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				(scale) and 2(D) (Landscaping).	
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10	82	08/1706/FL	FORMER AIR PRODUCTS SITE, HEATH ROAD, DARLASTON, WS10 8LJ	Change of Use of land to allow car parking, storage, vehicle inspection/ancillary garage and administration in relation to existing car auction facility, including alterations to the existing buildings and erection of a new 2.4 metre fence and change of use of existing customer car park to car auction parking in relation to the existing car auction facility. This development affects a public footpath.	Grant Permission Subject to conditions, unless additional information is received which raises mater
11	90	08/1408/CA	35B PORTLAND ROAD,WALSALL,WS9 8NU	Demolition of No. 35b Portland Road Aldridge	Grant Conservation Area Consent.
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				2HE	
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To: DEVELOPMENT CONTROL COMMITTEE**Report of Head of Planning and Building
Control, Regeneration and Performance
Directorate On 06 Jan 2009****REASON FOR BRINGING TO COMMITTEE: Major Application****Application Number:** 08/0523/FL**Application Type:** Full application**Applicant:** Mr.P. Singh**Proposal:** Hybrid application – Detailed conversion of the Boak building to 31 apartments, outline planning permission (all matters reserved) for a mixed use development comprising a maximum of 210 residential apartments and a minimum of 1,115 square meters of commercial space comprising of use classes A2, A3, B1(a), C1, D1 and D2 following the demolition of existing buildings.**Ward:** St. Matthews**Recommendation Summary:** Grant Subject to conditions**Case Officer:** Andrew Thompson**Telephone Number:** 01922 652403**Agent:** Mr. P. Shepherd**Location:** LAND BETWEEN STATION STREET/NAVIGATION STREET AND MARSH STREET, WALSALL.**Expired:** 04/07/2008**ITEM NO: 2.****REASON FOR BRINGING TO COMMITTEE: Major Application****Application Number:** 08/0518/LB**Application Type:** Full application**Applicant:** Mr.P. Singh**Proposal:** Listed Building Consent for the conversion of the Boak Building to 31 residential units**Ward:** St. Matthews**Recommendation Summary:** Grant Listed Building Consent**Case Officer:** Andrew Thompson**Telephone Number:** 01922 652403**Agent:** Mr. P. Shepherd**Location:** LAND BETWEEN STATION STREET/NAVIGATION STREET AND MARSH STREET, WALSALL.**Expired:** 04/07/2008



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Current Status:

This report relates to both applications 08/0518/LB and 08/0523/FL which comprise the hybrid application for the Station Street site and the listed building consent application for the BOAK building.

Application and Site Details

The application site comprises land between Station Street, Navigation Street and Marsh Street. The southernmost part of the site is defined by the BOAK Building with the application site including all of Navigation Street and Marsh Street up to Avon Works (inclusive).

The BOAK building, which is Grade II Listed, has been vacant for a considerable time and is recorded as a Building at Risk by English Heritage. The Ravenscraig works is also an important example of Walsall's industrial archaeology, as well as its relationship with other industrial growth that came with the railways. It was built circa 1903 due to demand for saddles from the Boer War. This was then supplemented by extensions along the Station Street and Navigation Street that were built 1914-18. Numbers 12-20 Station Street are locally listed.

The application is in two parts:

Firstly, a full application relating to the detailed conversion of the BOAK building to 31 apartments with accommodation comprising:

- 13 one bedroom apartments,
- 15 two bedroom apartments,
- 2 two bedroom duplex apartments, and
- 1 three bedroom duplex apartment.

The Listed Building application is to give effect to this.

The proposals will remove many of the twentieth century additions (mainly toilets) and the central brick lift shaft. The proposals will include a new contemporary lift shaft in the centre of the BOAK courtyard.

Secondly, the remainder of the application site comprises an outline application (all matters reserved) for comprise development of up to 210 apartments and a minimum of 1,115 square metres of commercial floorspace. The applicants have submitted indicative layout plans of how this level of accommodation could be provided on the site. The proposals are also supported by the following information:

- Transport Assessment (including a travel plan)
- Air Quality Assessment
- Architectural and archaeological analysis
- A noise and vibration assessment
- Planning Statement
- Design and Access Statement
- A landscape and visual assessment
- A due diligence report on structural and ground conditions assessment.

The total site area is approximately 0.75 hectares. Although no car parking is shown exclusively for the full application relating to the BOAK building, 153 spaces (72%) are shown on indicative plans for the overall development. The maximum density would be approximately 320dph plus commercial aspects.

Relevant Planning History

Avon Works, Marsh Street

04/0847/FL/W7 - Change of Use of former Leather workshop to 12 residential flats – Granted 19th October 2004

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

Unitary Development Plan (UDP)

GP1: Supports the sustainable location of development.

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

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

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

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

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

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

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

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

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

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

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

7.1: Seeks to promote an efficient highway network;

T7: All development should satisfy the car parking standards set out in Policy T13. All parking provision should be well designed and sensitively integrated into the townscape or landscape, respecting the character of the local area, and with appropriate use of materials and landscape treatment. Maximum car parking standards, account should be taken of the location of development in relation to local facilities and public transport and unless demonstrated

LC1: seeks to retain and enhance existing urban open spaces and readdress any deficiencies in the provision or accessibility of these. Residential developments will be required to make financial or other contributions, which will enable the provision of new, or the improvement of existing urban open spaces. S1, S2, S3 and S8 seek to define town centres within the Borough and provide development of appropriate scale and mix.

WA3, WA15, WA16, WA18 and WA19 seek to provide appropriate development in Walsall town centre, seeks bus, rail, pedestrian and cycle improvements that seek to enhance accessibility around the town centre.

Local Development Framework (LDF)

The Black Country Joint Core Strategy (JCS) has completed its Preferred Options Consultation. Whilst not formally part of the Development Plan (as defined by Section 38(6) of the Planning and Compulsory Purchase Act 2004), the JCS is a material consideration. Submission to the Secretary of State is anticipated in October/November 2008 following a further period of public consultation. The broad principles of the UDP – e.g. the appropriate reuse of previously developed land, need to promote the town and district centres and high quality design are further advanced in the document taking account of recent national and regional planning guidance

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;

DBW 10 – new development should make a positive contribution to creating a sustainable environment. Also seeks contributions towards public art in the Borough.

Natural Environment SPD

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

Protection is proposed for protected animals, plants etc.

Urban Open Space SPD

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

Healthcare SPD

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

Education SPD

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

Affordable Housing SPD

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

Regional Spatial Strategy for the West Midlands (RSS 11)

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

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

- a) to reverse out-migration accommodating within the Black Country all of the generated household growth from 2011 and meeting at least the levels of housing provision identified in Policy CF3 table 1;
- 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 and implementing the Black Country as Urban Park concept.

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.

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.

PPG4 and Draft PPS4 seek to encourage a modern working environment and to encourage enterprise and innovation. Recognition of the role of IT and new technologies are important considerations.

PPS6 seeks to strengthen and promote town centres. Paragraph 2.39 is the most relevant to this application. It considers that the need for new office floorspace over the development plan document period should be defined as part of the plan preparation and review process, and updated regularly. At regional level this should involve the forecasting of future employment levels and the identification in regional spatial strategies of suitable broad locations where regionally significant office development should be located. The physical capacity of centres to accommodate new office development and the town centre's role in the hierarchy should also be relevant to planning for new office development.

PPG13 on transportation seeks to minimise the use of the car by the sustainable location of development. PPG15 seeks to preserve and enhance historic environments.

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

Consultations

Transportation – No objection subject to conditions.

Highways Agency – No objection, the site is some 2km away from M6 J10 and it is not anticipated the development will have any impact on the junction's operation.

Pollution Control Scientific Team - No objections. Due to the proximity of industrial development, the railway and the proposed commercial use on the ground floor however, concerns regarding noise arise. Conditions to address these concerns have been recommended for inclusion in any permission granted.

Pollution Control Contaminated Land Team - support this development, however the site is comprised of a number of different former and current industrial uses. These historical land uses may have resulted in localised ground contamination and we have no information regarding ground conditions in the area. No information was supplied in support of the application regarding any contamination or ground gas issues on the site. A site investigation and assessment of site contamination and ground gas will be required prior to the development commencing.

English Heritage – No objection

Environment Agency – No objection subject to appropriate conditions

Midlands Architecture for the Designed Environment (Design Review Panel) - The Panel regards the development of this area as one of the most interesting and challenging opportunities in Walsall. The old buildings on Station Street, with the impressive Grade II listed BOAK building, and their associations with the local leather industry, are important in establishing the distinctive character of the town. The Panel believes that any redevelopment should be carried out with care and sensitivity to retain and reinforce these qualities.

The Panel does not support the current application for outline planning permission, and considers that the proposals would be detrimental to the setting of the statutory (and locally) listed buildings on Station Street. It hopes that the applicants, the Council, and Walsall Regeneration Company will further examine the historic qualities of this area and devise a more site-specific development mode.

Housing Strategy - Welcome the BOAK building converted. However Housing Strategy would not support a scheme that delivered up to 210 apartments or anywhere near that amount due to the amount of apartments already committed in the town centre. Commercial development would be preferred. However, Housing Strategy appreciate that the nature of the development description is flexible in allowing for larger amounts of commercial floorspace to come forward as part of the Reserved Matters submission.

A contribution towards affordable housing rather than on site provision would be sought at the Reserved Matters stage as there is a sufficient supply of small affordable units in the town centre.

Walsall Children Services (Serco) – Seek £45,715.31 for the conversion of the BOAK building and £406,916.50 for the remainder of the site based on the indicative information submitted. This is in accordance with the Council's Adopted Supplementary Planning Document.

Greenspace - Seek £35,050 for the conversion of the BOAK building and £260,772 for the remainder of the site based on the indicative information submitted. This is in accordance with the Council's Adopted Supplementary Planning Document.

Healthcare – Seek £19,215 for the conversion of the BOAK building and £142,959.60 for the remainder of the site based on the indicative information submitted. This is in accordance with the Council's Adopted Supplementary Planning Document.

Public Art - Seek £10,850 for the conversion of the BOAK building and £79,075 for the remainder of the site based on the indicative information submitted. This is in accordance with the Council's Adopted Supplementary Planning Document.

British Waterways – No objection

Inland Waterways – No objection

Natural England - No objection

Centro - There are concerns that a development of this size and nature with a limited amount of car parking could mean that the nearby bus services are overcapacity. Although this site borders the proposed 5Ws Metro route no land is required from the site for the Metro route as it is intended that the route will run on the existing public highway in Marsh Street/Navigation Street. However, in order to achieve this it will be necessary to review Traffic Regulation Orders that currently apply in these streets and the applicant should be advised of these proposals.

Additionally, as the development site is adjacent to the proposed 5Ws Metro route, which could significantly enhance the public transport accessibility of the proposed development if implemented, Centro recommends that a developer contribution towards proposed Metro route should be sought. It is a government requirement that light rail scheme funding packages include a 25% local contribution and that is why it is important that larger developments such as this should participate in the proposed funding package. However, it is also acknowledged that any such contribution should, perhaps, be conditional on the proposed Metro scheme progressing and if it should not then Centro would be seeking a financial contribution towards the ongoing improvements being made towards public transport infrastructure in the area as well as towards the long-term development of the public transport network. This is especially important considering the lower levels of parking provision that are proposed as part of this development.

Fire Service – The indicative plans are unsatisfactory for fire service access. A dry riser should be installed within the central stair. There should be access for a pump appliance to within 18m of the dry riser inlet. Hydrant should be provided within 90m of the dry fire main inlet. There should be a minimum clearance height of 3.7m to the entrance to the ground floor car park. Turning facilities should be provided within any dead end access route that is more than 20m long. Minimum width of the entrance

gateway and ramp should be 3.1m to ground floor car park. The security gateway should be provided with a suitable override for fire service access. However subject to these details being overcome there is no objection to the proposal.

Built Conservation and Urban Design Team - There is insufficient information provided in this application in order to sufficiently assess the impact and quality of the proposed development. The recommendation therefore is that determination of this application is deferred until the following information is provided:

- A detailed structural survey covering each floor of the BOAK in turn;
- Full justification of any demolition of the fabric of the BOAK as indicated on the demolition plans (drawings 147, 160 & 161) which in turn must also be linked and justified within the Structural Survey;
- Full justification in the Heritage Statement of the existing internal features of the BOAK which are proposed for removal;
- Schedule of Works to include any materials and features which are to be integrated, retained or reinstated within the BOAK Building.

Advantage West Midlands – The proposals should look to invest in creating skilled labour opportunities, support the role of Walsall as a strategic centre, and aid the reversal in the decline of the Black Country population. Additional employment opportunity should be promoted. In addition the proposals should deliver a high standard of design in accordance with the Waterfront aspirations.

Walsall Civic Society – Do not understand the term “hybrid” and would have expected more information to be submitted with the Listed Building Application. Officers have contacted the Civic Society to explain the hybrid application.

Public Participation Responses

E and S Motors located on Queen Street, Premier Business Park have written in response to the application raising concerns over the level of car parking provision and the parking problems in the vicinity. They also note that there is difficulty in manoeuvring large vehicles when vehicles are parking near entrances to commercial premises. E and S Motors have no objection provided that there are 31 car parking spaces for 31 apartments.

Kirkpatricks (based on Frederick Street) have also written commenting that the Council should be very sure that adequate parking is available. Currently parking in Charles Street, Frederick Street, Marsh Street etc is very difficult. Current parking restrictions are being ignored. Regardless of the number of dedicated parking spaces within the application, the number of additional vehicles coming into the area will clearly increase by a considerable number and will undoubtedly cause problem for existing businesses and new residents.

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

Determining Issues

- The principle of redevelopment of the site
- The conversion of the BOAK building and the listed building consent, including demolitions and new build.
- The impact on the other important heritage of the area.
- The indicative mix of uses on the site.
- The indicative storey heights
- The indicative layout
- Transportation issues and car parking
- The Council's Design Brief for the Reserved Matters
- Affordable Housing, Education, Open Space, Public Art, Healthcare and Public Transport contributions

Observations

The principle of redevelopment of the site

The application site represents a unique opportunity to redevelop and regenerate a key site in Walsall, particularly given its position in relation to the railway station, historic prominence and relationship to the town centre.

Historically the site has been developed in a piecemeal manner with industrial sheds and poor quality buildings being developed in particular on Navigation Street. In addition the properties on Station Street have been poorly maintained and are now in a poor state of repair.

The conversion of the BOAK building and the listed building consent, including demolitions and new build.

The listed building and its conversion forms two specific aspects: demolition and new build

1. Demolition

The demolition proposals mainly consist of removal of later additions which have eroded the special architectural character of the building. These include the corrugated iron lift shaft and the emergency fire exit and these removals are welcomed. The demolition of the early lift tower would be unfortunate, as despite being a later addition (built in the 1920s), the detailing to the principal building is very similar, being constructed in a close matching dark red brick. The tower is punctuated with small narrow, segmented headed windows. The new stairway and lift should be incorporated into this existing structure. However, on balance, given the justification submitted, officers reluctantly agree to the removal of this structure.

Some interior features are proposed for removal, such as the staircases, boiler house and one remaining panel door. These features could be relocated elsewhere within the development and a condition is added to seek further investigation into this matter. The boiler house and associated instruments form an intrinsically interesting feature to the context of the building and could be kept as an interior feature to one of the rooms. This, like the door, should not be difficult to achieve.

Whilst the removal of the staircase could be considered detrimental to the character of the building, adequate recording of these features and maybe incorporation of sections are to be investigated (this is conditioned). Some sections will be bricked up, to which officers have no objection, as the openings do not have any decorative features of interest. Should any of the structures/features be required to be removed for safety reasons Officers expect to support a fully justified approach to this building controlled by condition.

Any demolition must be subject to recording to a level/specification as set out in the Building Recording Brief provided by the Urban Design and Built Conservation section and to the standard prescribed by the Black Country Archaeologist. It must also be subject to the standards and guidance set out in the English Heritage publication 'Understanding Historic Buildings' and to the CoBRA standards which are defined within the English Heritage document: 'Informed Conservation: An Introduction to the Guidelines'.

2. New Build

The exact specifications on what materials are proposed must be made explicit and samples are conditioned. New build affecting listing buildings must be appropriate, justified, in context and of the highest quality in terms of materials and craftsmanship. The new build that will affect the fabric of the BOAK building will be that of the new lift shaft and stairwell. Glazed partitions between the original building and the main shaft should be utilised, which would give the two sections clear definition. A clear contemporary approach is welcomed.

The elevational treatment of the new build acknowledges the principal historic building in this respect, rather than clashing with it. The 3D massing plans seem to demonstrate this. It is accepted that as with all listed buildings, that any new build should be of high quality design and be a contrast to the principal building in terms of architectural style, whilst paying attention to the qualities of the original with the possible of using some design cues from the principal building.

The impact on the other important heritage of the area

In addition to the BOAK building, it is acknowledged that the majority of Station Street, Avon Works and Greatrex House (opposite the application site) are locally listed and that numbers 21 to 25 Station Street (also outside the application site) are Grade II Listed.

The area represents an important part of the leather heritage of Walsall although some of the buildings have been allowed to deteriorate from their former quality. The demolition of these buildings should in the first instance be fully justified and considered against the viability of retaining the building. This has not been done fully as part of the application and therefore it is conditioned that the reserved matters be submitted prior to any demolition being carried out.

The quality of any subsequent replacement building will also be a fundamental consideration in the determination of the reserved matters submission and should be respectful of the heritage of the area. In addition the buildings to the rear (on Navigation Street) in terms of height, design and massing will also need to take account of the heritage and built form of Station Street. The loss of Avon Works on Marsh Street should also follow these principles.

The indicative mix of uses on the site

The outline proposals currently show a high level of apartments and a small amount of commercial floorspace; however the development description is flexible to allow for lower levels of residential development to be considered.

Taking account of the relationship to industrial and commercial premises to the west of the application site and the railway line, increased levels of commercial floorspace would be especially welcomed in this location.

In addition the indicative level of apartments shown on the submitted plans is 162 2-bedroom units and 48 1-bedroom units. Considering the level of apartments, both private and affordable coming forward in the town centre, and the recent exposure of small units' viability in the economic downturn, examination of the type of accommodation on offer should also be progressed differently at the Reserved Matters Stage. Officers consider that 3 and 4 bedroom and larger units should be considered and that small one-bedroom units be eliminated or reduced to minimal levels.

This view is also reflected by Housing Strategy comments in relation to the supply of affordable housing. As such, whilst the level of apartments could be accommodated on the site, officers will endeavour to progress improved mixes and larger elements of commercial floorspace within the Reserved Matters submission.

The indicative storey heights

The indicative plans submitted with the proposals show up to 9 storeys in height on Navigation Street. Officers are concerned by this height, in terms of the impact on Station Street and the potentially awkward relationship this would form with locally and statutorily listed buildings. However in recognising the importance of the site in terms of regeneration and tall building already permitted on the Waterfront, Officers do not wish to be unduly restrictive in the progression of the proposals.

Nonetheless Officers consider that proposals over 5 storeys will have to be of exceptional quality and that the massing shown on the indicative plans does not reflect the quality required. In this regard therefore Officers have amplified the need for exceptional quality in the notes for applicants and will work with the eventual developer in delivering such quality.

Overall the proposals shown are indicative and for information only. Officers consider that the use of conditions and notes can properly be used to guide future reserved matters proposals.

The indicative layout

Officers are keen to ensure that the new development maximises the opportunities to integrate surviving old buildings of value in the street scene.

The indicative plans show single aspect apartments above commercial development on parts of the ground floor. The indicative plans show the built environment surrounding the development with the opportunity for raised courtyards on the first floor and parking underground and underneath courtyards.

In developing the scheme in more detail, Officers would suggest that the final development should take account of the pattern of plots extending across the site from Station Street to Navigation Street, with smaller scale developments built around courtyards and the formation of new pedestrian links between the two streets. Officers are keen to ensure that the new development maximises the opportunities to integrate surviving old buildings of value in the street scene.

Transportation issues and car parking

In light of the application being a hybrid application many of the issues cannot be resolved but are conditioned in accordance with Transportation Officers advice.

For example, if the BOAK building was converted and brought into occupation prior to the Reserved Matters for the rest of the site being approved and/or implemented, the BOAK building would need an access, car parking and emergency access strategy that could stand alone as well as not compromising the delivery of the Reserved Matters requirement for high quality public realm and private amenity space.

The indicative plans show car parking underneath raised courtyards. The UDP maximum parking provision to serve the proposed development is 453; the applicant looks to provide 153 as part of the composite development. In view of the sustainable location which is in close proximity to Walsall Train Station and Walsall Bradford Place Bus Interchange, Transportation considers the provision for the overall development is acceptable.

The comments of Centro are noted and the need to ensure that the site benefits from a good level of public transport will be key to the successful redevelopment. The Council are working both corporately and on a site to site basis to provide improved public transport and also deliver, where appropriate, public transport contributions. The inclusion of a robust Travel Plan and good pedestrian and cycling links through the site will also promote sustainable modes of transport.

The proposals also show indicative locations of potential pedestrian access points for the courtyards, these will need refinement and approval within the Reserved Matters submission.

The Council's Design Brief for the Reserved Matters

In lieu of the importance of the site historically and in terms of the location next to the railway station and general approaches to the town centre, the Council have identified this site within its Design Guide SPD.

Station Street has always been an important gateway to the town centre being located adjacent to Walsall train station. Convenient access to the railway network during the Industrial Revolution saw the saddlery and leather goods industry explode originally in this area with the delivery of raw materials and export of goods.

The evolution from cottage industry to factory based industry is exemplified in Station Street with the buildings ranging in a small area from compact terraced properties to the Grade II Listed BOAK leather working factory.

Existing/emerging character can be defined as:

- Historical reference to evolution of leather industry.
- Continuous built frontage and high quality traditional architecture enclose the streetscene.
- Grade II Listed BOAK building located at junction of Station Street and Bridgeman Street
- Locally distinctive public realm
- Architectural details evident throughout the streetscene

Design Guidance in the Council's Adopted SPD provides that:

- Aspirations are to retain historic and locally distinctive buildings to reflect leatherworking heritage of the town
- There are opportunities for sensitively designed mixed use regeneration that continue to reflect Walsall's heritage within the built form
- Aspirations for continuation of active street frontage punctuated by multiple doors and windows to new buildings
- Public realm enhancements should build on the attractive streetscape improvements already undertaken on Station Street
- Developments must be sensitively designed with importance given to the town-wide views of the BOAK building and its place within Walsall town centre's skyline

In influencing the new build, glazed partitions should be incorporated where the new build adjoins the BOAK building, both on the Station Street and the Navigation Street facades. Clear views should be afforded of the building to demonstrate its original context as a separate building, giving a true idea of its scale and elevations. It should be established as a design principle that the new build in the vicinity of the site should not exceed the ridge height of the BOAK building to allow the chimney and the water tower to remain as the prominent focal points to the whole development and also within Walsall's townscape and skyline.

The old buildings on Station Street, with the impressive Grade II listed BOAK building, and their associations with the local leather industry, are important in establishing the distinctive character of the town. Officers believe that any redevelopment should be carried out with care and sensitivity to retain and reinforce these qualities. The 3D Massing Visuals indicate that the new build's height will rise up further away from the BOAK. The principle of the 'stepping' of the heights is generally acceptable. Views ought to be maintained, so that the BOAK does not become visually cut off from the principal town centre. The views from Station Street should also be considered, so that the new build does not dominate the presence of these buildings.

Officers accept that there is a strong case for demolishing backland buildings and their frontages to Navigation Street. Officers do not, however, support in principle the indicative development strategy proposed with up to eight and nine storey blocks fronting Navigation Street, particularly the provision of single aspect apartments off long internal corridors due to the need for adequate high quality living, ventilation, . In addition these taller buildings may well appear to dominate the important view of the listed buildings in Station Street seen from the railway. Officers will work with the eventual developer to ensure that these elements are improved. An alternative development strategy for the area that would provide a more distinctive character and reflecting the history of the area would be welcomed by Officers.

In this regard therefore Officers have attached an informative to the decision notice intended to guide future applicants and the reserved matters submissions. It is the view of officers that the reserved matters submission proposals will need significant improvement from the indicative submitted plans in order to achieve the aims of design guidance.

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

The contributions for the conversion of the BOAK building are as follows:

Affordable Housing: 25% of total number of units, towards social rent.

Education: £45,715.31

Urban Open Space: £35,050

Healthcare: £19,215

Public Art: £10,850

In addition a contribution towards public transport improvements would also be sought. The total amount of contributions would therefore be £110,830.31 plus affordable housing and public transport contributions.

The applicant has submitted a financial appraisal to the District Valuers Service offering no affordable housing or contributions relating to the conversion of the BOAK building to 31 apartments. The primary basis for this appraisal is the downturn in the economic market and the retention of the building as an important Grade II Listed building. The results of the District Valuers initial appraisal indicates that whilst there is disagreement with the viability assessment submitted by the applicant, the viability of the scheme is not sufficient to allow for S106 contributions to be sought.

With the quantum of the development not fixed as part of the outline planning permission the level of contribution is not known and will therefore need to be clarified as part of the Reserved Matters.

However based on indicative information submitted this could result in the following amounts being sought:

Affordable Housing: A financial contribution towards developing appropriate units elsewhere would be sought as there is no need for further affordable small units in the town centre (the financial contribution should be the equivalent of 25% of the total number of units being provided for social rent).

Education: £406,914.50

Urban Open Space: £328,068

Public Art: £73,500

Healthcare: £142,959

Plus a public transportation contribution due to the size of development, the capacity issues relating to public transport and the proximity proposed Rapid Transit 5Ws route.

Conclusion

Overall whilst many of the elements need to be explored further in the development of the Reserved Matters the site overall is a key redevelopment opportunity for Walsall and needs to be progressed as such. Following detailed assessment and consultation with Conservation Officers the conversion of the BOAK building and the Listed Building Consent for the BOAK building can be approved subject to conditions.

Summary of Reasons for Granting Planning Permission

The proposals have been considered with the aims and objectives of the Development Plan (as set out by Section 38(6) of the Planning and Compulsory Purchase Act (2004). These are Regional Spatial Strategy for the West Midlands (RSS11) and the Unitary Development Plan (March 2005).

The application comprises a full application for the conversion of the BOAK building and an outline planning permission (all matters reserved) for the remainder of the site. Indicative levels for the remainder of the site are for 210 units (maximum) and a minimum of 1,115 square metres of commercial floorspace.

In consideration of the detailed aspects of the application (i.e. the BOAK building), the Local Planning Authority have considered the impact of the proposals on the heritage and quality of the listed building. It is considered that this is acceptable with further information and details relating to recording, preservation of historic features and assessment of these features are requested through conditions.

The objection of Midlands Architecture and the Designed Environment (M.A.D.E.) are noted and with the application being in outline and all matters being reserved, it is considered that their comments and advice can be incorporated into Reserved Matters submissions. The Local Planning Authority has suggested several conditions and informative notes which will aid this development of such proposals in line with M.A.D.E.'s recommendations and comments and this will influence better quality design in the eventual development.

With the regard to the proposals the subject of outline planning application and the proposals being in indicative form, the Local Planning Authority have considered the broad aspects of the proposals and found in this regard the proposals are acceptable subject to the guidance given in the decision on how to deliver the reserved matters approval. Further work on designs and justification of taller heights are

required by condition along with advice to pursue higher levels of commercial development. The impact on the amenities of nearby residents and businesses has been considered and found to be acceptable.

As such, the proposed development, having considered all relevant public participation responses and consultation comments is considered to comply with the relevant policies of the Development Plan (namely Walsall Unitary Development Plan and the Regional Spatial Strategy for the West Midlands) and national planning guidance and best practice guidance. The proposed development is considered to comply with the relevant policies of the development plan, and on balance, having taken into account all material planning considerations, the proposal is acceptable.

Recommendation: Grant Subject to conditions

Schedule A – Conditions relating to the area the subject of Outline Application under planning permission reference 08/0523/FL

A1 a) Application for approval of the Reserved Matters shall be made not later than the expiration of 3 years beginning with the date of this permission.

