects both the public sewer and the building. Please note, when submitting a Building Regulations application, the building control officer is required to check the sewer maps supplied by Severn Trent Water and advise them of any proposals located over or within 3 metres of a public sewer. In many cases under the provisions of Building Regulations 2000 Part H4, Severn Trent Water can direct the building control officer to refuse building regulations approval. If you require any further information please contact Rhiannon Thomas on 01902 793883.

Notes for Applicant – Contaminated Land

CL2: When making assessments of any contaminants identified as being present upon the land, considering their potential to affect the proposed land use and deciding appropriate remediation targets regard should be had to the advice given in CLR 11 “Model Procedures for the Management of Land Contamination”, The Contaminated Land Exposure Assessment (CLEA) model (Latest Version), Science Report – SC050021/SR3 “Updated technical background to the CLEA model” and Science Report – SC050021/SR2 “Human health toxicological assessment of contaminants in soil” or any relevant successors of such guidance. This list is not exhaustive. Assessment should also be made of the potential for contaminants contained in, on or under the land to impact upon ground water. Advice on this aspect can be obtained from the Environment Agency.

CL3: Validation reports will need to contain details of the “as installed” remediation or mitigation works agreed with the Local Planning Authority. For example photographs of earth works, capping systems, ground gas membranes, and structure details should be provided. Copies of laboratory analysis reports for imported “clean cover” materials, manufacturer’s specification sheets for any materials or systems employed together with certification of their successful installation should also be submitted. Where appropriate, records and results of any post remediation ground gas testing should be included in validation reports. This note is not prescriptive and any validation report must be relevant to specific remedial measures agreed with the Local Planning Authority.



Planning Committee

Report of Head of Planning and Building Control, Regeneration Directorate on 01/03/2012

Reason for bringing to committee: Major Application

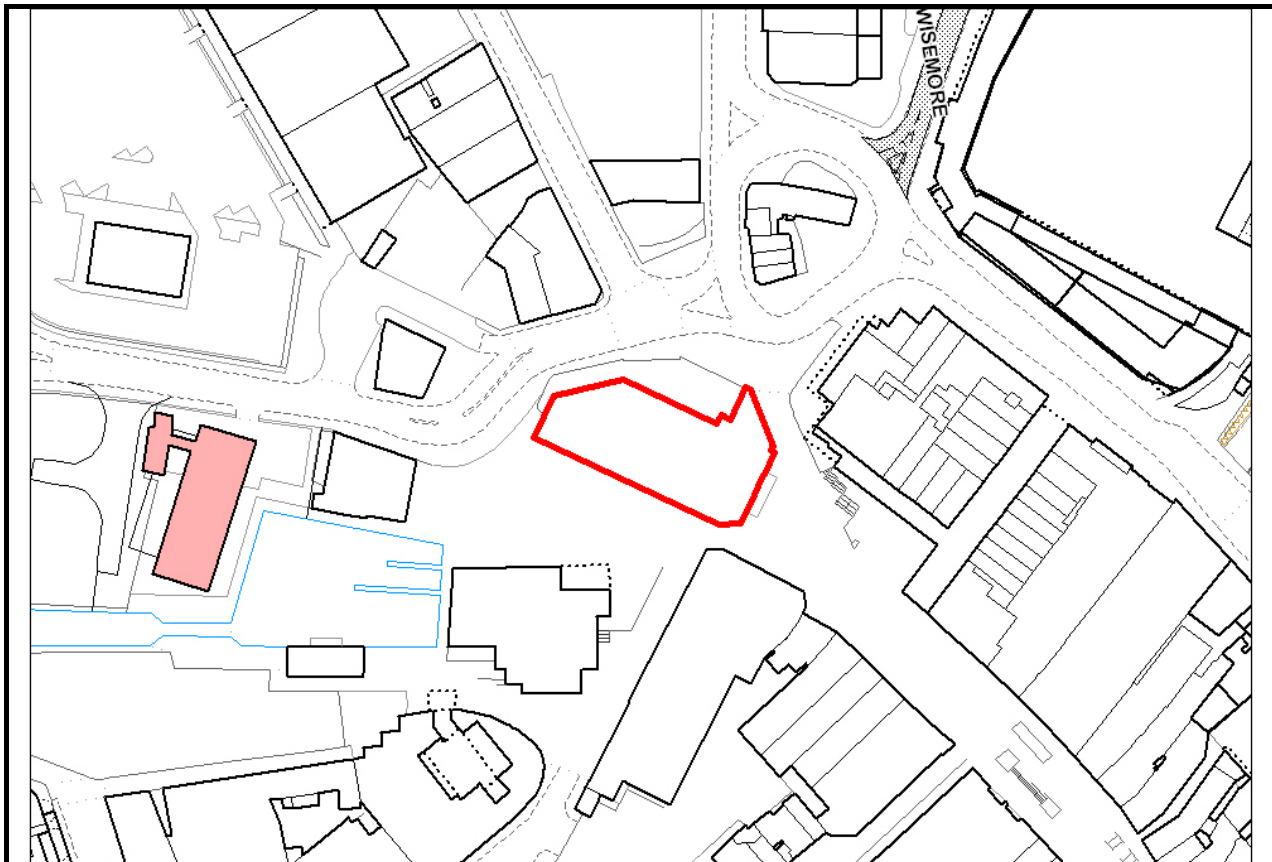
Application Number: 12/0016/FL
Application Type: Full application

Applicant: Davenmount Properties
Proposal: Change of use of first floor and part of ground floor from Retail (Use Class A1) to Leisure (Use Class D2), together with new entrance and shop front to Wisemore/Park Street elevation
Ward: St. Matthews

Case Officer: Andrew Thompson
Telephone Number: 01922 652403
Email: planningservices@walsall.gov.uk
Agent: Pegasus Planning Group
Location: FIRST FLOOR (ABOVE POUNDLAND), 81-85 PARK STREET, WALSALL, WS1 1LA

Expired Date: 09/04/2012

Recommendation Summary: Grant Permission Subject to Conditions



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Application and Site Details

The application is for the change of use of the vacant upper floor of the Poundland unit (formerly TJ Hughes and Woolworths) from retail to a gym with alterations to create a separate entrance and shopfront for users of the upper floors.

The operator, Pure Gym, indicates that they would be open 24 hours, 7 days a week and provide affordable, high quality gyms based on cardiovascular and fitness machines (usually approximately 200 in a gym of this size).

Entry to the gym would be via an entry pod and a unique PIN number for each member with a zero tolerance approach to PIN abuse. The gym would be covered by a sophisticated CCTV system and managed by a control centre. The operator confirms that they are keen to move into Walsall Town Centre as it has an excellent catchment of over 133,000 potential users.

The operator confirms that in the 22 gyms around the UK that operate a 24hr environment, there are no noise issues. A majority of these are in comparable town centre locations.

The application is supported by a Planning Statement which identifies that the proposals are in compliance with adopted planning policy and that the changes to the external appear would be in keeping with the style and appearance of the existing building.

The proposals would create approximately 30 jobs which includes Management, Personal Trainers and Cleaners.

Relevant Planning History

09/0705/FL - Change of use from A1 (retail) to form a mixed use building comprising A1 (retail), A3 (restaurant/cafe), A5 (hot food takeaway) and A2 (financial and professional services) on the ground floor. A1 (retail), D2 (Assembly and leisure) and B8 (Storage or Distribution) on the first floor, with alterations to the building including additional fenestration and entrances, an external seating area and extension to form cold store. Granted 14th August 2009.

Relevant Planning Policy Summary

Black Country Core Strategy & UDP Policies

(Note the full text version of the BCCS and UDP is available from First Stop Shop in the Civic Centre and on the Council's web site)

The current version of the Black Country Core Strategy and associated appendices can be accessed at;

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

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

Black Country Core Strategy (BCCS)

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

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

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

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

The Spatial Objectives include

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

The above are supported by the following policies:

CSP1 – sets out the targets for sustainable regeneration of the Black Country including leisure provision in the town centre.

CSP4 –The environmental transformation of the Black Country is one of the fundamental principles of the renaissance agenda. The design of spaces and buildings will be influenced by their context and seek to enhance the unique attributes the area offers in terms of its local character and heritage whilst responding to current day needs, changes in society and cultural diversity.

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

CEN1 - The Strategic Centres will provide the main focus for higher order sub-regional retail, office, leisure, cultural and service activities, balanced by a network of Town, District and Local Centres, providing for town centre uses including meeting day-to-day shopping needs (particularly convenience shopping). Proposals that undermine this strategy will be resisted. To strengthen the Black Country's centres, mixed-use developments that are well integrated with existing provision will be encouraged, including the use of upper floors.

CEN2 – sets out the Hierarchy of Centres

CEN3 – Strategic Centres provide the focus for comparison shopping, office employment, leisure and culture in the Black Country.

CEN4 – Seeks to regenerate the strategic centres.

Unitary Development Plan (UDP)

GP2 – Environmental Protection – seeks to ensure that pollution impacts from development are designed out.

ENV10 – Seeks to prevent pollution, including noise and drainage and prevent uses that would have an adverse effect on neighbouring land uses and/or restrict the types of development that could be permitted in the locality.

ENV14 – seeks appropriate redevelopment of derelict and previously developed sites.

ENV29 – seeks to preserve and enhance the quality of the Conservation Areas in the Borough and their setting

ENV32 – seeks to ensure high quality design from developments.

ENV33 – seeks to secure high quality landscape design from developments.

ENV40, in particular part(c) the quality of all water resources will be protected and, where possible, improved. Development will not be permitted if the drainage from it poses an unacceptable risk to the quality or usability of surface or ground water resources. In particular the Council will need to be satisfied that:-

I. Adequate foul and surface water drainage infrastructure is available to serve the proposed development.

II. Appropriate pollution control measures are incorporated to reduce the risks of any water pollution.

5.4, 5.6 sequential approach

5.5 scale of proposal should match scale of centre

5.8, S1, S2, S3 – Defines town centre uses, the town centre hierarchy and the boundaries of town centre. (in-centre is within Inset Map boundary, except that retailing must be within or directly adjoining the defined PSA)

S4 – Sets the general principles for town centre development including:

(a) The Council will seek to sustain and enhance the range and quality of shopping, leisure and other town centre uses which these centres provide, consistent with the role and function of a centre within the hierarchy defined in Policy S2, in order to meet the needs and aspirations of all who use the centres.

(f) The Council will seek to further improve the environment of these centres, with particular stress on maintaining and enhancing their individual character.

Improvements will be sought both through new investments and developments and through the Council's own actions.

I. Development proposals will be required to have a high standard of design (in accordance with Policies ENV32 and ENV35 in Chapter 3) with special regard to Conservation Areas and commercial frontages and fascias.

T7 – seeks to ensure high quality car parking design

T11, para. 7.51 states "Easy walking / cycling distance will depend on local circumstances, including the topography and the quality of the pedestrian environment: the maximum will normally be regarded as 1,000 metres."

T13 – seeks to ensure an appropriate level of car parking is provided.

The UDP allocates land within the application site, under policies WA7 (I) and (VI), WA8 and WA13 as areas of major regeneration potential including mixed use developments of offices, leisure, hotels, residential and car sales and comprises approximately a quarter of the application site (6.8ha). The need to secure appropriately designed solutions, high quality environments, preserving and enhancing the historic environment, and ensure that the developments are comprehensive in manner. The need to consider appropriate measures for flooding, highway improvement, and car parking are also considered.

Supplementary Planning Documents (SPD)

Designing Walsall SPD

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

Regional Strategy for the West Midlands

On 6 July 2010 the Secretary of State issued a direction to revoke Regional Spatial Strategies. Following a legal challenge this was reversed by the High Court on 10 November 2010.

The Government responded by advising its proposed abolition of the RSS system (abolition will require legislation, through the Localism Act and will take time) should be a material consideration in decisions. On 7 February 2011 the High Court published its judgement that the proposed abolition can be a material consideration. The Localism Act has now received Royal Assent and is moving towards Enactment. Further consultation has been undertaken regarding the Strategic Environmental Assessment of the proposed abolition of the RSS. The Localism Act and the abolition of the RSS continue to be capable of legal challenge.

Officer's advice is that the RSS remains part of the statutory development plan for the Borough (with the saved policies of Walsall's UDP and the Black Country Core Strategy), and decisions should be made in accordance with it unless material considerations indicate otherwise.

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

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

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

a) to reverse out-migration accommodating within the Black Country all of the generated household growth from 2011 and meeting at least the identified levels of housing provision;

b) to raise income levels raising demand and household incomes (average earnings, GDP per head and reducing unemployment) to the UK average by 2033;

c) to create an inclusive and cohesive society within the Black Country removing barriers to opportunity and changing the socio economic mix by increasing the proportion of social grades A and B to match the national profile by 2033 or earlier; and

d) to transform the Black Country Environment by protecting and enhancing the sub-region's environmental and heritage assets and biodiversity.

For the record, the relevant policy references supporting these propositions are: Policies PA1, PA2, PA3, PA4, PA5, PA6, PA10, PA11, UR1, UR1A, UR1B, UR1C, UR3, UR4, QE1, QE2, QE3, QE4, QE5, QE7, CC1, EN1, EN2, T1, T2, T3, T4, T5, T7, T8, T9, CF1, CF4, and CF6 of the Regional Spatial Strategy for the West Midlands (RSS11).

National Planning Policy

PPS 1 – seeks to promote sustainable, high quality design and sustainable town centres.

PPS 4 – Proposals for retail and town centre uses must be located in an existing centre and accord with an up to date development plan. Otherwise, they must satisfy the 'sequential approach' and the 'significant adverse impact' tests before their positive and negative impacts and other material considerations are assessed.

PPS5 seeks to ensure that appropriate action is taken to ensure that the historic environment and archaeology are preserved and/or enhanced

PPG13 guides that the reliance on the private should be reduced and that developments should accommodate opportunities for walking, cycling and use of public transport. The level of car parking in town centres should be managed and wherever possible reduced.

The National Planning Policy Framework Consultation Draft was issued on 25 July 2011. The document has now completed its consultation and is due for which received wide-spread publicity and Ministers have confirmed that amendments to the document will be made. The CLG Select Committee has completed its assessment with 35 recommendations. The Government is considering these. As such, the consultation document carries very limited weight. Officers note the intention of Government is that the planning system is plan-led and Local Plans are the starting point for the determination of any planning application.

Consultations

Transportation – No objection

Environmental Health – No objection

Fire Service – No objection

British Waterways – No objection

Public Participation Responses

1 letter of objection from the owner of Fitbods, Stafford Street on the grounds that there are too many gyms in and around the town centre including Fitbods, World Gym, Isis, Walsall College, Walsall Gala Baths, plus the ladies only gyms and other in the market area of Walsall. The proposals would result in closure of their gym.

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

Determining Issues

- Principle of the use
- Implications for the proposed 5Ws route
- New entrance to Park Street and Wisemore
- Effect on servicing

Observations

Principle of the use

The building is located in the Primary Shopping Area (PSA) of the town and as such in terms of floorspace is an important building in the context of the town centre and retaining its importance. The building will also link the retail core to the existing Crown Wharf Retail Park and to the redevelopment proposals of the Waterfront and the New Art Gallery.

The proposals to include a leisure use are a supported town centre use and the location is in the most sequentially appropriate location and the most appropriate location for a gym. Of the gyms mentioned by the objector Fitbods, World Gym and the College sports facility are not in the town centre, however Fitbods is located in Stafford Street local centre. As such, given the size of catchment and Borough, it is important that the town centre offers a full range of shopping, business and leisure activity which this proposal would complement. The proposals demonstrate that the town centre is viable to leisure operators and is fully supported.

It is therefore considered that the proposed use would be appropriate and could potentially add to the vitality and viability of the town and complement the PSA and town centre shopping.

Implications for the proposed 5W route

Based on current plans, the existing building will need to be altered to take account of the proposed 5Ws route which affects the front of the building. At that time the size, shape and design of the building will need to be reviewed. Until that activity is undertaken, there is no reason to oppose the proposal to reuse an existing building, where that re-use introduces no new built form of any significance.

New entrance to Park Street and Wisemore

The new shop front and entrance Park Street would be in keeping with the overall design of the proposals and re-instate a former shopfront adding activity to an otherwise blank façade.

The proposed changes will add to the public movement in and out of the building and therefore the proposals to add activity are to be welcomed.

There is no impact on the setting of Walsall Locks Conservation Area, the boundary of which is located to the rear of the building on the canal basin.

Effect on servicing

The proposals do not affect the parking and servicing arrangements and the Poundland store would still be capable of operating the service yard.

Conclusion

Overall the application is considered to be acceptable and would allow for the upper floor of a prominent building to be brought back into use, demonstrating that the town centre is an attractive and viable destination for leisure operators. The proposals will create welcomed improvement to the existing blank elevation on the Park St/Wismore elevation.

Summary of Reasons for Granting Planning Permission

The comments of the owner of a nearby gym are noted however in the most sequentially preferable locations, impact and competition cannot be considered as material planning considerations.

The application proposals have been considered against the site's location in relation to the town centre and the Primary Shopping Area. The proposals introduce improvements and permeability to the unit. Considering the site's previous use, and no alterations to this area, the existing service yard is unaffected and the use of the first floor would not have an impact on the servicing in terms of highway safety.

The proposed development is considered to comply with the relevant policies of the Development Plan, in particular the Vision, Strategic Objectives and associated policies CEN1, CEN2, CEN3, CEN4, TRAN1, and ENV3 of the Black Country Core Strategy, saved policies GP2, T13, ENV10, ENV32, S1, S2, S3 and S4 of Walsall Unitary Development Plan (March 2005) and Policies T2, T7, PA1, QE1 and QE3 of the Regional Spatial Strategy for the West Midlands (RSS11), on balance, having taken into account all material planning considerations, the proposal is 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. The proposed shopfront shall be surface-treated to match the existing building before the development is brought into use.

Reason: To ensure the satisfactory appearance of the development.



Planning Committee

Report of Head of Planning and Building Control, Regeneration Directorate on 01/03/2012

Reason for bringing to committee: Major application

Application Number: 11/1576/FL

Application Type: Full application

Applicant: Cameron Homes Ltd

Proposal: Demolition of existing building and erection of 13 dwellings.

Ward: Rushall-Shelfield

Case Officer: Alison Ives

Telephone Number: 01922 652492

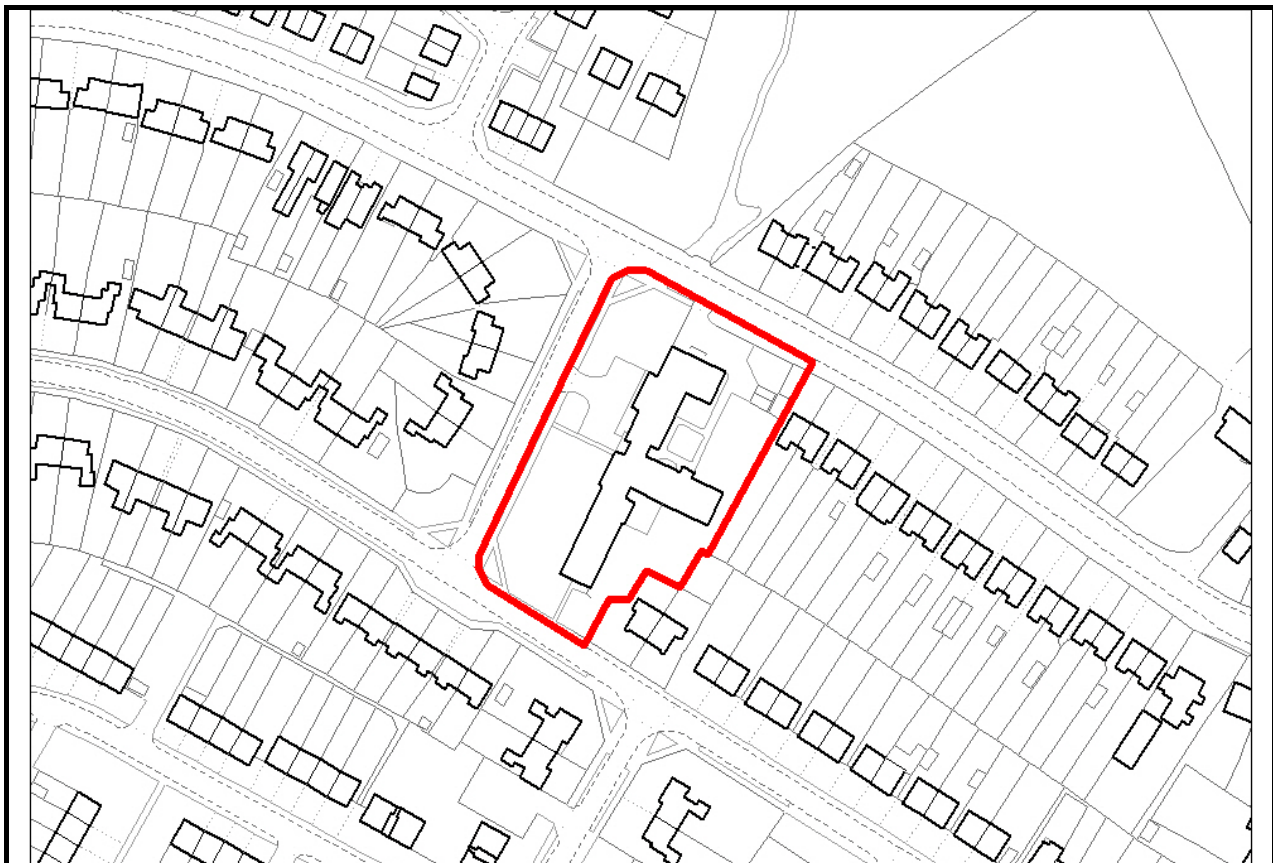
Email: planningservices@walsall.gov.uk

Agent: KJS Residential Design Services

Location: The Limes, Linley Road, Walsall, WS4 1HL

Expired Date: 23/03/2012

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



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Application and Site Details

The proposal is for demolition of the former residential care home and erection of 13 houses. The site is located at the junction of Barns Lane, Linley Road and Queens Road in a primarily residential area. The existing two storey building is set back from the highway with lawned areas and trees in front. There is also a parking area in front of the building off Linley Road. An electricity sub-station adjoins the north eastern boundary. There are easements for a sewer and electric cables that cross the site.

The proposed housing includes 4 x 3 bed houses and 9 x 4 bed houses each with individual garages and parking. There are four detached houses accessed from a private drive in Barns Lane, three houses facing Linley Road and three houses facing Queens Road. There is another proposed private drive off Linley Road that gives access to a pair of semi-detached houses and a detached house in the centre of the site. The access in Barns Lane utilises the existing vehicle crossing. The private drive in Linley Road is slightly further to the south than the existing vehicle crossing which is to be closed off. The houses broadly follow the line of existing housing in Barns Lane and Queens Road. Bin collection points are included off the private drives in Barns Lane and Linley Road.

The site area is 0.43 hectares which equates to a density of 30 dwellings per hectare.

The Design & Access Statement – Gives a site analysis and history of the site and explains how the design has evolved from an analysis of the surrounding context. It also discusses accessibility.

Survey of Building for Bats and the Further Survey of Building for Bats – The existing building supports a roost of common pipistrelle bats. The report details that further inspection indicates the building is likely used by a small number of bats but do not indicate a maternity roost although the building may be used as a mating roost. It highlights the need for a license from Natural England and appropriate mitigation measures for any roost lost as a result of the development. External lighting in the area of the roost should be limited, appropriate planting to create connectivity with the wider landscape allowing bats to forage and timing of the works to avoid cold weather and the mating season.

The Tree Survey – The survey was carried out for 9 individual semi-mature trees on site. The recommendation is that all 9 trees (2 x sycamores, 2 x rowan, 2 x cherry, 1 hornbeam and 1 x apple) should be removed as they are a constraint to development and the new development will offer enhanced landscaping to better integrate with new housing. A cypress hedge and mixed hedge are also to be removed as they will block light to new housing.

The Sustainability Statement – Discusses potential energy efficiency measures, water harvesting and water recycling, category of materials, waste recycling, reducing CO2 emissions and ecology.

The Landscaping Specification – Specifies details for planting, top soil, turfed areas etc.

The Report on Drainage & Flood Risk – Identifies the site within Flood Zone 1 and is not at risk of flooding from local watercourses. There is a public foul water sewer running through the site but no public surface water sewers. It is proposed to divert the foul water sewer

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with a 2.5m easement either side of the diverted sewer. It is proposed that a new surface water drainage system will incorporate flow control and attenuation measures to restrict flows to a maximum of 5 litres per second. A drainage strategy has been produced and approval of Severn Trent Water will be required.

