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**To: DEVELOPMENT CONTROL COMMITTEE**

**Report of Head of Planning  
and Transportation  
On 13 December 2005**

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

**Application Number:** 05/1736/FL/W7

**Case Officer:** Andrew White

**Application Type:** Full application

**Telephone Number:** 01922 652492

**Applicant:** Mrs P I Morley

**Agent:** Rush Davis Chartered Architects

**Proposal:** Erection of 21 Flats / Apartments

**Location:** ATLAS  
WORKS,SANDWELL  
STREET,WALSALL,WEST  
MIDLANDS,WS1 3SD

**Ward:** St. Matthews

**Expired:** 26 January 2006

**Recommendation Summary:** S106 Agreement and Grant Permission Subject to Conditions



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## **Application and Site Details**

Members may recall refusing a residential development on this site, recently. This is an amended scheme.

The proposal is for the demolition of existing industrial premises and the erection of 21 residential units arranged in two blocks. The proposed three storey Block A would provide two 2 bedroom apartments, to include lounge/dining room, separate kitchen and bathroom. Block A also includes four 1 bed duplex apartments occupying two floors and providing lounge/dining, kitchen and WC on the first floor, with bedroom, bathroom, study and utility on the second floor.

The L-shaped Block B arranged over 3 to 4 storey's provides six 2 bedroom apartments to include lounge/dining, separate kitchen and bathroom. Block B also provides six 1 bed duplex apartments occupying two floors and providing lounge/dining, kitchen and WC on the first floor, with bedroom, bathroom, study and utility on the second floor. Block B also includes two 4 bedroom apartments that include lounge, dining room, kitchen, bathroom, utility, study and store room. Block B includes a lift to access the four storey corner element of the proposal.

The proposed scheme would be of a traditional brick and tile roof to reflect neighbouring properties, both in scale, massing, design and materials. The site area is 3,502 square metres creating a density of 59 units per hectare. The development also provides 34 off road parking spaces which is the equivalent of 160% provision. The proposal includes cycle storage.

The current site is occupied with a mix of Victorian style 2 and 3-storey buildings and single storey industrial sheds. The existing buildings occupy the majority of the site, extending to the boundary of the site with the exception of Ridgewood Close edge.

To the north of the application site, fronting Lysways Street there is a mix of 2 and 3 storey tall Victorian style residential properties and 3 storey 1970's style flatted block. To the east there are 1970's 2 storey residential dwellings, whilst to the south across Ridgewood Close there is a 3 storey block of flats. Beyond this block there is a wide mix of Victorian 2 and 3 storey traditional residential dwellings. To the west of the site across Sandwell Street there is a mix of industrial/commercial buildings including some 2 storey Victorian properties fronting the highway. To the north-west and within 50 metres of the application site is a 1960's 8 storey block of flats.

## **Relevant Planning History**

05/0763/FL/W1 - 24 flats/apartments. Refused 21/7/05 for the following reasons: The proposed buildings would be detrimental to the visual amenity of the area and detrimental to the amenity of the neighbouring dwellings by reason of Blocks C and D within 6 and 4 metres respectively from the boundaries of the adjoining houses.

## **Relevant Planning Policy Summary**

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

### **UDP**

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. Relevant considerations are set out in Policy GP1

Development schemes should, help improve the environment of the Borough whilst not allowing development that has an adverse impact. Relevant considerations are set out in Policy GP2

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

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

Development is expected to design out crime, through maximising surveillance of public areas, maximising defensible space, care in design and layout to avoid hiding places for criminals, measures to combat crime need to maintain good urban design. Relevant considerations are set out in Policy GP7

All parking provision should be well designed and sensitively integrated into the townscape or landscape, respecting the character of the local area, and with appropriate use of materials and landscape treatment. Policy T7

Town and district centres the Council will negotiate an appropriate level of parking provision with developers. Relevant considerations are set out in Policy T13