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

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

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

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

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

A3. Unless otherwise agreed in writing by the Local Planning Authority, no demolition of any building on or associated with the Station Street frontage shall take place until after the Reserved Matters submission identified under conditions A1(a) and A2 has been approved by the Local Planning Authority.

Reason: In order to safeguard the historic heritage of the site.

A4. The Reserved Matters submission identified under conditions A1(a) and A2 shall progress storey heights as follows:

a) Station Street frontage shall be 3 or 4 storeys unless otherwise agreed in writing by the Local Planning Authority and fully justified as part of the reserved matters submission.

b) The central sections of the proposals shall be between 3 and 5 storeys in height unless otherwise agreed in writing by the Local Planning Authority and fully justified as part of the reserved matters submission.

c) The Navigation Street frontage shall be between 3 and 9 storeys in height, with 9 storeys at the northern end of the site, unless otherwise agreed in writing by the Local Planning Authority and fully justified as part of the reserved matters submission. Attention is also drawn to Note A in this regard.

d) Any development over 5 storeys in height will need to demonstrate exceptional design quality that is sympathetic to the historic environment and other developments in the near vicinity.

Reason: In order to safeguard the historic heritage of the site and to progress appropriate development of the application site.

A5. Under the Reserved Matters submission identified under conditions A1(a) and A2, the commercial aspects of the proposed development shall comprise the following use classes: A2, A3, B1(a), D1, D2 and/or live/work development.

Reason: In order to promote an appropriate mix of uses on the development.

A6. The Reserved Matters submission identified under conditions A1(a) and A2 a scheme for the following works will include

- a) principles for the entire application site in relation to:-
 - highway infrastructure improvements related to the development;
 - pedestrian links to the town centre;
 - public transport improvements including the 5Ws metro and improvements to rail services.
 - public art
- b) a scheme for
 - i) the delivery of the works set out in the submission under part (a) of this condition, and
 - ii) allocating the implementation of individual components of the works to secure delivery of the works.

Reason: To ensure that the development is delivered in a comprehensive manner and to ensure the needs of the potential occupiers of a large development on the site are met.

A7. Any commercial development approved as part of the Reserved Matters shall meet, as a minimum, the 2005 Building Research Establishment Environmental Assessment Method 'very good' standard, unless otherwise agreed with the local planning authority. Details submitted in accordance with Condition A2 [the reserved matters], shall include details of eco friendly measures to be incorporated within the construction of the building. These shall be approved in writing by the Local Planning Authority and provided prior to occupation and retained at all times in the future in accordance with details approved. These measures should address the following: a scheme for rainwater harvesting for reuse as part of the day to day functions of the building and landscaping maintenance within the design of the permitted development, details of rainwater discharge, details of a solar/photovoltaic system and/or micro wind energy system on roofs.

Reason: In order to comply with guidance within policy ENV40 of Walsall's Unitary Development Plan; Policy CC1 of the Regional Spatial Strategy for the West Midlands and Planning Policy Statement 1 in terms of sustainable development and use of natural resources.

A8. Any residential development approved as part of the Reserved Matters shall meet, as a minimum, the Code for Sustainable Homes 3 star standard, unless otherwise agreed with the local planning authority. Details submitted in accordance with Condition A2 [the reserved matters], shall include details of eco friendly measures to be incorporated within the construction of the building. These shall be approved in writing by the Local Planning Authority and provided prior to occupation and retained at all times in the future in accordance with details approved. These measures should address the following: a scheme for rainwater harvesting for reuse as part of the day to day functions of the building and landscaping maintenance within the design of the permitted development, details of rainwater discharge, details of a solar/photovoltaic system and/or micro wind energy system on roofs. A validation certificate, as shown in the Code for Sustainable Homes Technical Guide, shall be submitted to the Local Planning Authority upon the first occupation to demonstrate implementation of the above.

Reason: In order to comply with guidance within policy ENV40 of Walsall's Unitary Development Plan; Policy CC1 of the Regional Spatial Strategy for the West Midlands and Planning Policy Statement 1 in terms of sustainable development and use of natural resources.

A9. As part of the Reserved Matters submission for the Reserved Matters identified under conditions A1(a) and A2 a Travel Plan shall be submitted for the approval of the Local Planning Authority.

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

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

b) Prior to the first occupation of each building the approved measures shall be developed into a formal Travel Plan and agreed in writing by the Local Planning Authority, including binding methods of delivery, review, and monitoring of the measures in the Travel Plan (including the requirements of this condition).

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

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

Reason: To ensure the satisfactory functioning of the development

A10. Unless otherwise agreed in writing by the Local Planning Authority, before work commences on the development of the site, the following shall be given the opportunity of making internal and external inspections for the purposes of making a record and identifying any artefacts or documentation meriting preservation:

- * Walsall Local History Centre, Essex Street, Walsall, WS2 7AS (telephone Walsall 721305);
- * Community History Officer, Leisure Services Department, Walsall MBC, Civic Centre: Darwall Street, Walsall, WS1 1TR (telephone Walsall 630805).
- * Mike Shaw, Black Country Archaeologist, Planning Division, Civic Centre, St Peter's Square, Wolverhampton, WV1 1RP (telephone 01922 555493).

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

A11. No development of reclamation shall be carried out until the applicant has secured the implementation of a programme of archaeological work in accordance with a brief written by the council's archaeologist, and a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority. The approved programme shall include the submission of one copy of all results to the Local Planning Authority.

Reason: To investigate and record the archaeological significance of the site.

A12. As part of the Reserved Matters details of proposed refuse and waste recycling facilities for the proposed buildings have been approved in writing by the Local Planning Authority. The approved scheme for any individual building shall be implemented before that building is brought into use, and shall be thereafter retained.

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

A13. Unless otherwise agreed in writing by the Local Planning Authority, no development shall be carried out until details of security oriented design measures and physical security measures for all buildings and public spaces have been submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented concurrently with the relevant element of the development, and thereafter retained.

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

A14. Prior to the commencement of development details of street furniture (including proposed signage) 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.

A15. No individual building shall be commenced until samples of the facing materials to be used have been approved in writing by the Local Planning Authority.

Reason: To ensure the satisfactory appearance of the development.

A16. No building shall be commenced until design of window cleaning arrangements for the building have been submitted to and approved in writing by the Local Planning Authority. The building will be implemented in accordance with the approved details.

Reason: To ensure a satisfactory design for such works, in keeping with the building.

A17. Other than associated with construction on the site, no materials, goods or refuse shall be stored or deposited in the open on any part of the site.

Reason: To ensure the satisfactory appearance of the development.

A18. As part of the Reserved Matters submission a scheme for external lighting has been submitted to and approved by the Local Planning Authority and the lights shall be installed and thereafter retained in accordance with the approved details.

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

A19. No construction or engineering works (including land reclamation, stabilisation, preparation, remediation, deliveries or investigation), shall take place on any Sunday, Bank Holiday or Public Holiday, and such works shall otherwise only take place between the hours of 07.00 and 19.00 weekdays and 09.00 to 17.00 on Saturdays unless otherwise agreed in writing by the Local Planning Authority. No plant, machinery or equipment associated with such works shall be started up or operational on the development outside these permitted hours.

Reason: To safeguard the amenities of neighbouring occupiers.

A20. As part of the Reserved Matters the details and locations of cycle stores shall be submitted to and approved by the Local Planning Authority. The details will be implemented in accordance with the approved details.

Reason: To ensure the satisfactory appearance of the development.

A21. A landscaping strategy will be submitted with the Reserved Matters submission. The details approved as part of the Reserved Matters for hard and soft landscaping works shall include:

- * Wildlife habitat creation of potential benefit to protected species, particularly black redstarts, (species likely to benefit from the landscape existing on the site). The extent, location and design of such habitat shall be shown clearly and fully described.
- * The creation of a visually attractive and stimulating environment for the residents and workers using the future development.
- * The eradication of Japanese knotweed on the site (if present).
- * Details of the future management of the landscape scheme.
- * Ground preparation measures to be adopted.
- * Full botanical details, numbers, locations, planting specifications and densities/ seeding rates of all plant material included within the landscape scheme.
- * Existing and proposed levels.

The approved scheme shall be implemented before the development is brought into use, or to an alternative agreed timescale, and retained for 5 years and managed in accordance with the approved management details.

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

A22. No development shall be carried out until full details of existing and proposed levels of the site, accessway and floor levels, in relation to land adjoining the site, have been approved in writing by the Local Planning Authority. The submitted details shall include full details of any retaining structures required to ensure the stability of the site or adjoining land.

Reason: To ensure the satisfactory appearance of the development.

A23. No development shall be carried out until details of the drainage of the site have been submitted to and agreed in writing with the local planning authority.

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

A24. All windows and areas of glazing including any atrium or entrance area shall be kept free of applied signage or other significant screening which would hinder views into an atrium or entrance area and/ or the passive surveillance of public areas, unless details have been previously submitted to and agreed in writing with the Local Planning Authority.

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

A25. As part of the Reserved Matters submission identified under conditions A1(a) and A2 a wind and microclimate assessment shall be submitted to the Local Planning Authority in relation to the buildings proposed on Navigation Street and Marsh Street to demonstrate whether the development proposed creates a “wind tunnel” or “canyon” effect and any necessary mitigation methods to eliminate such effects. Any mitigation methods identified shall be implemented prior to the first occupation of the development.

Reason: In order to ensure satisfactory development

A26. Prior to built development commencing a site investigation, ground contamination survey and assessment of ground gas, having regard to current best practice and approved in writing by the Local Planning Authority shall be undertaken. 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 within 1 month of completion.

Reason: To ensure satisfactory development of the site

A27. Prior to built development commencing details of remedial measures to deal with any identified and potential hazards of any land contamination and/or ground gas present on the site (identified under Condition A26) and a timetable for their implementation shall be submitted to and agreed in writing with the Local Planning Authority.

Reason: To ensure satisfactory development of the site

A28. Agreed remedial measures (identified in Condition A26 and A27) shall be implemented to the satisfaction of the Local Planning Authority in accordance with the agreed timetable. A validation report confirming the details of the measures implemented together with substantiating information and justification of any changes from the agreed remedial arrangements shall be submitted to and accepted in writing by the Local Planning Authority prior to the development being brought into use.

Reason: To ensure satisfactory development of the site

A29. Prior to development commencing, a noise survey and modelling shall be undertaken, (with reference to the roads, railway, surrounding industrial premises and the proposed ground floor commercial units), to the written satisfaction of the local planning authority. The results of this survey, including details of all instrumentation used, prevailing weather conditions and traceable calibration tests shall be submitted to the local planning authority within 2 months of completion.

Reason: To safeguard the amenities of potential future residential occupiers.

A30. No development shall take place until suitable noise mitigation measures (identified under Condition A29) to protect internal areas from the abovementioned noise sources have been agreed in writing with the local planning authority, and the dwellings shall not be occupied until such measures have been fully completed.

Reason: To safeguard the amenities of potential future residential occupiers.

A31. Unless otherwise demonstrated as part of the Reserved Matters submission there shall be no more than 15 dwellings built on the application site, unless the applicant has entered into a section 106 planning agreement to provide appropriate contributions towards affordable housing and public art on the site, or a contribution towards affordable housing off site in accordance with Policies GP3, ENV34 and H4 of Unitary Development Plan, the Council's adopted Affordable Housing and Designing Walsall Supplementary Planning Documents and the Council's Housing Needs Study and Public Art Strategy.

Reason: To ensure that the housing needs of the potential occupiers of a large development on the site are met and to ensure the delivery of appropriate public art in the area.

A32. Unless otherwise demonstrated as part of the Reserved Matters submission there shall be no more than 30 dwellings built on the application site, unless the applicant has entered into a section 106 planning agreement to provide appropriate contributions towards health facilities in the area in accordance

Reason: To ensure that the health needs of the potential occupiers of a large development on the site are met.

A33. Unless otherwise demonstrated as part of the Reserved Matters submission there shall be no more than 10 dwellings built on the application site, unless the applicant has entered into a Section 106 Agreement towards off site open space provision, education facilities in the area and public transport

provision in accordance with Policies GP3, WA14, WA15, WA16, T1, T2, T3, T12 and LC1 and paragraph 8.8 of the Unitary Development Plan, and the Council's Adopted Education and Urban Open Space Supplementary Planning Documents.

Reason: To ensure adequate open space provision, education facilities for the potential occupiers of the development and to ensure that public transport accessibility is maintained and enhanced.

Schedule B – Conditions relating to the BOAK building (Application 08/0523/FL)

B1. 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.

B2a). Prior to the commencement of development the following information shall be submitted to and agreed in writing by the Local Planning Authority

Details for provision of the following

- i) Waste and recycling facilities;
- ii) Car parking provision and allocation strategy;
- iii) Hard and soft landscaping works (including a lighting strategy and boundary treatment);
- iv) Amenity space for residents;
- iv) Emergency access and escape strategy;
- v) Formation of pedestrian links;
- vi) Location of cycle and motorcycle stores; and
- vii) noise attenuation and remediation details of any relationship to neighbouring commercial operations;

The details submitted shall be designed to take account of the relationship to the overall regeneration of the application site (under Schedule A of this permission), the need for high quality design and shall demonstrate respect for the heritage of the area.

b) Unless otherwise agreed the details shall be implemented in conjunction with the Reserved Matters submission under Conditions A1(a) and A2 of this permission.

d) The approved details under part a) of this condition shall be implemented prior to the first occupation of the building and retained and operated in accordance with the agreed details.

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

B3. No development for reclamation shall be carried out until the applicant has secured the implementation of a programme of archaeological work in accordance with a brief written by the council's archaeologist, and a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority. The approved programme shall include the submission of one copy of all results to the Local Planning Authority.

Reason: To investigate and record the archaeological significance of the site.

B4. Unless otherwise agreed in writing by the Local Planning Authority, before work commences on each phase of development of the site, the following shall be given the opportunity of making internal and external inspections for the purposes of making a record and identifying any artefacts or documentation meriting preservation:

- * Walsall Local History Centre, Essex Street, Walsall, WS2 7AS (telephone Walsall 721305);
- * Community History Officer, Leisure Services Department, Walsall MBC, Civic Centre: Darwall Street, Walsall, WS1 1TR (telephone Walsall 630805).
- * Mike Shaw, Black Country Archaeologist, Planning Division, Civic Centre, St Peter's Square, Wolverhampton, WV1 1RP (telephone 01922 555493).

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

B5. Prior to the commencement of development samples of the facing materials to be used have been approved in writing by the Local Planning Authority.

Reason: To ensure the satisfactory appearance of the development.

B6. A desk study and site reconnaissance, approved in writing by the Local Planning Authority, 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.

Reason: To ensure satisfactory development of the site

B7. In the event that the desk study and site reconnaissance (under condition B6) indicates the presence of contamination and/or ground gases on site a ground contamination survey and site investigation approved in writing by the local Planning Authority shall be undertaken.

Reason: To ensure satisfactory development of the site

B8. A copy of any ground survey and site investigations, together with a report setting out proposed remedial measures to deal with any identified and potential hazards arising from any gas and/or land contamination (identified under Conditions B6 and B7) shall be submitted to the Local Planning Authority and agreed in writing before construction of the development commences.

Reason: To ensure satisfactory development of the site

B9. Prior to built development commencing details of remedial measures to deal with the identified and potential hazards of any land contamination present on the site (identified under Conditions B6, B7 and B8) and a timetable for their implementation shall be submitted to and agreed in writing with the Local Planning Authority.

Reason: To ensure satisfactory development of the site

Schedule C – Conditions relating to the Listed Building Consent – Ref: 08/0518/LB)

C1. Prior to the commencement of demolition all important architectural features of the building shall be identified and agreed in writing with the Local Planning Authority. The agreed features shall be repositioned in an agreed location within the redevelopment proposals.

Reason: In order preserve the historic character of the area.

C2. Any repointing shall be carried out using a lime mortar mix with the correct mix to be determined by analysis of the existing. The precise mix shall be submitted to and agreed in writing with the Local Planning Authority prior to any works being carried out.

Reason: In order preserve the historic character of the area.

C3. Any repairs, reinstallation or new installation works shall be made good with no material harm to the fabric of the building and to use reclaimed, materials as and where possible.

Reason: In order preserve the historic character of the area.

C4. Prior to the commencement of demolition, details of the methodology for recording the demolition shall be submitted to and agreed in writing by the Local Planning Authority and the Black Country Archaeologist. The agreed recording methodology shall be fully implemented by a conservation specialist, in accordance with the agreed methodology.

Reason: In order preserve the historic character of the area.

C5. Unless otherwise agreed in writing by the Local Planning Authority, the approved development shall recycle existing materials from any demolition. Where new materials are to be used samples of the facing materials shall be approved in writing by the Local Planning Authority prior to the commencement of development.

Reason: To ensure the satisfactory appearance of the development.

C6. Unless otherwise agreed in writing by the Local Planning Authority, any historic features identified shall be relocated or repositioned within the proposed residential units.

Reason: In order preserve the historic character of the area.

NOTES FOR APPLICANT:

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

- i) With regard to condition A4d) it is considered that the 3D massing plans shown will not automatically create the quality of development required;
- ii) 1 bedroom flats shall not exceed more than 5% of the total amount of development;
- iii) Based on the Housing Needs Study, no 1 bedroom units shall be offered for Affordable Housing;
- iv) 3+ bedroom residential units should be considered for inclusion in the scheme;
- v) All residential units shall have access to private amenity space (either through balconies or roof terraces);
- vi) Residential units are not encouraged on the ground floor;
- vii) Communal amenity space should be made available to residents and persons employed on commercial aspects of the development;
- viii) Pedestrian and cycling links between Station Street and Navigation Street should be developed;
- ix) Higher levels of commercial development than those shown would be welcomed and are encouraged by the Council.

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

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

D) Ground investigation surveys should have regard to current "Best Practice" and the advice and guidance contained in Planning Policy Statement 23 – Planning and Pollution Control; British Standard BS10175: 2001 "Investigation of potentially contaminated sites – Code of Practice"; British Standard BS5930: 1999 "Code of practice for site investigations"; Construction Industry Research and Information Association "Assessing risks posed by hazardous ground gasses to buildings(Revised)" (CIRIA C665); or any relevant successors of such guidance. You are strongly advised to consult with the Local Planning

Authority on the construction, location and potential retention of any boreholes installed for the purposes of ground gas and or groundwater before.

E) When making assessments of any contaminants identified as being present upon the land and their potential to affect the proposed use regard should be had to the advice given in Contaminated Land Reports, R&D Publications, CLR 7 to CLR 11 and The Contaminated Land Exposure Assessment (CLEA UK) model or any relevant successors of such guidance. This list is not exhaustive. Assessment should also be made of the potential for contaminants contained in, on or under the land to impact upon ground water. Advice on this aspect can be obtained from the Environment Agency.

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

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

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

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

J) Your attention is drawn to the Party Wall etc. Act 1996. If you intend to carry out building work which involves:

- Work on an existing wall shared with another property;
- Building on the boundary with a neighbouring property;

You must find out whether that work falls within the scope of the Act. If it does, you must serve the statutory notice on all those defined by the Act as adjoining owners. You may wish to seek professional advice. However, two guidance booklets have been published entitled 'The Party Wall etc. Act 1996: Explanatory Booklet' or 'A Short Guide to the Party Wall etc. Act 1996', both are available from the DOE Publications Despatch Centre, Blackhorse Road, London, SE99 6TT. Tel. 0181 691 9191. Fax. 0181 694 0099.

K) This consent is given on the basis that all parts of the development including the guttering (foundations and fascia) are carried out on land within the ownership of the applicant.

L) For the avoidance of doubt, the term 'affordable housing' means subsidised housing at below market prices or rents intended for those households who cannot afford housing at market rates. It is usually managed by a registered social landlord.

M) Should the applicant seek to reduce the level of S106 contributions sought, a viability assessment should be submitted as part of the Reserved Matters. This would then be sent to an independently appointed agent (for example the District Valuers Service (DVS)) for their independent assessment. The cost of the assessment would need to be met by the applicant.

N) Any public art on site should be developed in cooperation with the Council's Creative Design Team.

O) With regard to suitable noise mitigation measures to protect internal and/or external residential areas, reference should be made to guidance and criteria contained in British Standard BS 8233, 1999 and World Health Organisation Guidelines for Community Noise 2000 and the following are relevant:

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

b). internal noise levels within living rooms of residential development shall not exceed a Continuous Equivalent Noise Level, $L_{Aeq(16 \text{ hour})}$, of 45 dB between the hours 07.00 to 23.00.

Sound level measuring instrumentation shall conform to either 'Type 1' of British Standards BS EN 60651: 1994 'Specification for sound level meters' and/or BS EN 60804: 1994 'Specification for integrating-averaging sound level meters' and/or Class 2 of BS EN 61672: 2003 'Electroacoustics- Sound Level Meters - Part 1: Specifications (or any superseding standards as applicable) which shall have been verified in accordance with British Standard BS 7580 'Specification for the verification of sound level meters' Part 1: 1996 'Comprehensive procedure' within a preceding 2 year period.

Current guidance, procedures, recommendations and information to assist in the completion of a suitable noise survey may be found in:

Planning Policy Guidance Note PPG 24 'Planning and Noise'. 1994;

Minerals Policy Statement 2: Controlling and Mitigating the Environmental Effects of Minerals Extraction in England. 2005

British Standard BS 7445: 2003 "Description and Measurement of Environmental Noise".

British Standard BS 7445-1: 2003 - Description and measurement of environmental noise - Part 1: Guide to Quantities and Procedures;

British Standard BS 7445-2: 1991 - Description and measurement of environmental noise - Part 1: Guide to the acquisition of data pertinent to land use

British Standard BS 7445-3: 1991 - Description and measurement of environmental noise - Part 3: Guide to application to noise limits.

British Standard BS 4142: 1997 – Method for Rating industrial noise affecting mixed residential and industrial areas

Calculation of Road Traffic Noise, 1988

Calculation of Railway Noise, 1995

This is not an exhaustive list.

P) Noise surveys should adequately establish the spatial variation of noise across a proposed development site using one or more measurement and/or calculation points, and may also need to take account of changes in noise levels on account of height above ground floor level. Additionally, a noise survey may have to take into consideration changes in a noise climate between normal weekdays and weekends, and require continued monitoring over a 24 hour period or longer. Secondary 'spot check' surveys will be required by the local planning authority in some instances to corroborate a continuous single noise survey.

Q) Submitted noise measurement data must include details of all instrumentation used (microphones, sound level meters, data loggers, acoustic calibrators) inclusive of verification checks pursuant to British Standard BS 7580 Part 1: 1997 Specification for The verification of sound level meters Part 1 Comprehensive procedure conducted within the previous 12 month period, and recordings of prevailing climatic conditions on site of the course of noise measurements incorporating air temperature, wind speeds and direction as a minimum.



To: DEVELOPMENT CONTROL COMMITTEE

Report of Head of Planning and Building
Control, Regeneration and Performance
Directorate On 06 Jan 2009

REASON FOR BRINGING TO COMMITTEE: Major application

Application Number: 08/1654/FL

Application Type: Full application

Applicant: Concept Development Solutions Ltd

Proposal: Erection of 60 flats for elderly persons
and 5 family houses

Case Officer: Val Osborn

Telephone Number: 01922 652436

Agent: Mr John Jones

Location: LAND ADJ. THE OLD HALL
PH, CHURCHILL ROAD, WALSALL, WS2
0HR

Ward: Bentley & Darlaston North

Expired: 21/01/2009

Recommendation Summary: Grant Subject to Conditions



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Application and Site Details

The application proposes 60 flats in an L shaped block facing Churchill Road and Princess Anne Road, and 5 houses facing Everest Road. Vehicular access to the parking courtyard at the rear for houses and flats would be off Everest Road.

The houses, (four 2-bed and one 4-bed), would be 2m from back of footpath with front entrances on Everest Road and two storey contemporary designs with a pitched roof. One parking space would be provided within the 69 sq m rear garden space of each of 3 of the houses and one within the 87 sq m of a fourth house. The fifth house has two spaces, and a 147 sq m rear garden. Parking for the houses is 120%.

The proposed 4 storey block of single aspect flats would be 1.6m from back of footpath on the corner of Churchill Road and Princess Anne Road. A 4m wide verge and pathway is proposed fronting Churchill Road. The main entrance to the block would be off-set from the street corner, recessed behind the 4 storey corner tower. There are 2 roof gardens on the fourth floor, one at the eastern end and a larger amenity area on the frontage of Princess Anne Road, with a corner communal room linking to the roof garden..

Elevations to Princess Anne Road would be 4 storey.

Secondary entrances at the ends of the L shaped building would be off Princess Anne Road and Churchill Road. The scheme would provide 28 spaces for 60 flats (46%).

The scheme would be at 162.5 dwellings per hectare.

The site was occupied by the Old Hall public house. There are mature trees along the boundaries to the car park, Everest Road and Churchill Road.

Opposite on Churchill Road is the site of the former Bentley library and the two and three storey buildings of Bentley local centre shops, (flats above). Queen Elizabeth Avenue, with its wide tree lined landscape, and the ancient monument site of Bentley Hall, are also opposite the site within the defined local centre.

Two storey semi-detached houses with substantial front gardens are characteristic of Everest Road and Princess Anne Road. To the north of the site is vacant land owned by the Church authorities and a church building with car park beyond.

The proposal would provide for 60 Category 1 active elderly (55+) person flats and 5 family houses, delivered in partnership with Walsall Housing Group. The applicant's Design and Access statement explains that the units would be to a lifetime homes standard, managed by Walsall Housing Group in perpetuity and not for sale. With a range of passive adaptations the units would make living conditions better for older people. The scheme is intended to be complementary to extra care provision being provided by Walsall Council/Housing 21. The applicant envisages that residents will be aged 55+ and, because of design of the flats, residents will be able to live in them longer, releasing under occupied housing that no longer suits personal circumstances. It is Walsall Housing Groups intention to manage the scheme to avoid, for example, parking problems.

Relevant Planning History

None on the application site.

Adjacent site - 07/1494/FL/W6 - former Bentley clinic, two and three storey flats and houses, approved 1 November 2007. (construction underway).

Relevant Planning Policy Summary

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

Unitary Development Plan (UDP)

GP1: Supports the sustainable location of development.

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

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

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

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

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

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

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

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

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

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

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

7.1: Seeks to promote an efficient highway network;

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

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

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

Flats with communal parking - 1.5 spaces per unit.

LC1: seeks to retain and enhance existing urban open spaces and readdress any deficiencies in the provision or accessibility of these. Residential developments will be required to make financial or other contributions, which will enable the provision of new, or the improvement of existing urban open spaces.

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.

Local Development Framework (LDF)

The Black Country Joint Core Strategy (JCS) has completed its Preferred Options Consultation. Whilst not formally part of the Development Plan (as defined by Section 38(6) of the Planning and Compulsory Purchase Act 2004), the JCS is a material consideration. Submission to the Secretary of State is anticipated in October/November 2008 following a further period of public consultation. The broad principles of the UDP – e.g. the appropriate reuse of previously developed land, need to promote the town and district centres and high quality design are further advanced in the document taking account of recent national and regional planning guidance

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;

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

Appendix D: Public Art Guidelines and policy DW9(a), contributions towards the provision of all types of open space, for residential schemes of more than 15 units.

Appendix 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, garden dimensions of 12m in length and 68m² for housing and 20m² per dwelling where communal provision is made. 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.

Protection is proposed for protected animals, plants etc.

Urban Open Space SPD

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

Healthcare SPD

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

Education SPD

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

Affordable Housing SPD

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

Regional Spatial Strategy for the West Midlands (RSS 11)

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

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

- a) to reverse out-migration accommodating within the Black Country all of the generated household growth from 2011 and meeting at least the levels of housing provision identified in Policy CF3 table 1;
- 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 and implementing the Black Country as Urban Park concept.

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.

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.

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

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

Consultations

Pollution Control (Scientific Team) – no objections to this proposal in principle. However issues arise owing to the proximity of the development to Churchill Road and conditions to secure suitable noise mitigation measures are recommended.