The Transport Statement – Concludes that a satisfactory access can be achieved and the site is accessible by sustainable travel modes such as public transport, walking and cycling. The proposed development will not generate significant additional travel demand, even during peak travel periods and would not give rise to adverse traffic impacts on the surrounding highway network.

Relevant Planning History

No relevant history.

Relevant Planning Policy Summary

Black Country Core Strategy & UDP Policies

(Note the full text version of the BCCS and UDP is available from First Stop Shop in the Civic Centre and on the Council's web site)

The current version of the Black Country Core Strategy and associated appendices can be accessed at;

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

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

Black Country Core Strategy 2011-2026

The BCCS was adopted by the Council on 3rd February 2011 and now forms part of the statutory development plan. It replaces certain “saved” policies in the UDP.”

2a: Seeks to create a network of cohesive, healthy and prosperous communities across the Black Country, deliver high quality distinctive places which respect the diversity of the Black Country natural and built environment and attract new employment opportunities.

2b: Encourages sustainable management of material resources through minimising waste, ensuring all members of the community have the best access to housing, previously development land is prioritised over greenfield sites and encourages a comprehensive approach to development.

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

CSP2: Outside strategic centres and regeneration corridors will provide a mix of good quality residential areas where people choose to live.

CSP4: A high quality of design of the built and natural environment is required. Design of spaces and buildings will be influenced by their context.

DEL1: All new developments should be supported by the necessary on and off-site infrastructure to serve the development, mitigate its impacts on the environment, and ensure that the development is sustainable and contributes to the proper planning of the wider area.

TRAN1: All new developments will address the transport network and provide adequate access for all modes, including walking, cycling and public transport. Residential development will be expected to meet the accessibility standards set out in Policy HOU2.

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TRAN2: Proposals likely to have significant transport implications should provide an acceptable level of accessibility and safety by all modes of transport to and from all parts of a development.

HOU2: Density and type of new housing will be informed by:

- The need for a range of types and sizes of accommodation to meet sub regional and local needs
- The level of accessibility
- The need to achieve high quality design and minimise amenity impacts

All developments will aim to achieve a minimum density of 35 dph, except where higher densities would prejudice historic character and local distinctiveness

ENV2: Development should preserve and enhance local character.

ENV3: Seeks to deliver urban renaissance through high quality design that stimulates economic, social and environmental benefits.

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

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

GP3: Planning obligations will be used to secure any on or off-site mitigating measures made necessary by a development.

H3: Encourages provision of additional housing through windfall sites provided that a satisfactory residential environment can be achieved and that the development would not unacceptably constrain the development of any adjacent site.

ENV13: To protect the general amenity of occupiers' development in close proximity to substations will not normally be permitted.

ENV14: seek to bring forward derelict, vacant or underused land and buildings for new uses.

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

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

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

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

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

LC1: Residential developments will be required to make financial or other contributions which will enable the provision of new, or the improvement of existing urban open spaces.

T7 – Car Parking

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

T8: Encourages walking and provision in development to enhance this.

T10 (a): Refers to accessibility standards.

T13: Parking Provision

Development will provide adequate on-site parking to meet its own needs, and that there will be no adverse effect on highway safety and the environment.

1, 2 & 3 bedroom houses: 2 spaces per unit
4 bedroom houses and above 3 spaces per unit

Designing Walsall (SPD) (Feb 2008)

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

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

DW2: Safe & Welcoming Places - all new development must contribute to creating places that feel safe.

DW3: Character - all new development must be designed to respect and enhance local identity

DW4: Continuity - Well defined streets with a continuity of built form are important.

DW5: Ease of Movement – connections to existing routes

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

DW7: Diversity – contribute to creating living places that offer a mix of activities to the widest range of possible uses

DW8: Adaptability – contribute to creating flexible and adaptable places that can easily change over time.

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

DW 10: Well Designed Sustainable Buildings - new development should make a positive contribution to creating a sustainable environment.

Annexe E: Numerical Guidelines for Residential Development identifies privacy and aspect distances between dwellings including 24m separation between habitable windows for two storeys and above, 13m separation between habitable room windows and blank walls exceeding 3 metres in height, 45° code, garden dimensions of 12m in length and 68m² for housing, set backs to avoid terracing and provision of boundary walls. Although failure to comply with these guidelines may not by itself be a reason for refusal of an application, it will be a factor to be used in determining whether a proposal would be compatible with the wider character of the area or the existing dwelling or the amenity of neighbours.

Conserving Walsall's Natural Environment SPD

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

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

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

Urban Open Space (SPD) (April 2006)

Requires a contribution towards improvements to or provision of urban open space within the proximity of the application site on residential developments of 10 units or above, based on the number of bedrooms provided and the ward.

Education, Healthcare and Public Art (Contained with Designing Walsall) Supplementary Planning Documents (SPD's)

On 9th November 2011, the Council's Cabinet resolved to revoke the Education and Healthcare SPD's and Appendix D of Designing Walsall SPD (relating to Public Art) because they are no longer consistent with the legal requirements for planning obligations, and cannot be applied in their current form.

The Council could still seek planning obligations towards education or healthcare infrastructure pending the introduction of CIL, where it was justified. For example, Walsall Children's Services or NHS Walsall would have to demonstrate that existing services would not be able to accommodate the impacts from the proposed development and that to provide a satisfactory service to the residents of a new housing development, a new facility would have to be provided, or an existing facility would have to be upgraded. To be justified, it would also be necessary to identify the specific education or healthcare project(s) that planning obligations would contribute to, and the timescale within which the specified project(s) would be implemented.

Regional Strategy for the West Midlands

On 6 July 2010 the Secretary of State issued a direction to revoke Regional Spatial Strategies. Following a legal challenge this was reversed by the High Court on 10 November 2010.

The Government responded by advising its proposed abolition of the RSS system (abolition will require legislation, through the Localism Act and will take time) should be a material consideration in decisions. On 7 February 2011 the High Court published its judgement that the proposed abolition can be a material consideration. The Localism Act has now received Royal Assent and is moving towards Enactment. Further consultation has been undertaken regarding the Strategic Environmental Assessment of the proposed abolition of the RSS. The Localism Act and the abolition of the RSS continue to be capable of legal challenge.

Officer's advice is that the RSS remains part of the statutory development plan for the Borough (with the saved policies of Walsall's UDP and the Black Country Core Strategy), and decisions should be made in accordance with it unless material considerations indicate otherwise.

National Policy

The National Planning Policy Framework Consultation Draft was issued on 25 July 2011. The document has now completed its consultation and received wide-spread publicity and significant responses. Ministers have confirmed that amendments to the document will be made. The CLG Select Committee has completed its assessment with 35 key recommendations. The Government is considering these. As such, the consultation document carries very limited weight. Officers note the intention of Government is that the planning system is plan-led and Local Plans are the starting point for the determination of any planning application.

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

PPS3: 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.

PPS4: Encourages sustainable economic growth and making the most efficient and effective use of land, prioritising previously developed land. It encourages location of developments which generate substantial transport movements in locations that are accessible.

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

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

PPS23: Advises a precautionary approach of a 5m exclusion zone around substations, transformers etc.

Consultations

Transportation – No objections subject to conditions requiring provision of parking, details of footway crossings and pedestrian visibility splays. The proposed parking meets the requirements in policy T13 for 3 and 4 bed houses. The access from Barns Lane utilises the existing access point with modifications. Although the bus shelter is within the visibility splay it is not deemed to have a significant detrimental impact to warrant relocation of the shelter.

Pollution Control (Scientific Team) – No objections. In order to safeguard local amenity it is recommended that appropriate restrictions are applied in respect of permitted hours of construction and demolition.

Pollution Control (Contaminated Land) – No objections subject to a desk study and site reconnaissance being carried out to identify the potential for contaminants and/or ground gases likely to be present on site. If the presence of contamination and/or ground gases is identified on site a ground contamination survey and site investigation should be carried out to identify risk to future occupants or structures on the site. Conditions to address these concerns have been provided.

Ecology – No objection. Bat Surveys were carried out by Apex Ecology and the reports dated May and November 2011 found several separate bat roosts used by small numbers of common pipistrelle. Bats were observed emerging from points on the building. In accordance with the Habitats Regulations the developer provided information on the three tests (the "purpose" test, "no satisfactory alternative test" and "maintenance of a favourable conservation status test") which the Council have a duty to consider.

If this development is constructed it is likely that a European Protected Species offence would be committed. The council has considered the three tests and considers that the proposed development is licensable by Natural England. Natural England has responded with the advice that the application is acceptable providing appropriate mitigation and monitoring are secured through condition. A planning condition is recommended to secure the mitigation and compensatory measures proposed in the letter from Apex Ecology dated 31 January 2012.

Arboricultural Officer – No objections subject to provision of replacement tree planting indicated on drawing LIN/002. There are 8 trees and 2 hedges on site that will be removed which are category "C" low quality and value. The replacement tree planting shows 15 selected standard replacement trees.

Building Control – No objections.

Greenspace Services – No objections subject to a S106 obligation for open space provision to contribute towards improvements in the ecology around The Swag nearby.

Natural England – No objections. The proposed mitigation for bats is satisfactory and is sufficient to avoid adverse impact on the local bat population. The mitigation will also maintain a favourable conservation status.

Fire Service – No objections subject to sufficient water supply for Fire Service use.

Severn Trent Water – No objections subject to provision of drainage details.

Police Architectural Liaison Officer – No objections to the general layout of the site but recommend Secured by Design specifications are met. It is recommended that the scheme incorporates secure perimeter garden fencing, robust lockable gates, intruder alarms and planting to distinguish public and private space.

Western Power – There is a brick built substation adjacent to the site and underground apparatus installed within the development site subject to an easement. No structure should be erected within 2m of the easement. To enable development to commence clearance and some protection/diversionary works may be required at the developer's cost.

Public Participation Response

None received.

Determining Issues

- Principle of redevelopment for housing
- Layout and Design
- Relationship to surrounding houses
- Access and Parking
- Ecology
- Trees
- Provision for Urban Open Space

Observations

Principle of redevelopment for housing

The existing building was previously a care home so was residential in character. The proposed redevelopment for new houses is in keeping with the residential character of the surrounding area. It introduces a mix of detached and semi-detached houses in an area of predominantly semi-detached and terraced housing so introducing a wider mix which is appropriate. The proposed redevelopment of the site for new housing is therefore acceptable and will make use of previously developed land. Policy ENV14 of the UDP seeks to bring forward under used land for new uses and UDP policy H3 encourages provision of additional housing through windfall sites provided a satisfactory residential environment can be achieved.

Layout and Design

The proposed new houses face the street with clear distinction between public and private space. The position of the houses respects the character of the street and adjacent housing. There is adequate distance between the existing and proposed properties and all proposed houses have adequate gardens that achieve the minimum requirements recommended in SPD: Designing Walsall. Within the site there are a few instances where distances between dwellings are marginally below the recommended guidelines. For instance between the rear of plot 4 and gable of plot 5 there is 11.5m instead of 13m, between the front of plots 7 and 8 and rear of plots 1 and 2 there is 21.5m instead of 22m and between the rear elevation of plot 11 and gable of plot 10 there is 9m instead of 13m. These distances are considered adequate within the context of the overall development.

The scale and design of the houses is considered acceptable as it will visually enhance the street scene in comparison with the care home building which is poor quality design with a flat roof. The houses also incorporate some design features of surrounding housing.

An electricity substation adjoins the north eastern boundary of the site and there are underground cables running through the site that have an easement. The nearest plot is plot 1 which is 7m away from the substation. The layout has also been designed to avoid building within 2m of the electricity easement or within the sewer easement.

Relationship to surrounding houses

The position of the houses is broadly in line with the housing in surrounding streets so has no significant impact on the outlook, daylight or privacy of existing residents. Plots 6, 7 and 8 in the centre of the site are surrounded by other houses but given the distances between the existing and proposed housing is considered to have no significant impact on neighbours' amenities. Although plot 6 is close to the garden boundary of 141 Barns Lane it is recommended that there are no first floor windows other than obscure windows in the gable that faces the garden of 141 Barns Lane. This will prevent potential overlooking.

Access and Parking

The proposal is to utilise the existing access off Barns Lane to create a private drive serving four houses and a new private drive in Linley Road serving three houses and the garages of plots 5 and 9. The remaining plots (10, 11, 12 & 13) have direct access onto Linley Road and Queens Road. The Transport Statement demonstrates that the development will have no significant impact on the surrounding highway network or highway safety.

Each house has its own garage and driveway providing convenient secure parking. Some of the garages are detached and some integral to the house. The parking accords with policy T13.

Ecology

The bat surveys demonstrate that there are bats in the existing building. The applicant has provided a response to address the three tests referred to in the EU Habitats Regulations and has provided a satisfactory method of working, mitigation and compensatory provision for bats. The Council Ecologist and Natural England are satisfied with this and recommend a conditional approval.

Trees

All trees and hedges on the site are to be removed but the Arboricultural officer is satisfied that these trees and hedges are of low quality and value and the proposals offer the opportunity to provide replacement trees to compensate for their loss.

Provision for Urban Open Space

In accordance with policies DEL1 of the BCCS, GP3 and LC1 (d) of the UDP and the SPD for Urban Open Space the proposal triggers the requirement for provision of urban open space. Based on the mix of housing proposed a contribution of £41,760.00 would be required towards urban open space provision in this locality which it is suggested can be used to offer improvements to the ecology in Stubbers Green and potentially "The Swag" pool. The developer has confirmed that they are willing to enter into a S106 Agreement to secure this provision. As the site is still owned by the Council it is recommended that a S111 Agreement under the provisions of the Local Government Act 1972 is completed to secure the S106 Agreement under the provisions of the Town & Country Planning Act 1990 (as amended by the Planning & Compensation Act 1991) upon transfer of the land from the Council to the developer.

Recommendation

Delegate to officers to grant permission subject to conditions and a S111 Agreement under the provisions of the Local Government Act 1972 to secure the S106 Agreement under the provisions of the Town & Country Planning Act 1990 (as amended by the Planning & Compensation Act 1991) upon transfer of the land from the Council to the developer.

Summary of Reasons for Granting Planning Permission

The principle of residential development is acceptable as it fits in with the surrounding area and brings forward previously developed land.

The layout of the site respects the surrounding streets and adjacent housing and there is adequate distance between existing and proposed housing. Where there are shorter distances between the proposed houses this is considered to have no significant impact on residential amenity in terms of privacy, outlook or daylighting. The design of the houses is appropriate. The layout is designed to ensure there are no buildings within the easements for the sewer or electricity cables.

The proposed houses have no significant impact on the surrounding housing in terms of outlook, daylight and privacy. It is recommended that no further first floor side facing windows are allowed in plot 6 to prevent potential overlooking the garden of 141 Barns Lane.

The access and parking is satisfactory and complies with policy. The Transport Assessment demonstrates there will be no significant impact on the surrounding highway network or highway safety.

The developer has addressed the three tests in the EU Habitat Regulations relating to bats and the proposed mitigation is acceptable. Replacement planting is considered satisfactory to compensate for loss of trees and hedges on site.

Provision for public open space will be secured by a S106 Agreement in accordance with policies DEL1 of the Black Country Core Strategy, GP3 and LC1 of Walsall Unitary Development Plan and SPD: Urban Open Space.

In light of the above the proposals are considered to accord with the aims of policies 2a, 2b, CSP1, CSP2, CSP4, DEL1, TRAN1, TRAN2, ENV2, ENV3 and HOU2 of The Black Country Core Strategy and saved policies 3.6, 3.7, GP2, GP3, ENV13, ENV14, ENV18, ENV23, ENV32, ENV33, 3.116, 3.117, H3, 8.8, LC1, T7, T8, T10 and T13 of Walsall Unitary Development Plan and Supplementary Planning Documents: Designing Walsall, Conserving Walsall's Natural Environment and Urban Open Space.

Recommendation: Grant Permission Subject to Conditions and a Planning Obligation

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

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

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

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

II. In the event that the desk study and site reconnaissance indicates the potential presence of contamination and/or ground gases on site. Prior to built development commencing a site investigation, ground contamination survey and assessment of ground gas, having regard to current best practice shall be undertaken. (see Note for Applicant CL1)

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

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

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

VI. If during the undertaking of remedial works or the construction of the approved development unexpected ground contamination not identified by the site investigation required by part ii) of this condition is encountered development shall cease until the

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“Remediation Statement” required by part iii) of this condition has been amended to address any additional remedial or mitigation works required and agreed in writing by the Local Planning Authority.

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

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

3. Notwithstanding the details provided and prior to the commencement of the development 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 surface water drainage scheme shall be based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development. 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.

4. No development shall commence until samples of all facing and roofing materials and details of all boundary treatments have been submitted to and approved in writing by the Local Planning Authority. The development shall be completed with the approved details and retained thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the satisfactory appearance of the development.

5. No site clearance or development shall take place other than in accordance with the methods of working, mitigation and compensatory provisions to avoid harm to a European Protected Species described in the letter from Apex Ecology dated 31 January 2012 (reference MR120120) unless superseded by the terms of a Natural England license.

Reason: To ensure the conservation of local bat populations.

6. Prior to the first occupation of any dwelling, all access ways and vehicle hard standing areas associated with that dwelling shall be fully consolidated, hard surfaced and drained. These areas shall thereafter be retained and used for no other purpose. Likewise, all proposed vehicle footway crossings to serve the new driveways shall be constructed to a specification to be approved and agreed in writing by the Local Planning Authority, including the reinstatement of the existing redundant crossing in Linley Road back to full kerb height, together with the improvement of the existing retained access in Barns Lane which shall take the form of a footway crossing type access rather than a bellmouth.

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

7. The 2.4m x 3.4m pedestrian visibility splays at each access point shown drawing LIN/002D shall, at all times, be kept clear of planting or structures exceeding 600mm in height above ground level.

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Reason: In the interests of pedestrian/vehicle inter-visibility and highway safety.

8. Unless otherwise agreed in writing, the approved landscaping scheme and replacement tree planting shall be carried out in accordance with the details indicated on drawing LIN/002D and implemented within 12 months of the development being completed. All planting shall be maintained for a period of 3 years from the full completion of the scheme. Within this period any trees, shrubs or plants which dies, becomes seriously diseased, damaged or is removed shall be replaced with a tree, shrub or plant of the same or greater size and same species as that originally required to be planted, unless otherwise agreed in writing with the Local Planning Authority.

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

9. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995 (as amended) no first floor windows shall be installed in the side elevation of plot 6 other than those shown on the approved house type plans reference DEN/1102/06 Rev A and those shown shall be obscure glazed.

Reason: To maintain the privacy of surrounding occupiers.

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

* Note - Bank Holidays and Public holidays for this purpose shall be taken to include: Christmas Day; Boxing Day; New Year's Day; Good Friday; Easter Monday; May Day; Spring Bank Holiday Monday, and August Bank Holiday Monday.

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

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

- Location Plan (LIN/001) received 22/12/11
- Site Plan (LIN/002D) received 17/2/12
- Arisdale House Type – Plots 3 & 10 (ARIS/1102/03) received 22/12/11
- Arisdale House Type – Plots 4 & 5 (ARIS/1102/02) received 22/12/11
- Dendale House Type – Plot 6 (DEN/1102/06 Rev A) received 16/2/12
- Appleton House Type – Plots 7 & 8 (APP/1102/07) received 22/12/11
- Ayredale 2 House Type – Plots 1, 2 & 9 (AYR2/1102/01 Rev A) received 16/2/11
- Dendale House Type – Plot 11 (DEN/1102/05 Rev A) received 26/01/12
- Wharfdale 1 House Type – Plots 12 & 13 (WHAR1/1102/04) received 22/12/11
- Single garage plans (002) received 22/12/11
- Double Garage Plans (001) received 22/12/11
- Street Scene (LIN/003A) received 26/01/12

- Design & Access Statement prepared by KJS Residential Design Services received 22/12/11
- Survey of the Building for Bats prepared by Apex Ecology (May 2011) received 22/12/11
- Further survey of the building for bats prepared by Apex Ecology (November 2011) received 22/12/11
- Landscaping Specification prepared by KJS Residential Design Services received 22/12/11
- Tree Survey prepared by Peter Jackson (6th November 2011) received 22/12/11
- Tree Survey Plan (C934/mh – Sheet 1) received 22/12/11
- Tree Removal Plan (C934/mh Sheet 2) received 22/12/11
- Sustainability Statement prepared by KJS Residential Design Services received 22/12/11
- Report on Drainage & Flood Risk prepared by Travis Baker received 22/12/11
- Existing Drainage Arrangement & Drainage Areas (11064/SK01) received 22/12/11
- Proposed Drainage Strategy (11064/K04 Rev B) received 22/12/11
- Transport Statement prepared by Travis Baker received 3/1/12

Reason: For the avoidance of doubt and in the interests of proper planning, (except in so far as other conditions may so require).

Notes for Applicant – Contaminated Land

CL1: Ground investigation surveys should have regard to current “Best Practice” and the advice and guidance contained in Planning Policy Statement 23 – Planning and Pollution Control; British Standard BS10175: 2001 “Investigation of potentially contaminated sites – Code of Practice”; British Standard BS5930: 1999 “Code of practice for site investigations”; Construction Industry Research and Information Association “Assessing risks posed by hazardous ground gasses to buildings (Revised)” (CIRIA C665); or any relevant successors of such guidance. You are strongly advised to consult with the Local Planning Authority on the construction, location and potential retention of any boreholes installed for the purposes of ground gas and or groundwater before installation of same.

CL2: When making assessments of any contaminants identified as being present upon the land, considering their potential to affect the proposed land use and deciding appropriate remediation targets regard should be had to the advice given in CLR 11 “Model Procedures for the Management of Land Contamination”, The Contaminated Land Exposure Assessment (CLEA) model (Latest Version), Science Report – SC050021/SR3 “Updated technical background to the CLEA model” and Science Report – SC050021/SR2 “Human health toxicological assessment of contaminants in soil” or any relevant successors of such guidance. This list is not exhaustive. Assessment should also be made of the potential for contaminants contained in, on or under the land to impact upon ground water. Advice on this aspect can be obtained from the Environment Agency.

CL3: Validation reports will need to contain details of the “as installed” remediation or mitigation works agreed with the Local Planning Authority. For example photographs of earth works, capping systems, ground gas membranes, and structure details should be provided. Copies of laboratory analysis reports for imported “clean cover” materials, manufacturer’s specification sheets for any materials or systems employed together with certification of their successful installation should also be submitted. Where appropriate records and results of any post remediation ground gas testing should be included in

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validation reports. This note is not prescriptive and any validation report must be relevant to specific remedial measures agreed with the Local Planning Authority.

CL4: The desk study and site reconnaissance shall have regard to the previous unknown filled ground and materials used and processes carried on. Further details on the matters to be addressed is available in “PPS 23 : Planning and Pollution Control”, Annex 2, Development on Land Affected by Contamination”, paragraphs 2.42 to 2.44. and “Model Procedures for the Management of Contamination” (CLR 11, DEFRA/Environment Agency). The results of the desk study and reconnaissance will be used to determine the need for further site investigation and remediation.

Note for applicant regarding public sewers

Severn Trent Water advises that there is a public sewer located within the application site. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent. You are advised to contact Severn Trent Water to discuss your proposals. Severn Trent Water will seek to assist you in obtaining a solution which protects both the public sewer and the building. Please note, when submitting a Building Regulations application, the building control officer is required to check the sewer maps supplied by Severn Trent Water and advise them of any proposals located over or within 3 metres of a public sewer. In many cases under the provisions of Building Regulations 2000 Part H4, Severn Trent Water can direct the building control officer to refuse building regulations approval. If you require any further information please contact Rhiannon Thomas on 01902 793883.