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

The Council will ensure the protection, positive management and enhancement of trees and hedgerows. Development will not be permitted if it would damage or destroy trees... protected by Tree Preservation Order... unless: - the desirability of the proposed significantly outweighs the ecological or amenity value of trees or hedgerows. Where developments are permitted which involve the loss of trees... developers will be required to minimise the loss and to provide appropriate planting of commensurate value. ENV18

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

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

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

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. Relevant considerations are set out in Policy ENV29

Poorly designed development which fails to take account of the context or surroundings will not be permitted. Especially in conservation areas, town centre, visually prominent, in the vicinity of listed buildings. The quality of the proposal will assess appearance, height, proportion, scale, mass, materials, external space, safety, security and local character. Relevant considerations are set out in Policy ENV32

Investment in housing within and close to town, district and local centre will be encouraged, both on new sites and through the conversion of existing buildings. Relevant considerations are set out in Policy S8

Encouragement for the provision of additional housing through the re-use of previously developed windfall sites and conversion of existing buildings. Relevant considerations are set out in Policy H3

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

National Policy (PPG/PPS) - PPS1 delivering sustainable development, PPS3 Residential, PPG13 transportation, PPG15 conservation, 'By Design' companion to PPG's, Urban Design Compendium, Planning Out Crime circular 5/94 and the Council's Residential Design Standards.

### **Consultations**

**Transportation-** No objections

**Pollution Control-** No objections subject to safeguarding conditions

**Fire Officer-** No objections

**Green spaces-** No objections

**Environmental Health-** No objections

**Energis-** No objections

**Conservation-** No objections.

**Environmental Regeneration-** Natural Environment- No objections subject to safeguarding conditions

**Education-** No objections however, financial contribution is needed towards primary and secondary schools in the area.

**National Grid-** No objections

**Severn Trent-** No objections subject to safeguarding conditions

**Central Networks-** No objections

**Environmental Agency-** No objections subject to safeguarding conditions

**Arboriculturalist-** Objection to the loss of trees

**Drainage-** no objections

**Centro-** No objections

### **Representations**

One comment received from neighbour in Emery Close who was happy with the loss of trees because of the affect they have on his property, happy with the boundary treatment and the separation distance between 28 Emery Close and the nearest proposed block.

### **Determining Issues**

- Principle of residential
- Previous refusal of 05/0763/FL/W1
- The design of the proposal including scale, mass and addressing the corner

### **Observations**

#### **Principle of Residential:**

The existing site can be considered as a poor quality industrial site that has evolved over many years. Given that the application site is adjoined on three sides with existing residential properties, the current use of the site must be considered as non-conforming. The sites redevelopment to residential is acceptable in policy terms as a windfall site. The application site is within 220 metres of the town centre boundary and is considered to be a sustainable location. PPG3 encourages the reuse of previously developed land in or near town centre locations.

#### **Refusal of 05/0763/FL/W1**

The proposal was refused for 2 reasons. A) The height of the building being visually inconsistent with the surrounding two storey character, and B), Block C and D would be detrimental to the amenity of neighbouring dwellings because of nearness.

As stated earlier in the report, within 50metres of the proposal there are a number of residential units at a similar height or taller. However, the refused application suffered with public and private space conflicts it did not have front door accesses on to the adjacent roadway thereby reducing the safety and security of the surrounding vicinity.

The current proposal does not include blocks C and D, providing a significantly greater separation between the existing dwellings and the proposed scheme thereby not dominating

the neighbouring properties in Emery Close and The Pines. The current proposal also provides front doors significantly better surveillance of the street and has resolved the public and private space conflicts.

The revised scheme overcomes all of the issues in the previous refusal, positively contributing to the safety and surveillance of the adjacent public realm, providing surveillance of the street. The regular front door access for residents is considered on its own to have significant improvement in safety for the site and adjacent street. The physical activity of people coming and going and having a reason for being there adds greatly to improving the security of the vicinity. The design of the block also provides a defensible private amenity space to the rear of the development. The 1.8metre high wall has been replaced with railings, again adding to the security of the scheme and the street, removing hiding space for criminals and allowing surveillance of the site from the street and surveillance of the street from the site.