Pollution Control (Contaminated Land) - The Geo-Environmental Site Assessment (300176-1(00) contains a number of recommendations to the applicant regarding remediation measures. Conditions to address the land contamination issues are recommended to address ground contamination.

West Midlands Police Architectural Liaison Officer – The area is one of moderate crime related to burglary and vehicle crime. The rear access to the site is a main concern, and an automated gate system will be required. Bearing in mind the age of a majority of residents they will be vulnerable at the rear of the development. Controls will be needed at the entrances and there should be video entrance

systems for residents to use. Building recesses provide cover for offenders. There is no defensible space around the building and the pathways provide access to frontages and direct view into properties. Side and rear fencing will need to be increased in height to deter offenders gaining access into private garden spaces.

Centro – No objection. The development site is within the minimum standards for accessibility by public transport, with local bus services close to the site. However the nearest bus stop is located on Churchill Road just outside the development and this should be retained in its existing location and format. If this shelter is affected whilst works take place, or if any relocation is necessary, then the full costs of this should be borne by the applicant. Planning approval should not be granted until a new location for the bus stop has been agreed to by Centro, the highway authority and the bus operators, and the appropriate consultation has taken place.

Provision should be made for the Ring and Ride service, together with incentives, as part of a Transport statement, to encourage cycling, walking and public transport .

West Midlands Fire Service – no objections, as a dry riser will be installed in the centre staircase.

Education – A contribution will not be required.

Greenspace – Seek £91,476.00 in accordance with the Adopted Supplementary Planning Document.

Housing Strategy – Fully supported from a Housing Strategy perspective.

Healthcare - Seek £50,727.60 in accordance with the Adopted Supplementary Planning Document.

Public Art – seek a contribution of £22,750.00, at £350 per dwelling over 15 units, in accordance with the Adopted Supplementary Planning Document.

Public Participation Responses

Three letters have been received, objecting on the following grounds;

- the building is too large and will dominate and tower over the area;
- the building is set close to back of footpath and will be very obtrusive; Bentley is characterised by green frontages;
- building close to the frontages will generate health problems for occupiers as they will be living close to a busy road.
- the building design does not complement the local houses, the south facing façade is hideous and will not fit with existing properties or the new library; it is out of keeping;
- having such a high number of older people will lower the house prices locally.

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

Determining Issues

- **Principle**
- **Design**
- **Parking**
- **Section 106 Contributions**

Observations

Principle

The public house building has only recently been demolished although the premises have been vacant for some time. The public consultation process of the Bentley Regeneration area plan identified this site

as key for redevelopment, with a use that would enhance the economic activity of the local centre. Providing more homes close to the local centre will support the local retail centre. As social housing, the scheme will also satisfy housing need in this locality. The principle of the scheme in this location is therefore supported.

Design

The local area is characterised by wide verge frontages with feature tree planting. Queen Elizabeth Avenue, the main route into the Bentley estate and the principal approach to the site, has wide verges either side with significant tree planting to form a distinctive avenue of high amenity value. The scheme would be a key feature to the local identity at the head of this approach, closing the vista in the street. The applicant has illustrated a lighting scheme for the building that will give the entrance further importance.

The immediate context of the local centre is one where two and three storey buildings frame the centre and the height and form of this building would add to the enclosure of the local centre.

Landscaping on Princess Anne Road and Churchill Road would be able to provide further tree planting as illustrated in the submitted plans and reduce the visual impact of the building. Although a sewer easement on Princess Anne Road precludes significant tree planting on this frontage, there is opportunity to landscape the frontage and it is recommended that this be addressed by a landscape condition. It would benefit the development if that treatment made this frontage space at least semi-private, to support the provision of amenity space on the site.

Overall the provision of amenity space equates to 19.2 sq m. Each of the flats on first, second and third floors and front facing would have a balcony extending across the front of each unit, at approximately 8m length and 1.5m width. Rear facing units would have a smaller balcony, at 2.8m width and 1.2m depth (3.36 sq m). Whilst amenity space is slightly below the adopted standard, the potential high quality spaces of the roof gardens and the potential of other areas of the site to be landscaped is considered to offset this deficiency.

Parking

The site is within the defined area of Bentley Local Centre. The applicant explains in the design and access statement how WHG is working in partnership with Walsall NHS Trust and Walsall Council to ensure that WHG targets the right people to live in this scheme. "WHG are good and active managers of schemes such as these and clearly has a vested interest in ensuring that the scheme is a place where people want to live. We will therefore use the local lettings plan to ensure car parking is not an issue in the on-going management of this scheme. In addition we expect as the average age of occupants gets higher car usage and ownership will diminish and therefore car parking will never be an issue."

The scheme will be in the long term ownership of WHG and therefore the Group will be able to continue the intended long term management.

The scheme is located within the local centre which has good bus services. PPG 13 paragraph 17 advises local authorities to allow for significantly lower levels of off-street parking provision, particularly for developments in locations where services are readily accessible. It is considered that, in this application and taking account of the long term ownership and management of the scheme, the reduced level of provision for parking is acceptable.

106 Contributions

The applicant disputes the requirement to make contributions in respect of Urban Open Space - £91,476.00, Healthcare - £50,727.60, and Public Art - £22,750 and the comments of District Valuer will be reported. It is expected that the conclusion will be that there is no scope for 106 contributions;

Summary of Reasons for Granting Planning Permission

The proposed scheme is considered appropriate to the site and its design will provide accommodation with a satisfactory level of amenity space. The applicant has a long term commitment to the management of the site. The level of parking provision accords with PPG13 as the site is located within a Local centre. The landscaping of the scheme and provision of satisfactory access can be dealt with appropriately through planning conditions. The proposal accords with the aims and objectives of the Unitary Development Plan policies GP2, GP3, 3.16, ENV18, ENV32, ENV33, ENV39, H3, H9, H10, T13, 8.8, LC1 and Supplementary Planning Documents, Designing Walsall, Education and Urban Open Space.

Recommendation:

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

Reason: Pursuant to the requirements of Section 91 of the Town and Country Planning Act 1990, (as amended)

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

- List to be inserted

b) The development shall only be occupied by persons over the age of 55.

Reason: a) 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).

b) To ensure the development can meet the need for car parking for the development, reflecting the location of the site in a local centre, and the likely car ownership of the specified group.

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

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

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

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

5. No development shall be carried out until a detailed hard and soft landscaping scheme has been submitted to and approved by the Local Planning Authority. The scheme shall be completed in accordance with the approved details within the first planting season following completion and before the development is occupied, unless otherwise agreed in writing with the local planning authority, and retained as such. All planted areas shall be maintained for a period of 5 years from the full completion of the scheme. Within this period any tree(s), shrubs or plant which dies, becomes seriously diseased, damaged or is removed shall be replaced with a tree, shrub or plant of the same or greater size and same species as that originally required to be planted.

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

6. No development shall commence until

- a) details for lighting to the car park in accordance with BS5489 has been submitted to and approved in writing by the Local Planning Authority. The agreed details shall be implemented in accordance with the agreed details and retained thereafter;
- b) details of revisions to the vehicle entrance to the site to ensure it can be used by the standard Walsall M.B.C. refuse collection vehicles.

Reason: In the interests of the safety of occupiers of the site, and users of the highway.

7. Unless otherwise agreed in writing by the Local Planning Authority, no development shall be carried out until details of security oriented design measures and physical security measures for all buildings and public spaces have been submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented concurrently with the relevant element of the development, and thereafter retained.

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

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

Reason: To ensure the satisfactory appearance of the development.

9. Unless otherwise agreed in writing by the Local Planning Authority, no development shall commence until details confirming measures used to ensure that the development shall be constructed in accordance with the Code of Sustainable Homes (Level 3) or equivalent relating to energy efficiency / CO2, water efficiency, surface water management, site waste management, household waste management and use of materials, has been submitted to and approved in writing by the Local Planning Authority.

Reason: In order to provide high performance sustainable homes/buildings and to protect the environment in accordance with strategic policy aims 2.1, 2.2, 3.17 and 3.18 and policies GP2 and ENV39 of the Walsall Unitary Development Plan and policies DW1 and DW10 of Designing Walsall Supplementary Planning Document.

10. 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.

11. No development shall commence until a revised plan showing the provision of a secure, covered and illuminated cycle storage facility to accommodate 10 cycles has been submitted to and approved in writing by the Local Planning Authority. The approved cycle store shall be implemented as agreed and retained thereafter.

Reason: To define the permission and in the interests of sustainable travel.

12. Before this development is brought into use, the accessways, vehicle parking and manoeuvring areas shown on the approved plans shall be hardsurfaced in materials to be agreed in writing by the Local Planning Authority, showing appropriate drainage. Prior to the first occupation of the building the parking spaces shall have been clearly marked out and shall be used for no other purpose.

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

13. A desk study and site reconnaissance, approved in writing by the Local Planning Authority, 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.

Note for applicant.

The desk study and site reconnaissance shall have regard to the previous commercial and industrial activities undertaken at the adjacent premises, 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.

Reason: To safeguard the amenities of the users and neighbours to the application site.

14. In the event that the desk study and site reconnaissance indicates the presence of contamination and/or ground gases on site a ground contamination survey and site investigation approved in writing by the local Planning Authority shall be undertaken.

Note for applicant

This survey 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"; Waste Management Paper No. 27 "Landfill Gas"; or any relevant antecedents 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.

Reason: To safeguard the amenities of the users and neighbours to the application site.

15. A copy of any ground survey and site investigations, together with a report setting out proposed remedial measures to deal with any identified and potential hazards arising from any gas and/or land contamination shall be submitted to the Local Planning Authority and agreed in writing before construction of the development commences.

Note for applicant

When making assessments of any contaminants identified as being present upon the land and their potential to affect the proposed use regard should be had to the advice given in Contaminated Land Reports, R&D Publications, CLR 7 to CLR 11 and The Contaminated Land Exposure Assessment (CLEA UK) model or any relevant successors of such guidance. This list is not exhaustive. Assessment should also be made of the potential for contaminants contained in, on or under the land to impact upon ground water. Advice on this aspect can be obtained from the Environment Agency.

Reason: To safeguard the amenities of the users and neighbours to the application site.

16. Prior to built development commencing details of remedial measures to deal with the identified and potential hazards of any land contamination present on the site and a timetable for their implementation shall be submitted to and agreed in writing with the Local Planning Authority.

Note for applicant

When making assessments of any contaminants identified as being present upon the land and their potential to affect the proposed use regard should be had to the advice given in

Contaminated Land Reports, R&D Publications, CLR 7 to CLR 11 and The Contaminated Land Exposure Assessment (CLEA UK) model or any relevant successors of such guidance. This list is not exhaustive. Assessment should also be made of the potential for contaminants contained in, on or under the land to impact upon ground water. Advice on this aspect can be obtained from the Environment Agency.

Reason: To safeguard the amenities of the users and neighbours to the application site.

17. Agreed remedial measures shall be implemented to the satisfaction of the Local Planning Authority in accordance with the agreed timetable. A validation report confirming the details of the measures implemented together with substantiating information and justification of any changes from the agreed remedial arrangements shall be submitted to and accepted in writing by the Local Planning Authority prior to the development being brought into use.

Reason: To safeguard the amenities of the users and neighbours to the application site.



To: DEVELOPMENT CONTROL COMMITTEE

Report of Head of Planning and Building
Control, Regeneration and Performance
Directorate On 06 Jan 2009

REASON FOR BRINGING TO COMMITTEE: Major Application

Application Number: 08/1459/FL

Application Type: Full application

Applicant:

Proposal: Erection of a combined heat and power plant and railway sidings to be used in conjunction with material recovery facility approved under 07/1691/RM/W7.

Ward: Birchills Leamore

Recommendation Summary: Grant Subject to conditions

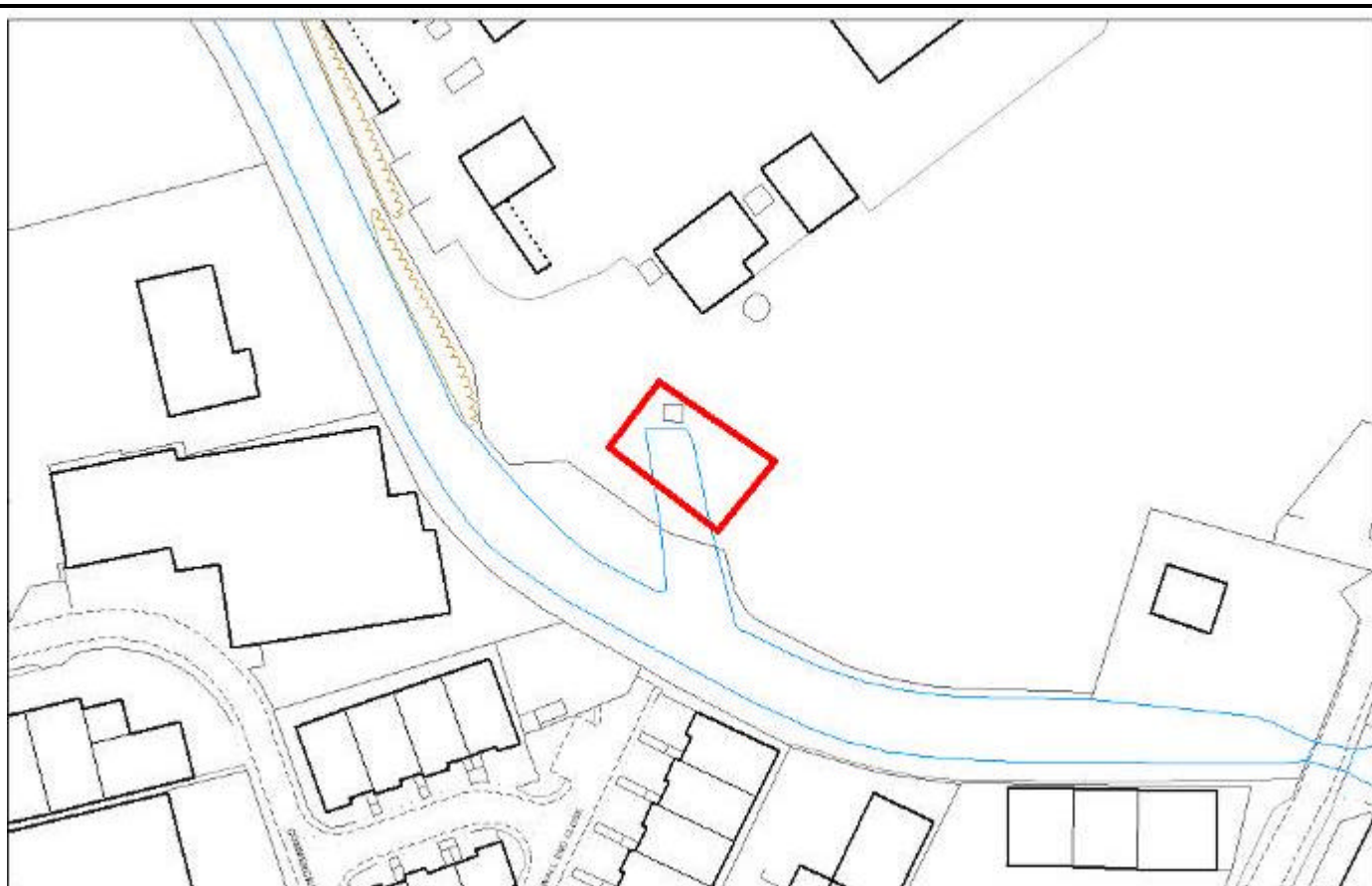
Case Officer: Andrew Thompson

Telephone Number: 01922 652403

Agent:

Location: LAND OFF FRYERS ROAD,
BLOXWICH, WS3 2XJ

Expired: 16/12/2008



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Application and Site Details

The application site is part of the Trident Alloys site and is undergoing remediation (already approved under an earlier permission, reference 05/0641/FL/W2, which included new topsoil being imported onto the site and changes to levels).

This application is considered in conjunction with application reference 08/1815/RM for a materials recycling facility which appears elsewhere on this agenda.

The proposals are for a new Combined Heat and Power (CHP) building which would be 45m by 45m by 9.5m high and incorporate a 21m high stack (11.5m above the tallest part of the proposed building). The building will use the energy generated from the incineration of materials (mainly low grade wood) from the materials recycling facility

The proposals also include 6 coolers (used in the in the operation of the CHP) each measuring 8.405m by 2.6m by 2.2m high and a potential extension to the existing railway siding.

Material (primarily low grade wood) would be moved by forklift from the main materials recycling facility building on the site (under application reference 08/1815/RM).

The application is supported by a full air quality assessment, supporting planning statement and technical document on matters including ground conditions and flood risk.

Relevant Planning History

04/1862/FL/W7 – Creation of new entrance onto Fryers Road. Approved 30th September 2004.

05/0641/FL/W2 – Creation of new site surface, in places up to 6m above existing levels. Approved - 9th June 2005.

07/0449/OL/W7 – Outline application for the Development of Industrial Units – Granted 6th June 2007

07/1691/RM/W7 – Application for Reserved Matters in respect of development of industrial units (outline planning permission reference 07/0449/OL/W7) – Granted 19th October 2007.

08/1815/RM - Amendment to approved reserved matters (ref 07/1691/RM/W7) re: Layout, Appearance, Scale and Landscaping. Also on this agenda.

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

Adopted UDP

Policies GP1 and GP2 seek to encourage sustainable regeneration in appropriate locations and reuse brownfield land. Policy Env14 sets out the criteria for consideration of the reuse of derelict and previously developed sites. Policy Env10 considers pollution and the impact of industry on an area. Policy Env40 which relates to the conservation, protection and use of water resources also applies.

The site is identified within Policy JP1 as site E24, for employment use. The policy is supplemented by Policy JP5 as the site is located within a Core Employment Area. Policy JP5 encourages development of industry and employment uses within Classes B1(b), B1(c), B2 and B8. Policy JP3 (rail-served sites) applies and encourages development of land which has the capability of being served by rail.

Policy T13 promotes the appropriate level of car parking for employment activities with policies T7 and T8 promoting walking and cycling. Policy LC5 seeks to promote the use of canals as a green network through the Borough.

Regional Spatial Strategy for the West Midlands (RSS11)

Policies PA1, PA2 and PA6 seek to promote regeneration and encourage employment development in sustainable locations (i.e. within the Major Urban Areas) and to ensure that an appropriate portfolio of land exists to meet the needs of the economy. Policy QE9 highlights the need to promote the water environment and improve such facilities, including canals.

National Policy

PPS1 seeks to promote sustainable use of previously developed land whilst locating uses such as offices and retail development in town centres. PPG4 seeks to promote and enhance industrial and commercial development.

Consultations

Transportation – No objection subject to conditions

Pollution Control (Contaminated Land Team) – No objection subject to conditions

Pollution Control (Scientific Team) – No objection subject to the stack being 21m as shown.

British Waterways – No objection subject to conditions

Land Drainage – No objection but must check with British Waterways

National Grid – No objection – risk is negligible

Inland Waterways Association – Object because the applicants do not appear to have considered using the canal for freight movement. Proposals should also offer more landscaping to the canal.

Natural Environment Team – Object - While there is no objection in principle to this development it is recommended for refusal unless amendments are made and more detail provided on how the ecological aspects of this application have been considered.

Seven Trent – No objection subject to a condition.

Public Participation Responses

One letter has been received from a neighbouring business which objects to the application on the basis of emissions from the proposals affecting the integrity of warehouse stocks and products vulnerable to contamination. The facility would also have a detrimental impact on property values in the area.

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

Determining Issues

- Relationship to approved applications
- Layout
- Issues raised by the neighbouring commercial operator
- Design and external appearance of the proposed building
- Car parking provision
- Landscaping and Relationship to the canal

Observations

Relationship to approved applications

The principle of a waste recovery centre development on the site was established by Committee in the acceptance of the previous planning permissions (07/0449/OL and 07/1691/RM/W7).

The proposals will move the CHP from being attached to the approved building to the eastern boundary of the application site. The creation of two separate buildings will reduce the overall bulk and mass of the

proposals. The CHP will work in coordination with the amended proposed building under application reference 08/1815/RM elsewhere on this agenda.

This is considered acceptable in light of the approved plans and the layout in relationship to the approved scheme and the proposed scheme under 08/1815/RM would be acceptable.

Layout

The proposals will change the existing approved layout however there are a number of similarities between the approved and proposed schemes. The principal differences are that the building will be split from the main building resulting in two smaller buildings. As a result servicing will now also take place to the canal elevation resulting in activity to the canal frontage, some landscaping to the canal and Trident Alloys (the neighbouring industrial premises) being reduced, and a slight increase in the level of car parking. The proposed layout would allow the CHP plant to work more efficiently and safely and in coordination with the main recycling centre.

Issues raised by the neighbouring commercial operator

With regard to the objection of the neighbouring commercial operator, the application is supported by an air quality assessment and mitigation measures have been designed into the proposals. It is considered that the proposals would allow for continued commercial operations to be carried out. Whilst property valuers are not directly a planning matter, it is considered that the redevelopment of the site and the creation of additional jobs would have a beneficial impact on the area.

Design and external appearance of the proposed building

The proposed CHP building has been designed to reduce the bulk and mass of the proposals through the use of alternative materials and colour on the uppermost parts of the building. The building also incorporates colour and vertical panels to break up the bulk and mass and to create interest to the street scene.

The proposals are a relatively large commercial building in a commercial area dominated by larger buildings. The building would be acceptable in terms of external appearance.

Car parking provision

It is noted that the proposals have been designed specifically for an end user. PPG13 (Paragraph 51) guides that "Local Authorities should not require developers to provide more spaces than they themselves wish, other than in exceptional circumstances which might include for example where there are significant implications for road safety which cannot be resolved through the introduction or enforcement of on-street parking controls." The present application provides a slight increase in the number of parking spaces previously approved. This is a low intensity proposal. The level of parking proposed is to that required by the end user and the proposals are acceptable.

The use of the canal for freight movement is not practical as incorporating this into the scheme would involve potentially damaging the canal bank and disturbing existing established flora and fauna.

The proposals have shown an indicative position to extend the railway sidings. It is understood that the applicant is discussing the viability and feasibility of this with Network Rail.

Landscaping and Relationship to the canal

The comments of the Natural Environment Team are noted as the proposed development is adjacent to the Wyrley and Essington Canal Site of Local Importance for Nature Conservation and partially within a wildlife corridor identified in the UDP. The proposed development therefore needs to respond to both the Site of Local Importance for Nature Conservation and the wildlife corridor.

Good quality landscape treatment is required especially on the canal frontage but also on the Fryers Road frontage. It is noted that British Waterways request that no tree be planted within 5 metres of the canal bank. In addition the ground conditions of the site require that a minimum of 75% of the total site area must be hard surfaced with no soakaways present (to meet the remediation specification) but

recommend higher levels of hard surface. As such whilst officers accept that there is a need for quantitative and qualitative landscaping on developments, the site constraints on the site determine that the landscaping of the site cannot meet the aspirations of the Natural Environment Team.

However, the proposals may include the opportunity for limited further landscaping (within the above constraints), in particular to the canal frontage and as such it is conditioned that the landscaping scheme shown on the plans submitted be amended to take account of the revised landscape potential and the comments of British Waterways.

Conclusion

Overall, the proposals are considered to be acceptable and would create a high quality employment facility as defined by the allocation in the Unitary Development Plan.

Summary of Reasons for Granting Planning Permission

The proposals have been considered with the aims and objectives of the Development Plan. These are the Regional Spatial Strategy for the West Midlands (RSS11) and the Unitary Development Plan (March 2005).

The Local Planning Authority have considered the submitted information and that the design of the proposals, the impact of the proposals on the character of the area, the air quality resulting from the proposals, and the impact on the continued operation of nearby businesses the proposals would not have a detrimental impact due to the air quality mediation techniques applied.

The ground conditions of the site and the required remediation determine that the level of hardsurfacing needs to be at a minimum of 75% of the total site area with no soakaways. In addition British Waterways do not wish for trees to be planted in close proximity to the canal due to the implications on the structural stability of the canal. Therefore given the site constraints the scope of landscaping appears reasonable and a revised landscaping scheme is conditioned to meet the requirements of British Waterways. It is acknowledged that this will not meet the aspirations of the Council's Natural Environment Team. However, on balance, the proposals are considered to be acceptable.

As such, the proposed development (having considered all relevant public participation responses and consultation comments) complies with the relevant policies of the Development Plan (namely Walsall Unitary Development Plan and the Regional Spatial Strategy for the West Midlands) and national planning guidance and best practice guidance. In particular the relevant policies of the development plan, in particular policies GP1, GP2, GP3, GP7, T7, T12 T13, ENV18, ENV21, ENV32, ENV33, JP1, and JP7 of the Adopted Walsall Unitary Development Plan (March 2005) and Policies PA1, PA2, PA6, QE3, QE4, QE5 and QE9 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 Subject to conditions

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

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

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

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

3. Details for the disposal of both surface water and foul sewage are to be submitted to and agreed by the Local Planning Authority prior to the commencement of the development hereby approved. The approved details shall be implemented as part of the construction of the development.

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.

4. No built development shall be carried out until full details of the proposed boundary treatment of the site (including the boundary treatment to the proposed water features and roof terraces) have been approved in writing by the local planning authority. The approved scheme shall be implemented before the development is brought into use and shall be thereafter retained.

Reason: To ensure the satisfactory appearance of the development.

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

Reason: To ensure the satisfactory appearance of the development.

6. Prior to the commencement of built development the details and locations of cycle stores and bin stores shall be completed submitted to and approved by the Local Planning Authority. The approved details shall be implemented and completed before the development is brought into use.

Reason: To ensure the satisfactory appearance of the development.

7. No development shall be carried out until a scheme for external lighting has been submitted to and approved by the Local Planning Authority and the lights shall be installed and thereafter retained in accordance with the approved details.

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

8. Before this development is brought into use, the access ways, vehicle parking and manoeuvring areas shown on the approved plans shall be surfaced in a suitable impervious hardwearing material to be agreed in writing by the Local Planning Authority. The areas shall thereafter be retained and used for no other purpose. The parking spaces are to be clearly marked out.

Reason: To ensure the satisfactory functioning of the development.

9. Prior to the commencement of built development the applicant shall submit to and agree in writing with the Local Planning Authority a Travel Plan, including measures taken to promote sustainable travel to and from the development. The approved Travel Plan shall be implemented in accordance with the approved details.

Reason: In order to promote the use of alternative modes of transport.

10. Prior to built development commencing details of a survey and assessment of ground gas conditions shall be undertaken following completion of the reclamation works and the results provided to the Local Planning Authority. Details of ground gas mitigation or ingress prevention measures identified by the survey and assessment shall be submitted to and agreed in writing with the Local Planning Authority prior to built development commencing. Buildings shall not be occupied until agreed works have been completed to the satisfaction of the Local Planning Authority.

Reason: To ensure the satisfactory development of the site.

11. Prior to the commencement of development the landscaping scheme shown on the approved plans for 07/1691/RM/W7 shall be revised to meet the requirements of the layout approved under this permission, and submitted to and agreed in writing by the Local Planning Authority. The agreed scheme shall be implemented within 12 months of any part of the development being brought into use, or such other period as may be agreed in writing by the Local Planning Authority.

Reason: To ensure the satisfactory appearance of the development.

12. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987, and the Town and Country Planning (General Permitted Development) Order 1995, or succeeding Orders, the premises shall not be used solely for B1(a) office purposes. Any office use shall be ancillary to the primary use of the proposed buildings as B1(b), B1(c), B2 and/or B8 as defined the Town and Country Planning (Use Classes) Order 1987.

Reason: The site is not located in a recognised town centre, which is appropriate location for office uses, and therefore the site is not necessarily suitable for office use.

13. The development shall not be occupied until visibility splays shown on the approved plans have been provided at the junction with the public highway. The visibility splay(s) shall thereafter be kept free of all obstruction higher than 900mm above the adjoining carriageway level.

Reason: To ensure that the proposed development does not prejudice the free flow of traffic or conditions of general safety along the neighbouring highway.