Planning Committee

Report of Head of Planning and Building Control, Regeneration Directorate on 01/03/2012

Reason for bringing to committee: Major Application

Application Number: 11/1537/FL
Application Type: Full application

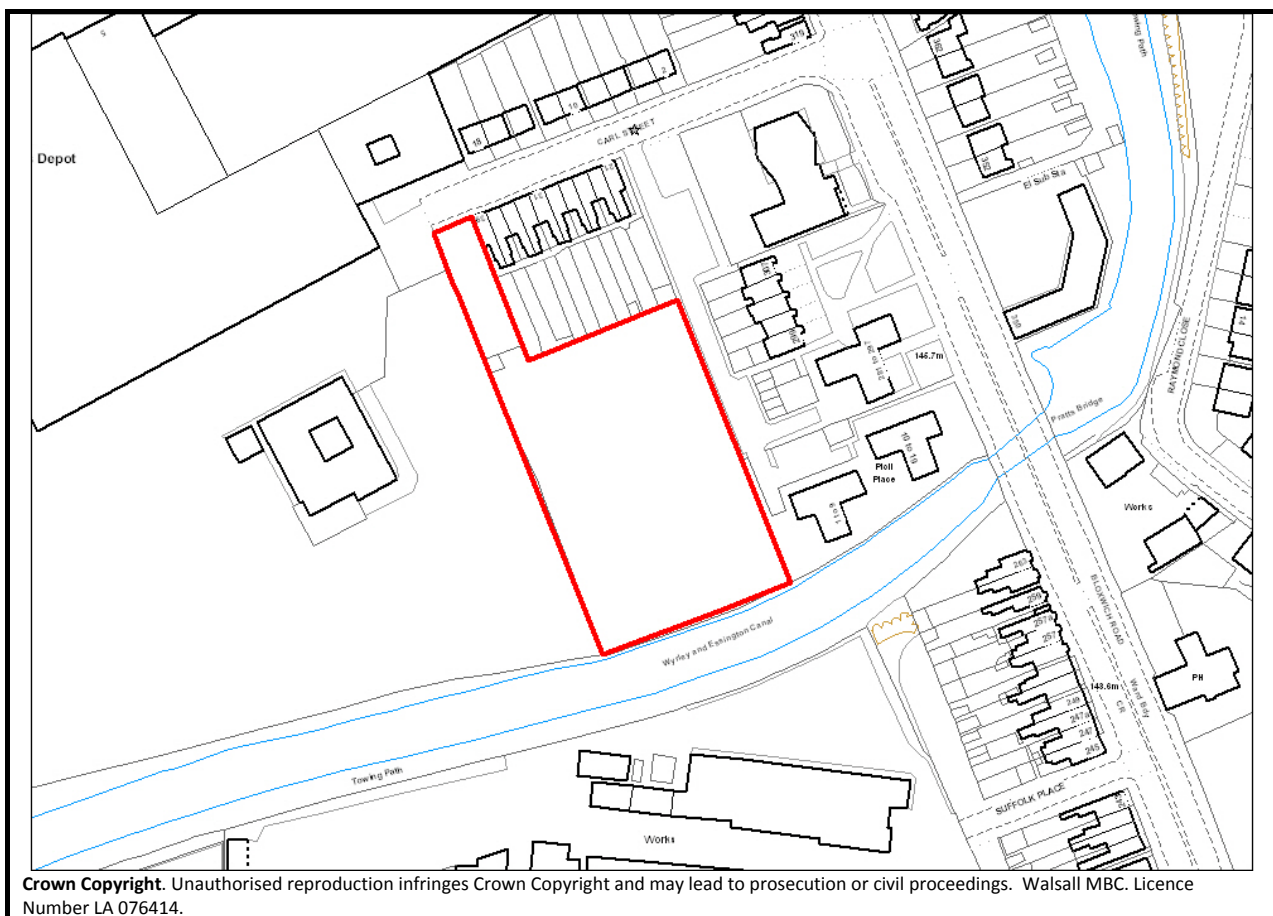
Applicant: MPB Structures Ltd
Proposal: Erection of 18 flats and 12 houses with associated parking, landscaping, access and associated works.

Ward: Birchills Leamore

Case Officer: Andrew Thompson
Telephone Number: 01922 652403
Email: planningservices@walsall.gov.uk
Agent: Church Lukas Ltd
Location: LAND AT CARL STREET, WALSALL, WS2 7BE

Expired Date: 12/03/2012

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



Application and Site Details

The application site is a former industrial factory located between Carl Street and the Wyrley and Essington Canal with the National Express Depot to the west and housing to the north and east. On the opposite side of the canal is the former Council's former depot at Norfolk Place which has planning permission for housing. The former factory has now been cleared.

The proposals are to erect 18 flats and 12 houses on the site which would comprise

Six, 2bedroom houses (2storey)

Six, 3bedroom houses (2.5storeys)

Six, 1 bedroom flats

Eight, 2 bedroom flats

Four, 3 bedroom flats

47 car parking spaces would be provided across the site with a combination of visitor and allocated sites across the development and disabled parking provision capable of being accommodated on the site.

The application is supported by the following documents:

Design and Access Statement

Original Planning Permission for the site was approved in Outline in 2004 and Reserved Matters approved in 2007, however due to changes in the market with regard to apartment accommodation, it was considered that the proposed scheme was no longer commercially viable and therefore remained undeveloped.

The detailed application for a residential scheme of 30 units and sets out the rationale for the design and addresses the constraints and issues raised by the former applications with a design-led approach and a strong frontage to the canal whilst reflecting the housing characteristics of the area.

Highway Statement

The proposals offer appropriate provision for emergency vehicles and the Council's refuse lorries.

Site Contamination Assessment

Highlights that future redevelopment for residential end use is likely to require more extensive contamination remediation measures due to a number of elevated contaminants from the historic uses. This could take the form of a clean capping layer in building areas coupled with protection of services. There would also need to be assessment of ground gas assessment.

A noise assessment and drainage strategy has also been submitted in support of the application.

Relevant Planning History

04/1385/OL/W5 - Outline: Residential development – Granted 14th October 2004

07/2263/RM/W5 - Reserved Matters - Erection of 31no new properties comprising of 18no Apartments And 13no Housing. Granted 9th January 2008

Relevant Planning Policy Summary

Black Country Core Strategy & UDP Policies

(Note the full text version of the BCCS and UDP is available from First Stop Shop in the Civic Centre and on the Council's web site)

The current version of the Black Country Core Strategy and associated appendices can be accessed at;

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

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

Black Country Core Strategy (BCCS)

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

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

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

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

The Spatial Objectives include

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

The vision and strategic objectives are supported by detailed policies which seek to achieve a high quality design, preservation of the natural environment and balance the housing and employment needs of the Borough whilst delivering sustainable regeneration and high quality housing, including affordable housing.

Planning policies include CSP1, CSP4, ENV1, ENV3, ENV4, HOU2, HOU3, DEL1, DEL2 and EMP3. The application site is identified in the Employment Land Review (2011) as to be considered for release from employment to alternative uses.

Saved Policies of the Unitary Development Plan

The saved policies of the Unitary Development Plan consider the detailed elements of development including resisting loss of Core Employment Areas to alternative uses, encouraging the use of previously developed land, impact of noise and disturbance, high quality design, preventing harm to protected species and affordable housing and planning contributions.

Key saved policies of the Unitary Development Plan include GP2, GP3, GP4, JP5, ENV10, ENV14, ENV23, ENV32, ENV33, H4, T7 and T13.

Supplementary Planning Documents (SPD)

Designing Walsall SPD

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

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

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

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

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

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

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

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

Appendix D sets numerical guidelines for residential development with the purpose of protecting privacy, separation distances and garden sizes. The figures are guidelines and do not outweigh a well-designed proposals however these are factors that can be used in determining whether a proposal would be compatible with the wider character of the area or the existing dwelling or the amenity of neighbours.

Natural Environment SPD

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

Urban Open Space SPD

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

Affordable Housing SPD

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

Regional Spatial Strategy for the West Midlands (RSS 11)

On 6 July 2010 the Secretary of State issued a direction to revoke Regional Spatial Strategies. Following a legal challenge this was reversed by the High Court on 10 November 2010.

The Government responded by advising its proposed abolition of the RSS system (abolition will require legislation, through the Localism Act and will take time) should be a material consideration in decisions. On 7 February 2011 the High Court published its judgement that the proposed abolition can be a material consideration. The Localism Act has now received Royal Assent and is moving towards Enactment. Further consultation has been undertaken regarding the Strategic Environmental Assessment of the proposed abolition of the RSS. The Localism Act and the abolition of the RSS continue to be capable of legal challenge.

Officer's advice is that the RSS remains part of the statutory development plan for the Borough (with the saved policies of Walsall's UDP and the Black Country Core Strategy), and decisions should be made in accordance with it unless material considerations indicate otherwise.

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

Overall the strategy promotes sustainable regeneration of previously developed land, promoting a high quality environment and sustainable development capable of being accessed by a variety of transport modes. A major challenge for the Region is to counter the unsustainable outward movement from the Major Urban Areas of people and jobs (3.4(a)). Relevant policies include:

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

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

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

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

National Policy

Planning Policy Statement (PPS) 1: Sets out the overarching planning policies on the delivery of sustainable development through the planning system. PPS1 indicates that planning policies should promote high quality inclusive design in the layout of new developments and individual buildings and that design which fails to take the opportunities available for improving the character and quality of an area should not be accepted."

Paragraphs 33 to 39 also state the importance of good design. Supplementary document published on the need to address climate change through the planning system.

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

PPS4: seeks to deliver economic growth in appropriate locations and a plan-led approach to development.

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

The National Planning Policy Framework Consultation Draft was issued on 25 July 2011. The document has now completed its consultation and is due for which received wide-spread publicity and Ministers have confirmed that amendments to the document will be made. The CLG Select Committee has completed its assessment with 35 recommendations. The Government is considering these. As such, the consultation document carries very limited weight. Officers note the intention of Government is that the planning system is plan-led and Local Plans are the starting point for the determination of any planning application. The Planning Contributions legislation is considered by the Community Infrastructure Levy Regulations 2011.

Consultations

Transportation – No objection subject to conditions relating to the car parking layout and detail of the access drive surface.

Pollution Control

Scientific Team – No objection - An acoustic report from R W Gregory Consultants has been submitted along with the application, reference B4935/ENV/A1, which contains details of noise mitigation measures recommended and the justification for them. Also the proposed construction works are likely to have an adverse environmental impact on surrounding residential development in terms of noise

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

WM Police – No objection, having held discussions previously with applicant with regards to the above planning application which I believe will be looking to obtain full SBD accreditation

Landscape Team – No objection subject to a condition requiring landscape detail to be submitted.

Natural England – No objection

Housing Strategy – Seek appropriate contribution towards affordable housing in line with the adopted Supplementary Planning Document

British Waterways Board – No objection subject to conditions and a legal agreement in relation to the southern boundary fronting the canal which has a small hedgerow which has established naturally over time, without maintenance - this vegetation is outside of the clients ownership, and holds no impact to the proposed scheme - should this land be maintained, it will continue to provide a good back drop to the external amenity space and offer enhanced protection and habitats for British garden wildlife i.e. Birds.

Public Participation Responses

None

Determining Issues

- Principle of development
- Density and layout
- Design of the development
- Relationship to the canal
- Affordable Housing and Urban Open Space contributions.

Observations

Principle of development

The principle of development has previously been accepted in 2004 and 2008 under the previous outline and reserved matters permission and whilst these have expired, these are material considerations.

However there has been a change in development plan policy with the adoption of the Black Country Core Strategy (BCCS). Whilst it is noted that the land is part of a Core Employment Area, which would not be normally considered for alternative uses, the BCCS evidence base considered that the site, based on its relationship to housing and relatively narrow access for large vehicles would be appropriate to consider for release to alternative uses.

Notwithstanding the importance of protecting the employment land supply, it is considered that this land has been considered as surplus land for a period of time and housing is now the most appropriate use for the site.

The environmental benefits of bringing the site back into use are also noted.

Therefore having considered the previous planning permissions, the Development Plan and evidence base supporting the BCCS, it is considered that the proposals are acceptable in principle.

Density and layout

This scheme consists of two elements: the houses sited within a cul-de-sac based on the principles of high quality design and the apartment block which takes advantage of the canal frontage. The design of the development takes on a traditional style for the houses to reflect the existing Victorian properties along Carl Street and a contemporary approach to the appearance of the apartment block which fronts onto the canal.

In both cases the siting of the built form has previously been determined by the previous approval and is a continuation of the design-led approach.

The proposed development takes into account its surroundings, is well integrated with, and complements, the neighbouring residential buildings type i.e. 2 and 2.5 storey houses and 3/4storey flats, therefore in terms of scale, density, layout and access the scheme is acceptable and well designed.

The siting of the apartments along the canal makes the best possible use of this frontage. The use of colour rendered blocks across the apartments frontage to the canal is distinctive and will provide interest in this location.

The ground floor apartments have direct access to a small terrace in front of the canal with the upper floors having balconies and a roof terrace overlooking the canal and the private amenity space.

The proposed density and layout are therefore considered acceptable.

Design of the development

The housing is of traditional design with pitched roofs are in keeping with the design and character of Carl Street frontage and would be a well thoughtout design for the area and a well designed transition to the canal and flat element of the development.

The design of the flats is a contemporary contrast and would offer a genuine landmark to the canal. The top two floors would be duplex accommodation and equally this aspect presents a unique and high quality element to the scheme as a bespoke development as opposed to the mass housebuilder concept on the opposite side of the canal on Norfolk Place.

The development would offer a well designed development that would be in keeping with the character of the area and present a high quality solution to the site.

Relationship to the canal

The canal frontage is of significant importance to the development both in terms of the visual relationship but also the marketability of the site. The proposed development maximises this relationship with the use of active frontages to the canal with balconies and defined areas of amenity space but also breaking up the built form of development with a private and communal area which presents an attractive frontage to the development.

The proposals offer an attractive and well thought out development that would complement and enhance the canal corridor.

Affordable Housing and Urban Open Space contributions

The applicant has agreed to enter into a planning obligation in the following amounts.

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Open space would be sought at £701 per bedroom so that the total amount sought would be £44,864

Further affordable housing is sought at 25% of the total development or 7.5 units. The developer, in agreement with Housing Strategy Officers, has been provided with 2 options in this regard:

7 dwellings (5 towards social rent and 2 towards shared ownership) or
8 dwellings (6 towards social rent and 2 towards shared ownership)

The difference between the two being that the 7 dwellings would offer 3 bedroom dwellings whereas the 8 dwelling offer would be based on 2 bedroom dwellings.

The developer has asked that both schemes for affordable housing are offered within the S106 agreement to allow for a choice to be offered to the end user.

The maintenance of the southern boundary of the site is also necessary and forms part of the proposed layout but is outside the ownership of the applicant and is therefore needed to be secured through the planning agreement.

Summary of Reasons for Granting Planning Permission

The use of land for housing on Core Employment Areas are normally resisted however, in this instance due to the surrounding housing, relatively constrained access for industrial premises, previous planning permissions for housing and the supporting evidence base to the adopted Black Country Core Strategy, the proposals are considered acceptable in principle for housing.

The design of the development and layout are considered to be of a high quality which complements the surrounding area and provides a positive relationship to the canal frontage.

Appropriate levels of contributions towards affordable housing and urban open space have been agreed.

Having considered all material considerations, the proposals are in accordance with the policies of the Development Plan, in particular the Vision, Strategic Objectives and associated policies CSP1, CSP4, ENV1, ENV3, ENV4, HOU2, HOU3, DEL1, DEL2 and EMP3 of the Black Country Core Strategy, saved policies GP2, GP3, GP4, JP5, ENV10, ENV14, ENV23, ENV32, ENV33, H4, T7 and T13 of the Unitary Development Plan associated Supplementary Planning Documents and national guidance.

Recommendation: Grant Permission Subject to Conditions and a Planning Obligation

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

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

2. Notwithstanding the plans submitted prior to the commencement of development, details of the existing and proposed ground levels and finished floor levels of the proposed development, in particular in relation to the canal and associated towpath, shall be submitted to and agreed in writing by the Local Planning Authority and thereafter implemented in accordance with the agreed details unless otherwise agreed in writing.

Reason: To ensure satisfactory development of the application site and to assess, and if necessary mitigate against the impact of the development on the integrity of the waterway and the appearance of the waterway corridor, in accordance with policy ENV4 Canals of the adopted Black Country Joint Core Strategy.

3. No development shall take place until a landscaping scheme has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall indicate the size, species and spacing of planting, the areas to be grassed, and the treatment of hardsurfaced areas, and also details of the landscape management plan. Any such planting which within a period of 5 years of implementation of the landscaping dies, is removed, or becomes seriously damaged or diseased shall be replaced in the next planting season with others of a similar size or species, unless the Local Planning Authority gives written consent to the variation).

Reason: To ensure that the proposed development contributes to the preservation and enhancement of the local character, distinctiveness and ecological value of the waterway corridor.

4. Notwithstanding the plans submitted prior to the commencement of development details of the proposed lighting for the development including details of foundations, luminance in candelas, hours of operation etc. shall be submitted to and approved in writing by the Local Planning Authority and thereafter implemented in accordance with the agreed details unless otherwise agreed in writing.

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

5. Notwithstanding the plans submitted prior to the commencement of development details of the drainage proposals shall be submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in accordance with the agreed scheme prior to the first occupation of the development.

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

6. Prior to commencement of development a revised plan to show a shared access road shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the scheme coming into use.

Reason: In the interests of highway safety and to ensure the free flow of traffic using the adjoining highway.

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7. Prior to the first occupation of any dwelling to which this permission relates the access and areas for car parking shall be laid out, properly consolidated, surfaced and drained, in accordance with details to be submitted to and approved in writing by the Local Planning Authority and these areas shall not thereafter be used for any other purpose than the parking of vehicles thereafter.

Reason: In the interests of highway safety and to ensure the free flow of traffic using the adjoining highway

8i) Prior to built development commencing a site investigation, ground contamination survey and assessment of ground gas, having regard to current best practice shall be undertaken. (see Note for Applicant CL1)

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

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

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

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

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

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

9. Notwithstanding the notation on the deposited plans no development shall be carried out until a schedule of the facing materials to be used have been approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved scheme.

Reason: To ensure the satisfactory appearance of the development.

10. No demolition, construction or engineering works, (including land reclamation, stabilisation, preparation, remediation or investigation), shall take place on any Sunday,

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Bank Holiday or Public Holiday*, and such works shall only take place between the hours of 07.00 to 18.00 weekdays and 08.00 to 14.00 Saturdays unless otherwise permitted in writing by the Local Planning Authority. No plant, machinery or equipment associated with such works shall be started up or operational on the development site outside of these permitted hours.

Reason: In the interests of neighbouring residential amenities.

11. Prior to the commencement of built development details and locations of cycle and bin stores shall be submitted to and approved by the Local Planning Authority. The approved details shall be implemented prior to the first occupation of each associated dwelling.

Reason: To ensure the satisfactory appearance of the development.

12. Prior to the commencement of built development details of boundary treatment shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details.

Reason: To ensure the satisfactory appearance of the development.

13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) (or any Order revoking, re-enacting or modifying that Order), *no* additional extensions, outbuildings, structures or means of enclosure (e.g. walls, gates, or fences) shall be erected on the plots of approved dwellings unless otherwise agreed in writing by the Local Planning Authority through the submission of a planning application.

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

Notes for Applicant – Contaminated Land

CL1) Ground investigation surveys should have regard to current “Best Practice” and the advice and guidance contained in Planning Policy Statement 23 – Planning and Pollution Control; British Standard BS10175: 2011 “Investigation of potentially contaminated sites – Code of Practice”; British Standard BS5930: 1999 “Code of practice for site investigations”; Construction Industry Research and Information Association “Assessing risks posed by hazardous ground gasses to buildings (Revised)” (CIRIA C665); or any relevant successors of such guidance. You are strongly advised to consult with the Local Planning Authority on the construction, location and potential retention of any boreholes installed for the purposes of ground gas and or groundwater before installation of same.

CL2) When making assessments of any contaminants identified as being present upon the land, considering their potential to affect the proposed land use and deciding appropriate remediation targets regard should be had to the advice given in CLR 11 “Model Procedures for the Management of Land Contamination”, The Contaminated Land Exposure Assessment (CLEA) model (Latest Version), Science Report – SC050021/SR3 “Updated technical background to the CLEA model” and Science Report – SC050021/SR2 “Human health toxicological assessment of contaminants in soil” or any relevant successors of such guidance. This list is not exhaustive. Assessment should also be made of the potential for contaminants contained in, on or under the land to impact upon ground water. Advice on this aspect can be obtained from the Environment Agency.

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CL3) Validation reports will need to contain details of the “as installed” remediation or mitigation works agreed with the Local Planning Authority. For example photographs of earth works, capping systems, ground gas membranes, and structure details should be provided. Copies of laboratory analysis reports for imported “clean cover” materials, manufacturer’s specification sheets for any materials or systems employed together with certification of their successful installation should also be submitted. Where appropriate records and results of any post remediation ground gas testing should be included in validation reports. This note is not prescriptive and any validation report must be relevant to specific remedial measures agreed with the Local Planning Authority.



Planning Committee

Report of Head of Planning and Building Control, Regeneration Directorate on 01/03/2012

Reason for bringing to committee: Contrary to Policy

Application Number: 11/1561/FL

Application Type: Full application

Applicant: Rushall Medical Centre

Proposal: Proposed two storey side extension to medical centre.

Ward: Rushall-Shelfield

Case Officer: Karon Hulse

Telephone Number: 01922 652487

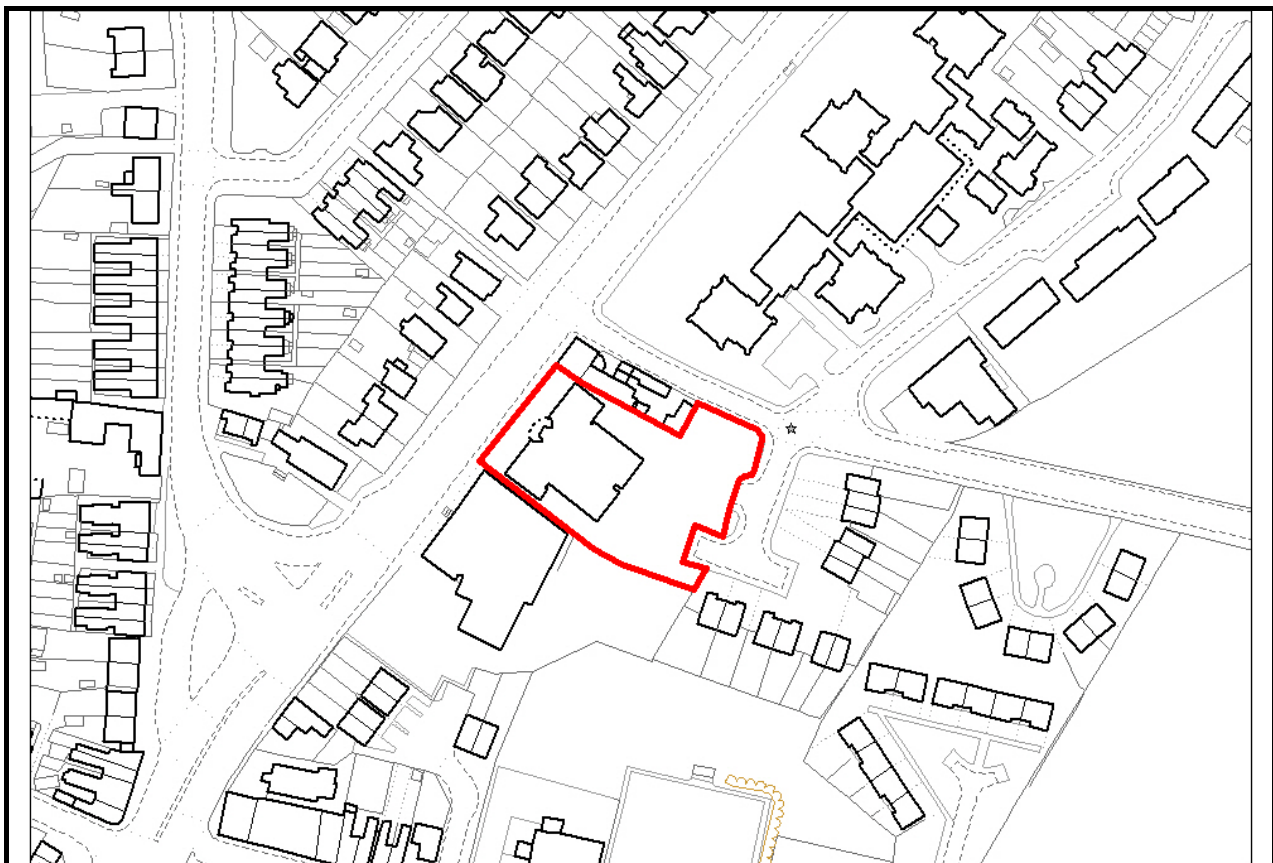
Email: planningservices@walsall.gov.uk

Agent: Mr Nick Massey

Location: 107 LICHFIELD ROAD,
RUSHALL, WALSALL, WS4 1HB

Expired Date: 22/03/2012

Recommendation Summary: Grant Permission Subject to Conditions



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Application and Site Details

This planning application seeks to extend the Rushall Medical Centre following the acquisition and demolition of the former Miners public house on the corner of Lichfield Road and New Street.

The site is situated on the eastern side of Lichfield Road, just south of the junction with New Street, within the Rushall local centre.