14. Notwithstanding the plans hereby approved submitted details of the proposed foundations and excavations to be undertaken within 5 metres of the canal shall be submitted to and agreed in writing by the Local Planning Authority in consultation with British Waterways

Reason: Excavation and construction of foundations have the potential to impact upon the integrity of the waterway.

15. No development shall be carried out until full details of existing and proposed levels of the site, accessway and floor levels, in relation to land adjoining the site, have been approved in writing by the Local Planning Authority. The submitted details shall include full details of any retaining structures required to ensure the stability of the site or adjoining land.

Reason: To ensure the satisfactory appearance of the development.

16. No tipping, or raising of ground levels shall take place within 5 metres of the top of the bank of the watercourse and no structures, works or fences (except of an easily removable nature) shall be erected and no materials shall be stacked or stored within that distance of the watercourse

Reason: To safeguard the maintenance, and the flood plain, of the watercourse.

17. Prior to the implementation of the extension to the railway sidings, full details, including results of any feasibility study and physical installations on the site shall be submitted to and approved in writing by the Local Planning Authority. The extension shall be implemented in accordance with the approved details.

Reason: To ensure the satisfactory functioning of the development.

18. With reference to the air quality survey and modelling undertaken by White Young Green reference AO46999-1 jr-at-080908-R1758, issue 2, the exhaust stack serving the biomass incinerator shall attain a minimum height of 21m above ground level.

Reason: To ensure the satisfactory functioning of the development.

NOTES FOR APPLICANT:

A) The applicant/developer is advised to contact Des Harris, British Waterways Third Party Works Engineer on 1827 252038, in order to ensure that any necessary consent is obtained and that the works comply with British Waterways' "Code of Practice for Works affecting British Waterways".

B) 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" (CIRIA C659); 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.

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

D) The applicant is advised that permission would be required for the planting of trees and landscaping and boundary treatment sited on British Waterways' property

E) The applicant is advised that an agreement with British Waterways would be required for the discharge or abstraction of water into or from the canal.

F) The applicant is advised that an agreement with British Waterways would be required for the use of the canal navigation for freight movements.

To: DEVELOPMENT CONTROL COMMITTEE**Report of Head of Planning and Building
Control, Regeneration and Performance
Directorate On 06 Jan 2009****REASON FOR BRINGING TO COMMITTEE: Major Application**

Application Number: 08/1815/RM
Application Type: Reserved Matters
Applicant: JPE Holdings Ltd
Proposal: Amendment to approved reserved matters (ref 07/1691/RM/W7) of planning permission reference 07/0449/OL/W7 re: condition 2(A) (Layout), 2(B) (Appearance), 2(C) (scale) and 2(D) (Landscaping).

Ward: Birchills Leamore

Case Officer: Andrew Thompson
Telephone Number: 01922 652403
Agent:
Location: LAND OFF, FRYERS
ROAD, WALSALL, WEST MIDLANDS

Expired: 20/02/2009

Recommendation Summary: Approve Reserved Matters with Conditions



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Application and Site Details

This is a revision to the reserved matters permission under 07/1691/RM/W7 for the development of industrial premises (a mix of B2 and B8 uses) and associated access on 3.4ha of land.

The proposal is part of the Trident Alloys site and is undergoing remediation (already approved under an earlier permission, reference 05/0641/FL/W2, which included new topsoil being imported onto the site and changes to levels).

In conjunction with 08/1459/FL (for a Combined Heat and Power (CHP) facility) which appears elsewhere on this agenda, the application seeks to amend the approved reserved matters.

Condition 2(a) layout is amended from an L-shape building to two smaller rectangular buildings. The application previously also included the CHP building (now separate). As a result of the amendments, the total floorspace has been reduced from 6,219 square metres to 5,525 square metres. The layout also now allows for principal servicing from the south elevation as opposed to the north. The amount of car parking is increased by 3 spaces (from 36 to 39 including 2 disabled car parking spaces) with cycling facilities shown. The Weigh Bridge remains unaltered from the approved scheme.

Condition 2(b) is proposed to be amended with the external appearance to follow the industrial concept. The proposals continue along the same emphasis of the approved scheme in breaking up the mass of the main building.

Scale (Condition 2(c)) is proposed to be altered due to the reduced amount of development in terms of layout. The proposed building, measuring 70m by 50m, is significantly smaller than the approved building (previously measuring 111.25m by 96.5m) but is slightly taller at 14.5m rather than 12.1m.

The position of landscaping (Condition 2(d)) is largely unaltered from the approved scheme with the landscaping forming the perimeter of the site. Landscaping to Trident Alloys has been removed due to the revised position of the CHP building and the potential extension of railway sidings and the landscaping to Fryers Road has been reduced slightly to accommodate revised locations the building and car parking.

Relevant Planning History

04/1862/FL/W7 – Creation of new entrance onto Fryers Road - Granted 30th September 2004

05/0641/FL/W2 – Creation of new site surface, in places up to 6m above existing levels - Granted 9th June 2005

06/2115/ND/W7 – Screening opinion for industrial development – No Environmental Statement Required – 23rd January 2007.

07/0449/OL/W7 – Outline application for the Development of Industrial Units, Additional Access, Associated Internal Access Roads, Parking & Landscaping – Granted 6th June 2007

07/1691/RM/W7 – Application for the approval of Reserved Matters in respect of development of industrial units, additional access, associated internal access road, parking and landscape relating to outline planning permission reference 07/0449/OL/W7 – Granted 19th October 2007.

08/1459/FL - Erection of a combined heat and power plant and railway sidings to be used in conjunction with material recovery facility approved under 07/1691/RM/W7. Also on this agenda.

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

Adopted UDP

Policies GP1 and GP2 seek to encourage sustainable regeneration in appropriate locations and reuse brownfield land. Policy Env14 sets out the criteria for consideration of the reuse of derelict and previously developed sites. Policy Env10 considers pollution and the impact of industry on an area. Policy Env40 which relates to the conservation, protection and use of water resources also applies.

The site is identified within Policy JP1 as site E24, for employment use. The policy is supplemented by Policy JP5 as the site is located within a Core Employment Area. Policy JP5 encourages development of industry and employment uses within Classes B1(b), B1(c), B2 and B8. Policy JP3 (rail-served sites) applies and encourages development of land which has the capability of being served by rail.

Policy T13 promotes the appropriate level of car parking for employment activities with policies T7 and T8 promoting walking and cycling. Policy LC5 seeks to promote the use of canals as a green network through the Borough.

Regional Spatial Strategy for the West Midlands (RSS11)

Policies PA1, PA2 and PA6 seek to promote regeneration and encourage employment development in sustainable locations (i.e. within the Major Urban Areas) and to ensure that an appropriate portfolio of land exists to meet the needs of the economy. Policy QE9 highlights the need to promote the water environment and improve such facilities, including canals.

National Policy

PPS1 seeks to promote sustainable use of previously developed land whilst locating uses such as offices and retail development in town centres. PPG4 seeks to promote and enhance industrial and commercial development.

Consultations

Transportation – No objection subject to conditions

Pollution Control (Contaminated Land Team) – No objection subject to conditions

Pollution Control (Scientific Team) – No objection

British Waterways – No objection subject to conditions and an informative note.

Fire Service – Satisfactory for fire access.

National Grid – No objection – risk is negligible.

Environment Agency – No objection subject to conditions

Conservation – No objection

Urban Design – No objection

Representations

None

Determining Issues

- Layout
- Scale and external appearance of the proposed building
- Landscaping and Relationship to the canal

Observations

Layout

Condition 2(a) layout is amended from an L-shape building to two smaller rectangular buildings. The application previously also included the CHP building (now separate). As a result of the amendments, the total floorspace has been reduced from 6,219 square metres to 5,525 square metres. The layout also now allows for principal servicing from the south elevation as opposed to the north. The amount of car parking is increased by 3 spaces (from 36 to 39 including 2 disabled car parking spaces) with cycling facilities shown. The Weigh Bridge remains unaltered from the approved scheme.

The changes to the layout are not considered to fundamentally change the principles of the previous approval and it is therefore considered that the proposals are acceptable to discharge condition 2a of the reserved matters.

Scale and external appearance of the proposed building

Scale (Condition 2(c)) is altered due to the reduced amount of development in terms of layout. The proposed building, measuring 70m by 50m, is significantly smaller than the approved building (previously measuring 111.25m by 96.5m) but is slightly taller at 14.5m rather than 12.1m. The CHP plant measures 45m by 45m and therefore with the total amount of development has reduced from by 694square metres the scale is smaller and more compact than the approved scheme.

With regard to the external appearance under condition 2(b) the proposals continue with the approved industrial concept. Due to the reduced scale and change in shape of the building the proposals also appear more compact. In addition the design continues with the emphasis of the approved scheme in breaking up the mass.

These design elements on the proposed building include the use of a small mansard roof on the uppermost parts of the building. The building has also incorporated colour and vertical panels to break up the bulk and mass of the building and to create interest to the street scene.

In addition the reduction in the physical size of the building aids the external appearance of the building reducing the physical mass.

It is acknowledged that the proposals are a large commercial building and is located in a commercial area dominated by large buildings, and the efforts made to improve the visual appearance of the building are noted as is the reduction of the proposed building. It is considered therefore that the building would be acceptable in terms of external appearance and that this can add to the overall commercial environment of the area.

Landscaping and Relationship to the canal

The position of landscaping (Condition 2(d)) is largely unaltered from the approved scheme with the landscaping forming the perimeter of the site. Landscaping to Trident Alloys has been removed due to the revised position of the CHP building and the potential extension of railway sidings and the landscaping to Fryers Road has been reduced slightly to accommodate revised locations the building and car parking.

It is noted that British Waterways request that no tree be planted within 5metres of the canal bank and that the Natural Environment Team (under application 08/1459/FL) have sought additional landscaping to the canal boundary. In addition the ground conditions of the site determine that a minimum of 75% of the total site area shall be hardsurfaced with no soakaways present. As such whilst officers accept that there is a need for quantitative and qualitative landscaping on developments, the site constraints on the site determine that the landscaping of the site cannot meet the aspirations of the Natural Environment Team.

Notwithstanding regard to the canal frontage, the proposals include the opportunity for further landscaping, in particular to the canal frontage and as such it is conditioned that the landscaping scheme approved under 07/1691/RM/W7 be amended to take account of the revised landscape requirements.

Conclusion

Overall, the proposals are considered to be acceptable and would create a high quality employment facility as defined by the allocation in the Unitary Development Plan.

Summary of Reasons for Granting Planning Permission

The proposals have been considered with the aims and objectives of the Development Plan (as set out by Section 38(6) of the Planning and Compulsory Purchase Act (2004). These are Regional Spatial Strategy for the West Midlands (RSS11) and the Unitary Development Plan (March 2005).

The Local Planning Authority have considered the submitted information and it is considered that the design of the proposals, the impact of the proposals on the character of the area.

The air quality resulting from the proposals, determined by the air quality assessment submitted and assessed with the application, the impact on the amenities of nearby residents and continued operation of nearby businesses the proposals would not have a detrimental impact due to the design and air quality mediation techniques applied.

In addition the proposals have balanced the ground remediation requirements with the need to provide adequate landscaping and an attractive environment. The proposals are designed to maximise the use of the site, allow for free flow and easy movement of large vehicles and are also designed to match the industrial and commercial nature of the area.

As such, the proposed development, having considered all relevant public participation responses and consultation comments is considered to comply with the relevant policies of the Development Plan (namely Walsall Unitary Development Plan and the Regional Spatial Strategy for the West Midlands) and national planning guidance and best practice guidance. In particular the the relevant policies of the development plan, in particular policies GP1, GP2, GP3, GP7, T7, T12 T13, ENV18, ENV29, ENV32, ENV33, JP1, and JP7 of the Adopted Walsall Unitary Development Plan (March 2005) and Policies PA1, PA2, PA6, QE3, QE4, QE5 and QE9 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: Approve Reserved Matters with Conditions

In relation to the area outlined in red on the submitted plans:-

- a) Conditions 2a), 2b), 2c), 2d) (the reserved matters) and 15 are complied with.
- b) Conditions 2 (relating to BREEAM Assessment) and 9 are complied with, subject to the details being carried out in accordance with the approved plans
- c) And subject to the following new conditions:-

A. The landscaping scheme shown on the approved plans shall be implemented within 12months 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. Notwithstanding the plans submitted no trees shall be planted within 5 metres of the waterway unless otherwise agreed in writing by the Local Planning Authority.

Reason: The siting of trees in close proximity to the waterway may have the potential to adversely impact on the integrity of the waterway structure and to ensure the satisfactory development of the site.

B. Notwithstanding the plans submitted details shall be submitted to and agreed in writing by the Local Planning Authority to demonstrate that suitable measures shall be implemented to prevent damage to the canal infrastructure from parked and moving vehicles within close proximity to the canal. The details shall be implemented in accordance with the agreed scheme.

Reason: To protect the integrity of the canal infrastructure.

C. Notwithstanding the plans submitted details of the existing and proposed ground levels and finished floor levels shall be submitted to and agreed in writing by the Local Planning Authority. The details shall be implemented in accordance with the agreed scheme.

Reason: Significant changes in ground levels have the potential to impact on the integrity of the waterway and the appearance of the waterway corridor.

D. Notwithstanding the plans submitted details of the proposed lighting shall be submitted to and agreed in writing by the Local Planning Authority. The details shall be implemented in accordance with the agreed scheme.

Reason: The lighting schemes for waterside developments should minimise the problems of glare and unnecessary light pollution should be avoided.

E. Notwithstanding the plans submitted details of the proposed boundary treatments and barriers to prevent vehicles from entering the canal shall be submitted to and agreed in writing by the Local Planning Authority and should be either dark green or black in colour. The details shall be implemented in accordance with the agreed scheme.

Reason: The boundary of waterside developments should provide an attractive façade and poor design can affect how the waterway corridor is perceived, particularly when viewed from the water, the towpath and neighbouring land.

F. Details of a landscape management plan for the area adjacent to the boundary of the canal shall be submitted to and agreed in writing by the Local Planning Authority. The details shall be implemented in accordance with the agreed scheme.

Reason: Landscaping should enhance the biodiversity of an area by providing native species. Landscaping and trees also have the potential to impact on the integrity of the waterway and it is necessary to assess this and determine future maintenance responsibilities for the planting.

G. During the construction and operation of the development the works, handling, storage and disposal of waste generated by construction and operation of the development shall be carried out in accordance with the relevant legislation and regulatory requirements.

Reason: There is the potential for contamination of the waterway and ground water from wind blow, seepage or spillage at the site during construction and operation of the development which should be avoided.

H. Notwithstanding the plans submitted details of the proposed foundations and excavations to be undertaken close to the canal shall be submitted to and agreed in writing by the Local Planning Authority. The details shall be implemented in accordance with the agreed scheme.

Reason: Excavation and construction of foundations have the potential to adversely impact on the integrity of the waterway infrastructure.

I. If surface water run-off and ground water is proposed to drain into the waterway details shall be submitted to and agreed in writing by the Local Planning Authority. The details shall be implemented in accordance with the agreed scheme.

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 entering the canal should be avoided.

J. Prior to the commencement of development details of secure cycle storage shall be submitted to and agreed in writing by the Local Planning Authority. Notwithstanding the location shown on the approved plans, the stores need to be relocated within 20m of the entrance to the building and shall be made secure. The details shall be implemented in accordance with the agreed scheme.

Reason: In order to promote alternative modes of transport to the site and provide adequate provision for cyclists.

K. Notwithstanding the location shown on the approved plans for disabled parking. These spaces shall be relocated within 20m of the entrance to the building. Details shall be submitted on a plan to be approved in writing by the Local Planning Authority. The details shall be implemented in accordance with the agreed scheme.

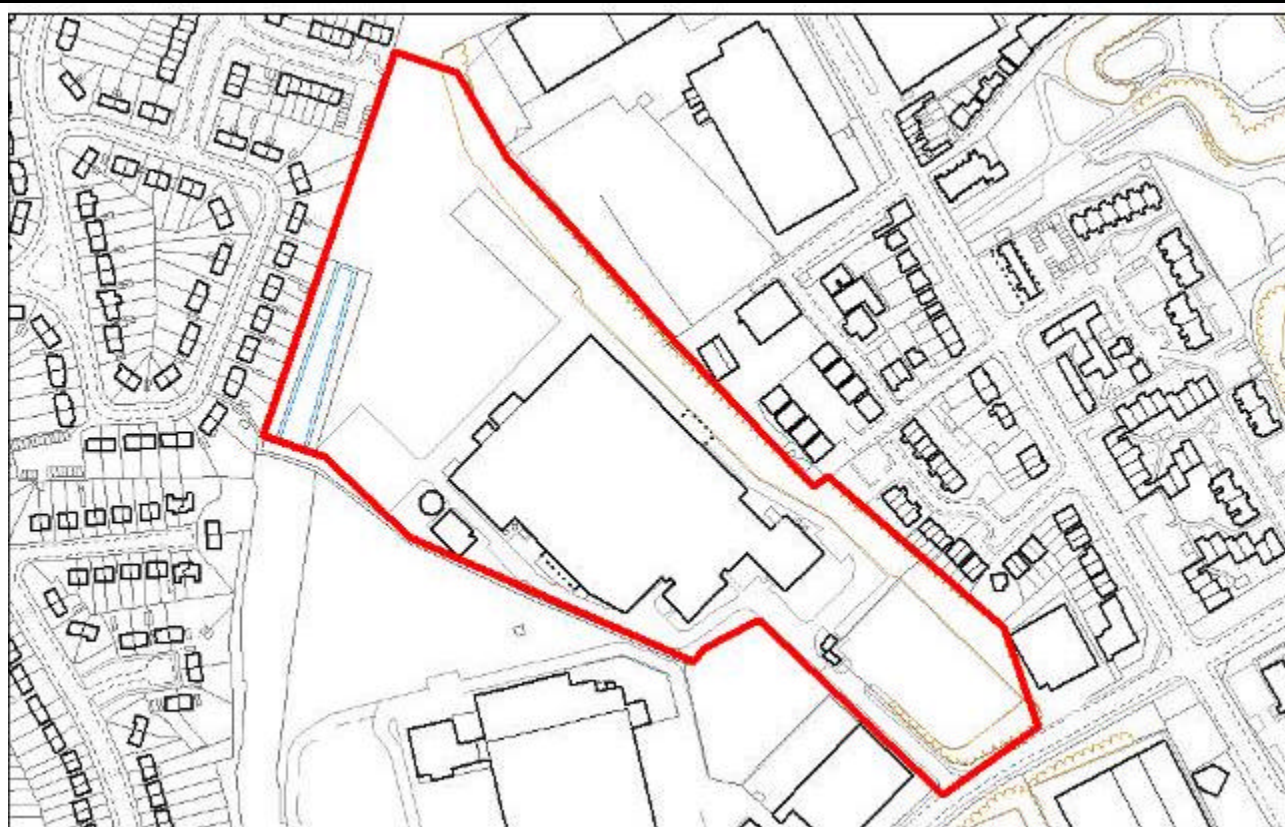
Reason: In order to provide parking for all persons.

L. Prior to the first occupation of the proposed development all parking areas shown on the approved plan shall be fully consolidated surfaced and drained.

Reason: To ensure satisfactory development of the application site.

NOTES FOR APPLICANT

- i. The applicant/developer is advised to contact Mr Des Harris, Senior Third Party Works Engineer on 01827 252038 in order to ensure that any necessary consents are obtained and that the works comply with British Waterways' "Code of Practice for Works affecting British Waterways".
 - ii. British Waterways offer no right of support to the adjacent property. The land owner should take appropriate steps to ensure that their works do not adversely affect the canal wall at this location.
 - iii. The applicant is advised that an agreement with British Waterways would be required for the discharge of water into the canal.
 - iv. The applicant is advised that an agreement with British Waterways would be required for the abstraction of water from the canal.
 - v. The applicant is advised that an agreement with British Waterways would be required for the use of the canal navigation for freight movements.
-

To: DEVELOPMENT CONTROL COMMITTEE**Report of Head of Planning and Building
Control, Regeneration and Performance
Directorate On 06 Jan 2009****REASON FOR BRINGING TO COMMITTEE: Major Application****Application Number:** 08/1637/FL**Application Type:** Full application**Applicant:** Bloor Homes Ltd**Proposal:** Reduction of units from 150 to 118 units
as an amendment to planning permission approved
under 07/2661/RM/W7 on front portion of site**Ward:** Darlaston South**Case Officer:** Andrew Thompson**Telephone Number:** 01922 652403**Agent:** Mr Robert Woolston**Location:** FORMER T.R.W. AUTOMOTIVE
SYSTEMS LTD., WODEN ROAD
WEST, WEDNESBURY, WALSALL**Expired:** 15/01/2009**Recommendation Summary:** Grant Permission Subject to Conditions and a Planning Obligation**Crown Copyright.** Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Walsall MBC. Licence Number LA 076414.

Status

The application is a variation to application 07/2661/RM/W7 which was approved earlier this year. The site is being developed in two halves by two separate developers. The rear portion of the site is under construction. This application relates to the front portion of the site.

Application and Site Details

This application seeks to detail the reserved matters following outline consent (under planning permission 07/0029/OL/W7) for the residential redevelopment of land at the former TRW Automotive site on Woden Road West, Darlaston. Layout, design, external appearance, and landscaping are now submitted

The scheme comprises 118 units based on the following housing schedule:

- 18, two bedroom houses
- 84, three bedroom houses
- 15, four bedroom houses
- 1, five bedroom house

The density, based on the total site area of 5.4 hectares would be 42.5 dwellings per hectare (dph) and 39dph on the front portion alone.

The site was formerly occupied by TRW Automotive for manufacturing. It is a roughly rectangular site with its main frontage and access onto Woden Road West. To the north is residential separated from the site by a former railway line, to the east and south the site is bounded by existing industrial uses and to the east across the border with Sandwell MBC.

The existing residential properties to the north of the site are predominantly 2 storey and a mix of 50's, 60's and 70's style dwellings (previously Local Authority owned) with 2 storey town houses to the east.

Darlaston district centre is approximately 850meters away along the main Darlaston Road. There are a number of small local shops in the area some of which can be accessed by a public footpath which runs along the southern boundary of the site from Woden Road West to Lodge Road (the footpath is to be diverted into the site).

Parking would be either within the curtilage of dwellings or in courtyards behind the units (a design device intended to reduce the impact of the car and improve the layout).

Relevant Planning History

07/0029/OL/W5 - Outline: Residential Development – Granted 14th March 2007.

07/2661/RM/W7 - Erection of 262 no. dwellings with associated works (Reserved Matters to outline application) – Granted 8th August 2008.

Relevant Planning Policy Summary

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

Unitary Development Plan (UDP)

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

GP2, GP7, 3.16, ENV18, ENV32, H9 and H10 - Development schemes should, help improve the environment of the Borough whilst not allowing development that has an adverse impact.

JP7 - Use of Land and Buildings in Other Employment Areas

(d) windfall sites or buildings will normally be safeguarded for appropriate employment uses however sometimes other uses such as housing may be acceptable...alternative uses must satisfy other relevant policies and not constrain the operation of neighbouring businesses, or appropriate future commercial investment.

GP3 and 8.8 - Planning obligations will be used to secure provision of on or off-site infrastructure, facilities, services or mitigating measures made necessary by development

LC1 and 8.3 protection of and provision of urban open space

T7 - All parking provision designed and sensitively integrated into the townscape or landscape...Policy T13 also sets parking standards.

H3 - Encouragement for the provision of additional housing through the re-use of previously developed windfall sites and conversion of existing buildings.

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;

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

Natural Environment SPD

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

Protection is proposed for protected animals, plants etc.

Urban Open Space SPD

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

Healthcare SPD

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

Education SPD

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

Affordable Housing SPD

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

Regional Spatial Strategy for the West Midlands (RSS 11)

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

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

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.

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.

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

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

Consultations

Transportation – No objection subject to conditions

Pollution Control (Scientific Team) – No objection subject to conditions

Pollution Control (Contaminated Land) - Contaminated Land has no specific requirements regarding the reserved matters in respect of this development. However, the site development is dependant on remediation and validation of the site as required in the original development permission 07/0029/OL/W5 in order to protect the future occupants of the site.

Environment Agency – No objection subject to conditions.

Housing Strategy - This is a much improved mix and is fully supported

WM Police - This development is in a high crime area and therefore would recommend that the developers look at achieving secure by design on this site. Looking at the proposed plans think it is conceivable that this site could obtain secure by design.

Land Drainage - No objection

Urban Design – No objection

Public Participation Responses

None

Determining Issue

- Changes to the previous reserved matters permission
- Variation to the existing Legal Agreement

Observations

Changes to the previous reserved matters permission

1. Housing mix

The application seeks to reduce the number of units from 150 to 118 units as an amendment to planning permission approved under 07/2661/RM/W7 on the front portion of site to be built by Bloor Homes. This proposal is a direct result of the downturn in the current economic climate, particularly in relation to small units.

The site currently has permission for 148 units comprising 45 one and two bedroom apartments, 96 three bedroom houses and 7, four bedroom houses. The reduction is generated by the removal of all apartment buildings from the proposal changing them instead to houses.

The proposed mix is now 18, two bedroom houses; 84, three bedroom houses; 15, four bedroom houses; and 1, five bedroom house. This change is fully supported by Housing Strategy and Urban Design Officers as the proposals now offer more family accommodation close to Darlaston town centre.

2. Layout and landscaping

The principal of road layout remains unchanged from the previous scheme with a homezone concept to the western portion of the site with courtyard style parking areas to the front of the premises. There are houses types of 2.5 storeys at the end of vistas and in key locations which was also a feature of the original permission.

The courtyards and shared surface elements included the overall area will remain of good quality and allow for good interaction between residential occupiers.

Another feature of the revised layout is that terraced houses have been largely removed and replaced with detached and semi-detached dwellings. The removal of terraces also means that each property will benefit from larger amounts of amenity space.

The landscaping principles, which is of particular relevance to the northeastern and southeastern boundaries, due to the changes in site levels, are unaltered from the original permission.

It is therefore considered that the proposals will result in an improved layout and no material alteration to the landscaping principles from the original permission.

3. Design and external appearance

The house types remain traditional two storey brick and tile. The development is now predominantly over two storeys whereas the previous permission was a mix of 2, 2.5 and 3 storeys with four storey development fronting Woden Road West.

Overall the proposals are considered acceptable and in housing mix terms would represent an improvement in terms of meeting the housing need for the area.

The proposals continue to include local design features in the porches and the window detail. In relation to the design and external the proposals are considered to be acceptable.

On balance, having considered the changes from the approved development, the proposals are considered to be acceptable.

Variation to the existing Legal Agreement

As a result of changes to the house types, mix of units and layout plan there is a need to amend the S106 to take account of the changes as a result of this application and in order to bring this up to date with this proposal

There would be no change in the S106 offer from the approval under 07/2661/RM/W7.

Summary of Reasons for Granting Planning Permission

The proposals have been considered with the aims and objectives of the Development Plan (as set out by Section 38(6) of the Planning and Compulsory Purchase Act (2004). These are Regional Spatial Strategy for the West Midlands (RSS11) and the Unitary Development Plan (March 2005).

The Local Planning Authority have considered the proposals against extant planning permissions, the design of the proposals, the impact of the proposals on the character of the area, the density and amenity space to be provided as part of the proposals and found in this regard the proposals are acceptable. In addition the impact on the amenities of nearby residents and businesses has been considered and found to be acceptable.

S106 contributions will continue to be delivered in line with the Council's policy.

As such, the proposed development, having considered all relevant public participation responses and consultation comments is considered to comply with the relevant policies of the Development Plan (namely Walsall Unitary Development Plan and the Regional Spatial Strategy for the West Midlands) and national planning guidance and best practice guidance. The proposed development is considered to comply with the relevant policies of the development plan, in particular policies GP1, GP2, GP3, GP7, T7, T12 T13, ENV10, ENV14, ENV18, ENV29, ENV32, ENV33, JP7(d), H3, H4, H9 and H10 of Walsall Unitary Development Plan (March 2005) and Policies QE3, QE4 and QE5 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 and a Planning Obligation

With regard to the outline planning permission reference 07/0029/FL/W5 the following conditions can be considered to be discharged subject to the works being carried out in accordance with the approved details and the Section 106 Agreement being signed:

Conditions 2, 9, 10, 14, 23, 24, 25, and 26

1. Prior to the commencement of any works, a revised drawing shall be submitted showing an Autotrack for a large three axle vehicle used by Walsall Council, to ensure that the vehicle can reach all sections of proposed adopted highway, in particular the two turning heads located to the east of the site.