The existing two storey medical centre (incorporating a retail pharmacy) fronts onto Lichfield Road, with car parking to the rear which is accessed from New Street and Old Well Close.

Immediately adjacent to the site on the Lichfield Road frontage, was the former the Miners Arms pub. The pub has now been demolished following a fire and the area secured. On the opposite side of New Street is Rushall Mews residential care home, to the rear of the site are modern semi detached and terraced houses in Old Well Close. The Rushall labour club and car park also sit next to the site on the Lichfield Road frontage. There are houses and shops on the opposite side of Lichfield Road.

The proposed two storey extension widens the scope and facilities offered by the Medical Centre including; a new minor operations suite, enlarged pharmacy, opticians, physiotherapy area and meeting facilities in addition to considerably improved pedestrian access to all parts of the building.

The extension has been designed to compliment the existing Medical Centre. the design matches the height and modern appearance and will replicate the convex roof line above the central two storey section of the existing medical building.

The former Miners Arms public house was situated at the back of the footpath along Lichfield Road and New Street, since it has been demolished, the area has been opened up, the proposed medical centre extension will be set back from both highways by at least 7 metres at the front and between 1.5 and 4.5 metres along New Street. This will allow for new landscaping around the corner of Lichfield Road and New Street. The front of the extension will be in line with the existing building

Car parking, cycle parking and space for taxi/ambulance vehicles will be provided at the rear of the building.

The application is accompanied by the following documents:

Design and Access Statement – outlines the principle of the proposed design and how it will reflect the character of the existing building and enhance the area.

Transport Statement – concludes that given the excellent transport connections, forecast reduction in staffing levels due to a new branch of this practice to be opened in Pelsall (which will be staffed by employees from this practice) implementation of a travel plan and car parking management plan, the proposed extension will have minimal impact in terms of parking requirements.

Travel Plan - outlines that the practice intend to:

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- appoint a manager responsible for car park management and implementation of a travel plan
- encourage staff to use underutilised free off-site car parking in Rushall,
- promote responsible car parking by means of staff briefings,
- improve site signage,
- seek to discourage staff and visitors from parking in Old Well Close and monitor car parking in and around the site.
- encourage car share for staff and patients,
- give incentives for staff to use public transport,
- promote the benefits of walking and cycling to staff and patients,
- give incentives to staff cycling or walking to work along with staff discounts at cycle and outdoor clothing shops,
- provide safe, secure, covered cycle parking on site,
- ensure shower facilities are readily available to staff,
- sign up to Travelwise and
- recruit locally, as far as possible, to ensure that employees have the maximum choice of sustainable modes available for travel to work.

Relevant Planning History

BC48939P - New health centre including pharmacy outlet (retail and dispensing) and construction of car park. Granted 19th June, 1997

BC60739P - Demolition of 135 Lichfield Rd, create car park for club and extension to health centre car park. Granted 24th August, 2000

BC64557P - Two storey extension to provide medical and admin facilities. Granted 25th March, 2002

09/1252/FL - Extension to rear right hand corner of the existing medical centre to provide three new consulting rooms, extend one other existing consulting room and provide minor revisions to car park layout. Granted 4th December, 2009.

Relevant Planning Policy Summary

Black Country Core Strategy & UDP Policies

(Note the full text version of the BCCS and UDP is available from First Stop Shop in the Civic Centre and on the Council's web site)

The current version of the Black Country Core Strategy and associated appendices can be accessed at;

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

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

Black Country Core Strategy 2011-2026

The Core Strategy was adopted by the Council on 3rd February 2011 and now forms part of the statutory development plan. It replaces certain "saved" policies in the UDP.

Vision: to include the creation of a network of sustainable communities' right across the Black Country. This will be achieved, in part, by creating environments which offer

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opportunities for active lifestyles and healthy choices, including provision for outdoor recreation within the urban fabric of the Black Country.

CSP4: A high quality of design of the built and natural environment is required.

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

TRAN1: All new developments will address the transport network and provide adequate access for all modes, including walking, cycling and public transport. Residential development will be expected to meet the accessibility standards set out in Policy HOU2.

TRAN4: Cycle parking facilities should be provided at all new developments and should be located in a convenient location with good natural surveillance

Saved policies of Walsall Unitary Development Plan

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

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

3.113, 3.114, 3.115 & ENV32: new development should be considered in relation to its setting and should create high quality of built and landscape design, well integrated with surrounding land uses and local character. Poorly designed development which fails to properly take account of the context or surroundings will not be permitted. Designing out crime' through design, layout, landscaping and boundary treatments is encouraged.

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

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

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

Supplementary Planning Documents

Designing Walsall SPD

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

DW1- Sustainability- New development should seek to simultaneously meet environmental, economic and community needs without compromising the needs of future generations

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

DW3 - Character- All new development must be designed to respect and enhance local identity

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

DW10 - Well designed sustainable buildings- New development should make a positive contribution to creating a comfortable, adaptable and sustainable built environment

Regional Strategy for the West Midlands

On 6 July 2010 the Secretary of State issued a direction to revoke Regional Spatial Strategies. Following a legal challenge this was reversed by the High Court on 10 November 2010.

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The Government responded by advising its proposed abolition of the RSS system (abolition will require legislation, through the Localism Act and will take time) should be a material consideration in decisions. On 7 February 2011 the High Court published its judgement that the proposed abolition can be a material consideration. The Localism Act has now received Royal Assent and is moving towards Enactment. Further consultation has been undertaken regarding the Strategic Environmental Assessment of the proposed abolition of the RSS. The Localism Act and the abolition of the RSS continue to be capable of legal challenge.

Officer's advice is that the RSS remains part of the statutory development plan for the Borough (with the saved policies of Walsall's UDP and the Black Country Core Strategy), and decisions should be made in accordance with it unless material considerations indicate otherwise.

National Policy

The **National Planning Policy Framework** Consultation Draft was issued on 25 July 2011. The document has now completed its consultation and received wide-spread publicity and significant responses. Ministers have confirmed that amendments to the document will be made. The CLG Select Committee has completed its assessment with 35 key recommendations. The Government is considering these. As such, the consultation document carries very limited weight. Officers note the intention of Government is that the planning system is plan-led and Local Plans are the starting point for the determination of any planning application.

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

PPS4: Encourages sustainable economic growth and making the most efficient and effective use of land, prioritising previously developed land. It encourages location of developments which generate substantial transport movements in locations that are accessible.

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

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

Consultations

Transportation – no objections

Pollution Control (contaminated land/scientific team) - no objections

Environmental Health - no objections

Police Architectural Liaison Officer – no objections in principle however some concerns regarding the proposed position of the cycle stands

Fire Service - no objections

Severn Trent Water – no objections

Public Participation Responses

One letter of representation received from occupier in Oldwell Close objecting on the following grounds.

- obstruction of driveway from persons visiting the medical centre
- needs double yellow lines
- existing parking not big enough

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

Determining Issues

- Design and Layout of the Extension
- Parking and Highway Safety
- Impact on amenities of the surrounding occupiers

Observations

Design and Layout

The proposed extension will occupy a similar footprint to the former pub which occupied the site.

The extension will be two storey in height running along New Street to the rear entrance and car park. It will be set back by 7 metres at the front (Lichfield Road) and between 1.5 and 4.5 metres along New Street this will allow new landscaping around the front and side of the site, open up this prominent corner site and reflect the frontage of the adjacent residential nursing home. It will reflect the design of the existing medical centre through the use of similar materials and architectural details such as convex roof line, aluminium framed windows, brickwork, rendered walls and overhanging eaves.

The mass and appearance of the extension will fit well with the existing building and enhance the visual amenity of the area.

Parking and highway safety

The medical centre is in a sustainable location within the Rushall local centre where it can be easily accessed either by foot, public transport or motor vehicles. There are good public transport connections which link other local centres such as Shelfield, Pelsall, Aldridge, Walsall, Coalpool and Harden with Rushall.

The pub had no parking. Visitors would have parked on street. It would have previously required 9 car parking spaces. Based on 1 space per 22sq.m, the proposed medical centre extension will require 12 spaces a short fall of three spaces on this basis, the new development can be considered to offer an improved parking situation. The proposal includes a car parking management plan and a Travel Plan. The details of the travel plan have been set out more fully in the "Application and Site Details" section above but basically it will aim to reduce car borne travel and to promote more sustainable travel.

It is considered that together with recent improvements to the local highway along New Street, implementation of the travel plan and car park management plan, it is unlikely the

extension will result in any additional detrimental impact to the highway network and therefore does not warrant double yellow lines being incorporated around Oldwell Close.

The proposed site of the cycle storage raises issues of safety and security for users. A more acceptable location by the entrance door, can be secured by a planning condition.

Impact on amenities of the surrounding occupiers

It is considered that the proposed extension will enhance the amenity of nearby residents by presenting a well designed building which will also enhance the Lichfield Road frontage.

Summary of Reasons for Granting Planning Permission

The proposed extension will be set back from the highway to allow new landscaping to be provided around Lichfield Road and New Street frontages, opening up this important and prominent corner and reflect and replicate the appearance of the open landscaped frontage of the adjacent residential nursing home on Lichfield Road. The design of the extension incorporates the use of materials and architectural styles such as convex roof lines, aluminium framed windows, brickwork, rendered walls and overhanging eaves which reflect the appearance and character of the existing medical centre and will therefore sit well against the existing building.

Based on its floor area and Unitary Development Plan standards the pub would have required 9 car parking spaces but it had none. The proposed medical centre extension will require 12 spaces which is a short fall of three spaces. The result will however be an improvement on the previous situation regarding the pub site. The submission of a car parking management plan and Travel Plan aims to reduce car borne travel and to promote more sustainable travel. The medical centre is in a sustainable location within the Rushall local centre where it can be easily accessed either by foot, public transport or motor vehicles. There are good public transport connections which link other local centres such as Shelfield, Pelsall, Aldridge, Walsall, Coalpool and Harden with Rushall as such it is considered that the shortfall in car parking will be addressed by the implementation of the travel plan to provide alternative travel options.

The design and layout of the extension is therefore considered acceptable and the provision of a car parking management plan together with the travel plan will ensure that the continued operation of the medical centre does not impact on the free flow and safety of the highway network.

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, (as amended) 1990.

2a. Prior to first occupation of the extension hereby approved details of a revised cycle storage facility shall be submitted to and approved in writing by the Local Planning Authority. The facility shall be located so as to afford natural surveillance at all times and provide secure storage.

2b. The approved details shall be implemented prior to first occupation of the extension.

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Reason: To provide suitable secure facilities which maximise accessibility to the site and give choice of alternative travel modes.

3a. No development shall be carried out until full details of hard and soft landscaping works have been submitted to and approved in writing by the Local Planning Authority.

These details shall include:

- correct botanical names
- numbers/planting densities for each block of planting proposed
- size supplied of all proposed tree and shrubs at time of planting
- details of proposed turf/seeded areas
- topsoil and mulching depths and specifications
- staking details for proposed trees
- details of landscape establishment / maintenance proposals to be undertaken during the standard conditioned maintenance period
- Details of the future management of the landscape scheme.
- Ground preparation measures to be adopted.
- Existing and proposed levels.
- Management Plan

3b. The approved scheme shall be implemented before the development is brought into use and retained for 5 years and managed in accordance with the approved management details.

Reason: To ensure the satisfactory appearance of the development.

4a. No development shall begin until drainage plans for the disposal of surface water and foul sewerage have been submitted to and approved in writing by the Local Planning Authority.

4b. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

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

5a. Prior to first occupation of the extension details of CCTV equipment shall be submitted to and approved in writing by the Local Planning Authority. The system shall cover entry and exit points, the pharmacy and dispensing area as well as public areas within the medical building.

5b. The approved details shall be implemented and maintained and retained in good working order at all times.

(NB. The hard drive should be stored in a secure location inside the premises.)

Reason: To protect users of the medical building and prevent unauthorised removal of recorded evidence.

6. The walls and roof of the extension hereby approved shall comprise facing materials that match those which are used in the existing building as it exists at the time of this application, and shall be retained as such after completion of the extension.

Reason: To ensure the satisfactory appearance of the development.

7. Within six months of the approved extension first being occupied, the "Travel Plan Timetable", as set out in section 8 of the travel plan prepared by PTB Transport Planning Ltd. Received 26th January, 2012 shall be implemented following which a review of the "Plan" shall be submitted to, and agreed in writing by, the Local Planning Authority. This will identify any refinements and clarifications deemed necessary to the "Plan". The approved, revised plan shall thereafter be implemented in conjunction with the medical building unless otherwise agreed in writing by the Local Planning Authority.

Reason: To maximise accessibility to the site and give choice of alternative travel modes

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

- Existing/Proposed Location Plan received 15/12/11
- Car park layouts received 15/12/11
- Proposed Roof Plans received 11/1/12
- Proposed Floor Plans received 15/12/11
- Proposed Ground Floor Plan and Elevations received 15/12/11
- Existing Floor Plans and Elevations received 15/12/11
- Design & Access Statement received 15/12/11
- Travel Plan prepared by PTB Transport Planning Ltd. received 26th January, 2012
- Transport Statement prepared by PTB Transport Planning Ltd. received 26th January, 2012

Reason: For the avoidance of doubt and in the interests of proper planning, (except in so far as other conditions may so require).



Planning Committee

Report of Head of Planning and Building Control, Regeneration Directorate on 01/03/2012

Reason for bringing to committee: Significant Community Interest

Application Number: 11/1058/FL
Application Type: Full application

Applicant:

Proposal: Retention, refurbishment and extension of existing Bulls Head Public House. Including means of escape at first floor

Ward: Bloxwich East

Case Officer: Devinder Matharu

Telephone Number: 01922 652487

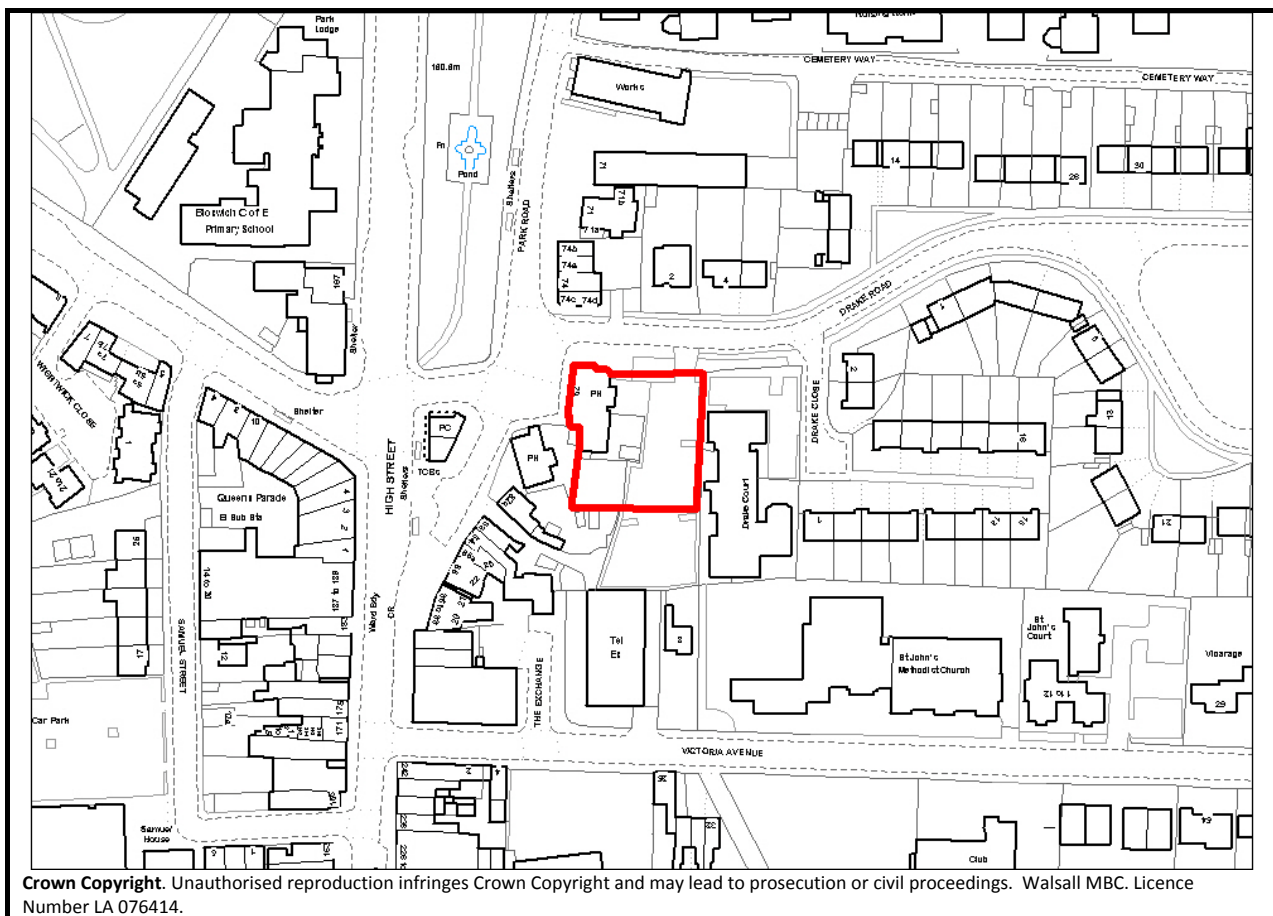
Email:planningservices@walsall.gov.uk

Agent: John Phillips Associates

Location: THE BULLS HEAD P.H., PARK ROAD, BLOXWICH, WALSALL, WS3 3SW

Expired Date: 26/10/2011

Recommendation Summary: Grant Permission Subject to Conditions



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Application and Site Details

The Bulls Head public house is a detached building located on Park Road at the junction with Drake Road. The Bulls Head is within the Bloxwich High Street Conservation Area and primary shopping area although the car park falls outside. Access to the public house is from Park Road and in front of the building there are car parking spaces. The roof of the building has been damaged by fire. The buildings twin chimneys and prominent first floor gables with timber cladding create significant landmark within the district centre.

The Carousel Public House is immediately to the south west and forward of the Bulls Head building on Park Road. Beyond this is 82a Park Road which is a commercial premises on the ground floor and residential above. There are new build shops on the opposite corner of Park Road and Drake Road. A residential home in Drake Road, beyond which are residential properties. Number 2 Drake Road a residential property, set 6.6m back from the highway and directly opposite the car park entrance for the Bulls Head. Drake Court Residential Home is a part single storey (the front of the building) and predominately a two storey (towards the rear) building sharing the car park boundary to the Bulls Head. The residential home includes their extraction flue and habitable room windows facing the car park of the Bulls Head, plus within the car park of the Bulls Head there are trees to the front and rear of the site along the boundary with the residential home. The building of the residential care home is stepped and sits 1m at the nearest and 4m at the furthest distance from the boundary fence with the car park to the Bulls Head. There is also a four storey telephone exchange building adjoining the southern boundary of the car park.

The application proposes the retention, refurbishment and single storey extension to the existing Bulls Head public house and a means of escape at first floor. The proposed extension would be to the east and south of the site and would measure 20.8m width by 23.3m length with a height of 4.9m with a mansard roof. A beer garden would be created to the south of the proposed extension. The extension would be set off the boundary with the residential care home to provide a 2m wide vehicular access point would be created around the perimeter of the building adjacent the nursing home boundary. A first floor fire escape from the first floor of the existing Bulls Head would be incorporated leading to the beer garden. The submitted plans states guards to the path would be erected. The plans illustrate 8 parking spaces to be created alongside the proposed extension, 3 parking spaces to be created at the side of the building accessed from Drake Road and 7 parking spaces in front of the premises in Park Road.

A Design and Access Statement has been submitted which states the pub has existed on the site since 1883 and made up of Victorian and Edwardian buildings and policy supports such development in established centres.

A Transport Statement has been submitted and sets out the sustainability and accessibility of the site whilst demonstrating that the proposed parking provision is adequate to meet the needs of the development.

The agent has provided additional information which states:

- There are two wetherspoon pubs within Walsall
- Opening hours would be Sundays to Thursdays 8am till midnight and Friday and Saturdays 8am till 1am.
- Breakfast to be served until noon, afternoon tea from 2pm till 5pm and all day family dining.

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- Between 40 and 50 people will be employed with 10 being part time
- The proposed Wetherspoons will operate without music

Relevant Planning History

09/1411/OL - Outline: Residential development including conversion of public house and extensions – access, appearance, layout and scale to be considered. Refused 30-3-2010

Relevant Planning Policy Summary Black Country Core Strategy & UDP Policies

(Note the full text version of the BCCS and UDP is available from First Stop Shop in the Civic Centre and on the Council's web site)

The current version of the Black Country Core Strategy and associated appendices can be accessed at;

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

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

The Black Country Core Strategy

The Black Country Core Strategy was adopted by the Council on 3rd February 2011 and now forms part of the statutory development plan. It replaces certain “saved” policies in the UDP. It sets out how the Black Country should look in 2026 and establishes clear directions for change in order to achieve this transformation.

CSP2 In areas outside the Strategic Centres and Regeneration Corridors will provide a strong Green Belt to promote urban renaissance within the urban area and provide easy access to the countryside for urban residents where the landscape, nature conservation and agricultural land will be protected and enhanced where practical and possible.

CSP4 design of spaces and buildings will be influenced by their context and seek to enhance the unique attributes the area offers in terms of its local character and heritage. ENV2 development should protect and promote the special qualities, historic character and local distinctiveness of the Black Country in order to help maintain its cultural identity and strong sense of place.

ENV3 implement the principles of By Design to ensure the provision of a high quality network of streets, buildings and spaces and meeting the Code for Sustainable Homes to Level 3.

CEN2 identifies the hierarchy of centres.

Saved policies of the Unitary Development Plan (UDP)

Policies 3.6, 3.7 and GP2 seek high quality design and access whilst protecting people from unacceptable noise, pollution and other environmental problems.

3.113, 3.114, 3.115, ENV32 & 3.116: new development should be considered in relation to its setting and should create high quality of built and landscape design, well integrated with surrounding land uses and local character. Poorly designed development which fails to properly take account of the context or surroundings will not be permitted. Designing out crime’ through design, layout, landscaping and boundary treatments is encouraged.

ENV29: Conservation Areas

(a) The Council will determine whether a development preserves or enhances the character and appearance of a Conservation Area in terms of:-

I. The degree of loss or alteration to property which makes a positive contribution to the character of the area.

II. The impact of any new buildings on the special townscape and landscape features within the area.

III. The scale, massing, siting, layout, design or choice of materials used in any new building or structure.

IV. The nature of its use and the anticipated levels of traffic, parking and other activity that will result.

(c) The Council will not permit development within Conservation Areas that incrementally erodes those special features which the Council wishes to preserve and enhance.

3.104 The Council has a duty to preserve or enhance the character and appearance of conservation areas.

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

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

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

T13: car parking standards

1 space per 22 square metres of gross floor area.

S1: Defines town centres uses including Class A4 – pubs and bars.

S2: Identifies the hierarchy of centres and functions appropriate to each level. Bloxwich is a district centre and the main role is to meet the needs of the district for convenience goods, local services and community facilities, with some importance for comparison shopping.

S4: District Centres: General Principles

(a) The Council will seek to sustain and enhance the range and quality of other town centre uses which these centres provide, consistent with the role and function of a centre within the hierarchy defined in Policy S2, in order to meet the needs and aspirations of all who use the centres.

(c) Development must not be at the expense of the vitality and viability of the centre as a whole.

(d) The Inset Plans identify a primary shopping area in the core of each centre.

At ground floor level frontages within these areas, the Council will seek to ensure that the retail function is not prejudiced. Non-retail uses will, however, be permitted provided that these will:-

I. Contribute to the vitality of the frontage by attracting additional trade and/or increasing the range of facilities on offer.

II. Not detract from the retail function by creating 'dead frontage', or otherwise deterring shoppers, to an unacceptable extent or in an unacceptable location. In particular, non-retail uses are unlikely to be acceptable on both sides of the entrance to a shopping centre.

III. Be open during shopping hours and incorporate a shop front and window display to maintain and enhance the interest and liveliness of the street scene.

IV. Not detract from the amenities of the area in any other way.

S8 particular benefits of living in a centre could mean the acceptable level of residential amenity may not be the same as that expected in suburban locations.