Reason: In the interests of highway safety

2. No trees shall be installed within the limits of the highway until an agreement is made whereby a commuted sum shall be provided, to fund the future maintenance associated with those trees that may affect the integrity and safety of the highway. The sum to be agreed and confirmed in writing by the Local Planning Authority.

Reason: In the interests of highway safety

3. Prior to the commencement of any works, a Waste Management Strategy shall be submitted showing the required bin hardstanding to serve all properties that do not have facility for direct frontage refuse storage adjacent to the highway. The applicant shall demonstrate that sufficient bin hard standing can be provided to prevent refuse bins or recycling boxes obstructing pedestrian or vehicular, movement and visibility on the highway, and that all bins and boxes can be delivered to the highway from all apartments bin storage areas, and rear access routes from proposed houses, within the latest guidance of acceptable distance to be travelled with bins to the limit of the highway on refuse collection day.

Reason: In the interests of highway safety

4. A revised layout of the bin store shall be provided to serve plots 10-18, and 19-24. The current proposal has the binstore detached from the dwellings, and the units may be better served with more than one bin store suitably located to each individual apartment block.

Reason: In the interests of highway safety

5. Details shall be submitted and approved by Walsall Council for the extinguishment of Public Footpath FP5 (WDY) that links Woden Road West and Lodge Road. A revised plan shall be submitted showing the limits from Points A to B, as shown on Planning Layout Dwg No. BLMC/108_01B, to be amended, and point A to be taken from the junction of the site to the east with Woden Road West.

Reason: In the interests of highway safety

6. The most southerly footway from current point 'A' to the junction of Woden Road West shall be incorporated within the adoptable area of the site and the footway shall be constructed to a specification to be agreed in writing by the Local Planning Authority, to meet adoptable standards.

Reason: In the interests of highway safety

7. Public Right of Way 'Point B' link to Lodge Road, at the limit of the site, shall be permanently closed, and a gate and fencing erected at a cost to be met by the applicant.

Reason: In the interests of highway safety

8. Prior to the commencement of any works, the details of the specification and construction of the Pedestrian and Emergency Link, and measures to prevent unauthorised vehicular access shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety

9. A revised plan shall be submitted showing a Cycle store to serve apartment block 1 to 9. In view of the applicant's reduction in parking provision from the UDP maximum standard for apartments, the proposal should look to encourage sustainable options such as cycling, and the current proposal does not provide a cycle store for these units.

Reason: In the interests of highway safety

10. No development approved by this permission shall be commenced until a scheme for the provision and implementation of a surface water run-off limitation has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved programme and details.

Reason: To prevent the increased risk of flooding.

11. Floor levels should be set as shown on drawing no. 7219/6 Rev.B.

Reason: To protect the development from flooding.

12. Prior to the commencement of development suitable noise mitigation measures to protect internal and external areas as detailed in the report from Hoare Lea Consultants submitted with this application have been submitted to and agreed in writing by the Local Planning Authority. The agreed details for each dwelling shall be implemented prior to its occupation.

Reason: To safeguard the amenities of future residential occupiers.

13. Prior to the commencement of development revised plans shall be submitted for approval by the Local Planning Authority showing the following details:

a) Proposed bin hardstandings serving Plots 85 to 99 and Plots 106 to 111 relocated so that they are no more than 30 metres from the furthest Plot, in line with Building Regulation standards. In order to achieve this a turning area for a 9.3 metre, 3 – axle refuse vehicle shall be provided in order to service the relocated bin hard standing.

b) The extent of the adoptable public highway.

c) Autotrack analysis for a 9.3m, 3 – axle refuse vehicle through the revised homezone loop road and for the adoptable shared surface access road to be revised in accordance with Condition 1. above including the turning analysis for a refuse vehicle.

d) The vehicular access to the parking/garage area to Plot 118 relocated to a position 20 metres from the tangent point to the main site road junction with Woden Road West.

e) Car parking reversing aisles to spaces 54, 57 and 69 to 71 increased to 6.0 metres in accordance with national standards.

f) Proposed highway trees outside Plots 86 and 112 repositioned further from the front elevations of the units.

The development shall be implemented in accordance with the approved details.

Reason: In the interests of highway safety.

NOTES FOR APPLICANT

A) Approved under this planning consent unless otherwise agreed in writing, together with all the necessary drainage arrangements and run off calculations shall be submitted to Walsall Council. No works on the site of the development shall be commenced until these details have been approved and an agreement under Section 38 of the Highways Act, 1980 entered into.

B) The attention of the applicant is drawn to the need to keep the highway free from any mud or other material emanating from the application site of any works pertaining thereto.

C) Drainage arrangements shall be provided to ensure that surface water from the private driveways, parking courts and vehicular turning area does not discharge onto the public highway. No drainage from

the proposed development shall be allowed to discharge into any highway drain or over any part of the public highway.

D) If it is the developers intention to request that Walsall Council, as the Highways Authority, to adopt the proposed roadwork's as maintainable at the public expense, then details of the layout and alignment, widths and levels of the proposed road works, which shall comply with any plans

E) With regard to suitable noise mitigation measures to protect internal and/or external residential areas, reference should be made to guidance and criteria contained in British Standard BS 8233, 1999 and World Health Organisation Guidelines for Community Noise 2000 and the following are relevant:

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

b). internal noise levels within living rooms of residential development shall not exceed a Continuous Equivalent Noise Level, $L_{Aeq(16 \text{ hour})}$, of 45 dB between the hours 07.00 to 23.00.

Sound level measuring instrumentation shall conform to either 'Type 1' of British Standards BS EN 60651: 1994 'Specification for sound level meters' and/or BS EN 60804: 1994 'Specification for integrating-averaging sound level meters' and/or Class 2 of BS EN 61672: 2003 'Electroacoustics- Sound Level Meters - Part 1: Specifications (or any superseding standards as applicable) which shall have been verified in accordance with British Standard BS 7580 ' Specification for the verification of sound level meters' Part 1: 1996 'Comprehensive procedure' within a preceding 2 year period.

Current guidance, procedures, recommendations and information to assist in the completion of a suitable noise survey may be found in:

Planning Policy Guidance Note PPG 24 'Planning and Noise'. 1994;

Minerals Policy Statement 2: Controlling and Mitigating the Environmental Effects of Minerals Extraction in England. 2005

British Standard BS 7445: 2003 "Description and Measurement of Environmental Noise".

British Standard BS 7445-1: 2003 - Description and measurement of environmental noise - Part 1: Guide to Quantities and Procedures;

British Standard BS 7445-2: 1991 - Description and measurement of environmental noise - Part 1: Guide to the acquisition of data pertinent to land use

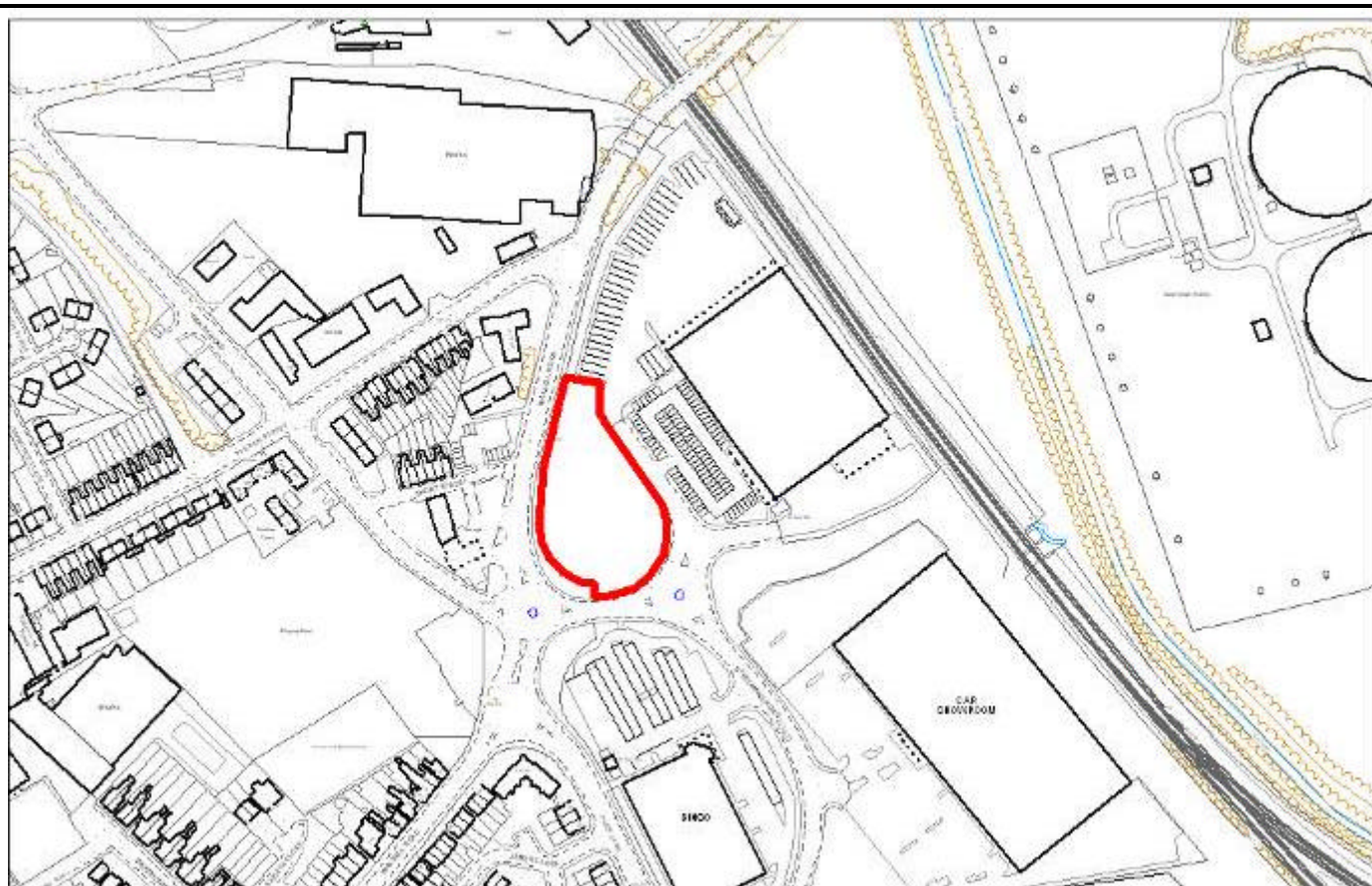
British Standard BS 7445-3: 1991 - Description and measurement of environmental noise - Part 3: Guide to application to noise limits.

British Standard BS 4142: 1997 – Method for Rating industrial noise affecting mixed residential and industrial areas

Calculation of Road Traffic Noise, 1988

Calculation of Railway Noise, 1995

This is not an exhaustive list.

To: DEVELOPMENT CONTROL COMMITTEE**Report of Head of Planning and Building
Control, Regeneration and Performance
Directorate On 06 Jan 2009****REASON FOR BRINGING TO COMMITTEE: Significant community interest****Application Number:** 08/1603/FL**Application Type:** Full application**Applicant:** A F Blakemore & Son Ltd**Proposal:** Change of use to lorry parking, including
acoustic fencing and landscaping.**Ward:** Bentley & Darlaston North**Recommendation Summary:** Grant Subject to conditions**Case Officer:** Marilyn Kowalski**Telephone Number:** 01922 652492**Agent:** DTZ**Location:** LAND AT JUNCTION OF
WALSALL ROAD AND STEELMANS ROAD**Expired:** 12/01/2009

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Application and Site Details

The proposal is for the change of use of the site, which is currently vacant land, to form a lorry/car park. This would be in connection with Blakemore & Son Ltd. distribution depot which occupies the warehouse opposite the site. The proposed development comprises the creation of an area of hard standing to accommodate 24 HGV parking spaces in the wider southern part of the site, and 19 car parking spaces in the northern part of the site.

The part of the site which will be used for the car and lorry park is broadly level, however, the edge of the site running from north to south forms a bund that rises from approx. 0.8 m above the site to 2.7m above the site. An existing iron railing fence runs along the crest of the bund. There is an area of landscaping between the boundary fence and the highway.

The proposal includes landscaping around the boundary of the site fronting Walsall Road together with a timber acoustic fence to a maximum height of 4.0m on the Walsall Road frontage which will be lowered in height to 3.5m where it turns the corner into Steelmans Road. The acoustic fence will replace the existing railings which are to be relocated to the Steelmans Road frontage of the site. The applicant has suggested that the external face of the acoustic fence could provide a potential area for a Community Art project.

The Design and Access Statement submitted with the application explains that the business has expanded to the point where existing arrangements are fully utilised and the provision of additional parking will alleviate existing problems.

Access to the site will be from Steelmans Road (there is currently no access point to the site).

The surrounding area comprises commercial and industrial uses predominantly to the east of the site and to the north west of Station Road. West of the site on the opposite side of Walsall Road is an area of housing.

The planning application is also accompanied by a Noise Assessment. This concludes that an acoustic barrier should be provided to mitigate against possible noise disturbance to residential properties and their upper windows. The nearest lorries would face into the parking area to allow them to leave in the early morning without the use of reversing beepers. The HGV's would be connected to electrical hook up points around the perimeter in order to power refrigeration units without the need for running engines.

Relevant Planning History

The larger area of which this site is part has been given permissions for leisure uses, together with industrial and warehouse units, over the period 1995 to 1999. The leisure use has been built as a bingo hall. Other employment uses share the larger area. This is the last prominent site to be developed.

Recent history includes:

03/0412/OL/W2 Outline: Development of site for B1 (b & c) (research and development and light industrial) B2 (general industrial) and/or B8 (warehousing) uses Grant subject to conditions on 6th April 2004.

05/0251/FL/W2 Change of use from vacant land to lorry/car park refused 12th April 2005 for the following reasons:-

1. The proposal would bring a noise generating use into close proximity with nearby residential properties to the detriment of the residential amenities which the occupiers of these properties could reasonably expect to continue to enjoy. The proposal is therefore contrary to Unitary Development Plan policies 3.7 and ENV10.
2. The use of this prominent site for the parking of lorries would have an adverse visual impact on the area, contrary to the environmental objectives of policies 2.1, 2.2, GP2 and 3.6 of the Development

Plan. The approval of this use on this main road frontage would prejudice the aims of the Council, Walsall Wolverhampton and South Staffordshire Regeneration Zone and the Walsall Regeneration Company for the Darlaston Strategic Development Area. These aims are to create a modern industrial area which will have a significant impact on the promotion of the economy of the borough.

06/1586/FL/W2 Extension of warehouse for forklift storage to the existing distribution warehouse Grant
Subject to Conditions 15/11/06

Relevant Planning Policy Summary

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

Unitary Development Plan (UDP)

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

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

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

S5 defines the Woodlands Centre as a local centre at which the existing convenience shopping function should be retained and if possible enhanced, although the buildings may be redeveloped.

GP7 - improve the environment of the Borough

7.4, and T1 support ease of movement and accessibility for pedestrians.

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

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

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;

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;

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

Appendix D: Public Art Guidelines: Art features should champion local distinctiveness and make a difference to the quality of the built environment. T

Local Development Framework (LDF)

The Black Country Joint Core Strategy (JCS) has completed its Preferred Options Consultation. Whilst not formally part of the Development Plan (as defined by Section 38(6) of the Planning and Compulsory Purchase Act 2004), the JCS is a material consideration. Submission to the Secretary of State is anticipated in October/November 2008 following a further period of public consultation. The broad principles of the UDP – e.g. the appropriate reuse of previously developed land, need to promote the

town and district centres and high quality design are further advanced in the document taking account of recent national and regional planning guidance

Regional Spatial Strategy for the West Midlands (RSS 11)

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

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

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

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.

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. A Supplementary document has been published on the need to address climate change through the planning system.

PPG13 on transportation seeks to minimise the use of the car by the sustainable location of development. It promotes development at accessible transport locations, reducing the need to travel by car and promoting walking, cycling and public transport. This is supported by Manual for Streets (published May 2007) which promotes a flexible approach to design and materials that build a high quality environment.

Consultations

Transportation – No Objection to the current proposal subject to conditions relating to layout and access. The applicant looks to create an additional lorry and car parking facility in order to improve the present unsatisfactory parking and manoeuvring operational arrangements within the existing site. It is not proposed to significantly increase the number of vehicular HGV/car trips and is therefore unlikely to have a significant impact on the surrounding highway network.

Pollution Control (Contaminated Land) – No objections. Part of the property is located in an area previously utilised for metal casting/foundry that may have resulted in localised ground contamination that may present Health and Safety implications for persons undertaking ground works. Recommend that a note is attached to any planning approval issued .

Pollution Control Scientific Team - Comments to be reported at committee.

Fire officer - No objection

Crime Reduction/ Architectural Liaison Officer - This site is situated in a High Crime area mainly relating to vehicle crime and burglary. The proposed use of this site will provide the opportunity to commit crime. Main concerns are security of the site itself. There are no references made to security measures within this application therefore initial comments are based on no additional security measures being in

place. The site itself will have poor natural surveillance particularly to the sides and rear where there are no houses only industrial premises and car parking. In conjunction with the easy access to the perimeter of the site due to the open plan nature of the surroundings with various escape routes including the nearby railway line, the need for appropriate security is crucial.

The perimeter needs to be secured with secure by design approved fencing such as 'Expamet', this should have a security topping such as 'Razor Spike' which is again secure by design. The use of timber fencing particularly along the rear of the site would not serve any security purpose in its own right at all as it would be easily scaled or broken through. If wooden fencing is the only option a monitored micro wave alarm system should be installed along the inner perimeter along with monitored CCTV. Lighting will need to be appropriate and parking areas defined to allow for maximum CCTV coverage around the vehicles.

Drainage – No objection

Environment Agency – Low environmental risk

Public Participation Responses

Four letters of objection have been received to the application and a further letter containing 17 signatures. The grounds of objection are as follows:-

- Close proximity of the development to residential properties;
- there is another overnight lorry park next door to this site, the council has had to equip a flat on Walsall Road with intake fans to allow ventilation without noise;
- there is already one lorry park in Bentley Mill Way (unauthorised) which visually spoils the area (*enforcement are currently investigating this*);
- Increase in traffic on road system leading to damage to roads and accidents particularly to the historic aqueduct on Bentley Mill Way;
- Increased pollution;
- Increase in noise especially at night and particularly from refrigeration units;
- The area already copes with excess noise pollution from main road why should residents have to invest in extra sound proofing for their properties;
- will put lives at risk and there are 5 schools nearby;
- Intensification of the use as a food distribution depot which is a 7day 24 hour operation;
- if there is any money for landscaping the local park should be considered;
- Are power posts to be used for charging refrigeration units?
- Will acoustic fencing be high enough to stop noise to second and third floor flats opposite
- Concerns about the visual appearance of a 4m high fence
- Nearby properties received secondary glazing to bedrooms when the depot was originally built but these measures do not adequately protect from existing noise;
- Increased light pollution;
- Noise level readings are dubious as only one environmental noise survey was undertaken this year there must have been an increase since the survey was undertaken.

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

Determining Issues

The determining issues are amenity of surrounding residents; visual amenity; traffic implications and security issues.

Observations

Amenity of surrounding residents

In order to consider the issues it is necessary to understand the history of surrounding sites.

In 1999 planning permission was granted for a food distribution warehouse (BC53124P), now occupied by Blakemore's. The boundary of the site, at that time, included the application site now under consideration for a distribution unit. However, the detailed proposal excluded this land. As part of the Blakemore application there was a payment under a S106 Agreement, to the council to allow for the installation of "acoustic attenuation measures" this comprised sealed secondary glazing with Venetian blinds in the glazing gap, associated control gear and acoustic ventilation to the bedroom windows of nos. 401, 403, 409, 411, 417, 419, 423, 425, 427, 431 and 433 Walsall Road (then Council owned flats).

Members raised concerns over the reserved matters application for the Bingo Hall, BCW514, in 1995, due to the location of the service yard, bin stores, substation and chiller unit. It was felt that they would cause unnecessarily high levels of nuisance for residents in the vicinity of Park Road. It was also felt that the appearance of the building was unacceptable in the location. The application was approved by the Black Country Development Corporation.

The outline application for research and development and light industrial, general industrial and/or warehousing on the current application site ref no. 03/0412/OL/W2 which was granted in April 2004 was carefully deliberated at the time because of the proximity of housing. This led to the proposition that a similar Section 106 Agreement to the Blakemore application, to allow for the installation of "acoustic attenuation measures", should be entered into. However, instead a condition was agreed with the proposed applicant which restricted noise levels at the boundary of nearby residential properties at defined times during the day and night. The permission was not implemented

Planning application ref: 05/0251/FL/W2 for a lorry/car park was refused in April 2005. Refusal reason one related to the amenity of nearby residential properties due to the proximity of a noise generating use. Pollution Control were concerned about the proximity of nearby houses at the time. The provision of an acoustic barrier and/or a landscape screen was discussed, however, the agent did not provide any information on these matters despite requests from Pollution Control, and no firm conclusions were reached on whether it would have eliminated noise problems for residents

Regarding the current application, the applicant has provided information regarding operations on the site. A total of 74 vehicles operate from the existing yard. Throughout the day and night vehicles are loaded and then parked ready for dispatch the following day. Within the existing yard vehicles have to be moved two to three times a day in order to create sufficient space to allow empty vehicles to access the loading bays creating unnecessary noise. Vehicles have to be double parked causing congestion and creating potential health and safety risks. The residents who have responded to the consultation raise concerns over noise emissions from the site due to lorry maneuvering and refrigeration units. The design and access statement says that the scheme is not needed to accommodate increased traffic movements or to accommodate increased traffic movements. It is required to alleviate existing parking and servicing deficiencies and therefore in real terms there is unlikely to be any increase in traffic movements.

The agent has stated that the proposed development will enable Blakemores to reduce the noise as well as reducing potential health risks associated with the level of movements, and allow the business to operate more effectively within the site both now and in the future. As part of the noise mitigation measures provided with the current application a 4.0m (maximum) high acoustic fence is proposed on the boundary closest to the nearby residential properties. The noise survey submitted with the application concludes that this is necessary to mitigate against possible noise disturbance to surrounding residential properties and their upper windows. A topographical survey covering the residential properties on the northern side of Walsall Road was commissioned in order to inform the required height. With these measures in place there should be no need for extra sound proofing to surrounding properties.

It is felt that the development will be satisfactory in terms of residential amenity and that refusal reason one is capable of being overcome subject to Pollution Control comments.

Visual Amenity

Refusal reason two of planning application ref: 05/0251/FL/W2 related to the proposal having a detrimental visual impact on the area. In the current application an acoustic barrier and a strengthened landscape scheme are proposed along the Walsall Road frontage. The site has been vacant for a considerable period of time and it is clear that Blakemores have reached capacity in terms of parking, there is therefore a compelling case for supporting the application. However, the necessary acoustic barrier will need to be 4.0 metres high approx. for a length of around 94 metres. Because of this expanse of plain relatively high fencing the applicant has identified the potential for a community Art project. A condition has been suggested.

It is felt that, on balance, this offers a good compromise, which allows the land to be developed to reduce noise currently created from unnecessary manoeuvring on site which would allow Blakemores the expansion needed to retain the industry and jobs in the area. It can also provide an interesting art feature which can champion local distinctiveness and make a difference to the quality of the built environment. The proposal would therefore overcome refusal reason two of planning application ref: 05/0251/FL/W2.

Traffic implications

The transportation officer has not raised any concerns regarding the proposal. Policy T13 states that parking standards for Class B8 uses require 1 space per 50 sq. m. of gross floorspace up to 250 sq. m. then 1 space for per 100 sq m. up to 2,500 sq m and then 1 space for every 500 sq. m. of gross floorspace. The proposed development will provide an additional 19 car parking spaces for the existing depot providing 120 spaces overall, which is considered to be in accordance with Walsall Unitary Development Plan policy. Conditions are suggested regarding lorry manoeuvring; parking surfacing and marking and vehicular access.

Security Issues

The police liaison officer has raised concerns about vehicle crime and burglary. The main concerns relate to security of the site itself. However, it is felt that there are adequate fences of sufficient height around the site to maintain security. The applicant has confirmed that manually controlled gates will be provided to secure the application site. The gates will match the style, height and colour of the proposed fencing. The site is managed by 24 hour security staff, who will also have the duty of tending to the application site.

The liaison officer has stated that if wooden fencing is the only option, a monitored micro wave alarm system should be installed along the inner perimeter along with monitored CCTV, and parking areas defined to allow for maximum CCTV coverage around the vehicles, a condition to this effect is suggested.

The existing lorry yard is lit by lamp post type lighting. It is accepted that lighting will need to be installed on the new area should permission be granted. This will be appropriate to the location, a condition requiring suitable lighting has been suggested. This will ensure that there will be no light spillage from the development.

Conclusion

The proposed scheme will not involve an increase in traffic movements. It is intended to alleviate existing parking and servicing deficiencies which will reduce noise as well as reducing potential health risks associated with the current level of movements. It will allow the business to operate more effectively within the site. The 4.0m (maximum) high acoustic fence is necessary to mitigate against possible noise disturbance to surrounding residential properties. The community art project proposed for the fence will provide an interesting feature which can champion local distinctiveness and make a difference to the quality of the built environment. Security issues may be dealt with by condition

Summary of Reasons for Granting Planning Permission

The proposed scheme will not involve an increase in traffic movements over and above current operations and a condition restricts the numbers of HGVs allowed to operate from the site.. The development is likely to alleviate existing parking and servicing deficiencies and reduce noise and potential health risks associated with the current level of movements. It will allow the business to operate more effectively within the site. The 4.0m (maximum) high acoustic fence is necessary to mitigate against possible noise disturbance to surrounding residential properties. The community art project proposed for the fence will provide an interesting feature which can champion local distinctiveness and make a difference to the quality of the built environment. Security issues may be dealt with by condition. Any new lighting will be controlled by the Local Authority. It is therefore felt that the neighbour objections will be overcome.

The proposed development is considered to comply with the relevant policies of the development plan, in particular 2.1, 2.2, GP1, GP2, GP7, 3.1, 3.6, 3.7, 3.16, ENV32, 7.4, T1, T7, and T13 of Walsall Unitary Development Plan on balance, having taken into account all material planning considerations, the proposal is acceptable.

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

Recommendation: Grant Subject to conditions

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

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

2. Development shall not begin until details of a scheme for the provision of public art, to meet the needs of the development in accordance with Unitary Development Plan policies GP3 and ENV34 and Policy DW9 of the Designing Walsall Supplementary Planning Document, has been submitted to and approved in writing by the Local Planning Authority. The details shall include a timetable for the provision to be made and shall then be carried out in accordance with the approved details. The scheme shall be retained and maintained in good order for the duration of the development.

Reason: To ensure the appropriate level of infrastructure is secured to meet policy in Supplementary Planning Document Designing Walsall.

3. No development shall be carried out until details of CCTV camera coverage have been submitted to and approved in writing by the Local Planning Office. The approved system shall be installed and retained in good working order for the duration of the development

Reason: In the interests of crime prevention

4. No development shall be carried out until details of a monitored micro wave alarm system to be installed along the inner perimeter have been submitted to and approved in writing by the Local Planning Office or alternative means of securing the site have been submitted to and approved in writing by the Local Planning Authority. The approved system shall be installed and maintained in good order for the duration of the development.

Reason: In the interests of crime prevention

5. No development shall be carried out until details of proposed refuse and waste recycling facilities have been approved in writing by the Local Planning Authority the facilities shall be positioned to avoid interference with car and lorry parking and manoeuvring on the site. The approved scheme shall be implemented before the development is brought into use, and shall be thereafter retained. No materials, goods or refuse shall be stored or deposited in the open on any part of the site other than refuse in a refuse container

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

6. No development shall be carried out until a lighting scheme for the car park has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be installed and maintained in good order for the duration of the development

Reason: To secure the safe functioning of the site and to safeguard the amenities of the occupiers of adjoining premises.