S10 advises that such uses will be appropriate in Local Centres and in some shopping and commercial frontages subject to the following considerations:

- i) The use proposed must not adversely affect the amenities of existing or proposed dwellings (including those on upper floors above commercial premises) by reason of noise, smell disturbance or traffic impact. Where there are existing activities which are open during the late evening, the Council will have regard to the cumulative impact on residential amenity.
- ii) Where the Council is minded to grant planning permission, the closing time for hot food take-aways will be considered in relation to the amenities of nearby dwellings – both existing and proposed – where these are likely to be affected. In such locations, the Council will usually impose a condition requiring the premises to close at 23:00 hours Mondays to Friday and 23:30 hours on Saturdays. Later opening hours and Sunday opening will be considered on their merits.
- iii) Permission will not be granted where the absence of adequate off street parking would likely to lead to on street parking in a hazardous area.
- iv) Permission will only be granted where fume and fume extraction equipment can be positioned to avoid potential problems of noise, vibration and/or odour nuisance for nearby occupiers and the equipment will not be detrimental to visual amenity.

BX1: Identifies the primary shopping area for Bloxwich where new retail and service development will be concentrated.

Designing Walsall SPD

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

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

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

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

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

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

Annexe E: Numerical Guidelines for Residential Development ... identifies privacy and aspect distances between dwellings including 24m separation between habitable windows for two storeys and above, 13m separation between habitable room windows and blank walls exceeding 3 metres in height, 45° code, garden dimensions of 12m in length and 68m² for housing and 20m² per dwelling where communal provision is made, setbacks to avoid terracing and provision of boundary walls. Although failure to comply with these guidelines may not by itself be a reason for refusal of an application, it will be a factor to be used in determining whether a proposal would be compatible with the wider character of the area or the existing dwelling or the amenity of neighbours.

Natural Environment SPD

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

National Policy

PPS 1: Delivering sustainable development emphasises the need to reject poor design and the need for sustainable development.

PPS4 Planning for sustainable economic growth EC8.1 Local planning authorities should, through their local development frameworks, set maximum parking standards for non-residential development in their area, ensuring alignment with the policies in the relevant local transport plan and, where relevant, the regional strategy. EC8.2 In setting their maximum standards, local planning authorities should take into account: the need to encourage access to development for those without use of a car and promote sustainable transport choices, including cycling and walking

EC10.1 Planning applications that secure sustainable economic growth should be treated favourably.

EC10.2 All planning applications for economic development should be assessed against the following impact considerations:

- whether the proposal has been planned over the lifetime of the development to a. limit carbon dioxide emissions, and minimise vulnerability and provide resilience to, climate change
- the accessibility of the proposal by a choice of means of transport including b. walking, cycling, public transport and the car, the effect on local traffic levels and congestion (especially to the trunk road network) after public transport and traffic management measures have been secured
- whether the proposal secures a high quality and inclusive design which takes the opportunities available for improving the character and quality of the area and the way it functions
- the impact on economic and physical regeneration in the area including the impact on deprived areas and social inclusion objectives the impact on local employment

PPS5 HE7.4 Local planning authorities should take into account of the desirability of sustaining and enhancing the significance of heritage assets, and of utilising their positive role in place-shaping.

PPG 13: Transport, promotes sustainable patterns of development, which reduce the need to travel, especially by car.

‘The National Planning Policy Framework: Consultation Draft was issued on 25 July 2011. The document has yet to be considered through consultation and this may result in amendments to the document and as such carries very limited weight. Officers note paragraph 62 which states that the planning system is plan-led and Local Plans are the starting point for the determination of any planning application.’

Consultations

Transportation – No objection subject to conditions relating to parking.

Pollution Control Scientific Team – No objection subject to conditions to address noise.

Fire Service – No objection

Environmental Health – No objection as Wetherspoons pubs do not have entertainment in the form of amplified music and there is a sufficient barrier between the premises and the nearest residential accommodation to ensure deliveries will not cause a problem. Written details of the extraction system and means of preventing fats and oils entering the drainage system will be required. A condition restricting delivery times to be imposed.

Arboricultural officer – No objections.

Conservation Officer – No objection subject to conditions to limit demolition of part of the public house, samples of facing and roofing materials, details of sections, sample panel of mortar mix, colour, gauge of jointing and pointing, eaves details, brick bond, rainwater goods and their materials and design.

Public Participation Responses

Five letters have been received from four residents objecting to the proposal on the following grounds:

- Noise and disturbance to the care home adjacent and 2 Drake close from deliveries and loud music late at night and into the early hours of the morning
- no mitigation measures to 2 Drake Road.
- Previous antisocial behaviour issues
- Late night opening, classed as nightclub
- Old people live near the vicinity
- Contravenes Councils Licensing Policy
- Seventeen places already selling hot food in locality
- Five public houses in the area
- Competition – *not a material planning issue*
- Extra lighting
- Litter
- Extra traffic
- Loss of parking
- Proposed parking inadequate for customer and staff use
- Drake Close used as overspill car park

One of the letters states that if the land retained for future development was to be used for parking then they would have no objection to the proposal.

One letter with 28 signatures has been received objecting to the proposal.

Two letters have been received supporting the proposal on the grounds of:

- improved community facilities
- Bloxwich needs a quality pub/restaurant
- Bring jobs into the area

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

Determining Issues

- Principle of development
- Impact on the character of the area and Bloxwich High Street Conservation Area
- Impact on the neighbouring amenities
- Impact on Parking and Highway Safety

Observations

Principle of development

The refurbishment and extension to the facility would be encouraged in the primary shopping area of the district centre enhancing the vitality and viability of the centre. The proposal would also a derelict site in a prominent location within Bloxwich High Street Conservation Area adding a positive contribution to the wider townscape. The agent confirms Wetherspoons would occupy the public house providing a family atmosphere, which could support linked shopping to the centre.

Whilst there are a number of drinking establishments in the district centre and other premises selling hot food, there are no policies in the Unitary Development Plan which restricts the number of facilities in a district centre.

The proposal in principle should be supported as it accords with Policy CEN 2 of the Black Country Core Strategy and saved policies S1, S2, S4 and BX1 of the Unitary Development Plan.

Impact on the character of the area and Bloxwich High Street Conservation Area

The proposed single storey extension has been designed to minimise any impacts to the conservation area. The repair and reuse of the Bulls Head for the benefit of the public is considered has a positive impact o the Bloxwich High Street Conservation Area that will support the vitality and viability of this end of the town.

Impact on the neighbouring amenities

Policy S8 states that residents living in district centres would have a lower level of amenity compared to those living in suburban areas. There is no evidence to suggest that the proposal would result in increased anti social behaviour and such behaviour can be managed through the Police.

The Bulls Head is a long established public house with unrestricted hours of operation. The late night opening of a public house does not constitute a night club, as this facility would fall within a D2 use class, and the proposal is for the refurbishment and extension to a public house class A4. An operating hours condition can be imposed to help mitigate any potential impacts on neighbours.

Whilst the proposed extension would bring the development closer to the residential properties in Drake Road, in particular the residential care home to the east of the site, it is considered that appropriate sound proofing measures can be incorporated in the building to prevent any potential noise issues, and these can be sought by condition. The proposed extension to the Bulls Head is set off the boundary with a planted area along the boundary with the residential home, which would absorb any external background noise. The agent has confirmed that the refurbished public house which would operate without music. Sound proofing measures and the absent of music within the building would not unduly impact on the amenities of the existing surrounding residential occupiers. Furthermore, any potential noise issues can be dealt with through Environmental Health Legislation.

The existing public house seeks to expand the facility they currently have and due to this expansion and increase of size of the premises, deliveries to the site can be controlled

through conditions, this would assist in protecting surrounding residential occupier's amenity.

Number 2 Drake Road is on the opposite side of the road, set 6.6m back from the highway with the proposed public house extension located over 18m away. The combination of the separation distance across a public highway and the restricting of delivery times, lack of music and sound proofing, it is considered that the proposal would not unduly impact on the amenities of these occupiers.

The proposed fire exit would not result in any undue overlooking or loss of amenity to surrounding residential occupiers as it will be used in emergencies only and can be conditioned accordingly.

The proposed beer garden would be located to the south of the site adjacent the Carousel public house and in close proximity to 82A Park Road similar to the current situation. It is considered that the use of this beer garden would not unduly impact on the occupiers of these neighbouring properties.

Details of any additional lighting to be erected around the site can be sought through a suitably worded condition.

The premises would operate as a restaurant where customers would be seated unlike a take-away where food would be taken away reducing potential litter issues.

Licensing of the premises is dealt with through separate legislation by Licensing Team.

Impact on Parking and Highway Safety

The proposed development seeks to almost double the size of the existing public house, and this requires a total of 33 car parking spaces, including 3 disabled spaces. The proposal is seeking to retain 8 parking spaces, which is a significant reduction from the existing number of parking spaces.

The Transport Statement sets out the sustainability and accessibility of the site whilst demonstrating that the proposed parking provision is adequate to meet the needs of the development.

Whilst the proposal may result in the loss of existing parking spaces, the site is within an established district centre with good transport networks from Bloxwich to Walsall and surrounding areas. The site is within walking distance of surrounding residential area and it is considered most people would walk to the premises or visit the premises whilst in the centre shopping. There is no evidence to suggest that the proposal would result in increased traffic movements in the area as a result of the proposed extension to the public house.

The Trip Rate Information Computer System, a nationally recognised database which houses information on all types of development gives information about predicted vehicle trips generated by certain developments. In this case, the peak demand for parking for a development of this nature would occur on Saturdays from around 6pm to 10pm with similar, but lesser demand, peaks on weekdays. However this data does not take into account the District Centre nature of the site with good public transport links, the availability of general public parking nearby and does not factor in the lower car ownership

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levels within the Bloxwich East ward which could be considered a material consideration. The analysis provided is considered very robust. The peak parking periods fall outside the main shopping opening hours when public parking spaces would be available within close proximity of the site and generally within the district centre. The submitted car park survey demonstrates that within 250m of the site there are approximately 100 public parking spaces available and it is unlikely that Drake Close would be utilised as an overspill car park for the extended public house. In principle the proposal should be supported as the proposal is unlikely to create parking issues or have any additional highway safety issues.

Summary of Reasons for Granting Planning Permission

The refurbishment and extension to the facility would be encouraged in the primary shopping area of the district centre enhancing the vitality and viability of the centre. There are no policies in the Unitary Development Plan which restricts the number of facilities in a district centre. The repair and reuse of the Bulls Head for the benefit of the public is considered has a positive impact on the Bloxwich High Street Conservation Area that will support the vitality and viability of this end of the town. The late night opening of a public house does not constitute it as a night club; the proposal is for the refurbishment and extension of an existing public house. There is no evidence to suggest that the proposal would result in increased anti social behaviour and such behaviour can be managed through the Police. An hours condition can be imposed to help mitigate any potential impacts on neighbours. Sound proofing measures and the absence of music within the building would not unduly impact on the amenities of the existing surrounding residential occupiers. The combination of the separation distance of 2 Drake Road from the application site across a public highway and the restricting of delivery times, lack of music and sound proofing, would ensure that the proposal not unduly impact on the amenities of these occupiers. The proposed fire exit would not result in any undue overlooking or loss of amenity to surrounding residential occupiers. The use of this beer garden would not unduly impact on the occupiers of these neighbouring properties. The premises would operate as a restaurant where customers would be seated unlike a take-away where food would be taken away reducing potential litter issues. External lighting details can be sought by condition.

Licensing of the premises is dealt with through separate legislation by Licensing Team.

The site is within an established district centre with good transport networks from Bloxwich to Walsall and surrounding areas. The site is within walking distance of surrounding residential area and it is considered most people would walk to the premises or visit the premises whilst in the centre shopping. There is no evidence to suggest that the proposal would result in increased traffic movements in the area as a result of the proposed extension to the public house. There are approximately 100 public parking spaces available within 250m of the site it is unlikely that Drake Close would be utilised as an overspill car park for the extended public house.

The proposal complies with policies CSP4, CSP2, ENV2, ENV3 and CEN2 of the Black Country Core Strategy, saved policies 3.6, 3.7, GP2, 3.116, 3.113, 3.115, 3.114, 3.115, ENV32, ENV29, 3.104, ENV14, 3.117, ENV33, T4, T13, S1, S2, S4, S8 and BX1 of the Walsall unitary Development Plan, policies DW1, DW2, DW3, DW6, DW9 and DW10 of the Deigning Walsall SPD, Policies NE8, NE9 and NE10 of Conserving Walsall Natural Environment and the advice given in PPS1, policies EC10.1 and EC10.2 of PPS4, Policy HE7.5 of PPS5 and PPG13.

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Recommendation: Grant Permission Subject to Conditions

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

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

2a) No development shall commence on site until details of the demolition of the two rear gables have been submitted to and approved in writing by the Local Planning Authority. The details shall include photographic records and details of all other parts of the building being retained and made good.

2b) The development shall be completed in accordance with the approved details only.

Reason: In the visual amenities of the area.

3a) No development shall commence on site until details of the stability and safety of those parts of the building, which are to remain, have been submitted to and approved in writing by the Local Planning Authority.

3b) The development shall be completed in accordance with the approved details only.

Reason: In the visual amenities of the area.

4a) No development shall commence on site until it has been demonstrated that the redevelopment or alteration will immediately follow on from the works of demolition of the two rear gables only.

4b) The development shall be completed in accordance with the approved details only.

Reason: In the visual amenities of the area.

5a) No development hereby approved shall be commenced, until full details of the following; have been submitted to and approved in writing by the Local Planning Authority.

- the bricks to be used in the construction of the external wall
- the render to be used on the external walls
- the exterior roof materials
- full details consisting of sections at a minimum scale of 1:5 and elevations at 1:20, of all external joinery including fenestration and doors and proposed exterior finish
- full details including a sample panel of the mortar mix, colour, gauge of jointing and pointing
- full details of the eaves detailing
- full details of the brick bond to be used
- full details of rainwater goods, their materials and designs

5b) Development shall thereafter be fully implemented in accordance with the approved details.

Reason: In the visual amenities of the area.

6a) Prior to commence of development details of a method to prevent greases entering the drainage system shall be submitted to and approved in writing by the Local Planning Authority.

6b) The permission shall not be implemented until this approval has been given and the approved details have been fully implemented.

6c) The approved equipment shall thereafter be retained and maintained in accordance with the manufacturer's or installer's requirement. Equipment and measures contained in this approval shall be retained and maintained in accordance with manufacturer's or installers requirements unless otherwise agreed in writing by the Local Planning Authority.

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

7a) Prior to any development commencing on site details of plant, machinery or equipment used for the purpose of pumping liquids, providing compressed air, heating, ventilation and air conditioning shall be submitted to and approved in writing by the Local Planning Authority. The details shall include acoustically designed enclosures which the equipment would be housed in

7b) The development shall be completed in accordance with the approved details and retained and maintained at all times.

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

8) Prior to any development commencing on site details of any electronic / electrical equipment designed for the purposes of amplifying music and other sounds/equipment to be installed or used in the premises shall be submitted to and approved in writing by the Local Planning Authority. The details shall include any necessary noise mitigation measures. Any agreed mitigation measures shall be carried out before the equipment is brought into use.

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

9a) Prior to any development commencing on site details of the airborne sound insulation of any party ceiling and wall element between occupied residential areas and the Bulls Head public house have been submitted to and approved in writing by the Local Planning Authority. The airborne sound insulation of any party ceiling and wall element between occupied residential areas and the Bulls Head public house shall achieve a value of not less than Rw 65 dB and this shall be demonstrated by way of acoustics testing, details of which shall be submitted to and approved in writing.

9b) The development shall be completed in accordance with the approved details and retained and maintained at all times.

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

10) Prior to any development commencing on site details of any flue serving hot food cooking points shall terminate at least 1 metre above the building roof level or building ridge level housing the commercial kitchen / cooking facility shall be submitted to and

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approved in writing by the Local Planning Authority. The details shall include the design, location and external finish of the proposed flue, including manufacturer's details of the design and type of flue.

[Note: These requirements may be varied subject to the fitment and retention of a high efficiency odour control system, the flue of which shall terminate at least 1m above the roof ridge level of the building forming the proposed development]

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

11a) Prior to any development commencing on site details of a high level odour control arrestment system to be fitted to any serving hot food cooking point shall be submitted to and approved in writing by the Local Planning Authority. The details shall comply with the recommendations of publication "Guidance on the control of Odour and Noise from Commercial Kitchen Exhaust Systems", (Defra January 2005).

11b) Prior to discharge to atmosphere, the extract system serving hot food cooking points shall be fitted with the approved high level odour control arrestment system and retained and maintained at all times.

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

12) Prior to any development commencing on site details of any external lighting, including details of the level of illumination, angle of the lamp on the horizontal axis and manufacturers details shall be submitted to and approved in writing by the Local Planning Authority.

12b) The development shall be completed in accordance with the approved details and retained and maintained at all times.

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

13a) No development shall commence on site until details of the location of a bin store have been submitted to and approved in writing by the Local Planning Authority.

13b) The development shall be completed in accordance with the approved details.

Reason: To ensure the satisfactory functioning of the development.

14a) Prior to any development commencing on site details of the guards to be erected around the proposed fire escape on top of the proposed extension hereby approved have been submitted to and approved in writing by the Local Planning Authority.

14b) The development shall be completed in accordance with the approved details and retained and maintained at all times.

Reason: To safeguard the amenities of the occupiers of adjoining and nearby premises and in the visual interests of Bloxwich High Street Conservation Area.

15a) Prior to any development commencing on site full details of a cycle storage facility for the use of staff, which shall be secure and illuminated, shall be submitted to and approved in writing by the Local Planning Authority.

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15b) The development shall be completed in accordance with the approved details and be fully implemented and thereafter retained.

Reason: To encourage sustainable modes of travel and in accordance with Policy T13 of the UDP.

16a) No development shall commence on site until a planting scheme along the boundary of the site with the residential care home has been submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall include full details of the type of plants/shrubs and trees to be planted including densities, sizes, spoil depth and speck.

16b) The approved planting scheme shall be implemented within one year of any part of the development being brought into use or such other period of time as may be agreed in writing by the Local Planning Authority. Any tree, shrub or plant which dies becomes seriously diseased, damaged or is removed shall be replaced with a tree, shrub or plant of the same or greater size and the same species as that originally required to be planted.

Reason: In the visual amenities of the area.

17) Prior to the development first coming into use, the car parking bays numbered 1 to 8 in the rear car park only shown on the approved plan shall be clearly demarcated on the ground and shall thereafter be retained and used for no other purpose. One space shall be allocated for disabled users and shall be demarcated in accordance with appropriate national design standards. The parking spaces numbered 9 to 19 are on the public highway and shall be left unmarked.

Reason: To ensure the satisfactory operation and completion of the development and in accordance with Policy T13.

18) The proposed fire escape hereby approved shall only be used in emergencies and for no other reason.

Reason: To protect the amenities of the occupiers of adjoining and nearby premises

19) Where active ventilation of kitchen and cooking areas is required, this shall be facilitated via intake ventilation systems. [Note: These should be equipped with guards to prevent the ingress of insects]

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

20) External windows and doorways serving hot food cooking areas shall remain closed whilst hot food cooking operations are in progress.

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

21) To ensure adequate dispersal of residual fumes and odours the flue serving the hot food takeaway shall not have a cowl placed above it.

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

22) Where extract ventilation flues and associated fan and motor units are attached to wall or other structural building elements that serve more than one premises, or include residential occupancy, appropriate vibration isolation mounting systems shall be used and ductwork shall be de-coupled from fan and motor units.

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

23) Extract-ventilation systems shall be designed and operated to ensure that noise emissions do not give rise to a Rating Level of 0dB as determined in accordance with British Standard BS 4142: 1997 'Method for Rating industrial noise affecting mixed residential and industrial areas'.

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

24) Extract-ventilation systems shall be designed and operated to ensure that noise emissions do not give rise to a Noise Rating Exceeding NR 24 1m from the façade of occupied residential premises.

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

25) Deliveries to the public house shall not take place outside the hours of 8am to 6pm Mondays to Fridays, 8am to 4pm Saturdays. There shall be no deliveries on Sundays, bank or public holidays.

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

26) The Bulls Head public house shall only operate between the hours of 8am till midnight Sundays to Thursdays and 8am till 1am Friday and Saturdays. The premises shall not be open outside of these times.

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

26) The proposed development shall be completed in accordance with plan numbers:
Proposed ground floor plan submitted on 21 February 2012

17a Proposed first floor roof plan submitted 19 October 2011

10a -Proposed first floor plan submitted 12 January 2012

16b -section plan submitted 12 January 2012

15b – proposed rear elevation submitted 12 January 2012

14b – proposed side elevation submitted 12 January 2012

13b – proposed elevation to Drake Road 12 January 2012

12b – proposed front elevation to Park Road 12 January 2012

Reason: To define the permission



Planning Committee

Report of Head of Planning and Building Control, Regeneration Directorate on 01/03/2012

Reason for bringing to committee: Contrary to Policy

Application Number: 12/0003/FL
Application Type: Full application

Applicant: Bangladesh Islamic Cultural Association

Proposal: First floor extension, entrance porch extension and erection of 3 minarets. revision to approved planning application BC53770P

Ward: St. Matthews

Case Officer: Barbara Toy
Telephone Number: 01922 652487
Email: planningservices@walsall.gov.uk
Agent: Azimuth Architecture

Location: JAMI MOSQUE MADRASHA AND ISLAMIC CENTRE, 63 MOUNT STREET, WALSALL, WS1 3PL

Expired Date: 09/03/2012

Recommendation Summary: Grant Permission Subject to Conditions



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Application and Site Details

The site is situated between Mount Street and Brace Street which is occupied by a purpose built mosque and Islamic community centre. The building comprises a single storey flat roofed structure set adjacent to the boundary with Brace Street. Vehicle access to the site is off Mount Street, leading to a car park for 25 cars. A further pedestrian access is situated off Brace Street. The main entrance to the building is on the western elevation facing 67 Mount Street. The site is bounded by a brick wall and railings to match the existing building.

The site falls from east to west and Brace Street is set at a lower level than Mount Street so the existing building is set into the site with a retaining wall to the car park area.

The site is surrounded by a mix of ages and styles of two storey houses. Traditional terraced houses are situated adjacent and opposite the site on Mount Street and adjacent in Brace Street, and modern (1990's) houses sit opposite the site in Brace Street. Brace Street is a no through road and whilst is predominantly residential also has a large modern purpose built health centre set to the south east of the site.

This application proposes a first floor flat roofed extension to the existing building (202sqm) set across the rear section of the existing flat roof, a new staircase extension to the rear of the building adjacent to 23 Brace Street, a porch extension to the main entrance and erection of three minarets. This is a revised scheme following two previous approvals at the site.

Planning consent was originally granted in 1989 for a two storey structure incorporating 492sqm at first floor, four minarets and a central dome on the flat roof. After work started on site, financial considerations required that the construction be completed in stages. A revised application was approved in 1999 for the same ground floor but a smaller first floor level (99sqm) set across the centre of the existing building with 2 minarets and the same central dome.

The ground floor of the second approval has been implemented and the steels for the first floor level are now in situ, but works remain incomplete with no minarets or dome. A single storey low rise extension to house a mortuary has also been approved (in 2006) and completed on site.

This application now seeks a first floor extension approx double the size of that approved in 1999, but less than half of that approved in 1989, together with additional works: porch, staircase and three minarets. As the 1999 consent has been implemented consent is still in place for the central dome on the flat roof of the first floor. The building would have a maximum height of 8.5m.

The ground floor internal layout would remain unaffected apart from a new staircase and lift to the first floor. The first floor extension would provide a female prayer room, female toilets, new internal staircase and access lift. The female users currently pray in an area screened off within the existing community room on the ground floor, the proposals would provide a designated space for the females removing the need for a shared facility.

The three minarets would be situated on the two front corners of the building and the corner adjacent to 23 Brace Street, and each would comprise of a seven sided brickwork column set around the corner of the building with a gallery detail on top. Each minaret would be a maximum of 13.5m high, approx 0.2m higher than the approved central dome, as the minarets should be the highest point in the mosque. The minarets have been designed with no access, but as an architectural feature for the mosque.

The new enclosed staircase proposed to the rear of the building (immediately adjacent to 23 Brace Street) would provide a fire exit from the new first floor prayer room.

The mosque currently has up to 100 regular users, which can increase to approx 200 users on days of special occasions, the proposals would provide improved facilities for the existing worshipers and would not result in additional numbers on site at any one time.

A Design and Access Statement has been submitted in support of the proposals and details the planning history of the site as well as discussing the appearance and scale of the development.

Relevant Planning History

BC26572P, erection of a mosque, granted subject to conditions 20-12-89.
551sqm ground floor area, 492sqm first floor area, 4 minarets, 1 central dome and 23 parking spaces.

BC53770P, erection of a mosque, formation of access and associated car park (amendments to BC26572P), granted subject to conditions 30-04-99.
551sqm ground floor area, 99sqm first floor area, 2 minarets, 1 central dome and 26 parking spaces.