7. The development hereby approved shall at no time be subdivided to form a separate unit unless otherwise agreed by the submission and approval of a separate planning application.

Reason: To define the permission and for the Local Planning Authority to retain effective control over the development.

8. There shall be no more than 74 HGV's accommodated in total, on the application site and the main site at any given time.

Reason: In the interests of highway safety.

9. Prior to the commencement of the development, a plan shall be submitted for approval by the Local Planning Authority showing an Autotrack analysis for the lorry parking bays shown on submitted drawing 08-29-02 Rev B.

Reason: In the interests of highway safety.

10. Prior to the first operation of the development, all parking areas shown on the approved plan shall be fully consolidated, surfaced and drained, and all parking bays shown on the approved plan shall be clearly demarcated on the ground and thereafter retained for that purpose.

Reason: In the interests of highway safety.

11. Prior to the first operation of the development the proposed vehicular access shall be constructed to a specification to be approved and agreed in writing by the Local Planning Authority, and any works shall meet all statutory requirements.

Reason: In the interests of highway safety.

Note for Applicant.

The area of this proposed development has previously been utilised for metal casting/foundry that may have resulted in localised ground contamination that may present Health and Safety implications. This information should be brought to the attention of any builder or contractor undertaking the development in order that they may implement any Health and Safety at Work precautions they feel appropriate when undertaking construction work at the site of the proposed development.



To: DEVELOPMENT CONTROL COMMITTEE

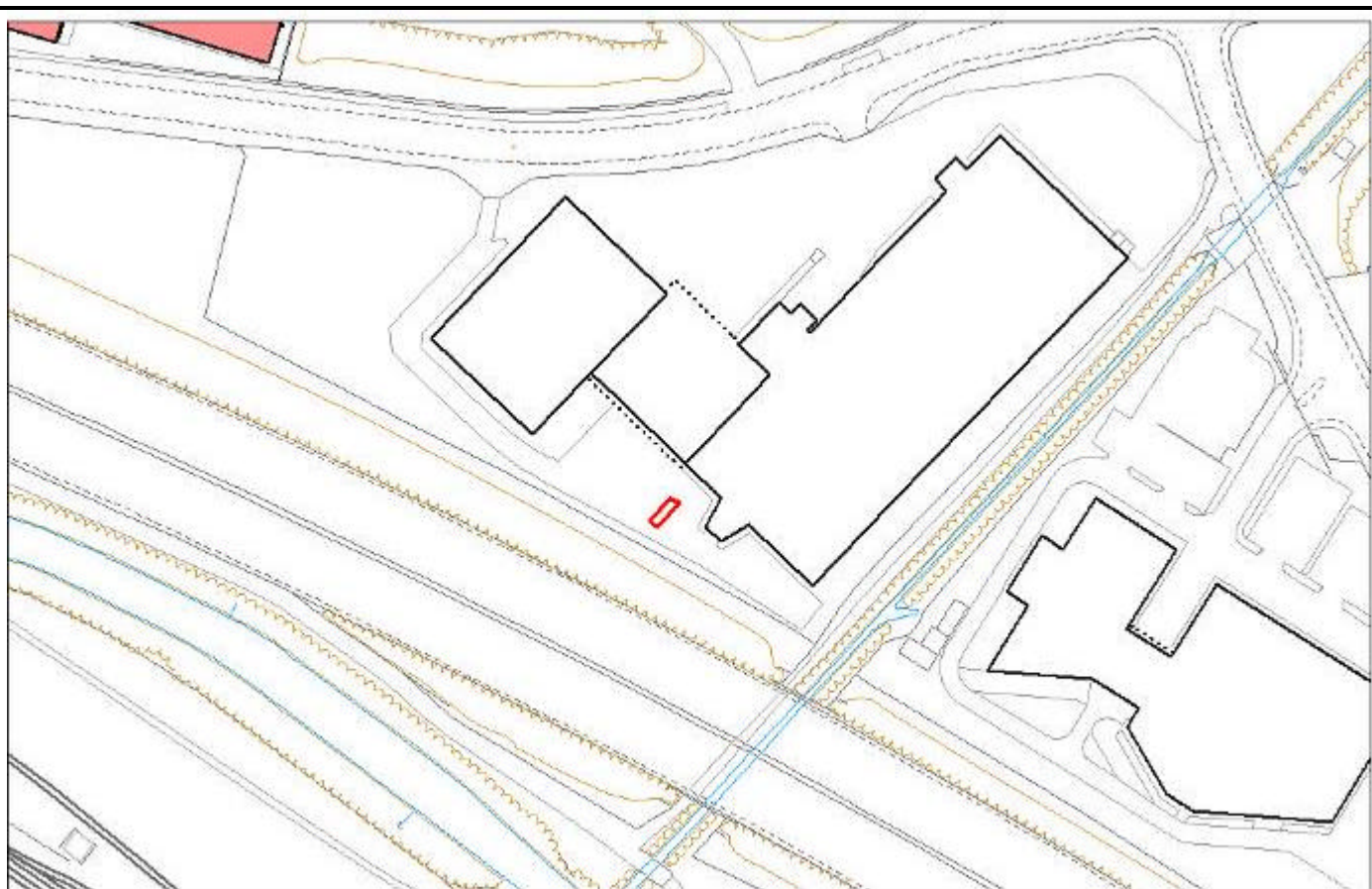
Report of Head of Planning and Building
Control, Regeneration and Performance
Directorate On 06 Jan 2009

REASON FOR BRINGING TO COMMITTEE: REQUIRES DELICATE JUDGEMENT

Application Number: 08/1800/AD
Application Type: Advertisements
Applicant: Mr Stephen George
Proposal: Display of 2 portrait L.E.D Digital
screens measuring 7.5m * 5.0m

Case Officer: Mrs J Scrivens
Telephone Number: 01922 652436
Agent:
Location: MIDDLETON GROUP OF
COMPANIES LTD,BESCOT
CRESCENT,WALSALL,WS1 4DQ
Expired: 14/01/2009

Ward: Palfrey
Recommendation Summary: Refuse Advert



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Status

This application is brought to Committee following the approval of a previous advert application, contrary to the recommendation of officers and the views of the Highways Agency. The same issues will be relevant to the determination of this application.

Application and Site Details

This application proposes the display of a double sided illuminated advertisement at the rear of the Middleton Paper Company's premises in Bescot Crescent. The advertisement would be located in the company's car park which is immediately adjacent to the M6 motorway. The application site is midway between junctions 9 and 8, adjacent to a section of the motorway where the M6 lane markings and overhead gantry signs split traffic flows into two, in advance of the M6/M5 junction. The advert would be directly to the south of a Variable message Sign, between that sign and another overhead gantry sign.

The advert would be in the same position as the advert approved under 08/0191/AD, some 8m from the edge of the M6's carriageway. The height from ground level of the car park to the underside of the advert would be 8 metres so that the display would be slightly above carriageway level. The advert would be some 7.5m high and 5m wide. These details are the same as those of the advert previously approved. The supporting structure would be very different; instead of a slab shaped structure this advert would be set in a 'picture frame' and on a pole.

The illumination of the advert would be static but the content of the advert would be changed by computer rather than the traditional method and materials. This would enable the contents of the advert to be changed at more frequent intervals. Typically at present a digital billboard advertisement is displayed for 6 to 8 seconds and then fades away and a new message appears.

The applicant has indicated that it is intended eventually to offer advertising for only part of the day so that specific times can be targeted by advertisers for example commuters in the early morning and evening.

A copy of the outdoor advertisers' digital code of best practice has been submitted in support of this application. The introduction states that in addition to offering advertising information, the digital billboard may be used by the police and government agencies to deliver speedy emergency information to the public. The code itself states that:

- there shall be no moving images, animation, video or full motion images displayed unless consent has been granted for such displays
- the advertising copy on digital billboards should not be changed more frequently than every five seconds unless consent has been granted for such display
- the luminance level of a digital roadside billboard shall comply with the Institute of Lighting Engineers Technical Report no.5 (2003)
- roadside digital displays in England will conform to the five standard conditions specified in Schedule 2 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

Relevant Planning History

There have been various applications for advertisements in the vicinity of the site and the motorway.

The site.

02/0015/AD/W3 illuminated and non-illuminated advertisements. Granted subject to conditions 21.2.02

05/0928/AD/W4 two poster hoardings on building. Refused 29.6.05 for reasons relating to highway safety, advertising clutter and as detrimental to the character and appearance of this group of buildings.

05/2280/AD/W5 Portrait uplit display. Refused 4.1.06 for reasons relating to visual clutter, highway safety and as detrimental to the appearance of the building.

06/1857/ AD/W4 portrait uplit display. Refused 12.12.06 for reasons of highway safety, visual clutter and as detrimental to the appearance of the building. Ministry appeal dismissed 17.5.07

08/0191/AD 2 illuminated advert hoardings. Approved on 4.6.08

The football club

Three V-shaped pairs of poster hoardings on the south stand were given consent between 1992 and 1996.

Two monopolies in the club car park were approved in 1995 and 1998, the second being approved after a representations hearing.

03/2212/AD/W4 a hoarding 65 metres long and 12 metres tall was approved in 2004

07/1871/AD/W3 for a free standing two faced display unit was granted on 16.10.07

07/2586/AD/W1 Free standing two faced display unit. Not yet determined.

Other sites in the vicinity

02/1905/AD/W3, south of James Bridge for a single sided 96 sheet illuminated monopoly. Approved 2002

04/2486/AD/W5, amended by 05/0519/AD/W5 were both approved in 2005

02/0718/AD/W4 for a 15 metre monopoly at a factory opposite the football club was approved in 2002 following a representations hearing.

08/0448/AD for an illuminated free standing two faced advertisement was refused on 16.6.08

Relevant Planning Policy Summary

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

Unitary Development Plan (UDP)

GP2 and 3.6 state that the Council expects all development 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. Schemes should, as far as possible, help to improve the environment.

ENV32 states that poorly designed development which fails to take into account its context or surroundings will not be permitted.

ENV36 states that poster hoardings will not be permitted where they would have a detrimental effect on either the amenity of the area and its residents or public safety. The most appropriate locations are likely to be areas of mainly commercial character. Hoardings are unlikely to be permitted on sites visible from motorways and on prominent sites on classified roads.

National Policy

Planning Policy Statement (PPS) 1: Creating Sustainable Communities 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."

Planning Policy Guidance 19: Outdoor Advertising states that advertisements should be considered only in terms of visual amenity and public safety. Paragraphs 15 and 16 suggest that 'LPAs will consider the likely behaviour of drivers of vehicles who will see the advertisement... the vital consideration in assessing an advertisement's impact is whether the advertisement itself, or the exact location proposed for its display, is likely to be so distracting, or so confusing, that it creates a hazard to, or endangers people in the vicinity who are taking reasonable care for their own and others' safety.

Circular 3/2007 sets out the guiding principle that in making decisions on adverts 'Local Planning Authorities are required to exercise their powers under the Regulations with regard to amenity and public safety, taking into account relevant development plan policies in so far as they relate to amenity and public safety, and any other relevant factors' (para.5)

Appendix B sets out relevant considerations to be taken into account with regards to the effect of advertisements on public safety. The key passage in the context of this application is:-

MOTORWAYS

'6. Land alongside motorways is landscaped for reasons of safety and appearance. Only prescribed or authorised traffic signs are permitted on land acquired for motorways. Advertisements may, however, be permitted within a motorway 'service area'. Local Planning Authorities should ensure that on other land alongside motorways no advertisements which could adversely affect amenity, or constitute a danger to traffic are allowed.....'

'148. As there are road safety issues in displaying advertisements alongside motorways and other trunk roads the Highways Agency should be consulted about any application for express consent. The Highways Agency is unlikely to support any application for an advertisement which could distract drivers. The road safety and amenity issues raised by these advertisements mean that it is unlikely that express consent to display them would be given'.

Consultations

Transportation: No objection. The application does not affect areas of the highway which are the responsibility of Walsall Council.

Highways Agency: Has queried aspects of the application and any comments following response to these queries will be reported to the meeting. The Highways Agency objected to the previous advertisement application on the grounds of highway safety.

Pollution Control (Scientific Team): No objection

Pollution Control (Contaminated Land): No objection. The site was previously used as a sewage works which may have resulted in localised contaminated soils that may present Health and Safety implications for persons undertaking ground works. The applicant should be advised of this. The land is also producing elevated methane concentrations (an explosive gas) and it is recommended that a condition is imposed relating to the specification for the signage to ensure that methane does not come into contact with an ignition source.

Police Architectural Liaison Officer: No objection. No comments to make from a crime reduction point of view however there may be issues of road safety which the Highways Agency will comment on.

Public Participation Responses

None

Determining Issues

Precedent in the area
Visual amenity
Public safety

Observations

Precedent in the area

Historically there have been several approvals for large adverts in the vicinity of the application site. These tend to pre-date the adoption of development plan policies which reflect a growing concern over amenity and public safety. It is clear from recent appeals in the area that the Inspectorate consider driver safety to be a key issue in relation to motorways and conclude that displays of this sort should not be permitted.

In the determination of the previous advert application on this site Members took the view that there were no issues of highway safety created by the advertisement. While the current application relates to a sign of the same size, in the same position as that previously approved each application should be determined on its merits, rather than on precedent.

Visual amenity

This advertisement would be on the motorway side of the Middleton site and would have little or no visual impact on Bescot Crescent.

In the determination of the previous application I expressed some concern that the proposed advert would tend to block the view of Middleton's building and the RAC building. This was however due to the lack of space between the advert and the building, rather than any criticism of its design. Members considered that it was acceptable. The advertisement proposed in the current application would also occupy a space which should be kept open to give a view of these distinctive buildings.

Public safety

Members have previously considered that the advertisement approved under 08/0191/AD in this position would have no effect on highway safety. It is necessary to consider the current application in the light of this decision and to decide whether the current proposal would have any adverse effect on highway safety.

The proposed area of the advert would be no different from that previously approved, which Members have considered acceptable. The only difference, in terms of public safety, between the two, is that this advert could be changed remotely and as frequently as required and its means of illumination would be different.

The ability to change the advert without a visit to the site would have benefits for the operation of the highway in some cases (although not this one, since the advert could be changed from Middleton's site).

The ability to change the advert frequently is also of concern, since this may well distract drivers on the motorway. This does not form part of the present proposal and could be prevented by condition if the application was otherwise acceptable.

The proposed means of illumination may have repercussions in terms of its brightness. Further consultation is required on this matter and any response will be reported to the meeting.

Conclusion

Refuse as detrimental to visual amenity and highway safety.

Summary of Reasons for Granting Planning Permission

Recommendation: Refuse Advert

1. The proposed advertisement display would detract from the appearance and setting of the buildings on this site and the adjacent RAC building by partially obscuring the view of them from the motorway, detracting from the existing company signage and adding clutter which would be detrimental to the visual amenity of the area. The approval of this application would be contrary to policies GP2, 3.6, ENV32 and ENV36 of Walsall's Unitary Development Plan.

2. The proposed advertisement display, together with existing motorway traffic signs, company signs and posters would create further visual clutter and would be a distraction to passing motorists on a busy and difficult section of motorway which requires a high level of driver concentration. The approval of this application would therefore be detrimental to the visual amenity of the area and contrary to policies GP2, 3.6, ENV32 and ENV36 of Walsall's Unitary Development Plan.



To: DEVELOPMENT CONTROL COMMITTEE

Report of Head of Planning and Building
Control, Regeneration and Performance
Directorate On 06 Jan 2009

REASON FOR BRINGING TO COMMITTEE: Called in by Councillor Perry and Significant Community Interest.

Application Number: 07/2468/FL/E9

Application Type: Full application

Applicant: Mr & Mrs Bailey

Proposal: Variation of Condition 2 attached to planning application 02/1641/FL/E2, to allow the bungalow to the rear of the site to be occupied as a care home for two adults with special needs, in conjunction with the existing C2 care home.

Case Officer: Barbara Toy

Telephone Number: 01922 652429

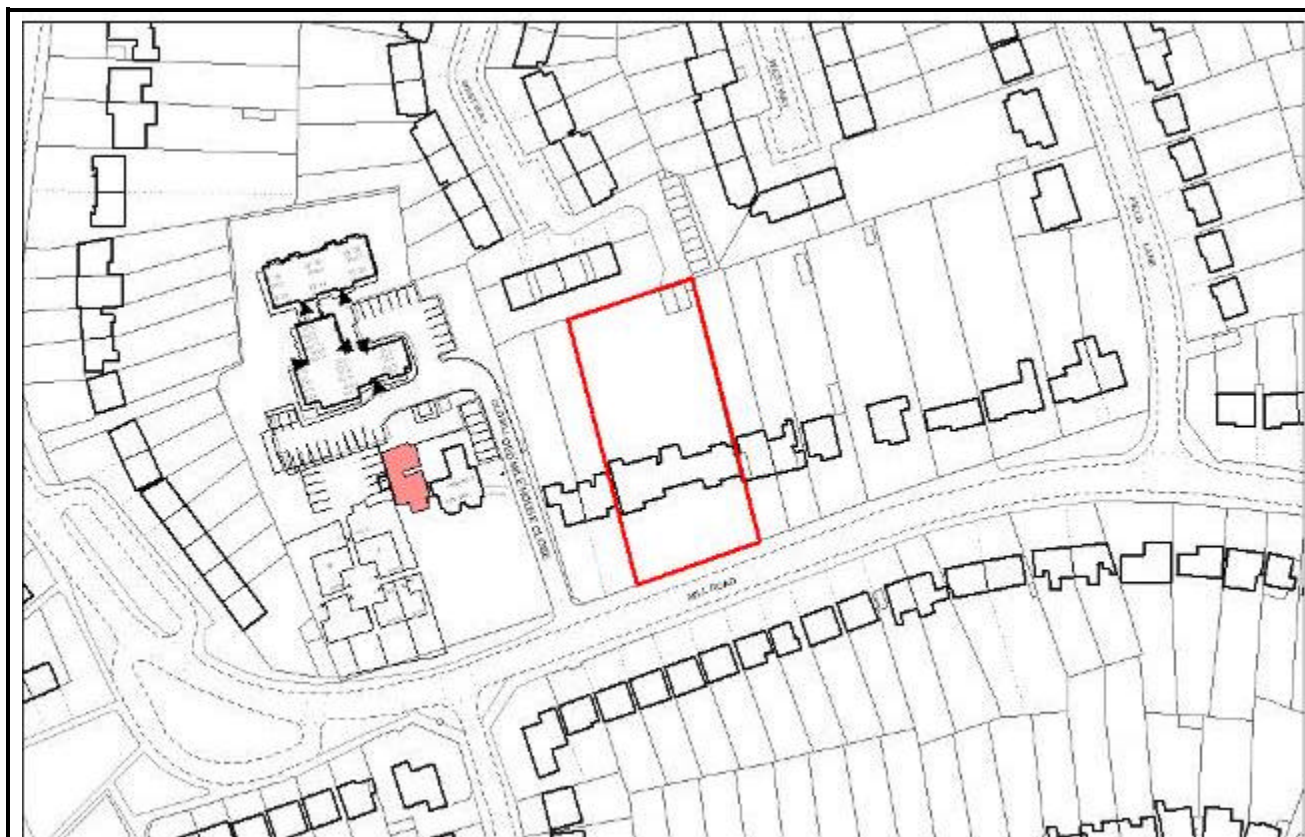
Agent:

Location: MILL LODGE RESIDENTIAL
CARE HOME, 98 MILL ROAD, HIGH
HEATH, PELSALL, WALSALL, WS4 1BU

Ward: Pelsall

Expired: 02/01/2008

Recommendation Summary: Grant Subject to conditions



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Background

This application has been called in by Councillor Perry because it is considered that the proposed development would have inadequate access and would have an adverse impact on the amenities of neighbours.

Application and Site Details

The site is situated on the northern side of Mill Road, and comprises a large detached property set back from the road, with parking on the frontage. The property is a residential care home for the elderly with 20 bedrooms and has a detached garage/storage building situated in the north eastern corner of the rear garden.

A previous planning approval (02/1641/FL/E2) granted consent for the demolition of the existing detached garage/storage building in the rear garden of the home and construction of a new detached single storey annex (bungalow) for use as managers/staff accommodation. Condition 2 attached to this approval restricted occupation by the manager or staff (along with immediate family) in conjunction with the operation of the existing rest home and at no time shall the development be occupied by any persons not associated with the operation of the principle building. Work started on the construction of the bungalow (as approved) in October 2007, prior to the expiry of the planning permission, but work stopped when this application was submitted.

This application now proposes the variation of Condition 2 attached to planning application 02/1641/FL/E2, to allow the bungalow to the rear of the site to be occupied by up to two adults with special needs, in conjunction with the existing C2 care home. Whilst the unit would provide independent care for two residents it would be run in association with the main care home.

The application proposes minor internal alterations to the bungalow (as approved) to provide 2 bedrooms with en-suite facilities, communal lounge, kitchen and disabled access to the building and within, and access from the main building to the new unit.

The submitted plans also show, for a two storey rear extension to the existing care home to provide an additional 9 bedrooms, communal area, new shower room and included a new car parking layout on the frontage, to provide 11 parking spaces and in and out access. This extension was given planning permission in 2005 05/0745/FL/E3 has not yet been constructed, but is still a valid permission (until 06 June 2010) and the applicant has confirmed that this is likely to be implemented at the same time as the construction of the current application.

Relevant Planning History

BC23906P, Outline, extension and change of use to form residential home for the elderly, granted subject to conditions 8 November 1988.

BC25459P, Extensions and change of use to residential care home for the elderly, granted subject to conditions 6 June 1989.

BC33917P, Conversion of first floor flat to resident's bedrooms & garage and office, granted subject to conditions 13 November 1991.

BC35251P, Conversion and extension of garage creating bungalow for residential staff, refused, 15 April 1992. Subsequent appeal dismissed 7th Dec 1992.

02/1188/FL/E2, Demolition of existing garage and new detached annexe for manager, Withdrawn 10 Sept 2002.

02/1641/FL/E2, Resubmission of 02/1188/FL/E2: deleting proposed rear access from Westway, granted subject to conditions, 15 Oct 2002.

05/0745/FL/E3, ground and first floor extension to the rear to provide 9 additional bedrooms, extra communal area and new shower room to existing residential care home for the elderly and provision of new parking arrangements for the additional bedrooms. Approved 6th June 2005.

Relevant Planning Policy Summary

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

Walsall UDP March 2005

GP2: Environmental Protection

The Council will not permit development which would have an unacceptable adverse impact on the environment.

Policy 3.6 seeks environmental improvement resulting from development.

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

GP5: Equal Opportunities

Concerned with meeting the needs of all sections of the community and increasing social inclusion.

GP6: Disabled People

Encourages good access for people with disabilities.

ENV32: Design and Development Proposals.

Poorly designed development or proposals which fail to properly take account of the context or surroundings will not be permitted. Detailed criteria are listed for consideration when assessing the quality of design of any development proposal including:- the appearance, materials, height, proportion, scale and mass of the proposed buildings, the visual relationship of the proposal with adjacent areas, the street and the character of the surrounding neighbourhood, the effect on the local character of the area. Policy 6.5 concerns meeting housing needs, and states that the Council will take into account the needs and characteristics of the Boroughs population and particular requirements of groups such as disabled people.

H5: Housing for People with Special Needs

The Council will promote and encourages the provision of housing for people with special needs.

H6: Nursing Homes and Rest Homes for the Elderly

Provision of nursing homes and homes for the elderly will normally be appropriate in residential and mixed residential and commercial areas.

Policy T7: Car Parking

All development should satisfy the car parking standards set out in

Policy T13: Parking Standards

Residential Homes : 1 spaces per 3 beds

Nursing Homes : 1 space per 2 beds.

Supplementary Planning Document “Designing Walsall” (February 2008)

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

National Policy

PPS1: Delivering Sustainable Development, emphasis is give to the need to reject poor design and the need for sustainable development.

PPS 3: Housing, in determining planning applications Local Authorities should have regard to:

- achieving high quality housing
- achieve a good mix of housing reflecting the accommodation requirements of specific groups
- and using land effectively and efficiently
- suitability of a site for housing

Consultations

Transportation – no objections, subject to conditions regarding car parking layout and details to be submitted to demonstrate that an ambulance or minibus can easily access the site satisfactorily.

Fire Service – Providing that a domestic sprinkler system in accordance with BS9251 is installed within the premises and the premises are staffed 24 hours a day the Fire Service consider this would be satisfactory for this particular building. Appropriate conditions are required to ensure the installation of the sprinkler system.

Access Officer – no objections to amended scheme submitted on 19th June 2008.

Head of Learning Disabilities – no objections in principle. The bungalow is in line with the strategic intent and future service demand. The only concern raised has been the issue of access for emergency services and the implications on the safety/privacy of the residents of the main home due to the shared corridor access to the rear of the property. It is understood that this issue has been addressed by the applicant and CSCI are not indicating any impact on the registration of the main unit as a result of the proposals.

West Midlands Police – no objections, the intended use would have no adverse effect on the area or provide a danger to surrounding residents.

Public Participation Responses

Eleven letters of objection have been received from five residents and a further letter of objection signed by 8 residents.

The objections are:

- The building currently does not even exist
- There is no staff accommodation within the bungalow
- Already other homes for special needs in the area
- Access via side passage of main building appears inadequate
- Mill Rd very busy with two bad bends
- Already parking problems which are likely to be exacerbated by the proposed use together with the approved 9 bed extension.
- Closeness of the building and use to the boundary with adjoining residential premises and gardens
- Noise and disturbance to adjoining residential properties from the use
- Some concerns about the type of residents to occupy the unit, and likelihood of causing problems to adjoining residents
- Objection to the fire access shown to the rear onto Westway, this is a private access drive and the applicants have no right of access.
- Will special needs use eventually spread into the main building?
- Increase in comings and goings from the property through increase in ambulances, doctors, nurses etc.

Surrounding occupiers were re-consulted on the revised development description, which clarifies the proposals, on 4th December 2008, any representations received as a result will be reported in the supplementary papers.

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

Determining Issues

- Principle of the use
- Access
- Impact of the proposals on the amenities of the surrounding residential occupiers

Observations

Principle of the use

The application premises is situated within the grounds of a well established care home for the elderly which falls within Planning Use Class C2. Consent has already been granted for the erection of a single storey bungalow on the site, for which construction is deemed to have commenced in October 2007, to ensure the consent remains live.

The proposal would provide a small care home for two adult residents with special needs, to be run in association with the existing main residential care home for the elderly. As a result the proposed use would not alter any existing activities on the site, but merely extend the use to the additional building.

The principle of the erection of the building itself is already established with the previous approval and only minor alterations to the building would be required consisting of internal layout changes which in turn reflects the positioning of windows and entrance doors and ramped access points in place of steps, in order to meet the needs of the proposed service users. The position, size and massing of the building would remain unchanged.

Small self contained units are the preferred option when providing care for adults with special needs/learning disabilities and the principle of the use is supported by the Head of Learning Disabilities.

The proposed use is in line with policies GP5, GP6, H5 and H6 of the UDP and therefore considered acceptable. Conditions are attached to restrict the number of residents and ensure that the unit is used solely in association with the existing care home and not operated independently.

Access

The building is situated in the rear garden of the existing care home and would be accessed from the main building and the existing passageway to the side (west) of the main building.

The passageway is narrow (0.85m wide), but a route through the main building is also available and would be used by visitors, in order to maintain security and safety for both residents and staff.

Ramped access and hard surface paving would be provided to ensure access for all to the unit, through from the main building, the garden area and into the new unit.

The rear garden/amenity space would be shared between the main home and the proposed unit. The internal arrangements of the home would be a matter for the registering body (CSCI) and the potential occupiers of the home. The internal layout of the premises has been amended to ensure that it would be disability friendly and provide communal space overlooking the garden area and access route to the unit, to provide overlooking and activity for residents. The revised plans provide improved access arrangements and the Council's Access and Disabilities officer now considers the access arrangements satisfactory.