06/1195/FL/W4, mortuary extension, granted subject to conditions 04-09-06.

Relevant Planning Policy Summary

Black Country Core Strategy & UDP Policies

(Note the full text version of the BCCS and UDP is available from First Stop Shop in the Civic Centre and on the Council's web site)

The current version of the Black Country Core Strategy and associated appendices can be accessed at:

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

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

Black Country Core Strategy (BCCS)

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

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

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

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

The Spatial Objectives include

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

The above are supported by the following policies:

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

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

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

ENV 3 sets out the criteria for design quality.

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

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

ENV32: Poorly designed development which fails to properly take account of the context or surroundings will not be permitted. Designing out crime' through design, layout, landscaping and boundary treatments is encouraged.

LC8 – seeks to prevent the loss of suitably located community facilities.

T7 – Car Parking

All development should satisfy the car parking standards set out in Policy T13, providing an adequate level of car parking to meet the operational needs whilst not exceeding maximum parking standards. All parking provision should be well designed and sensitively integrated.

T13: Parking Provision

Development will provide adequate on-site parking to meet its own needs, and that there will be no adverse effect on highway safety and the environment.

Buildings for public assembly – 1 space per 22sqm of gross floor space.

Designing Walsall (SPD) (Feb 2008)

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

DW2: Safe & Welcoming Places - all new development must contribute to creating places that feel safe.

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DW3: Character - all new development must be designed to respect and enhance local identity

DW4: Continuity - Well defined streets with a continuity of built form are important.

DW5: Ease of Movement – connections to existing routes

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

DW7: Diversity – contribute to creating living places that offer a mix activities to the widest range of possible uses

DW8: Adaptability – contribute to creating flexible and adaptable places that can easily change over time.

Annexe E: Numerical Guidelines for Residential Development identifies privacy and aspect distances between dwellings including 24m separation between habitable windows for two storeys and above, 13m separation between habitable room windows and blank walls exceeding 3 metres in height.

Regional Strategy for the West Midlands

On 6 July 2010 the Secretary of State issued a direction to revoke Regional Spatial Strategies. Following a legal challenge this was reversed by the High Court on 10 November 2010.

The Government responded by advising its proposed abolition of the RSS system (abolition will require legislation, through the Localism Act and will take time) should be a material consideration in decisions. On 7 February 2011 the High Court published its judgement that the proposed abolition can be a material consideration. The Localism Act has now received Royal Assent and is moving towards Enactment. Further consultation has been undertaken regarding the Strategic Environmental Assessment of the proposed abolition of the RSS. The Localism Act and the abolition of the RSS continue to be capable of legal challenge.

Officer's advice is that the RSS remains part of the statutory development plan for the Borough (with the saved policies of Walsall's UDP and the Black Country Core Strategy), and decisions should be made in accordance with it unless material considerations indicate otherwise.

National Policy

The National Planning Policy Framework Consultation Draft was issued on 25 July 2011. The document has now completed its consultation and received wide-spread publicity and significant responses. Ministers have confirmed that amendments to the document will be made. The CLG Select Committee has completed its assessment with 35 key recommendations. The Government is considering these. As such, the consultation document carries very limited weight. Officers note the intention of Government is that the planning system is plan-led and Local Plans are the starting point for the determination of any planning application.

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

PPG13: Transport, aims to promote more sustainable transport choices for both people and for moving freight, promote accessibility to jobs, shopping, leisure facilities and services by public transport, walking and cycling and reduce the need to travel, especially by car

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Consultations

Pollution Control Scientific Team- No objection subject to condition to restrict hours of working on site.

Contaminated Land Team – No specific contaminated land requirements

Transportation – No objections subject to conditions to ensure that appropriate disabled parking is provided and to ensure the submission of a parking management scheme to overcome the 9 space parking shortfall.

Fire Officer – No objections.

West Midlands Police – No objections

Public Participation Responses

Three letters of objection received.

Objections:

- Existing small car park, when full cars park in surrounding streets, Brace Street, Mount Street, Hart Street and Caldmore Road.
- The amount of cars on street and the way they park is unreasonable, restricts the traffic flow and effectively creates a one way system in surrounding streets.
- Brace Street Often in gridlock, as seen by the police.
- The extent of on street parking at certain times restricts access to homes, businesses and emergency services.
- The extension would take up existing parking space and make matters worse (*incorrect, first floor extension*).
- A larger car park is required.
- Already other mosques in the area
- The extension will allow more facilities and make parking worse.
- The extension will cater for more people, How many?
- Loss of light to living room in adjoining property.

Determining Issues

- Design and layout
- Impact on Street scene
- Impact on amenity of surrounding occupiers
- Parking and access

Observations

Design and layout

The proposed first floor extension whilst approx double that approved in 1999 would be less than half of the size of that approved in 1989. The extension now proposed would cover only approx 37% of the ground floor footprint and the design would follow that of the previous consents and the existing ground floor, comprising brickwork and flat roof, to allow the previously approved dome to be installed. The design of the extension is considered appropriate for the building.

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The first floor would be accessed via a new double doorway on the side elevation facing the car park, using the existing access route around the building behind the retaining wall. Two additional minarets proposed on the two corners along this route have been withdrawn from the proposals to ensure an appropriate width of access is maintained.

The new staircase adjacent to the side gable of 23 Brace Street (an end terraced house) would provide a fire escape from the first floor. The staircase would be enclosed within a brick extension to ensure that it matches the remainder of the building and to reduce any impacts on the amenities of No 23 through noise.

The porch extension to the main entrance would have a hipped tiled roof supported by two pillars with open sides. The design is considered appropriate and would improve the legibility of the building by defining the main entrance and making it more prominent and visible for visitors.

The design and height of the proposed minarets is considered appropriate for the building, introducing a feature that would define the function of the building in compliance with policy DW6 of Designing Walsall. The minarets would provide an architectural feature only with no access into the minarets and would have no external public address system fitted so would not be used for 'call to prayer'.

Impact on the street scene

The proposed first floor extension would occupy only 37% of the existing ground floor footprint, just over a third of the existing building, which would reduce the overall impact of the extension on the street scene. The flat roof (8.5m) would also reduce the overall height and mass of the building, with only the minarets and dome providing additional height.

The majority of the surrounding properties are two storey houses, approx the same height as the proposed building with only the dome and minarets projecting above.

The existing purpose built health centre in Brace Street is entirely two storey and has a footprint of approx 820sqm, exceeding the footprint and height (by 1m) of the proposals creating a greater mass within the street scene than the proposals. Whilst the immediate area is predominantly residential it is punctuated by these larger buildings and it is considered that the height and massing of the proposals is appropriate for the site and the general street scene.

The principle of a first floor extension to the building was established with the two previous approvals and it is not considered that the circumstances surrounding the property have not changed in the intervening years.

Impact on surrounding occupiers

Both 58 and 67 Mount Street have side gables to the car park area with rear windows of each house angled away from the mosque building. Both houses meet the separation distance required by Appendix E of Designing Walsall and it is considered that the proposed extensions would have no additional adverse impact on the amenities of the residential occupiers.

23 Brace Street is a traditional end terraced house with side gable adjacent to the proposed staircase extension. It is considered that the enclosed fire escape staircase would have no adverse impact on the amenities of the occupiers of No 23.

The modern terraced houses opposite the site in Brace Street sit on the other side of the road and meet the separation distance required by Appendix E.

The houses to the west in Brace Street have rear windows looking towards the site, with a separation distance exceeding the requirements of Appendix E.

It is considered that the proposals would have no additional adverse impact on the amenities of the surrounding residential occupiers in terms of loss of light or privacy.

Parking and access

The access arrangements remain as existing, for both vehicle and pedestrians.

The number of car parking spaces would remain as existing. The car park area was rearranged following the mortuary extension (2006) and now has 25 spaces marked out, 3 of the spaces should be designated as disabled and an appropriate condition is attached to ensure their provision.

The existing 25 parking spaces meets the requirements of policy T13 for the existing ground floor space of the mosque (1 space per 22sqm), the proposed 200sqm first floor extension would require an additional 9 car parking spaces, which cant be provided on site. The applicant has confirmed that at busy times i.e. Friday Prayers and special occasions they operate a parking management scheme in order to maximise the number of vehicles that can be parked within the site and minimise the disruption on the highway. A condition is attached to require a more formal parking management scheme to be submitted for approval and implemented upon the first use of the first floor extension.

Whilst objectors have raised the issue of traffic congestion and on street parking it is noted that:

- The proposals would provide a dedicated facility for women rather than the use of a shared facility
- The proposals would not result in additional numbers attending the mosque
- The implementation of a parking management scheme would minimise on street parking
- A smaller extension than that previously approved
- The building provides a local facility for residents within the area

and it is considered that the development is unlikely to exacerbate the current parking situation and is considered acceptable.

Summary of Reasons for Granting Planning Permission

The principle of a first floor extension at the mosque was established with two previous approvals. The proposals would cover approx 37% of the ground floor footprint of the mosque. Whilst this is approx double that previously approved in 1999 it is only half of that approved in 1989. The size and design of the extension is considered appropriate for the building and the street scene. Whilst the surrounding area is predominantly residential in

character it is punctuated by larger buildings such as the mosque and the local health centre.

The design and height of the three minarets is considered appropriate for the building, providing a traditional architectural feature that defines the function and use of the building. The minarets will have no access and will not be used for 'call to prayer'.

The proposals would comply with guidance in Appendix E of Designing Walsall in relation to separation distances to residential properties and would have no adverse impact on the amenities of the surrounding occupiers in relation to loss of light or outlook.

Vehicle and pedestrian access to the site will remain unaffected and the number of parking spaces will remain as existing, which complies with saved policy T13 of the Unitary Development Plan for the current size of the mosque. The proposed extension would require a further 9 parking spaces to comply with T13 which can't be provided on site. Whilst the existing on street parking situation is recognised it is considered that the proposals will be unlikely to exacerbate the current parking situation as the proposals will provide improved facilities for the existing users with no additional numbers attending, the extension will be smaller than that previously approved, a formal parking management scheme for busy times will be implemented and the mosque provides a local facility.

The proposal is considered to accord with the aims and objectives of the Black Country Core Strategy (2011), in particular policies CSP4, CSP5, TRAN5 and ENV3, Walsall Unitary Development Plan (2005), in particular saved policies 3.6, 3.7, GP2, ENV32, LC8, T7 and T13 and Supplementary Planning Document – Designing Walsall (2008) in particular policies DW2, DW3, DW4, DW5, DW6, DW7 and DW8.

Recommendation: Grant Permission Subject to Conditions

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

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

2. No development shall commence until samples of all facing and roofing materials for all elements of the extensions 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 satisfactory appearance of the development and to comply with policy ENV32 of Walsall's Unitary Development Plan.

3A. Prior to the commencement of development of the first floor extension hereby approved a detailed landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority.

B. The approved scheme shall be implemented in accordance with any agreed phasing or within one year of the first use of the first floor extension or such other period of time as may be agreed in writing by the Local Planning Authority.

Reason: To ensure the satisfactory appearance of the development.

4A. Prior to the commencement of the development, full written details of a parking management scheme for use during Friday prayers and special occasions shall be submitted to and approved in writing by the Local Planning Authority.

B. The approved scheme shall thereafter be brought into operation and be fully implemented in accordance with the agreed details.

Reason: To minimise indiscriminate on-street parking in the interests of the free flow of traffic and highway safety.

5. Prior the use of the extension hereby approved three parking spaces (10% of the existing provision) within the existing car park shall be allocated for disabled users and demarcated accordingly.

Reason: In accordance with Policy T13.

6. No sound reproduction or amplification equipment (mechanical or electrical) shall be installed or used in or adjacent to any part of the building at any time for purposes of external use.

Reason: In order to safeguard the amenities of the occupiers of premises/dwellings in the vicinity.

7. No demolition, construction or engineering works, (including land reclamation, stabilisation, preparation, remediation or investigation, collections, deliveries and despatches), shall take place on any Sunday, Bank Holiday or Public Holiday*, and such works shall otherwise only take place between the hours of 08.00 to 18.00 weekdays and 08.00 to 14.00 Saturdays unless otherwise permitted in writing by the Local Planning Authority. No plant, machinery or equipment associated with such works shall be started up or operational on the development site outside of these permitted hours. (* *Bank and Public holidays for this purpose shall be: Christmas Day; Boxing Day; New Year's Day; Good Friday; Easter Monday; May Day; Spring Bank Holiday Monday and August Bank Holiday Monday*)

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

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

Location Plan submitted on 4th January 2012

Existing Plans and Elevations BIAJM/001-2011 submitted on 4th January 2012

Proposed Floor Plans BIAJM/002-2011 Rev C submitted on 10th February 2012

Proposed Elevations and Minaret Plan detail BIAJM/003-2011 Rev B submitted on 10th February 2012

Sections BIAJM/004-2011 Rev A submitted on 4th January 2012

Proposed Site Plan BIAJM/006-2012 submitted on 13th January 2012

Design and Access Statement by Azimuth Architecture submitted on 4th January 2012

Letter from Azimuth Architecture submitted on 10th February 2012

Reason: For the avoidance of doubt and in the interests of proper planning, (except in so far as other conditions may so require).



Planning Committee

Report of Head of Planning and Building Control, Regeneration Directorate on 01/03/2012

Reason for bringing to committee: Significant community interest

Application Number: 11/1233/FL

Application Type: Full application

Applicant: Mrs Jennifer Southall

Proposal: Proposed 2no. 4 bedroom detached dwellings and a detached garage.

Ward: Pelsall

Case Officer: Devinder Matharu

Telephone Number: 01922 652487

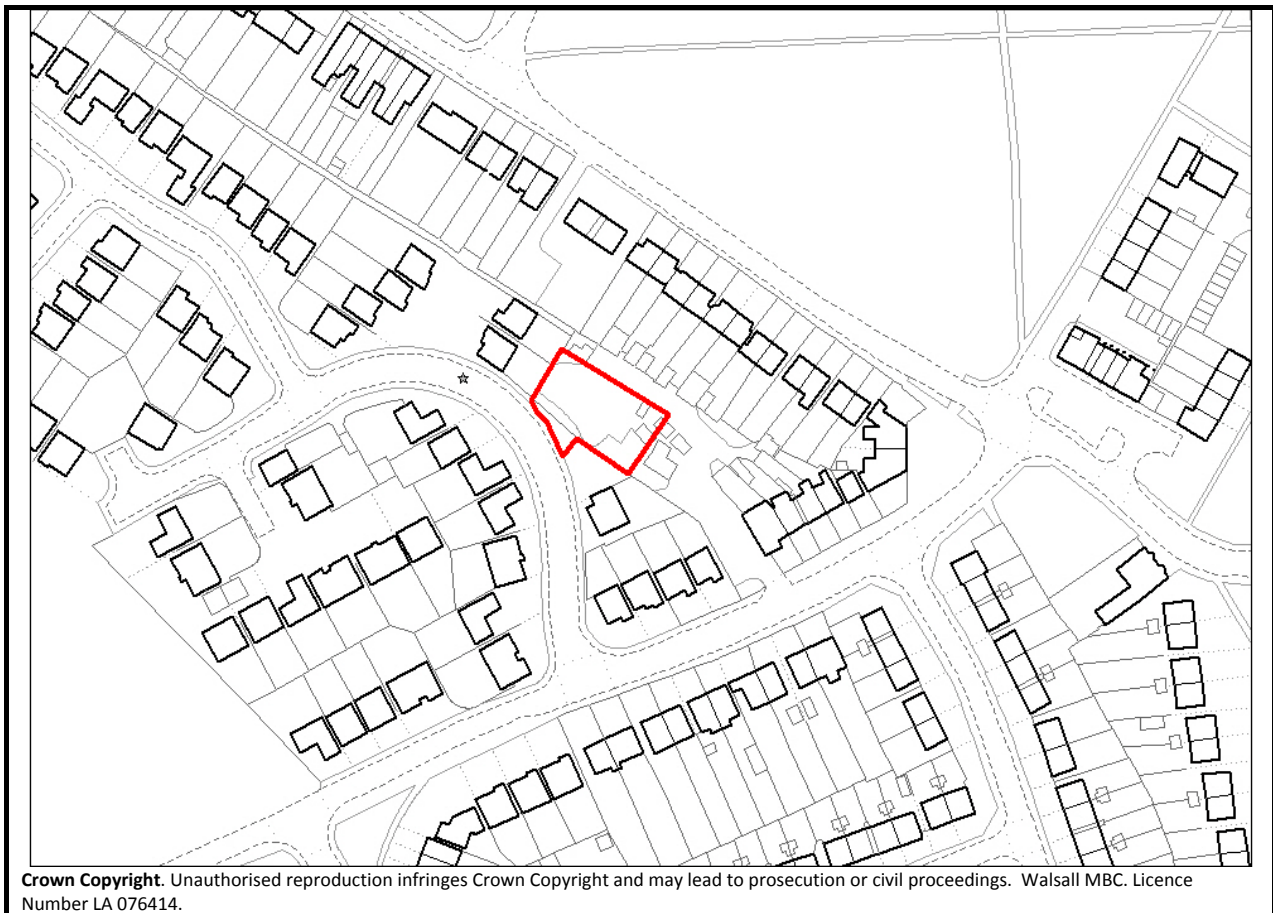
Email: planningservices@walsall.gov.uk

Agent: Oakham Design Ltd

Location: LAND BETWEEN 15-19 GOSCOTE ROAD/LAND ADJ. 2 & 6 MARLPOOL DRIVE, PELSALL, WALSALL

Expired Date: 05/03/2012

Recommendation Summary: Grant Permission Subject to Conditions



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Application and Site Details

The site lies to the rear (NW) of 15 and 19 Goscote Rd and north of 2 Marlpool Drive, an area of overgrown land, set 0.5m higher than the existing adjacent modern houses in Marlpool Drive. To the north-east of the site is an access drive and garages to the rear of houses in Allen's Lane, accessed from Goscote Rd.

The site is surrounded by 2 storey residential houses, predominantly semi detached and detached of varying sizes and design, Marlpool Drive comprising modern detached houses.

The proposals include the erection of 2 x 4 bed detached houses and a detached double garage, with access gained from Marlpool Drive adjacent to No.2. The proposal would provide 2 parking spaces for each dwelling, including a garage space each and one space adjacent to the houses. The houses would have total amenity areas of 73 and 102 square metres.

The site area of 0.067 hectares provides a density of 30 dwellings per hectare.

Documents submitted with the application include:

- Arboricultural report has been submitted which states the tree provides a valuable contribution to the appearance and character of the area.
- Ground investigation report identifying basic gas protection measures to be employed in the construction of the dwelling. Coal mining report stating there are no known mine shafts within the site.

The agent confirms the tree adjacent to the site boundary will be retained, that the fencing has been secured and if permission is secured, works on site will commence in the spring time.

Relevant Planning History

BC56671P, outline for the erection of a pair of semi detached houses and associated garages, refused 15-12-98.

BC58247P, outline for the erection of a pair of semi detached houses and associated garages (resubmission), refused 20-07-99, Local Appeal allowed 09-12-99.

BC60441P, after Local Appeal, outline application for the erection of a pair of semi detached houses and garages, approved 23-03-00.

03/0380/FL/E5, renewal of BC60441P, for outline permission for a pair of semi detached houses with associated garaged, approved 09-07-03.

04/2160/OL/E3, outline for the erection of 2 detached houses and access drive, approved 17-02-05, siting and access only approved.

05/2475/RM/E9, reserved matters for 2 x 4 bed detached houses and garage, Withdrawn 03-03-06.

Siting of houses and garage different to outline approval therefore reserved matters invalid.

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

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

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06/0680/FL/E9. Erection of 2 x 4 bed detached houses and detached garage, approved 25-07-2006

Relevant Planning Policy Summary

Black Country Core Strategy & UDP Policies

(Note the full text version of the BCCS and UDP is available from First Stop Shop in the Civic Centre and on the Council's web site)

The current version of the Black Country Core Strategy and associated appendices can be accessed at;

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

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

Black Country Core Strategy

The Black Country Core Strategy was adopted by the Council on 3rd February 2011 and now forms part of the statutory development plan. It replaces certain "saved" policies in the UDP. It sets out how the Black Country should look in 2026 and establishes clear directions for change in order to achieve this transformation.

CSP4 The design of spaces and buildings will be influenced by their context and seek to enhance the unique attributes the area offers in terms of its local character and heritage whilst responding to current day needs, changes in society and cultural diversity.

ENV2 All development should aim to protect and promote the special qualities, historic character and local distinctiveness of the Black Country in order to help maintain its cultural identity and strong sense of place.

ENV3 implement the principles of By Design to ensure the provision of a high quality network of streets, buildings and spaces and meeting the Code for Sustainable Homes to Level 3.

Saved Policies of the Unitary Development Plan

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

3.113, 3.114, 3.115, ENV32 & 3.116: new development should be considered in relation to its setting and should create high quality of built and landscape design, well integrated with surrounding land uses and local character. Poorly designed development which fails to properly take account of the context or surroundings will not be permitted. Designing out crime' through design, layout, landscaping and boundary treatments is encouraged.

ENV14 encourages the development of previously developed land.

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

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

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

T13: car parking standards

1, 2, 3 bedroom dwellings 2 car parking spaces each.

Designing Walsall SPD

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

Annexe E: Numerical Guidelines for Residential Development ... identifies privacy and aspect distances between dwellings including 24m separation between habitable windows for two storeys and above, 13m separation between habitable room windows and blank walls exceeding 3 metres in height, 45° code, garden dimensions of 12m in length and 68m² for housing and 20m² per dwelling where communal provision is made, set back first floor extensions by a minimum of 1m to avoid terracing and retaining a 0.9m gap to the boundary, and provision of boundary walls. Although failure to comply with these guidelines may not by itself be a reason for refusal of an application, it will be a factor to be used in determining whether a proposal would be compatible with the wider character of the area or the existing dwelling or the amenity of neighbours.

Regional Spatial Strategy (RSS)

On 6 July 2010 the Secretary of State issued a direction to revoke Regional Spatial Strategies. Following a legal challenge this was reversed by the High Court on 10 November 2010.

The Government responded by advising its proposed abolition of the RSS system (abolition will require legislation, through the Localism Bill and will take time) should be a material consideration in decisions. That position was itself subject to a legal challenge.

On 7 February 2011 the High Court published its judgement that the proposed abolition can be a material consideration.

Officer's advice is that the RSS remains part of the statutory development plan for the Borough (with the saved policies of Walsall's UDP and the Black Country Core Strategy), and decisions should be made in accordance with it unless material considerations indicate otherwise.

However, the Government's proposal to abolish the RSS at some point in the future can be a material consideration. The weight to be given to this is for the local planning authority to judge, based upon such things as, for example, the extent to which a planning decision rests on the RSS and whether the implications of the decision might be felt before the RSS might be abolished. Each case must be considered on its merits in this context and a clear and reasoned view achieved.

National Policy

PPS1 on delivering sustainable development and good design.

PPS3: Housing: encourages reuse of previously-developed land for housing. Paragraph 10 indicates that housing policy objectives provide the context for planning for housing through development plans and planning decisions. Some of the specific outcomes that the planning system should deliver are:

1. High quality housing that is well-designed and built to a high standard.
2. Housing developments in suitable locations, which offer a good range of community facilities and with good access to jobs, key services and infrastructure.

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

The National Planning Policy Framework Consultation Draft was issued on 25 July 2011. The document has now completed its consultation and received wide-spread publicity. Ministers have confirmed that amendments to the document will be made. The final document is due for publication in Spring 2012. As such, the consultation document

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carries very limited weight. Officers note the intention of Government is that the planning system is plan-led and Local Plans are the starting point for the determination of any planning application.

Consultations

Transportation – No objection subject to a condition relating to access and parking.

Pollution Control Scientific Team – No objection subject to condition to control hours of operation.

Fire Service – No objection

Police - No objection but advises that side gates should be installed to prevent unauthorised access, low level shrubs to be planted around the external building line to provide a barrier between private and public space, intruder alarm or 13amp non switched fuse spur to be fitted and doors and windows to meet secure by design standards on the ground floor.

Severn Trent Water – No objection subject to drainage condition

Conservation Officer – No objection

Environmental Health – No objection

Public Participation Responses

Three letters have been received objecting to the proposal on the following grounds:

- Address should be Marlpool Drive and not Goscote Road
- Sections incorrect
- Loss of privacy due to land levels
- direct overlooking into neighbouring bedroom
- existing tree offers no privacy
- Loss of view – *Not material to the determination of this application.*
- loss of light
- Backland development
- No space around dwellings
- Mine shaft on land hence why no development
- Applicant name different on application and in local paper

One letter has been received not objecting to the proposal but states that if the mature tree is to be removed then they will object, as it adds to the character of the street scene and concerns over the state of the land and when development will commence as anti-social behaviour problems are being encountered with youth hanging around the site.

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

Determining Issues

- Principle of development
- Design and layout
- Impact of the development on the amenity of surrounding occupiers
- Access and parking.

Observations

Principle of Development

The proposed layout is similar the already previously approved schemes (04/2160/OL/E3 and 06/0680/FL/E9).

Since the approval of the last planning application 06/0680/FL/E9, planning permission was allowed on appeal for a dwelling to sit adjacent 19 Goscote Lane. The proposal meets the separation distances from this proposed dwelling.

Design and layout

The 2 houses have been further back into the site more than previous applications to meet the habitable room separation distances between the rear windows of number 6 and 8 Marlpool Drive and the front habitable room windows of the proposed houses. The position of the new houses results in the rear garden areas less than 13m in length, but both over 68 square metres in area and back onto garages and open land/access drive to the rear of the houses in Goscote Rd.

The new access drive from Marlpool Drive, with the proposed double garage situated at the head of the drive in front of plot 2. The proposal would have a street frontage reflecting the existing pattern of development along Marlpool Drive. The proposed houses are set off the boundaries of the site reflecting the existing pattern of development on Marlpool Drive, providing space around the houses.

The design of the houses reflects the existing modern houses in Marlpool Drive, with a large front gable feature, bay windows and front canopy detail.

The tree within the application site located to the rear of 6 Marlpool Drive would be retained, as it enhances the character of the street scene.

The submitted coal report states that there are no known mine entries within the site, or within 20m of the boundary of the site.

Impact on Amenity of Surrounding Occupiers

Whilst the application site is situated on 0.5m higher than numbers 6 and 8 Marlpool Drive, it is considered that the proposal would not unduly result in loss of privacy or overlooking to impact on the amenities of the occupiers of these properties. The existing tree at the rear boundary of 6 Marlpool Drive provides some screening in the summer months and the proposed garage in front of plot 2 would interrupted any direct views to the rear of 8 Marlpool Drive.

The orientation of the sun may result in some early morning loss of light/shading to the rear gardens of 6 and 8 Marlpool Drive. However, it is considered that the proposal would

not unduly result in loss of light to impact on the amenities of the existing occupiers of these properties sufficiently to warrant refusal of the application.

The application form states a name for both the applicant and agent and both these details may have been included in local media coverage, causing confusion.

Whilst planning permission has been granted for residential development on the site, works have not commenced and as a result the land has remained vacant. The fencing around the site has been vandalised and this is causing anti social behaviour for residents on Marlpool Drive. The agent has stated that works on site will commence in the spring time and this would assist in addressing problems of youths loitering around. Temporary fencing around the site can be secured through an appropriate planning condition.

Access and Parking

The proposals provide 2 parking spaces for each house, (1 garage space and 1 space within the driveway) and allows adequate space for manoeuvring and circulation to allow all vehicles to enter/exit the site in forward gear. Although the parking provision falls below policy T13 (3 spaces per dwelling) the parking provision is considered acceptable in this case.

Whilst the existing site can be accessed from Goscote Lane and Marlpool Drive, the access to the site would be provided off Marlpool Drive and would provide appropriate visibility splays and gradient.

The access drive to the rear of the properties in Goscote Rd and Allens Lane would be retained to maintain access to the existing garages to the rear of these properties, so all existing access would be retained.

Summary of Reasons for Granting Planning Permission

The design of the houses would be similar to the existing modern houses in Marlpool Drive. The proposed dwellings are set off the boundaries of the site, reflecting the existing pattern of development on Marlpool Drive whilst providing space around the dwellings. The tree within the application site located to the rear of 6 Marlpool Drive would be retained, enhancing the character of the street scene. The proposal would not unduly impact on the amenities of the existing occupiers of these properties in terms of overlooking or loss of privacy. The retained tree will provide some screening in the summer months and the proposed garage would interrupt any direct views. The proposal meets the Council's residential standards. Whilst the existing site can be accessed from Goscote Lane and Marlpool Drive, the access to the site would be provided off Marlpool Drive.

The submitted coal report states that there are no known mine entries within the site, or within 20m of the boundary of the site. The application form states a name for both the applicant and agent and both these details may have been included in local media coverage, causing confusion. Works on site will commence in the spring time and this would assist in addressing existing anti social behaviour problems of youths loitering around.

The proposal complies with policies CSP4, ENV2 and ENV3 of the Black Country Core Strategy, saved policies 3.6, 3.7, GP2, 3.113, 3.114, 3.115, 3.116, ENV32, ENV14,

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ENV18, H3, T7, and T13 of the Walsall Unitary Development Plan, Policy DWE3 of the Designing Walsall SPD, and the advice given in PPS1, PPS3 and PPG13.

Recommendation: Grant Permission Subject to Conditions

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

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

2a) Prior to the commencement of this development a schedule of facing materials to be used in external walls and roofs and detailing the surface treatment of the car park and access road has been submitted to and approved in writing by the Local Planning Authority.

2b) The development shall be completed with the approved details and retained and maintained at all times.

Reason: To ensure the satisfactory appearance of the development.

3a) Prior to commencement of this development, details for the disposal of surface water and foul sewage shall be submitted to and approved by the Local Planning Authority.

3b) The works shall only be carried out in accordance with the approved details.

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

4a) Prior to the commencement of this development full details of the proposed boundary treatment around the site shall be submitted to and approved by the Local Planning Authority.

4b) The approved scheme shall be carried out before this development is brought into use and shall be thereafter retained.

Reason: In order to safeguard the amenities of the occupiers of premises in the vicinity and secure the satisfactory development of the application site.

5a) Prior to the commencement of this development a detailed landscaping scheme for the site shall be submitted to and approved by the Local Planning Authority. The landscaping scheme shall include the retained tree on the site by the boundary with 6 Marlpool Drive and shall include any necessary phasing of implementation.

5b) 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: In order to safeguard the amenities of the occupiers of the accommodation provided, the amenities of the occupiers of premises in the vicinity and secure the satisfactory development of the application site.

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6i) Prior to the commencement of this development a "Remediation Statement" setting out details of remedial measures to deal with the identified and potential hazards of any land contamination and/or ground gas present on the site and a timetable for their implementation shall be submitted to and agreed in writing by the Local Planning Authority. (see Note for Applicant CL2)

6ii) The remedial measures as set out in the "Remediation Statement" required by part i) of this condition shall be implemented in accordance with the agreed timetable.

6iii) If during the undertaking of remedial works or the construction of the approved development unexpected ground contamination not identified by the site investigation reference J06015/01 submitted as part of the application is encountered development shall cease until the "Remediation Statement" required by part i) of this condition has been amended to address any additional remedial or mitigation works required and agreed in writing by the Local Planning Authority.

6iv) A validation report confirming the details of the measures implemented together with substantiating information and justification of any changes from the agreed remedial arrangements shall be submitted to and accepted in writing by the Local Planning Authority prior to the development being brought into use. (see Note for Applicant CL3)

6v) No access way or service trench serving the proposed properties shall be installed within an area of 1.0 metres surrounding the Local Authority gas monitoring borehole (reference Marlpool Drive Borehole 1) situated in the pavement.

Reason: To protect public health and the environment.

7a) Prior to the commencement of this development full details of existing and proposed levels of the site, access way and floor levels, in relation to land adjoining the site shall be submitted to and approved in writing by the Local Planning Authority.

7b) The development shall be carried out and retained in accordance with these approved details.

Reason: In order to ensure the satisfactory appearance of the development and to safeguard the visual amenity of the area.

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 0800 to 1800 weekdays and 0900 to 1400 hours 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 amenity of occupiers of premises within the vicinity.

9) The works hereby approved shall only be carried out in accordance with details contained within drawing number DS/05/100/D submitted on 9 February 2012.

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

Notes for Applicant

- 1) CL2 - When making assessments of any contaminants identified as being present upon the land, considering their potential to affect the proposed land use and deciding appropriate remediation targets regard should be had to the advice given in CLR 11 "Model Procedures for the Management of Land Contamination", The Contaminated Land Exposure Assessment (CLEA) model (Latest Version), Science Report – SC050021/SR3 "Updated technical background to the CLEA model" and Science Report – SC050021/SR2 "Human health toxicological assessment of contaminants in soil" or any relevant successors of such guidance. This list is not exhaustive. Assessment should also be made of the potential for contaminants contained in, on or under the land to impact upon ground water. Advice on this aspect can be obtained from the Environment Agency.
 - 2) CL3 Validation reports will need to contain details of the "as installed" remediation or mitigation works agreed with the Local Planning Authority. For example photographs of earth works, capping systems, ground gas membranes, and structure details should be provided. Copies of laboratory analysis reports for imported "clean cover" materials, manufacturer's specification sheets for any materials or systems employed together with certification of their successful installation should also be submitted. Where appropriate records and results of any post remediation ground gas testing should be included in validation reports. This note is not prescriptive and any validation report must be relevant to specific remedial measures agreed with the Local Planning Authority.
 - 3) CL4 - Details of the Local Authority gas monitoring borehole can be obtained from Walsall Councils' Pollution Control service. Neighbourhood Services – Engineering and Transportation, Walsall Metropolitan Borough Council, The Civic Centre, Darwall Street, Walsall, WS1 1DG, Tel:01922 650000 Fax: 01922 623234, Textphone:0845 111 2910 Translation Line:01922 652426, Visit us online at: www.walsall.gov.uk.
 - 4) The police architectural liaison officer has advised that side gates of robust construction and the same height as the fencing should be installed near the front building line to prevent unauthorised access. The gates shall be locked and not provide a climbing aid to offenders. Low level shrubs should be planted around the external building line to provide a barrier between public and private space, window and door specification should be to secure by design standards and consideration given to installing an intruder alarm.
-



Planning Committee

Report of Head of Planning and Building Control, Regeneration Directorate on 01/03/2012

Reason for bringing to committee: Requires delicate judgement

Application Number: 11/1487/FL
Application Type: Full application

Applicant: Mr Stuart Thomas

Proposal: Proposed alterations to dwelling house design on extant planning permission 10/0866/FL consisting of: The removal of basement and substitution of ground level attached garage. Minor roof changes, rear elevation projection, internal layout alterations and consequential window changes. The removal of existing sycamore tree and provision of two tree plantings.

Ward: Aldridge Central & South

Case Officer: Jenny Townsend

Telephone Number: 01922 652420

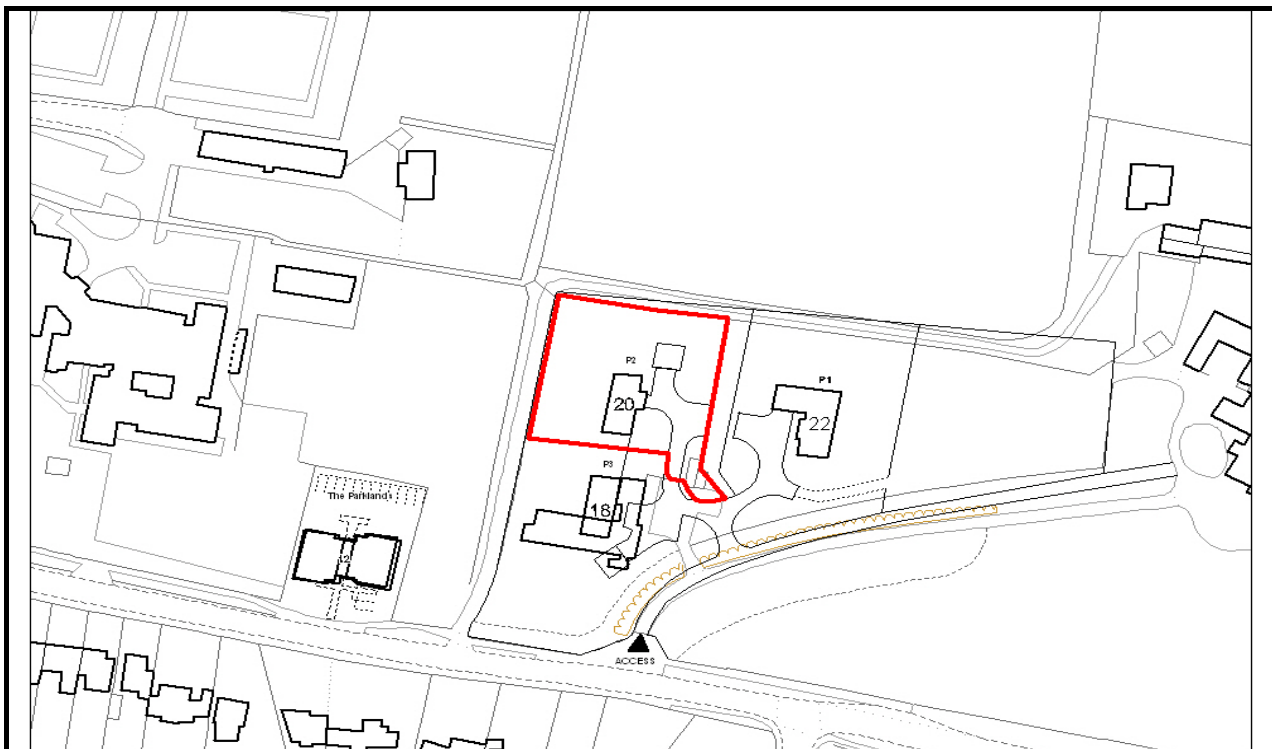
Email: planningservices@walsall.gov.uk

Agent: M K Cotton

Location: PLOT 2, BEACON VIEW,
LITTLE ASTON ROAD, ALDRIDGE,
WALSALL, WS9 0NN

Expired Date: 16/03/2012

Recommendation Summary: Grant Permission Subject to Conditions



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Application and Site Details

This application is for a substitution house type to plot 2 on the site of the former Beacon View Children's Home off Little Aston Road. Planning permission for 3 detached houses was granted in October 2010. Plot 2 was approved with a basement level which included a double garage, sauna, jacuzzi and gym.

This application seeks to;

- delete the basement accommodation and
- add a ground level double garage to the side of the house
- add a two storey rear extension .
- The proposed garage and rear extension would increase the footprint of the house by 45.5m²
- Remove one sycamore tree and replace with two new trees

Three roof lights were approved in the rear roof slope of the original application (two on the right hand side of the roof and one on the left). This application proposes four roof lights, two on the front and two on the rear roof slope.

Access to the site is via a driveway shared with Aldridge Court Nursing Home which is located to the north east. The character of the surrounding area is spacious plots with trees and hedges along the boundaries. There is a sports ground set behind Little Aston Road, new flats to the west and Cooper & Jordan School further to the west. Opposite the site there is a mix of dwellings of differing age and design set in spacious plots facing Little Aston Road.

The plot is in the Aldridge Conservation Area.

The Design and Access Statement which has been submitted to support the application states;

- that the scale and appearance is little changed from the extant permission,
- the rear elevation would add interest and function
- the total floor area is reduced with the omission of the basement level.
- The applicant seeks to apply the same principles as were applied for the replacement garage at plot 3 which were that the total floor area would be reduced and there is would be no change in impact in relation to the main road.
- The dispersal is less than at plot 3 and the internal layout changes are tailored to suit the family requirements of the applicants.
- One family member has mobility restrictions and therefore the removal of the basement area improves access.

Relevant Planning History

10/0866/FL – Construction of 3 new dwellings – granted subject to conditions October 2010. The combined footprint of the three houses was approved at 436m². There was also a condition removing permitted development for extensions and alterations, outbuildings and hard surfacing.

09/1134/OL – Outline application for demolition of existing building and development of 3 houses – Granted subject to conditions - October 2009. Access, layout and scale were determined at outline stage. A condition limiting the footprint of each of the houses to no

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greater than 131 sq m and ridge height of 7.5m was included to safeguard the amenity of the green belt.

Plot 1

10/1424/FL – Enlarged house on plot 1 – Granted subject to conditions - December 2010. This increased the footprint of the approved house on plot 1 by 9sqm.

Plot 3

11/0544/FL - Substitution of house type on Plot 3 to delete basement & erection of a detached garage – Refused July 2011 for the following reason:

“1. The applicant has failed to demonstrate that there are any very special circumstances to outweigh the harm to the openness of the Green Belt caused by the additional footprint of the garage and further dispersal of buildings within the site. The proposed double garage is inappropriate development in the Green Belt and exceeds the footprint that was calculated as being not materially larger than the original buildings on site as specified in the outline consent 09/1134/OL. For these reasons the proposals are contrary to the aims of saved policies ENV2, ENV3 and ENV4 of Walsall Unitary Development Plan and PPG2: Green Belts.”

11/1188/FL Substitution of house type on Plot 3 to delete basement & erection of a detached garage. Granted subject to Conditions 11/11/11. The floor area and height of the proposed garage were reduced.

Relevant Planning Policy Summary

Black Country Core Strategy & UDP Policies

(Note the full text version of the BCCS and UDP is available from First Stop Shop in the Civic Centre and on the Council's web site)

The current version of the Black Country Core Strategy and associated appendices can be accessed at;

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

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

Black Country Core Strategy 2011-2026

The BCCS was adopted by the Council on 3 February 2011 and now forms part of the statutory development plan. It replaces certain 'saved' policies in the UDP.

2a: Seeks to create a network of cohesive, healthy and prosperous communities across the Black Country, deliver high quality distinctive places which respect the diversity of the Black Country natural and built environment and attract new employment opportunities.

2b: Encourages sustainable management of material resources through minimising waste, ensuring all members of the community have the best access to housing, previously development land is prioritised over greenfield sites and encourages a comprehensive approach to development.

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

CSP3: Development proposals will need to demonstrate that the strategic network of environmental infrastructure will be protected, enhanced and expanded at every opportunity.

CSP4: A high quality of design of the built and natural environment is required. Design of spaces and buildings will be influenced by their context.

ENV2: Development proposals will be required to preserve and, where appropriate, enhance local character.

HOU2: Density and type of new housing will be informed by:

- The need for a range of types and sizes of accommodation to meet sub regional and local needs
- The level of accessibility
- The need to achieve high quality design and minimise amenity impacts

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

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

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

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

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

ENV4: Redevelopment of major developed sites may be permitted provided they have (i) no greater impact (and where possible less impact) than the existing development on the openness and purposes of the Green Belt, (ii) the height of existing buildings is not exceeded and (iii) the area to be covered by buildings would not occupy a larger area than the aggregate floor area of the existing buildings, unless it would achieve a reduction in height which would benefit visual amenity.

H3: Encourages provision of additional housing through windfall sites provided that a satisfactory residential environment can be achieved and that the development would not unacceptably constrain the development of any adjacent site.

ENV14: seek to bring forward derelict, vacant or underused land and buildings for new uses.

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

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

ENV29: Conservation Areas.

The Council will determine whether a development preserves or enhances the character of a conservation area in terms of:

- I The degree of loss or alteration to property which makes a positive contribution to the character of the area.
- II The impact of any new buildings on the special townscape and landscape features within the area.
- III The scale, massing, siting, layout, design or choice of materials used in any new building or structure.

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

T7 – Car Parking

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

T13: Parking Provision

Development will provide adequate on-site parking to meet its own needs, and that there will be no adverse effect on highway safety and the environment.

4 bedroom houses and above: 3 spaces per unit

ENV40: deals with water supplies, incorporation of measures for the conservation of water supplies, protection and improvement of existing infrastructure for foul and surface water drainage and flood risk.

Designing Walsall (SPD) (Feb 2008)

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

Annexe E: Numerical Guidelines for Residential Development identifies privacy and aspect distances between dwellings. Although failure to comply with these guidelines may not by itself be a reason for refusal of an application, it will be a factor to be used in determining whether a proposal would be compatible with the wider character of the area or the existing dwelling or the amenity of neighbours.

Conserving Walsall's Natural Environment SPD

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

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

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

Regional Strategy for the West Midlands

On 6 July 2010 the Secretary of State issued a direction to revoke Regional Spatial Strategies. Following a legal challenge this was reversed by the High Court on 10 November 2010.

The Government responded by advising its proposed abolition of the RSS system (abolition will require legislation, through the Localism Act and will take time) should be a material consideration in decisions. On 7 February 2011 the High Court published its judgement that the proposed abolition can be a material consideration. The Localism Act has now received Royal Assent and is moving towards Enactment. Further consultation has been undertaken regarding the Strategic Environmental Assessment of the proposed abolition of the RSS. The Localism Act and the abolition of the RSS continue to be capable of legal challenge.

Officer's advice is that the RSS remains part of the statutory development plan for the Borough (with the saved policies of Walsall's UDP and the Black Country Core Strategy), and decisions should be made in accordance with it unless material considerations indicate otherwise.

National Policies

The National Planning Policy Framework Consultation Draft was issued on 25 July 2011. The document has now completed its consultation and received wide-spread publicity and significant responses. Ministers have confirmed that amendments to the document will be made. The CLG Select Committee has completed its assessment with 35 key recommendations. The Government is considering these. As such, the consultation

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document carries very limited weight. Officers note the intention of Government is that the planning system is plan-led and Local Plans are the starting point for the determination of any planning application.

National Policy

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

PPG2: Seeks to protect against inappropriate development that is harmful to the Green Belt. Paragraph C4 has particular reference (see observations in report).

PPS 3: Encourages reuse of previously-developed land for housing. The planning system should deliver are well-designed housing built to a high standard and in suitable locations, which offer a good range of community facilities and with good access to jobs, key services and infrastructure.

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

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

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

Consultations

Pollution Control Contaminated Land Team – No specific contaminated land requirements.

Fire Service – No objection.

Severn Trent Water – No objection.

Pollution Control Scientific Team – No comments.

Public Rights of Way Officer – No objection.

Natural Environment Tree Officer – No objection subject to a condition specifying the size of the three replacement trees.

Natural Environment Ecology Officer – No objections subject to the recommendations of the ecologist in a report supporting the original outline permission are incorporated into planning conditions for the protection of boundary vegetation and trees, a landscaping scheme and the installation of bat roosting boxes into the development and bird nesting boxes within the site.

Conservation Officer – No objections.

Transportation – No objection.

Public Participation Response

One letter of concern regarding;

The removal of trees from along the boundary which has created gaps;

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Use of these gaps for access/egress to the site;
Whether the old established tree is a sycamore as stated on the plans.

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

Determining Issues

- Whether there are any very special circumstances to justify the additional footprint in the Green belt beyond that already agreed
- Replacement Trees

Observations

Whether there are any very special circumstances to justify the additional footprint in the Green belt beyond that already agreed

The original planning permission was granted on basis that site was similar to a major developed site in the Green Belt and therefore redevelopment for residential use was not inappropriate. The footprint of original children's home was 436m² (including a detached garage) and planning permission was given for 3 houses each with a footprint of 121 m². Plot 1 has since had permission for additional extensions which increased the footprint on the basis that the small addition to the footprint of the main house would not have any greater impact on the character and openness of the Green Belt sufficient to warrant refusal of the application and did not encroach further within the Green Belt. Plot 3 had permission for a substitution house type with a detached garage to the side which increased the footprint by 32.4 m² making the combined total approved footprint on the site as 477.4 m².

The applicant for plot 2 has illustrated the internal floor area of the house would be reduced by the deletion of the basement level from 377m² +31 m² garage to 259m² +31m² garage. This demonstrates that the size of the house and garage has been reduced from that which was originally approved. The original development was assessed on the basis of the combined footprint of the proposed buildings measured externally did not exceed the footprint of the former children's home so was not materially larger.

The current proposals for the attached garage and rear extension add a further 45.5 m² additional footprint at surface level to that originally approved so are materially larger. The garage would be mostly screened by the house itself when viewed from Little Aston Road and the rear extension is within the outline of the approved house. Plot 2 is set back within the site and screened behind trees and landscaping along the site frontage. It is considered, that in this instance there is no additional adverse impact on the character or appearance of the Green Belt.

The original permission is considered to have maximised the development potential of the site, by proposing basement parking to allow the aspirational houses to be as large as possible whilst avoiding any undue harm on the character and openness of the green belt. Officers note, that this is the fourth application to increase the footprint of buildings on this site in the green belt and that the ability to provide a practical garage space without the need to carry out deep excavations is a balance between protecting the green belt and the deliverability of aspirational housing on the site.

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As before, the proposals for development of the garage and the rear extension have been tested against Annex C of PPG2. Paragraph C4 states the complete or partial redevelopment of major developed sites may offer the opportunity for environmental improvement without adding to their impact on the openness of the Green Belt and the purposes of including land within it. Redevelopment should:

- (a) Have no greater impact than the existing development on the openness of the Green Belt and the purposes of including land in it, and where possible have less;
- (b) Contribute to the achievement of the objectives for the use of land in Green Belts;
- (c) Not exceed the height of the existing buildings; and
- (d) Not occupy a larger area of the site than the existing buildings (unless this would achieve a reduction in height which would benefit visual amenity).