West Midlands Fire Service initially raised objections with regard to unsatisfactory fire service access to the new unit. Fire Service access through the existing building is unacceptable and unworkable and the side passageway is too narrow and the routes would be too long. Access to the rear of the unit from Westway is not available, as this is a private drive, and the applicants have no right of access. Fire access has now been resolved through the proposed provision of a domestic sprinkler system within the bungalow. An appropriate condition is attached to ensure that details of the specific system (including mains water pressure) to be submitted to and approved by the Council in conjunction with West Midlands Fire Service prior to first occupation/use of the building for the use proposed.

The proposals indicate a revised parking layout to the frontage to provide 11 parking spaces, in line with that approved as part of the 9 bedroom extension to the home (PA05/0745/FL/E3). This layout includes use of the existing 'in' and 'out' driveway and loss of some of the frontage landscaping. A condition is attached to ensure that new landscaping around the car park is provided.

Impact of the proposals on the amenities of adjoining occupiers

The bungalow itself was approved in 2002 and it was considered that the building would have no adverse impact on the amenities of the adjoining residential occupiers. It is considered that the proposed change of use to the building from staff accommodation to a C2 care home for only two adult residents would have no additional impact in terms of noise and disturbance to the adjoining occupiers. Due to the detached nature of the building and the 24 hour staffing, it is considered that there would be no significant levels of noise from within the building or behaviour problems that would adversely impact on the amenities of the surrounding occupiers.

Summary of Reasons for Granting Planning Permission

The premises is situated within the grounds of an existing C2 care home for the elderly and the building itself already has planning consent for residential use in association with the care home. The principle of change of use of the building is therefore considered appropriate.

Access to the building would be via the existing premises and the side passageway which following revisions is now considered satisfactory providing use of the new unit remains associated to the main care home.

It is considered that the proposed use, restricted to only 2 adult residents would have no adverse impact on the amenities of the adjoining residential occupiers.

Objections and issues raised by local residents have been overcome within the report or by safeguarding conditions attached to this approval. As such the proposals are considered to accord with the aims and objectives of the development plan, in particular policies GP2, 3.6, 3.16, GP5, GP6, ENV32, 6.5, H5, H6, T7 and T13 of Walsall's Unitary Development Plan (2005).

Recommendation: Grant Subject to conditions

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

Reason: Pursuant to the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).

2. This permission grants consent for the use of the bungalow to the rear of the site in association with the existing care home at 98 Mill Road for the occupation of not more than 2 residents.

Reason: In order to define the permission and safeguard the amenities of occupiers of premises in the vicinity.

3. The car parking layout shown on drawing No 7013/5A submitted on 18th November 2008 shall be fully implemented and marked out on the site prior to first occupation of the use hereby approved.

Reason: In order to provide satisfactory parking provision within the site.

4. Prior to commencement of the development details to demonstrate that an ambulance and/or minibus can access and egress the site in a forward gear, shall be submitted to and approved by the Local Planning Authority and the approved layout implemented on site prior to first occupation of the use hereby approved and thereafter maintained.

Reason: In order to provide satisfactory access to the site.

5. Prior to commencement of the development details of a domestic sprinkler system to be installed in accordance with British Standard 9251, to include an assessment of mains water pressure, additional water storage and/or pumping systems required, shall be submitted to and approved in writing by the

Local Planning Authority, the approved details shall be installed prior to first occupation of the building and thereafter maintained.

Reason: To ensure that a satisfactory fire protection system is installed and maintained in the building.

6. No development shall be carried out until a detailed landscaping scheme for the site, including the frontage and around the new car parking area, hard surface materials and any necessary phasing of implementation, has been approved in writing by the Local Planning Authority. The approved scheme shall be implemented in accordance with any agreed phasing or within one year of any part of the development being brought into use or such other period of time as may be agreed in writing by the Local Planning Authority.

Reason: To ensure the satisfactory appearance of the development.

7. The works hereby approved shall only be carried out in accordance with details contained within amended drawing Nos 7013/5A and 7013/1F submitted on 18th November 2008 and amended Design and Access Statement submitted on 19th June 2008.

Reason: In order to define the permission and ensure that only the approved works are implemented.



To: DEVELOPMENT CONTROL COMMITTEE

Report of Head of Planning and Building
Control, Regeneration and Performance
Directorate On 06 Jan 2009

REASON FOR BRINGING TO COMMITTEE: Major Application

Application Number: 08/1706/FL

Application Type: Full application

Applicant:

Proposal: Change of Use of land to allow car parking, storage, vehicle inspection/ancillary garage and administration in relation to existing car auction facility, including alterations to the existing buildings and erection of a new 2.4 metre fence and change of use of existing customer car park to car auction parking in relation to the existing car auction facility. This development affects a public footpath.

Ward: Bentley & Darlaston North

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

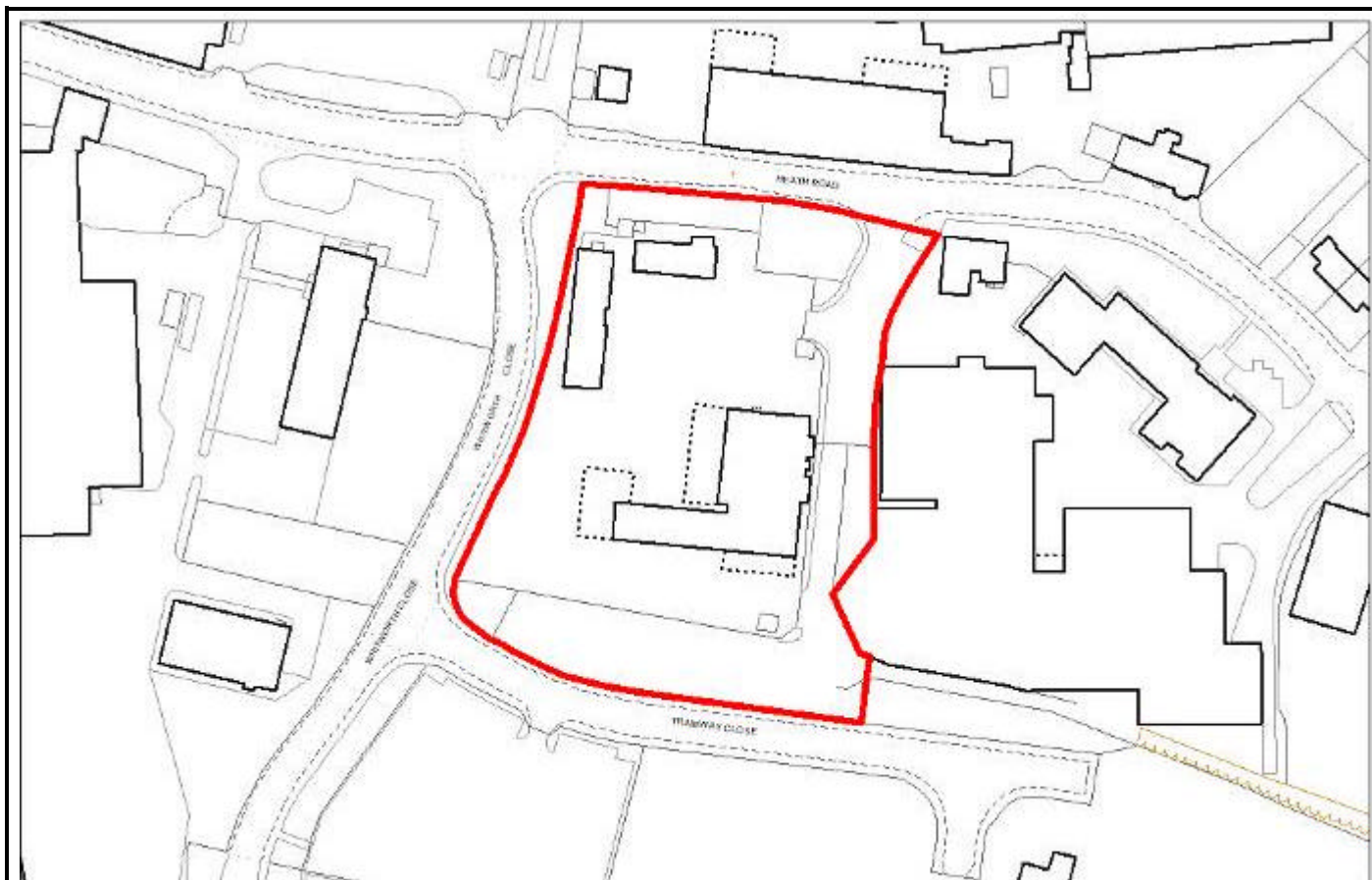
Case Officer: Andrew Thompson

Telephone Number: 01922 652403

Agent: Sanderson Weatherall

Location: FORMER AIR PRODUCTS
SITE, HEATH ROAD, DARLASTON, WS10
8LJ

Expired: 09/02/2009



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Application and Site Details

The application site is on the corner of Whitworth Close and Heath Road. The area is characterised by heavy industry. To the south of the site is the main Manheim Car Auctions.

It is intended to use the site for car storage, repair and additional car parking. These operations are to be relocated from an existing Manheim Car Auction facility on Bentley Road South.

The proposals include the demolition of the existing building on the southern portion of the site with the conversion of the remaining two brick built buildings on the northern portion to provide ancillary offices and vehicle inspection and repair facility (within building on the Heath Road frontage).

The majority of the area will be used to store and inspect cars for the neighbouring car auction site. The proposal is principally a sui generis use (a use of its own type) with an element of cosmetic repair/reconditioning which could constitute general industry (Use Class B2). There would be 137 car parking spaces for customers using the car auction site.

The application is supported by a Planning Statement, Transport Statement, Travel Plan and Preliminary Geo-Environmental Assessment.

Relevant Planning History

None relevant

Relevant Planning Policy Summary

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

Unitary Development Plan (UDP)

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

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

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

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

GP7, ENV32: seeks the design of developments 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.

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 and 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

JP5: Promotes core employment uses on land and the retention of land for such a use.

Supplementary Planning Documents (SPD)

Designing Walsall SPD

Promotes high quality design and sustainability in development.

Natural Environment SPD

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

Regional Spatial Strategy for the West Midlands (RSS 11)

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. Policy PA1 and PA2 seek to ensure that there are economic development opportunity and that areas are regenerated and create jobs.

Policies QE1, QE2, QE3 and QE4 which seeks to improve the quality of the environment. 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.

PPG4 and Draft PPS4 seek to encourage a modern working environment and to encourage enterprise and innovation. Recognition of the role of IT and new technologies are important considerations.

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

Consultations

Transportation – No objection subject to conditions

Pollution Control (Scientific Team) – No objection

Pollution Control (Contaminated Land) - No objections to the proposed development however the property is located in an area that has been used for a factory/works, general mining and quarrying and filled ground (unknown materials) that may have resulted in localised ground contamination that may present Health and Safety implications for persons undertaking ground works.

Due to the nature and age of the property we would require the contractor carrying out the demolition to take actions to prevent contamination of the ground due to any potentially hazardous materials associated with the building structures or their previous use. Conditions and notes are recommended to be attached to any planning approval issued.

Strategic Planning- No objection - notwithstanding its status as sui generis, it can be seen in the circumstances to comply with JP5. However there needs to be a condition that if Manheim were to vacate the site it would return to a core employment use as defined in para 4.4, in order to comply with JP5 (b).

Fire Service - Satisfactory for fire service access

Environment Agency – No objection - this application has a low environmental risk.

WM Police - main concern centres on the customer parking areas and the obvious targets they present during business times. Note from the site plans that there is a public access to the site off Tramway Close

which offers easy access with anonymity to offenders wishing to target the vehicles. Ideally all movement on and off this site should be through one access point which can be monitored and managed for security purposes. Recommend that this car park attains Safer Parking PARKMARK accreditation and where applicable BS5489 should be complied with in relation to lighting, planting and traffic calming.

Perimeter fencing particularly around the storage area should be secure by design approved and have a spiked top in order to make it difficult to scale. Due to the lack of natural surveillance and the isolation of the site out of hours vehicles stored in this will be particularly vulnerable and should therefore be protected accordingly. Obviously monitored CCTV and onsite security patrols will reduce the risks but cannot see any mention of such measures being proposed.

The design of the proposed gates should not provide any climbing aids through its design, palisade fencing should be concreted in at the base by at least 12", as otherwise it is reasonably simple to penetrate and therefore ineffective.

Rights of Way - Part of Footpath 17 Darlaston crosses the above site, although it has been obstructed for many years. Another section of the same path was extinguished in 1965. Have considered the site and do not feel that it would be possible to divert the footpath. Feel that the only logical action to enable this proposed development to go ahead would be to extinguish this public right of way.

Natural Environment (Trees) – No objection subject to conditions

National Grid – No objection – risk is negligible.

Inland Waterways Association – No objection

Public Participation Responses

None

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

Determining Issues

- Principle of the proposed use
- Layout of site
- Relationship to the neighbouring car auction site
- Public Footpath

Observations

Principle of the proposed use

The site is designated a core employment site in the UDP and is in the Darlaston Strategic Development Area. Officers also note that there is not an adopted timescale for the site to be developed as part of the DSDA, and therefore officers agree that a large operation such as this would have difficulty finding an alternative site.

The proposed use is not a core employment use in Policy JP5 of the UDP. However in this particular case the proposal to consolidate the two sites on which they operate can be seen as in accord with GP1(c), making the best use of urban land and buildings. Therefore the need would for such a facility would be met by this proposal which could not easily be satisfied elsewhere in the Borough.

It is therefore considered that the proposals are acceptable in principle subject to the site returning to Core Employment uses if Manheim Car Auctions should vacate the site.

Layout of site

The layout of the site will remain largely unaltered from the existing with the exception of the demolition. The hardsurfacing on the site will remain in place and be utilised for new storage and car parking areas. The proposals do create an opportunity for further landscaping. The layout of the site is acceptable.

The comments of the Police are noted and security measures are conditioned.

Relationship to the neighbouring car auction site

Clearly the rationale of locating Manheim in one location has significant benefit for them in terms of coordinating staff and reducing distances between deliveries and maximising the use of both sites.

Whilst physical linkages would be of benefit, this is restricted by changes in levels between the two sites of approximately 3metres and the need to ensure that the sites remain secure. The proposals do however have the potential to utilise existing pedestrian links.

It is conditioned that deliveries to and from the site do not take place during auction times to reduce highway conflict between private cars and delivery vehicles.

Overall it is considered that the proposed location of the site would have significant benefit.

Public Footpath

It is noted that part of Footpath 17 Darlaston crosses the above site between Heath Road and Tramway Close near to the eastern boundary of the site. Officers note the comments of Rights of Way Officers that the footpath has been obstructed for many years. Indeed there was no visible evidence of it at the time of the case officer's visit to the site.

Another section of the same path was extinguished in 1965. Having considered the site and the footpath provision on Whitworth Close, Officers concur with Rights of Way officers and do not feel that it would be possible to divert the footpath. Therefore the only logical action to enable this proposed development would be to extinguish this public right of way. This would involve the applicant pursuing this matter separately in order to meet the statutory requirements.

Conclusion

Overall the proposals are an acceptable use of an existing employment site that would allow for the continuation and improvement of the existing business in the Darlaston Strategic Development Area.

The application has been re-advertised in the press due to an administrative error on the original notice in relation to advertisement that the development affects the public footpath. The site notice and consultation letters were correct in this regard and the Ramblers Association have been consulted on the application. Members are asked to delegate authority to the Head of Planning to determine the application unless a material consideration is raised within the press notice timescale.

Summary of Reasons for Granting Planning Permission

The proposals are considered in line with the Development Plan for the site as the proposal consolidates two sites, making the best use of urban land and buildings. In addition, a large operation such as this would have difficulty finding an alternative site. The proposals will convert and reuse existing buildings on the site and the movement from the site will not cause harm to highway safety when considered with the submitted Transport Assessment and Travel Plan.

Landscaping improvement and the condition of existing trees have been considered and subject to conditions the proposals are considered acceptable. In addition the public footpath crossing the site has been considered as part of the application.

As such, the proposed development, having considered all relevant public participation responses and consultation comments is considered to comply with the relevant policies of the Development Plan

(namely Walsall Unitary Development Plan and the Regional Spatial Strategy for the West Midlands) and national planning guidance and best practice guidance. In particular the the relevant policies of the development plan, in particular policies GP1, GP2, GP3, GP7, T7, T12 T13, ENV18, ENV29, ENV32, ENV33, JP1, and JP5 of the Adopted Walsall Unitary Development Plan (March 2005) and Policies PA1, PA2, QE1, QE2, QE3, UR1A, UR1B, and UR1C 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, unless additional information is received which raises mater

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

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

2. The use hereby approved is for a sui generis use not defined within Policy JP5 of the Adopted Unitary Development Plan (2005) and as such, unless otherwise agreed in writing by the Local Planning Authority, should the approved use cease, the site shall be Use Class B2 and B8 as defined by Town and Country Planning (Use Classes) Order 1987 (as amended) or any succeeding legislation.

Reason: In order to ensure the area is retained in employment use.

3a) No development shall take place until full details of both hard and soft landscaping works (including retaining structures and the maintenance and enhancement to the northern and southern boundaries) have been submitted to and approved in writing by the Council. These works shall be carried out as approved. The details shall include details of all hard surfaces, walls, fences, access features, the existing trees and hedges to be retained, and details of the measures to be taken to protect existing features during the construction of the development.

b) All hard and soft landscaping works shall be carried out in accordance with the approved details. Arboricultural work to existing trees shall be carried out prior to the commencement of any other development, otherwise all remaining landscaping work and new planting shall be carried out prior to the occupation of any part of the development or in accordance to the timetable agreed with the Council.

c) Unless otherwise agreed in writing by the Local Planning Authority, any trees or plants, which within a period of five years of the commencement of any works in pursuance of the development die, are removed, or become seriously damaged or diseased, shall be replaced as soon as practicable with others of similar size and species to be agreed with the Local Planning Authority.

d) Following the completion of any arboricultural works but before any equipment, materials or machinery are brought onto the site in connection with the development, protective fencing and ground protection such as geomembrane or scaffold boards shall be installed around all retained trees in accordance with details that first shall be submitted to and agreed in writing by the Local Planning Authority. Such protection shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Within the protected areas there shall be nothing stored or placed in any area fenced nor shall any fires be started, no tipping, refuelling, disposal of solvents or cement mixing be carried out and ground levels within those areas shall not be altered, nor shall any excavation or vehicular access be made, without the written consent of the Local Planning Authority.

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

4. Unless otherwise agreed in writing by the Local Planning Authority, no development shall be carried out until details of security oriented design measures and physical security measures for the site (including CCTV and lighting) have been submitted to and approved in writing by the Local Planning

Authority. The approved measures shall be implemented concurrently with the relevant element of the development, and thereafter retained.

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

5. Prior to the commencement of development the details and locations of cycle and motorcycle facilities shall be submitted to and approved by the Local Planning Authority in writing. The facilities shall be erected in accordance with the approved details prior to the site being brought in use.

Reason: To ensure the satisfactory appearance of the development.

6. No deliveries to or from the site shall take place during the time in which a car auction is taking place.

Reason: In the interests of highway safety.

7. No building shall be brought into use until detailed measures to implement the Travel Plan submitted with the application documents (or such other document as the Local Planning Authority may agree can be substituted) and a timetable for implementation, and mechanisms for securing compliance from future occupiers have been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall be implemented in accordance with the approved measures.

Reason: To promote green travel patterns, and minimise the use of the car.

8. Prior to demolition a site survey to identify any potentially hazardous materials shall be carried out and a Method Statement produced detailing actions and time scale to be taken to prevent localised contamination.

Reason: To ensure satisfactory development of the site.

9. Following demolition and removal of the building a validation report shall be provided to the Local Authority to demonstrate that no ground contamination has occurred as a result of the removal of any hazardous materials and the building.

Reason: To ensure satisfactory development of the site.

13. The offices hereby permitted shall be used in connection with and remain ancillary to the main purpose of the site.

Reason: The site is located outside any centre and therefore is not necessarily appropriate for independent office use.

14. Prior to the commencement of development, a plan shall be submitted to and agreed in writing by the Local Planning Authority showing the position of a minimum of 14 disabled car parking bays referred to in the application. Each bay shall measure 2.4m x 4.8m plus 1.2m access zone to side and rear. The agreed scheme shall be implemented prior to the proposals being brought into use.

Reason: To ensure the provision of adequate disabled parking.

15. Prior to the first occupation of the proposed development all parking areas shown on the approved plan shall be fully consolidated surfaced and drained.

Reason: To ensure satisfactory development of the site.

16. Internal pedestrian links being improved to allow for better pedestrian connectivity within the car parking areas. Details shall be submitted on a plan to be approved in writing by the Local Planning

Authority prior to the commencement of development. The agreed scheme shall be implemented prior to the proposals being brought into use.

Reason: In the interests of pedestrian safety.

17. Tactile provision should be provided at all crossing points along the proposed pedestrian route as detailed on drawing number 5116/001 and at the principal access to the development site, in accordance with current best practice and inclusive mobility.

Reason: In the interests of pedestrian safety.

NOTE FOR APPLICANT:

A) The area of this proposed development has historically been utilised for a factory/works, general mining and quarrying and filled ground (unknown materials) that may present Health and Safety implications for person undertaking ground works. No specific detail of ground conditions in the area is available other than that obtained from previous land use data and historic mapping. This information should be brought to the attention of the builder or contractor undertaking the development in order that they may implement any Health and Safety at Work precautions they feel appropriate when undertaking construction work at the site of the proposed development.

To: DEVELOPMENT CONTROL COMMITTEE**Report of Head of Planning and Building
Control, Regeneration and Performance
Directorate On 06 Jan 2009****REASON FOR BRINGING TO COMMITTEE:** Requires delicate judgement**Application Number:** 08/1408/CA**Application Type:** Prior Notification of Demolition**Applicant:** Mr John Noakes**Proposal:** Demolition of No. 35b Portland Road
Aldridge**Ward:** Aldridge/Central & South**Recommendation Summary:** Grant Conservation Area Consent.**Case Officer:** Andrew White (E10)**Telephone Number:** 01922 652429**Agent:** Mr Will Livens**Location:** 35B PORTLAND
ROAD, WALSALL, WS9 8NU**Expired:** 14/11/2008**Crown Copyright.** Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Walsall MBC. Licence Number LA 076414.

Application and Site Details

This application is for conservation area consent for the demolition of 8 one bedroom flats with shared facilities within a 2 storey block fronting Portland Road, Aldridge located within Aldridge conservation area. The immediate vicinity is predominately residential and open space.

The building is a utilitarian style 1960's grey brick and concrete tile construction, with the elevations of the building broken up with large glazed windows, wood and tile cladding set within a reasonably sized mature plot. All 8 flats are unoccupied and in a state of disrepair with evidence of vandalism.

The site is adjacent to dwellings of mainly two storey height of traditional brick and tile construction and opposite the site is a large piece open space (the Croft) mostly maintained grass and laid out with mature trees set at the edge of the local centre of Aldridge.

The flats to be demolished are part of Walsall Housing Group's plan for the redevelopment of some of their existing housing stock. The applicants are proposing to secure the site with a timber trip rail towards the front of the site and a close boarded fence set within the site until future development is brought forward.

Relevant Planning History

06/1661/PD/E14 prior notification of demolition: 2 storey flats- made void

Relevant Planning Policy Summary

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

Unitary Development Plan (UDP)

3.16, GP7, ENV32, H10 and 3.116: Designing out crime' through design, layout, landscaping and boundary treatments is encouraged.

ENV22 development on sites used by protected species by European law and/or British legislation will not be permitted unless it can be demonstrated that the proposed development will not have an adverse impact.

ENV29 Development is expected to preserve or enhance the character and appearance of a conservation area in terms of the impact of the new buildings on special townscape, scale, massing, siting, layout, design and choice of materials

Supplementary Planning Documents (SPD)

Designing Walsall SPD

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

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

Natural Environment SPD

To fully assess, protect and secure compensatory planting for trees and for protected animals, plants etc.

Regional Spatial Strategy for the West Midlands (RSS 11)

Policies QE1, QE2, QE3, QE4 and QE5 seek to improve the quality of the environment whilst preserving quality and historic buildings and locations.

National Policy

PPG 15: Planning and the Historic Environment- It is fundamental to the Government's policies for environmental stewardship that there should be effective protection for all aspects of the historic environment. 'In exercising conservation area controls, local planning authorities are required to pay

special attention to the desirability of preserving or enhancing the character or appearance of the area in question;... account should clearly be taken of the part played in the area by the building for which demolition is proposed, and in particular of the wider effects of demolition on the building's surroundings and on the conservation area as a whole... The general presumption should be in favour of retaining buildings which make a positive contribution to the character or appearance of a conservation area... In less clear-cut cases - for instance, where a building makes little or no such contribution - the local planning authority will need to have full information about what is proposed for the site after demolition. Consent for demolition should not be given unless there are acceptable and detailed plans for any redevelopment... In the past, ugly gaps have sometimes appeared in conservation areas as a result of demolition far in advance of redevelopment.'

Consultations

Transportation – No objections

Pollution Control (Scientific Team) – No Objections

Pollution Control (Contaminated Land) - No observations

Conservation- supports the demolition

Ecology- no objections subject to safeguarding conditions

Environmental Health- no adverse comments

Landscape- object for lack of information and fencing proposals

Building Control- no objections

Public Participation Responses

None

Determining Issues

- Principle of the loss of a building without a proposed replacement within a Conservation Area
- Site security following demolition.
- Ecology

Observations

Principle of the loss of a building without a proposed replacement within a Conservation Area

The demolition of buildings in a conservation area, are not normally allowed unless a contract for the rebuilding has been let. This ensures that the conservation area is not harmed by creating an unsightly gap with the cleared land. However, in this case it is considered that the existing building makes little or no architectural or historical contribution and that the building detracts from the overall character and appearance of the conservation area, with its utilitarian appearance, poor use and mix of materials including concrete tiles set on a low pitched roof and facing materials including grey brick, wood and tile cladding all used in the same elevation. By contrast the gardens of the flats provide, an attractive, mature and well kept appearance that are currently only available to view from within the site or from neighbouring properties. The demolition of the building and the erection of suitable fencing would allow views into the site, which would make a positive contribution to the appearance and character of the conservation area sufficient to negate the need for the applicant to promote at this early stage any future proposals for the site, subject to the site being cleared and landscaped to a quality that accords with the existing gardens.

Site security following demolition

The applicant proposes close boarded fencing along the line of what is currently the front elevation of the building and a trip rail at the front of the plot to secure the site. The site will be left in a tidy condition until it is redeveloped. Because the site is within Aldridge conservation area, it is considered that a close boarded fence, would appear odd and form a barrier creating a potential hiding place by obscuring views into the site, putting neighbours property at risk of anti-social behaviour. A solution that would adversely be more visually appealing and allow views into the site of the existing attractive mature garden would be for railings to be erected to secure the site. This can be achieved via a suitably worded condition.

Ecology

The applicants have provided a bat survey that did not find bats within the building. A safeguarding condition is suggested for a bat expert to be on site during the demolition.

Recommendation: Grant Cons. Area Cons.

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

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

2. No demolition shall be carried out until the methodology for the demolition and removal of any materials from the site has been submitted to and agreed in writing with the local planning authority. The approved details shall be fully implemented unless otherwise agreed in writing.

3. *Reason:* In order to safeguard the amenities of local community.

4. No demolition shall be carried out until details of railings to replace the close boarded fence illustrated on plan 001-b submitted on the 19th September 2008 to include details of the size, type and colour has been submitted to and agreed in writing with the local planning authority. The approved details shall be fully implemented within one month following the removal of the building and remain in place until a replacement development has been approved and is commenced on the site.

Reason: In order to protect the visual amenity of local community and the appearance of the conservation area.

5. No demolition shall be carried out until details of tree protection measures have been submitted to and approved in writing by the local planning authority. The approved details shall be fully implemented prior to commencement of any works on site and remain in place until the completion of the works on site.