In terms of Green Belt impact, for the reasons given above. the proposed garage and extension are not higher than the original approved house and are considered not to have any greater impact on the openness of the Green Belt as they are viewed in conjunction with the main house and are not prominent from public viewing areas.

Annex C of PPG2 is a useful reference (recognising that this is not an allocated site) which states the character and dispersal of proposed redevelopment will need to be considered as well as footprint. The proposed double garage is attached to the house to reduce the further dispersal of development on the site and would be mostly screened behind the house itself. The proposed extension is to the rear and considered to be in keeping with the originally approved design. Overall the proposal is considered, in this instance would not adversely affect the character and dispersal of footprint in the green belt.

Conditions were imposed on the original permission to restrict permitted development for extensions and outbuildings amongst others to retain control over further incremental development in the Green Belt. The double garage and rear extension are considered acceptable extensions in terms of size and appearance and are not detrimental to the openness of the Green Belt.

Paragraph 3.4 of PPG2 also allows limited extension, alteration or replacement of existing dwellings in the Green Belt. The combined floor area of the proposed garage and rear extension would be 45.5m² and if approved would increase the total footprint of approved buildings on site to 522.9 m². This represents a 20% increase in relation to the footprint of the original children's home and in this instance is considered would not result in disproportionate additions.

The original specification was for a redevelopment to provide aspirational houses. It has become apparent through the marketing of these properties that a house with a substantial basement is not required, and in order to ensure delivery of aspirational housing, the basement has been removed with a surface level garage provided. This is more in accordance with the market requirement of a property of this type. It is considered that these very special circumstances are sufficient to justify the additional footprint.

Replacement Trees

The Council's tree officer comments that normally he would discourage the loss of an established tree like this to make way for development. However, as identified in the tree inspection in July 2009 the tree is classed as a 'C1' as defined in BS: 5837 2005 and the

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physiological and structural condition can only be described as 'fair'. There is extensive damage on some of the major limbs on the north side of the tree and on the main stem which has reduced the trees life expectancy considerably; this coupled with the limited views of the tree from outside of the site leads him to conclude that its removal can be justified subject to adequate replacement planting. The revised tree planting plan shows a Red Chestnut, flowering cherry and flowering apple is acceptable subject to a condition regarding the size of the trees.

With regard to the neighbours concerns regarding gaps in the boundary hedges/trees, condition 4 requires a fence to be erected in the gap on the north-west boundary of the site before development begins to prevent this gap being used as an access/exit to the site, and a condition that no trees (other than the one outlined on the tree mitigation plan) are to be removed without further consent from the LPA. The close board fence would be similar to fencing to plot 1 nearby and would not be higher than the existing trees on the boundary and is considered would have a minimal impact on the openness of the Green Belt. The Council's tree officer has confirmed that the large tree to be removed is a sycamore.

Summary of Reasons for Granting Planning Permission

The proposed replacement house type has a reduced floor space compared against the approved house on plot 3 and the changes to the elevations have no adverse impact on the Green Belt or residential amenities of surrounding occupiers. The proposed double garage has been reduced in size and height and positioned closer to the house so that it reduces the appearance of dispersal of the buildings within the site. Although the footprint of the proposal is materially larger than originally approved it is considered that in this instance, given the size, design and position of the garage and modest rear extension, there will not be an adverse impact on the character of the Green Belt.

The garage is screened behind existing trees on Little Aston Road and will not be prominent from public areas.

Conditions for a fence to be erected in the gap on the north-west boundary and for no trees except those specified on the approved plans are to be removed without further consent from the Local Planning Authority is to address the neighbours concerns.

The proposed development is considered to meet the aims and objectives of policy 2a, 2b, CPS1, CPS3, CPS4, HOU2, ENV2 of the BCCS, Walsall's Saved Unitary Development Plan policies, in particular 3.6, 3.7, GP2, 3.21, ENV1, ENV2, ENV3, ENV4, H3, ENV14, ENV23, 3.116, ENV29, ENV32, 3.117, ENV33, ENV40, T7 and T13, and the Supplementary Planning Documents "Designing Walsall" and "Conserving Walsall's Natural Environment", and other material planning considerations.

Recommendation: Grant Permission Subject to Conditions

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

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

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

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b. 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 to preserve and enhance the character of the Conservation Area and to comply with policies ENV29 and ENV32 of Walsall's Unitary Development Plan.

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

b. 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 and to comply with policy Env40 OF Walsall's Unitary Development Plan.

4. Prior to the commencement of development a 2 metre high close board fence is to be installed in the gap on the north-west boundary of the site and is to be retained as such thereafter.

Reason: To prevent using the gap as an additional access/exit and to comply with policy GP2 of Walsall's Unitary Development Plan.

5a. Prior to commencement of the development, details to incorporate bat roosting features into the dwellings hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The proposals may provide access to bats to cavity walls or under roof tiles and/or incorporating purpose made Schwegler-type roosting boxes into the fabric of the building.

b. The approved scheme shall be incorporated into the development before any part is brought into use and retained thereafter.

Reason: To conserve and enhance local bat populations and to comply with policy ENV23 of Walsall's Unitary Development Plan.

6a. Prior to commencement of the development, details to incorporate bird nesting boxes in appropriate locations within the site. The use of a variety of nesting boxes would provide a resource for local bird species.

b. The approved scheme shall be incorporated into the development before any part is brought into use and retained thereafter.

Reason: To conserve and enhance local nesting bird populations and to comply with policy ENV23 of Walsall's Unitary Development Plan.

7a. Prior to the commencement of the development a detailed landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority that includes; details of proposed garden boundary treatments, development site boundaries enhancing hedgerows, the creation of diverse ground flora, creation of habitat to perpetuate habitats

for birds within the site, takes account of the ecological appraisal of September 2009 enhancing and reinforcing the existing habitats.

b. The agreed scheme shall be fully implemented within 12 months of the development completed.

c. All planting shall be maintained for a period of 3 years from the full completion of the scheme. Within this period any trees, shrubs or plants which dies, becomes seriously diseased, damaged or is removed shall be replaced with a tree, shrub or plant of the same or greater size and same species as that originally required to be planted, unless otherwise agreed in writing with the Local Planning Authority.

Reason: In order to define the permission and to safeguard the visual amenity of the conservation area, green belt and natural environment of the site and the immediate vicinity and to comply with policies GP2, ENV2, ENV32 and ENV33 of Walsall's Unitary Development Plan.

8. Prior to the first occupation of plot 2, the access drive, parking and manoeuvring areas shown on the approved landscaping plan deposited 25 November 2011 shall be fully consolidated, surfaced and drained and shall be installed and thereafter be retained for this purpose only.

Reason: To ensure availability of adequate off-street parking and to comply with policies T7 and T13 of Walsall's Unitary Development Plan.

9. The replacement trees shall be planted as per the plan deposited on 19 January 2012 with the Red Chestnut a heavy standard size with a 12 to 14cm (stem circumference measured at 1.0m) and the flowering cherry and flowering apple to be selected standard size 10 to 12cm. The trees shall be planted within 3 months of the completion of the building and a photograph of them in situ is required to show compliance.

Reason: In order to define the permission and to safeguard the visual amenity of the conservation area, green belt and natural environment of the site and the immediate vicinity and to comply with policies GP2, ENV2, ENV128 and ENV29 of Walsall Unitary Development Plan.

10. None of the existing trees on the site shall be lopped, felled or root pruned without the prior consent in writing of the Local Planning Authority.

Reason: To safeguard the trees in the Conservation Area on site and to comply with policy ENV18 of Walsall's Unitary Development Plan.

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

Reason: To safeguard the trees in the Conservation Area on site and to comply with policy ENV18 of Walsall's Unitary Development Plan.

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

Reason: To safeguard the trees in the Conservation Area on site and to comply with policy ENV18 of Walsall's Unitary Development Plan.

13. The tree/bramble/ever green hedge buffer to the north/west and northern boundaries of the application site shall be retained and maintained at all times.

Reason: To safeguard the visual amenities of the conservation area, green belt and the wider area and to comply with policy ENV2 of Walsall's Unitary Development Plan.

14. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, or succeeding Orders, the garage shall be retained for the purposes of a garage and shall not be altered to deprive the house of garage facilities and no development within Schedule 2, Part 1, Classes A, B, C, D, E, F and G of the Order shall be carried out to the dwelling or on the site, as appropriate, without the prior submission and approval of a planning application.

Reason: To enable the Local Planning Authority to retain effective control over future development of this site and the Green Belt and ensure maintenance of adequate garage facilities for the house and to comply with policy ENV2 of Walsall's Unitary Development Plan.

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

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

Reason: To protect the amenities of surrounding occupiers.

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

Existing approved plan (including basement level) deposited 25 November 2011;
Site plan including layout and landscaping deposited 25 November 2011;
Amended Site location plan deposited 19 January 2012;
Design and Access Statement deposited 12 December 2011;
Proposed ground floor plan drawing A101 deposited 25 November 2011;
Proposed garage layout plan drawing A102 deposited 25 November 2011;
Proposed first floor plan drawing A103 deposited 25 November 2011;
Proposed elevations amended drawing A105 deposited 13 February 2012;
Proposed 3D front view amended drawing 107 deposited 13 February 2012;

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Proposed 3D rear view amended drawing A108 deposited 13 February 2012;
Amended tree mitigation plan deposited 19 January 2012.

Reason: For the avoidance of doubt and in the interests of proper planning, (except in so far as other conditions may so require).

Note to applicant – Public Sewer

Severn Trent Water advises that there is a public sewer located within the application site. Public sewers have statutory protection and may not be built close to, directly over or diverted without consent. The developer is advised to contact Severn Trent Water to discuss proposals. Severn Trent will seek to assist in obtaining a solution which protects both the public sewer and the building. Please note when submitting a Building Regulation application, the building control officer is required to check the sewer maps supplied by Severn Trent and advise them of any proposals located over or within 3 metres of a public sewer. In many cases under the provisions of Building Regulations 2000 Part H4 Severn Trent can direct the building control officer to refuse building regulations approval. If you require any further information please contact Miss Jaz Kaur Jeer on 01902 793883.



Planning Committee

Report of Head of Planning and Building Control, Regeneration Directorate on 01/03/2012

Reason for bringing to committee: Contrary to Policy

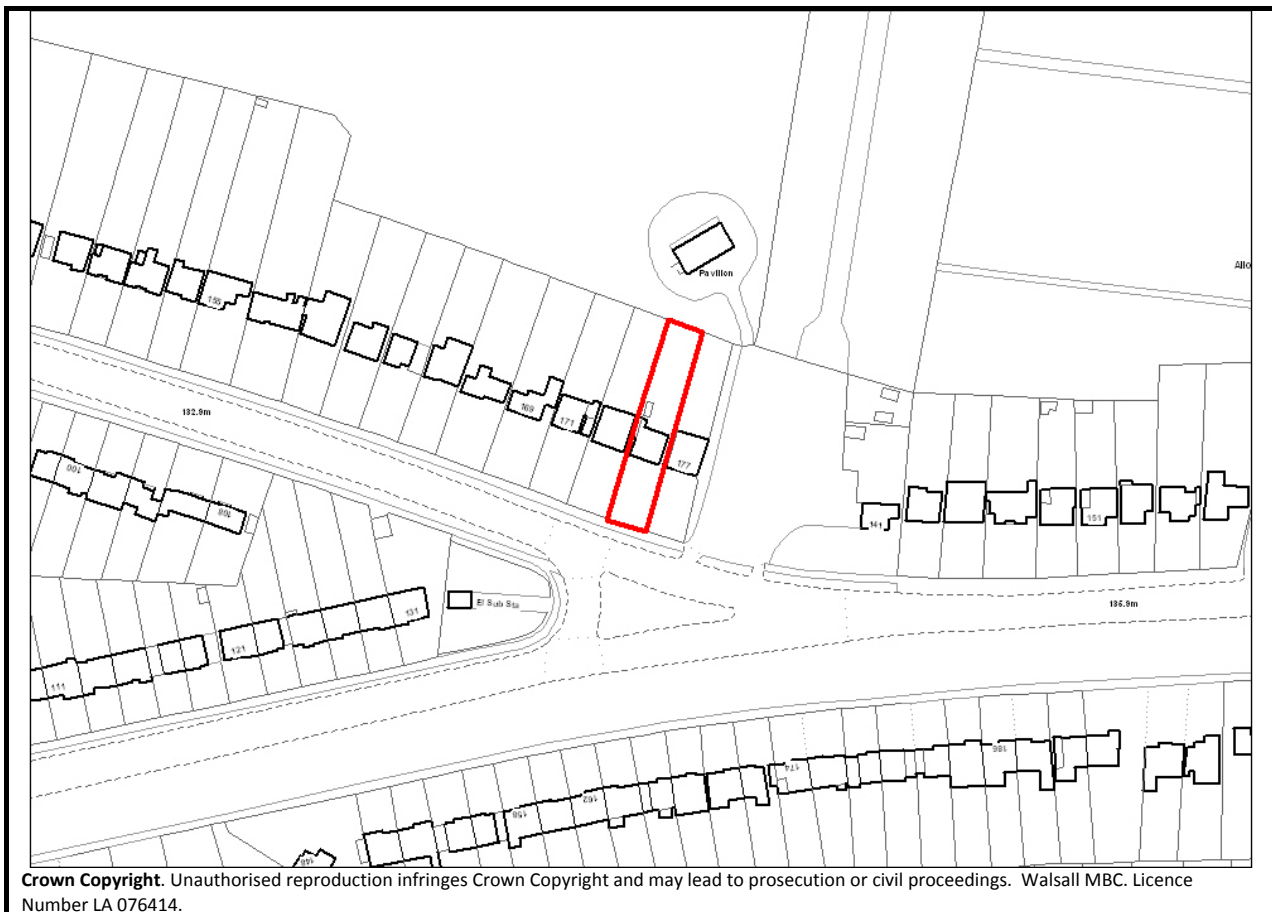
Application Number: 11/1572/FL
Application Type: Full application

Applicant: Mr Jhang Chaudhry
Proposal: First floor rear extension

Ward: Paddock

Case Officer: Helen Smith
Telephone Number: 01922 652436
Email: planningservices@walsall.gov.uk
Agent: E & H Design
Location: 175 THE CRESCENT,
WALSALL, WS1 2DD
Expired Date: 07/03/2012

Recommendation Summary: Grant Permission Subject to Conditions



Application and Site Details

The application is an amendment following the refusal of a previous application. This proposal is for a first floor extension to the rear of a detached house above an existing extension, to enlarge two existing bedrooms and add a rear dormer window. The two storey rear elevation of the application house is in line with the two storey rear elevations of the houses to either side.

The proposed extension would extend 3.5 metres from the two storey rear elevation near to the rear garden boundary with house no. 173. This extension would have a hipped roof 0.5 metres lower than the main ridge height. The proposed extension reduces to a depth of 2.4 metres near to house no. 177 and includes a pitched roof sloping upwards from the existing ground floor eaves level. A dormer window would be inserted into the pitched roof section with a hipped roof hood near to no. 177. The dormer would be 2 metres below the main ridge height and inset 1.2 metres from the edge of the roof.

The proposed extension would be 1 metre from the side boundary with no. 173 which has a single storey rear extension and conservatory near to the boundary with the application house. No. 173 has a bedroom window at first floor.

No. 177 has a first floor bedroom window near to the application house and a single storey rear extension with a rear facing laundry room window. No. 177 has an L-shaped kitchen and dining room and the only window serving the kitchen area is side facing and 2 metres from the existing two storey side elevation of the application house. There are playing fields to the rear of the application property.

Relevant Planning History

02/0202/FL/H1 – Lawful Development Certificate: Single storey front, side and rear, and first floor side extensions – refused as not deemed to be permitted development

03/2216/FL/H4 – Single storey rear extension, two storey front extension – granted permission subject to conditions 15/1/04.

11/0836/FL - Second storey rear elevation - refused permission on 19/9/11 on the following grounds;

- 1. The proposed first floor rear extension would result in an unacceptable loss of light to the side facing kitchen window in the adjacent house 177 The Crescent, because of its length and height in relation to this property.*

Relevant Policies

Black Country Core Strategy & UDP Policies

(Note the full text version of the BCCS and UDP is available from First Stop Shop in the Civic Centre and on the Council's web site)

The current version of the Black Country Core Strategy and associated appendices can be accessed at;

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

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

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Black Country Core Strategy 2011-2026

The Core Strategy states that the councils will create cohesive, healthy and prosperous communities with equal access to a mix of affordable and aspirational housing. Policy HOU2 states that the density and type of new housing provided on each site will be informed by, amongst other factors, the need to achieve high quality design and minimise amenity impacts, taking into account the characteristics in the area where the proposal is located. Detailed guidance on the application of this policy in local areas is or will be provided through individual local authority Supplementary Planning Documents.

Policy ENV2 states that all development should aim to protect and promote the special qualities, historic character and local distinctiveness of the Black Country.

Saved Unitary Development Plan Policies

GP2: Environmental Protection

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

I. Visual appearance.

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

VII. The adequacy of the access, and parking.

ENV23: Nature Conservation and New Development.

The Council will require appropriate measures to encourage the conservation of wildlife. A supplementary planning document will provide more detailed advice on the implementation of this policy.

ENV32: Design and Development Proposals.

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

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

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

T7 – Car Parking

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

T13: Parking Provision

1, 2 and 3 bedroom houses	2 spaces per unit
4 bedroom houses and above	3 spaces per unit

Supplementary Planning Documents

Designing Walsall

Provides guidance on how to achieve good urban design within Walsall, including a range of key issues that developers must address. For residential developments, Privacy and aspect distances between dwellings must ensure that all occupants have a satisfactory level of amenity, whilst reflecting the existing and emerging character of the area. This will normally mean designing developments that, as a minimum, meet the numerical guidelines contained in Appendix E although distances greater than these guidelines state will be applicable where it is appropriate to the character of the area. It may be possible to achieve shorter distances through creative design or in order to protect an area's character. Appendix E includes;

- 24 metre separation between habitable windows in two storeys (and above) developments. This standard will be applied more robustly at the rear than across roads at the front.
- 13 metre separation between habitable room windows and blank walls exceeding 3 metres in height.
- 45 degree code : particularly where new development impacts on existing (details of this code are available on request or can be downloaded from www.walsall.gov.uk)

Conserving Walsall's Natural Environment

Provides guidance on development which may adversely affect trees, important species and habitats.

National Policies

PPS 1

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

Consultation Replies

Natural Environment, Ecology - no requirement for a bat survey but conditions and a note to the applicant are required if planning permission is granted, to conserve the local bat populations

Public Participation Responses

None

Determining Issues

Whether the application has addressed the reason for refusal of the previous application or raises any new issues in respect of the;

- Previous Reason for Refusal
- Impact on Protected Species
- Parking

Observations

Previous Reason for Refusal

The previous proposal was refused planning permission because of the unacceptable impact on a side facing kitchen window in no. 177 The Crescent. The existing single storey extension at the application house and proposed first floor extension breach the Council's 45 degree code in relation to the kitchen window in no. 177.

The current proposal has reduced the length of the section of extension next to no. 177 from 3.5 metres to 2.4 metres with a sloping roof and a dormer window. The mass of the previously proposed extension has been reduced next to no. 177.

No. 177's side facing kitchen window faces the existing two storey side elevation of the application house with a separation distance of 2 metres. A rear facing window serves the L-shaped kitchen/dining room at no. 177 and it is considered the revised scheme reduces the impact on the daylight available to the kitchen window at no. 177. The proposed reduction in size and mass of the first floor extension is considered acceptable in this instance overcoming the reason for refusal.

Impact on Protected Species

Following an inspection by the Council's Ecologist it was considered a relatively low risk that bats would be present. Precautions will be required when work is undertaken if planning permission is granted and planning conditions required. This is considered a potentially good area for bats and two bat boxes, built into the rear extension, are recommended to provide good roosting opportunities for bats. This is in accordance with good practice and accords with UDP Policy ENV23: Nature Conservation and New Development.

An informative note to the applicant is required as whilst the proposed works to the rear of the roof would be relatively local in their impacts there is likely to be a need to do more extensive works at the same time which would not require a planning condition.

Parking

The frontage of the application house has sufficient space for at least three parking spaces.

Summary of Reasons for Granting Planning Permission

The extension in relation to the adjoining dwellings means that it will cause little additional overlooking, loss of privacy and loss of daylight to these properties. The rear elevations of the application house and no. 177 The Crescent, face north east and the kitchen window in no. 177 faces the existing two storey elevation of the application house across a separation distance of approximately 2 metres.

The previous refusal reason has been considered in relation to the revised scheme which has reduced the mass of the previously proposed rear extension near to no. 177. It is considered the revised scheme mitigates the impact on the side facing kitchen window at no. 177 and would have limited additional impact on the already restricted daylight available to this window.

There is adequate parking provision at the application property to serve this development.

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The application is therefore considered to comply with the Black Country Joint Core Strategy Policies HOU2 and ENV2: Walsall's Unitary Development Plan, in particular saved policies GP2, ENV23, ENV32, and T7 and T13 and the Supplementary Planning Documents "Designing Walsall" and "Conserving Walsall's Natural Environment" other material planning considerations.

Recommendation: Grant Permission Subject to Conditions

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

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

2.(a) There is a relatively low risk that bats may be adversely affected by the proposed development and the following precaution shall be taken when implementing the planning permission:

1. Contractors undertaking demolition works shall be made aware that bats may be present and undertake dismantling works of roof and ridge tiles carefully by hand.

If no bats or evidence of bats are found during these operations, the approved works can continue.

(b) If bats or evidence of bats are found during these operations:

1. Bats should not be handled or touched and the vicinity of the roost shall be immediately reinstated.
2. No further destructive works shall be carried out to the building until the need for Natural England licence has been established.
3. Within one week of finding bats or evidence of bats, a written report by the supervising ecologist shall be submitted for the approval in writing of the Local Planning Authority, recording what was found, and proposing appropriate mitigation measures, including a timetable for their implementation.
4. Work on the building shall only continue in accordance with the approved mitigation measures and on the approved timetable and/or in accordance with the terms of any Natural England Licence issued.

Reason: To conserve local bat populations in accordance with UDP Policy ENV23.

3. No part of the development shall be brought into use until two Schwegler 1FR Bat Tubes are built into the development and retained thereafter. These bat roosts shall be incorporated into the building at eaves level unless otherwise agreed in writing with the Local Planning Authority.

Reason: To conserve local bat populations in accordance with UDP Policy ENV23.

4. No external lighting scheme shall be installed other than in accordance with the requirements set out below:

- There shall be no direct illumination of the new bat roosts installed.
- Any lighting installed shall be low wattage down lights to provide security and safety lighting which will be set no higher than head height.
- Any security lighting shall use PIRs to ensure they turn off automatically once movement has ceased.

All external lighting shall be carried out in accordance with the above requirements unless otherwise agreed in writing by the Local Planning Authority.

Reason: To conserve local bat populations in accordance with UDP Policy ENV23.

5: The walls and roof of the extension shall comprise facing materials that match those which are used in the existing building as it exists at the time of this application, and shall be retained as such after completion of the extension.

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

6: 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.

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

- Drawing no. EH1110/08 - Location Plan, deposited 20/12/11.
- Drawing no. EH1110/03 P Existing Elevation (Rear), deposited 20/12/11
- Drawing no. EH1110/04 - Existing and Proposed Layout (ground floor), deposited 20/12/11.
- Drawing no. EH1110/02 - Existing Layout (First Floor), deposited 20/12/11.
- Amended drawing no. EH1110/05D - Proposed Layout - First Floor, deposited 01/02/12
- Amended drawing no. EH1110/06D - Proposed Elevation - Rear Elevation, deposited 01/02/12
- Amended drawing no. EH1110/07D - Proposed Elevation - East and West Facing Elevations, deposited 01/02/12

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

Note for Applicant

Although the application has not required a formal bat survey because there is little evidence that bats will be affected by the proposed development. If more extensive repairs to the roof are carried out, there is an increased risk of bats being adversely affected. It is therefore important that you are satisfied that there are no bats using the parts of the building affected by re-roofing work before work is carried out. Any damage, destruction or disturbance to bats roosts is a criminal offence. Care should be taken during building works. Stripping ridge and roof tiles, should be carried out carefully by hand. If any bats or evidence of bats are discovered work should stop and advice should be sought from Natural England. They can be contacted on Tel; 0845 6014523 or email: wildlife@naturalengland.org.uk