Reason: to safeguard the significant trees adjacent the south west corner of the building.

6. No site clearance shall commence until a method statement for the demolition of buildings is received and approved in writing by the local planning authority. Such a method statement shall make allowance for a licensed bat worker to be present on site during all demolition and site clearance works. If any bats or evidence of bats are discovered, work will stop immediately and advice should be sought from Natural England. They can be contacted on Tel: 0845 6014523 or e-mail wildlife@naturalengland.org.uk.

Reason: To contribute to the conservation of local bat populations

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

Reason: In order to safeguard the amenities of local community.

8. The site for the building following demolition shall be back filled as appropriate to fill voids from the previous below ground structure, then be top soiled and grass seeded to the satisfaction of the local planning authority and maintained thereafter unless otherwise agreed in writing.

Reason: In order to safeguard the visual amenity of local community and the appearance of the conservation area.

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

Reason: In order to safeguard the amenities of local community.

NOTE FOR APPLICANT; It may be necessary for you also to notify Building Control Services of your intention to demolish (Section 80 of the Building Act 1984). This should be done as soon as possible but not less than 6 weeks before commencement of the demolition work. Help line number 01922 652408.

NOTE FOR APPLICANT; The attention of the applicant is drawn to the need to keep the highway free from any mud or other material emanating from the application site of any works pertaining thereto. Also, any damage caused to the public highway caused as a result of the demolition works shall be reinstated at the applicant's expense.

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



To: DEVELOPMENT CONTROL COMMITTEE

Report of Head of Planning and Building
Control, Regeneration and Performance
Directorate On 06 Jan 2009

REASON FOR BRINGING TO COMMITTEE: Requires a balanced judgement

Application Number: 08/1652/FL

Application Type: Full application

Applicant: Matthew Homes West Midlands Ltd

Proposal: Construction of detached house with private access drive.

Ward: Streetly

Recommendation Summary: Grant Subject to conditions

Case Officer: Andrew White (E10)

Telephone Number: 01922 652429

Agent: De Weiser Architects

Location: Land at rear of 95, 97 & 99
CHESTER ROAD, WALSALL, B74 2HE

Expired: 23/01/2009



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Application and site details

This application seeks planning permission for the erection of a revised four bedroom detached house (previously approved in February 2008- 07/2537/FL/E10) in the rear gardens of 95, 97 and 99 Chester Road, with a frontage onto Kingscroft Road. The proposed dwelling would step down from a two storey element with a ridgeline height of 8.5metres (previously 7.6m) at the boundary shared with number 95 Chester Road, to the 1.5 storey element in the middle of the house with a ridge line of 6.9 metres (formerly 6.4m), stepping down to the single storey ridgeline of 4 metres (formerly 3.9m) adjacent to the boundary with 7 Kingscroft Road. The revised proposal still follows the hipped roof design previously approved, with a ground floor front bay window in the two storey element and the front door in the centre of the building with a double garage now instead of the former single garage. The front building line would be staggered, with the two storey element being between 10.8 and 9.6 metres from the back of the footway (previously 9.4 to 8.4 metres), the one and half storey element and the single storey element are proposed to be between 10.8 metres and 9.4 metres from the back of footway (previously 11 to 9.8metres). Other amendments include the front third of the application site widening from 14.2 metres to 15.8 metres (some more garden has been acquired from 95 Chester Road). In addition there have been a number of minor amendments to window openings and position, plus an additional dormer window facing the bungalows in Kingscroft. The proposal would create 170 square metres of private amenity and enough parking for at least 3 vehicles with the double garage.

The site currently forms part of the large rear gardens of 95, 97 and 99 Chester Road. The proposed position of the dwelling would front Kingscroft that is characterised by 1.8metre high walls and fences, a small electric substation and a highway grass verge with street trees. Surrounding the application site there is a mix of residential dwellings of varying ages and designs. Predominately, the style of dwelling is large two-storey dwellings, either detached or semi-detached. Directly to the east of the site, there is an existing detached bungalow (one of three bungalows of this style in the cul-de-sac) with a very low pitched roof. The ground level of 7 Kingscroft is set approximately 200mm lower than the ground level of the application site. 7 Kingscroft benefits from a rear garden of some 15 metres from the bungalow to the boundary with the application site.

Relevant Planning history

07/1679/FL/E12- Land to rear of 95, 97 & 99 Chester Road, Streetly- erection of detached house with double garage. With-drawn 19/10/07.

07/2537/FL/E10- Land to the rear of 95, 97 & 99 Chester Road- construction of detached house with private access drive. Approved subject to conditions 11/02/08

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

Unitary Development Plan

SPS 2.1 and 2.2 define the aims of sustainable development, urban regeneration, & environmental improvement are identified.

Policy GP1: sustainable location of development. This supports developments which maximise the re-use of vacant urban land.

Policy GP2 requires all developments to make a positive contribution to the quality of the environment and the principles of sustainable development.

Policy GP7 considers Community Safety implications of development proposals. Proposals should have regard for the objective of designing out crime.

Para 3.113, 3.114 & 3.115 Seek good design and high quality architectural and landscape design to improve access, discourage crime and create a distinctive environment.

Para 3.16 The Council will consider development in relation to its setting.

Policy H3: Windfall Sites and Conversion of Existing Buildings

(a) The Council will encourage the provision of additional housing through the re-use of brownfield windfall sites and through the conversion of existing buildings.

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

ENV14: Development of previously developed land.

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

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

T7: Car Parking

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

T13: Parking Provision

4 bedroom houses and above 3 spaces per unit

Designing Walsall SPD

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;

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

Regional Spatial Strategy for the West Midlands was published in June 2004.

Policy QE1 – Environment- seeks improvements to the design and sustainability of the urban areas.

National Policy

Planning Policy Statement 1: Delivering Sustainable Development, emphasises need to reject poor design and the need for sustainable development.

PPS 3: Encourages reuse of previously-developed land for housing in sustainable locations and takes a sequential approach to location of new homes.

Consultations

Transportation – no objections.

Pollution Control (Contaminated Land) – no objections.

Environmental Health – no objections.

Landscape – no objections.

Arboricultural Officer – no objections.

Fire Service – satisfactory.

Public Participation

One resident in Queensway, has sent three letters and their concerns are;

- Impact on the character of the area by reducing the grass verge for the drive way,
- Dwelling of this size and proportion would destroy the open aspect of the area,
- The grassed area and trees set a scene of calm, tranquil open atmosphere which would be reduced by the introduction of a house,
- size of the dwelling does not fit well with its surroundings
- size of the house above single storey and its nearness to 7 Kingscroft destroys the enjoyment of the openness from 7 Kingscroft,
- the first 200metres of Kingscroft has cars parked along its sides from the Audi garage and the shops during the day, reducing access by residents and increasing nuisance value. Access for this proposal would exacerbate the problem.

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

Determining Issues

- principle of residential development
- the impact on the character of the area
- the amenities of nearby residents
- impact upon trees
- parking and access

Observations

Principle of residential development

The application site forms the end of the rear gardens of 95, 97 and 99 Chester Road. The site is within the middle of a residential area where it is considered the principle of residential development on the site is appropriate and the UDP (Policy H3) encourages housing provided through windfall opportunities. In addition the principle of a single detached dwelling has been accepted by the Council in this location with the approval of planning application 07/2537/FL/E10 in February 2008.

Impact on the character of the area

Number 95 Chester Road is a large two storey detached property fronting Chester Road with its side 2m brick wall boundary next to a service strip along Kingscroft Road between 8m and 2m in depth. Number 7 Kingscroft Road (around the corner) is a single storey pitched roof bungalow which has a 0.8m high brick wall along its rear garden adjacent Kingscroft Road. The proposal would break up this blank face of the brick wall, providing interest to the street-scene, creating a level of activity and improving surveillance of the public realm.

The proposal has been designed to form a progression between the two storey dwelling at 95 Chester Road and the bungalow at 7 Kingscroft Road by having the two storey part of the building closest to no. 95 and the single storey garage towards the boundary with no.7. The hipped gables soften the appearance within the street-scene.

The proposal is set back from the pavement between 9.4 metres and 10.8 metres, this combined with the trees to the frontage ensures that the proposal fits comfortably within its settings.

The design of the building has clean lines showing the influence of the neighbouring properties by the use of bay windows and hipped roofs found along Chester Road with window detailing similar to the newer properties along Kingscroft Close and a front to back ridgeline similar to the two storey dwellings along Kingscroft Road.

The proposed drive would cross land which is currently a potentially grassed highways service strip with a number of trees. The application would not remove any of these trees. The addition of a small area of hard-surfacing for the driveway is not considered to unduly impact upon this service strip. A condition is recommended to ensure that no fences, walls or gates are installed in front of the building line unless otherwise agreed by a separate planning approval to retain the open plan character of the area. The addition of a small area of hard-surfacing for the driveway is not considered to impact upon this service strip.

Amenities of nearby residents

For ease, each of the three distinct elements of the proposal will be reviewed for their impacts on the amenities of the neighbours, starting with the single storey element nearest to 7 Kingscroft.

The proposed single storey element of the dwelling would maintain the same separation distance previously (16 metres to the rear of 7 Kingscroft). The only difference to this part of the building is the ridge height which has increased by approximately 100mm from the previously approved scheme. It is considered that this minor amendment to the garage ridge line would have no discernable impact on the occupier of 7 Kingscroft over and above the approved scheme.

Reviewing the one and half storey element of the revised dwelling, shows that this is now 19.5 metres from the rear elevation of 7 Kingscroft as opposed to the 19 metres previously approved. The ridge height of this part of the dwelling has increased from 6.4 metres to 6.9 metres, increasing the mass of the building visible above the single storey element of the proposed dwelling. It was accepted on the previously approved scheme that the proposed dwelling would create some shadowing across the rear garden of 7 Kingscroft and whilst the wall of the one and half element has increased in height by half a metre, the gable wall has also moved half a metre further away from 7 Kingscroft. It is considered this would not increase the potential shadowing of the garden of 7 Kingscroft thereby not being detrimental to the amenity of the neighbour.

Furthermore, the proposed dwelling now has two dormer windows facing towards 7 Kingscroft rather than one previously. One of these windows is to a bathroom, as before and is non-habitable, so can be subject to a condition ensuring this window is obscurely glazed and it is considered to have minimal impact on the neighbour from overlooking. The second window is to the landing, again a non habitable room. There is considered to be more opportunity for overlooking to occur from this window, so a suitably worded condition should be imposed on any approval that this window be obscurely glazed and non opening to overcome these concerns.

The revised two storey element of the proposed dwelling increases its width from 4.7 metres to 5.8 metres, and the depth of this part of the dwelling increases from 11.6 metres to 11.8 metres. At the same time, the height of the ridge has increased from 7.5 metres to 8.5 metres. The proposed dwelling moves closer to the rear of 95 Chester Road from 21.5 metres to the conservatory, down to 19.7 metres and from 25 metres to the rear elevation windows down to 23.2 metres, whilst increasing the mass of the building. It is considered that the changes whilst increasing the mass of the building would not be detrimental to the amenities of the occupiers of 95 Chester Road. It is considered that the changes to the two-storey element of the building would not have a detrimental impact on the amenities of number 7 Kingscroft because the ridge would be in excess of 26 metres away. It is not considered that the level of noise, pollution and general activities arising from the proposal would be significantly greater than those already experienced within this residential area.

The use of 12 square metres of grass verge for the proposed driveway is not considered to impact on the overall character of the area, given there is in excess of 60 metres of grass verge varying in width from 3 to 8 metres leading to the proposed driveway.

Officers do not agree that a dwelling of this size and proportion would destroy the open aspect of the area and does not sit well in its surroundings. It is difficult for officers to support this because the character of the area is predominately larger detached and some semi-detached dwellings set back from the carriageway. The proposed dwelling reflects this wider character.

It is argued that the grass and the trees set a tranquil open atmosphere which would be reduced by the introduction of a house. Officers disagree with this stance as the proposed house in would not unduly impact on the open atmosphere of this part of Kingscroft.

Additionally, this part of Kingscroft has parked cars parked along its sides from the Audi garage and the shops during the day. It is considered that the introduction of the house would assist in reducing parking along this part of the road being by customers of the garage and the shops.

The size of the house and its impact on 7 Kingscroft has been discussed elsewhere in this report.

The addition of a small area of hardsurfacing for the driveway is not considered to unduly impact upon this service strip.

Impact upon trees

Near to the proposal are a group of Cherry, Sycamore and Silver Birch Trees, which are under two blanket tree preservation orders. The closest sycamore tree is in the application site. The driveway has been designed to avoid the main trunk of the tree and a condition can be imposed restricting the construction techniques within the protection area of the tree. The two silver birch and three cherry trees are located within the highway strip so it is considered the proposal would have no impact upon these trees. It is recommended that conditions are used to ensure tree protection methods are implemented during construction works.

Parking and access

Transportation raise no objection to the application as it provides enough parking spaces to comply with UDP policy. It is recommended that conditions are used to ensure the garage is retained as a garage and that an appropriate visibility splay is maintained.

Were a vehicle to be parked on the furthest edge of the proposed driveway adjacent to the back of the footway it would not give rise to conditions prejudicial to highway safety.

Summary of Reasons for Granting Planning Permission

The proposed dwelling whilst being larger than the previously approved dwelling has also been moved further away from 7 Kingscroft thereby mitigating any potential impact the development may have had on the occupiers.

The use of 12 square metres of grass verge for the proposed driveway is not considered to impact on the overall character of the area, given there is in excess of 60 metres of grass verge varying in width from 3 to 8 metres leading to the proposed driveway.

In addition, residents concerns regarding a dwelling of this size and proportion destroying the open aspect of the area and not sitting well in its surroundings, can not be substantiated because the character of the area is predominately larger detached and semi-detached dwellings set back from the carriageway and the proposed dwelling reflects this wider character.

It is argued that the grass and the trees set a tranquil open atmosphere which would be reduced by the introduction of a house. Officers disagree with this stance as the proposed house in would not unduly impact on the open atmosphere of this part of Kingscroft.

Additionally, this part of Kingscroft has parked cars parked along its sides from the Audi garage and the shops during the day. It is considered that the introduction of the house would assist in reducing parking along this part of the road being by customers of the garage and the shops.

The proposed development is considered to accord with the aims and objectives of the Walsall Unitary Development Plan, in particular policies 2.1, 2.2 GP1, GP2, GP7, 3.113, 3.114, 3.115, 3.16, ENV14, ENV18, ENV32, H3, H9, T7 and T13. The proposal is also considered to accord with the aims and objectives with the following local, regional and national guidance; Designing Walsall's supplementary planning document, in particular policies DW2, DW3, DW6 and DW10, Regional Spatial Strategy, policy QE1, Planning Policy Statement 1: Delivering Sustainable Development, emphasises need to reject poor design and the need for sustainable development, Planning Policy Statement 3: Housing, having taken into account all material planning considerations, the proposal is acceptable.

Recommendation: Grant Subject to conditions

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

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

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

Reason: To ensure the satisfactory appearance of the development.

3. This development shall not be carried out until details of the boundary treatment to 7 Kingscroft has been submitted to and agreed in writing with the local planning authority. The agreed details shall be implemented prior to first occupation and maintained there after.

Reason: In the interests of maintaining the amenity of the occupiers of the adjoining dwellings.

4. Notwithstanding the Town and Country Planning (General Permitted Development) Order 1995 or succeeding Orders, no fences, gates or walls shall be erected in front of the front wall of the house unless agreed by the submission and approval of a separate planning application.

Reason: In the interests of visual amenity and to retain the open plan character of the area.

5. Before the development is brought into use the car parking area shall have been hard-surfaced in tarmacadam or similar impervious material and retained thereafter.

Reason: To ensure the satisfactory provision of parking for proposed bungalow.

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: In the interests of maintaining the amenity of the occupiers of the adjoining dwellings.

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, or succeeding Orders, the dwelling hereby permitted shall not be altered or enlarged so as to deprive it of its garage or drive or parking area as approved, except with the express permission of the Local Planning Authority.

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

8. The pedestrian and vehicle visibility splay of 2m by 36m shall be maintained clear of any structure or planting over 600mm in height.

Reason: In the interests of highway safety.

9. Prior to the development first coming into use, the vehicular access shown on the approved plan shall be constructed to a specification to be approved and agreed in writing by the local planning authority and any works shall meet all statutory requirements.

Reason: In the interests of highway safety.

10. No development shall be carried out until a plan indicating the design and location of protective guards or fencing to protect all trees on the site has been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented before any site preparation, or construction work is undertaken and shall be retained until the development is finished and all other equipment and installations have been removed from the site, the protection area shall be kept clear of all contractors' materials and machinery at all times. The area of new driveway to be constructed as shown as note 1 on approved drawing 9542/PL202 received by the Local Planning Authority on 20th October 2008 shall be constructed using a hand dig method to be confirmed in writing with the Local Planning Authority prior to development.

Reason: To safeguard the trees on the site.

11. The side facing bathroom and landing windows as shown on drawing numbers 9542/PL203 and 9542/PL204 received by the Local Planning Authority on 20th October 2008 shall be obscure glazed non opening which shall be retained thereafter.

Reason: In the interests of residential amenity.

12. No construction or engineering works, (including land reclamation, stabilisation, preparation, remediation or investigation), shall take place on any Sunday, Bank Holiday or Public Holiday*, and such works shall only take place between the hours of 07.00 to 18.00 weekdays and 08.00 to 14.00 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; Easter Monday; May Day; Spring Bank Holiday Monday and August Bank Holiday Monday).

Reason: In the interests of adjacent residential occupiers.

13. Notwithstanding the provision of the Town and Country Planning (General Permitted Development) Order 1995, or succeeding Orders, no extensions or alterations to the dwelling or the erection of buildings within the curtilage of the site, as defined in Classes A to E of the Order, shall be constructed without the prior submission and approval of a planning application.

Reason: To ensure the Local Planning Authority has control over the development and in the interests of the occupiers of adjacent dwellings.

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

To: DEVELOPMENT CONTROL COMMITTEE**Report of Head of Planning and Building
Control, Regeneration and Performance
Directorate On 06 Jan 2009****REASON FOR BRINGING TO COMMITTEE: Called in by Councillor Longhi and Significant
Community Interest.****Application Number:** 08/1699/FL**Application Type:** Full application**Applicant:** Mr A. Thomas**Proposal:** Four detached four bedroom dwellings**Ward:** Pelsall**Recommendation Summary:** Refuse**Case Officer:** Barbara Toy**Telephone Number:** 01922 652429**Agent:** Mr Paul Spooner**Location:** 52 HIGHFIELD ROAD
NORTH, PELSALL, WS3 5DA**Expired:** 09/01/2009**Crown Copyright.** Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Walsall MBC. Licence Number LA 076414.

Background

This application has been called in by Councillor Longhi because it is considered that the application is significant and has sufficient public interest to be determined by Committee. Councillor Longhi would welcome a development that removes the present eyesore and contributes through local consultation, positively to the area and the reasons for the Inspectors refusal need to be examined by Committee.

Application and Site Details

The site is situated on the corner of Highfield Road North and Nest Common on a prominent corner location. The site is now vacant following the demolition of a two storey detached house (demolition approved under 05/2032/PD/E5). The existing vehicle access is situated on the bend.

Opposite the site lies Nest Common, a large area of public open space identified within the UDP as Green Belt. The Common is owned and maintained by Walsall MBC and has been the subject of extensive woodland planting over a number of years.

To the east are three detached houses fronting Nest Common and to the south detached and semi detached houses in Highfield Road North.

Nest Common is a no through road with 8 detached houses/bungalows fronting onto it, all overlooking the Common to the north.

This application is a revised submission following a previous refusal for the erection of 4 detached two storey houses (3 x 4 bed and 1 x 5 bed). A subsequent appeal against the refusal was dismissed by a Planning Inspector.

This revised application proposes the erection of 4 two storey detached 4 bed houses, two fronting Highfield Road North and two fronting Nest Common. Each house would be of a similar design and footprint.

An initial discrepancy in the scaling of the proposed site plan has been resolved.

Relevant Planning History

BC28929P, approval granted for the erection of a dormer bungalow within the curtilage of No 52 Highfield Rd North, adjacent to the boundary with No.38 Nest Common, 13-03-1990.

05/1812/FL/E5, refusal for the erection of 4 detached houses, 02-11-2005. Reason for refusal: The development proposed would result in overbearing impact and loss of privacy to occupants of adjoining properties, particularly No.50 Highfield Rd North, resulting from its density, height and proximity. Furthermore the design of the proposed scheme fails to take account of the design and context of surrounding development in that the square gables and minimum separation result in a cramped appearance.

05/2032/PD/E5, approval for the demolition of a single house and outbuildings, 08-11-2005.

05/2471/FL/E9, resubmission of 05/1812/FL/E5, for the erection of 4 detached houses, refused 11-02-06. Reason for refusal:

The layout and design of the proposed dwellings would provide a cramped appearance and be out of character with the surrounding area. The proposals would also provide an unsatisfactory living environment for the future occupiers in terms of outlook and loss of light.

Subsequent appeal hearing took place 30-01-07, appeal dismissed 28-02-07.

Relevant Planning Policy Summary

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

Walsall UDP March 2005

2.1 and 2.2 state that the aims of the Plan include sustainable development, urban regeneration and environmental improvement, with action to include creating, sustaining and enhancing a high quality natural and built environment, including a high standard of design, and providing for the right number, type and distribution of new homes.

GP2: Environmental Protection

The Council will not permit development which would have an unacceptable adverse impact on the environment.

I Visual appearance

VI. Overlooking, loss of privacy, and the effect on daylight and sunlight.

3.6 seeks environmental improvement resulting from development.

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

ENV32: Design and Development Proposals.

Poorly designed development or proposals which fail to properly take account of the context or surroundings will not be permitted. Detailed criteria are listed for consideration when assessing the quality of design of any development proposal including:- the appearance, materials, height, proportion, scale and mass of the proposed buildings, the visual relationship of the proposal with adjacent areas, the street and the character of the surrounding neighbourhood, the effect on the local character of the area.

H3: Windfall Sites on Previously Developed Land

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

H9: Minimum Densities

Seeks to provide a net density of at least 30 dwellings per hectare for residential development. Densities in the range of 0-50 dwellings per hectare net are likely to be suitable on most sites. Densities below 30 dwellings per hectare may be exceptionally justified to provide larger houses to support urban regeneration. In such cases the Council will still wish to satisfy itself that the layout and design make the most efficient use of the site.

H10: Layout, Design and Dwelling Mix.

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

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

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

Policy T7: Car Parking

All development should satisfy the car parking standards set out in

Policy T13: Parking Standards

4 bedroom houses and above – 3 spaces per unit

Supplementary Planning Document “Designing Walsall” (February 2008)

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

DW3 – all new development must be designed to respect and enhance local identity

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

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

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.

National Policy

PPS1: Delivering Sustainable Development, emphasis is give to the need to reject poor design and the need for sustainable development.

PPS 3: Housing, in determining planning applications Local Authorities should have regard to:

- achieving high quality housing
- achieve a good mix of housing reflecting the accommodation requirements of specific groups
- and using land effectively and efficiently
- suitability of a site for housing

Consultations

Transportation – No objections to revised layout, which now provides 2 off street parking spaces for each plot.

Fire Service – Satisfactory for fire service access

West Midlands Police – The site should meet Secure by Design standards due to its location apposite the Common and potential hazards associated with it.

Pollution Control Contaminated Land Team – no specific contaminated land requirements

Landscape Officer – no landscape details provided a detailed landscaping scheme is required and should include: planting (species names, planting densities and sizes of trees and shrubs), topsoil depths and specifications and tree staking etc. Trees should be a minimum 5m from any part of the proposed houses and details of boundary treatment and all paving should be included.

Environmental Health – Public Health Team – concerns regarding connections to private sewers, during recent flooding of neighbouring properties it was noted that at adjoining premises the private sewer was very shallow (at only 15cm) and when a WC flushed front and rear drains were slow to drain away. An additional 4 properties would have gradient problems is gravity sewers were proposed and there is no storm sewer nearby. The closest foul public sewer is in Charles Crescent (to the rear of the site) and it is understood that No 38 Nest Common has a cess pit, so not connected to the sewer. Consultation with Severn Trent Water is required and the proposals should include clear drainage plans.

Severn Trent Water – consultation response to be reported in the Supplementary Papers

Public Participation

Four individual letters of objection have been received including one from the Friends of Pelsall Commons together with a petition against the proposal containing 31 signatures.

The objections are:

- Four houses would alter the general outlook to the Common and the general character of the area
- Significant anti social behaviour connected with the site
- Property neglect and vandalism, house secured by the Council prior to demolition
- Intimidation from the applicant towards local residents
- Over development of the land
- Inadequate garden sizes
- Loss of light and privacy to adjoining properties
- Increase in traffic and noise affecting the safety of pedestrians and adverse impact on the Common

- Inadequate existing private sewer systems which wouldn't cope with more properties
- Flooding problems experienced by local residents through failure to cap water supply following demolition of the property
- Owners of site have rejected any responsibility for the expenses incurred by residents following the flooding
- Lack of on site parking
- Recognition of the need to develop the site, but feel that 4 houses is over development and inappropriate.

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

Determining Issues

Whether the proposals overcome the previous reasons for refusal and the comments made by the Planning Inspector in dismissing the appeal, in respect of:

- Cramped Appearance
- Character of the Area
- Small frontages
- Relationship with neighbouring properties

Observations

The Council is required to have full regard to the Inspectors findings as a material consideration in the determination of any future applications.

Cramped Appearance

The Planning Inspector stated that the density of the development would be significantly higher than that of the immediate area and result in a cramped and obtrusive development.

The proposals are for the same number of houses and remain the same, significantly higher density than that in the immediate area, resulting in a cramped and obtrusive development, particularly in contrast with the adjacent low density housing in Nest Common and the prominent corner location opposite the Common.

Character of the Area

The planning Inspector stated that the proposals would be harmful to the character and appearance of the area.

The proposals remain out of character with the surrounding pattern of development, providing small frontages and small rear gardens and a generally cramped appearance within the street scene

Small Frontages

The Inspector stated that the stepped nature of the houses would result in small frontages, emphasising the constrained nature of the site and its uncharacteristic high density.

Whilst the proposals have been amended to increase the length of the frontages to provide minimum 6m driveway length and 3 off street parking spaces for each plot, this still provides frontages smaller than those characteristic of the area.

Relationship with Neighbouring Properties

The Inspector considered that the proposals provided a poor relationship between Plot 4 and 38 Nest Common.

Whilst the relationship between plot 4 and No 38 Nest Common has been improved over the previous refusal the relationship remains less than ideal. The proposals now also provide a poor relationship between the frontage of plot 1 and No 50 Highfield Road North, with an increased forward projection of

plot 1 by 2.3m resulting in plot 1 sitting 4.8m forward of the frontage of No 50, visible along Highfield Road North to the detriment of the amenity of the general street scene and the occupiers of No 50.

The proposals also now include a large blank gable on the side of plot 2 facing Nest Common, providing a poor view of the development from Nest Common and plots 1, 3 and 4, have larger footprints than that on the previous refusal.

The Inspector further commented on the neglected and unattractive condition of the existing house and site and the anti-social and criminal behaviour at the site, but concluded that whilst development of the site would be likely to remove these problems this is not considered sufficient justification to allow an otherwise unacceptable scheme.

The proposals therefore fail to overcome the comments made by the Planning Inspector in dismissing the appeal.

Recommendation: Refuse

The layout and design of the proposed dwellings would provide a cramped appearance and would be out of character with the surrounding pattern of development. The layout would provide a poor relationship between Plot 1 and No 50 Highfield Road North creating a forward projection of 4.8m which would have an adverse impact on the general street scene and the amenity of the occupiers of No 50 in terms of loss of outlook and light to the frontage. The layout provides small frontages, uncharacteristic of the surrounding pattern of development. The development is therefore contrary to Walsall's Unitary Development Plan (2005), in particular policies GP2, H10, ENV32 and T13 and Supplementary Planning Document: Designing Walsall (Feb 2008) in particular policies DW3 – Character, DW4 – Continuity and DW9 – High Quality Public Realm.