### **Design:**

The design of the proposal respects the predominately 'Victorian' nature of the surrounding area reusing good quality design cues of the area. The proposal is a traditional brick and tile construction and would include bay windows, chimneys, portrait proportioned windows all set behind a dwarf wall and railings.

The scale of the building would be acceptable in this instance because within 50 metres there are existing tall Victorian buildings of 3 storeys on the site and in Lysways Street. There are newer infill residential structures of 3 to 8 storeys in height. The proposal is predominately 3 storey rising to 4 storey at the corner of Ridgewood Close and Sandwell Street, in order to strengthen and 'mark' the corner to improve the 'legibility' of the vicinity. This corner is important being visible as you travel along Windmill Street in an easterly direction and Sandwell Street in a northerly direction.

### **Conclusion:**

The revised planning application provides a traditional street frontage development with front doors accessing onto the street, bay windows offering a good level of surveillance over the public realm all contributing toward the safety and security of the vicinity. The development also has secure useable private amenity to the rear of the building and the building would 'mark' an important corner adding to the 'legibility' of the vicinity. Furthermore, the apartments themselves provide generous room sizes which make them significantly more sustainable than many new developments, allowing new residents to adapt and grow into the accommodation over time. I consider that the proposal would be acceptable in this instance and offers a positive regenerative opportunity to the immediate neighbourhood. Education Department have requested a contribution via a Section 106 agreement towards local primary and secondary schools. However, the applicants are still to agree to this and negotiations are on going. If these negotiations stall I would expect to use my delegated powers to refuse the planning application.



## **Recommendation: S106 Agreement and Grant Permission Subject to Conditions**

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

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

2. Prior to any residential development on the site

- (a) A ground contamination survey and site investigation approved in writing by the Local Planning Authority shall be undertaken having regard to current advice. [Note: Ground contamination and site investigation surveys shall assess the likely hazards of all identified contamination to the proposed development (and its future occupants) and any surrounding development resulting from the presence of potentially toxic materials and the emission of toxic, flammable and asphyxiant gases. Landscaped areas will need to have an adequate depth of clean cover.]
- (b) the approved survey and investigation shall be undertaken in accordance with the approved details
- (c) the results of the ground contamination survey and site investigations, together with a report setting out proposed remedial measures to deal with any identified and potential hazards arising from any land contamination, and a timescale for their implementation in relation to the development of the site, have been submitted to and approved in writing by the Local Planning Authority.
- (d) The approved measures shall be implemented in accordance with the approved timetable.

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

3. Glazing and ventilation elements of habitable rooms fronting Sandwell Street shall have an acoustic performance of not less than  $R_{wv}$  38 dB. Elements shall be rated as specified in British Standard BS 5821, 'Methods for rating the sound insulation in buildings and of building elements' Part 3:1984 'Method for rating the airborne sound insulation of façade elements and façades' or its successor.

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

4. The construction type of external walls shall be twin-leaf masonry or as agreed with the Local Planning Authority.

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

5. 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.

*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.

6. No development shall be carried out until full details of the proposed boundary treatment of the site have been approved in writing by the local planning authority. The 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.

7. No development shall be carried out until a detailed landscaping scheme for the site has been approved in writing by the Local Planning Authority. The landscape scheme shall be submitted on a plan to an appropriate scale and shall include, where applicable, details of:

- i) existing and proposed ground levels
- ii) dimensions of planting beds
- iii) site preparation
- iv) plant species/densities; tree species/ sizes and locations
- v) arrangements to be made for the disposal of surface water
- vi) hard landscaping

The approved scheme shall be implemented within 12 months of any part of the development being brought into use, or such other period as may be agreed in writing by the Local Planning Authority.

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

8. 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.

9. This development shall not be carried out other than in conformity with the approved plans and documents, except as may be required by other conditions of this permission or by any subsequent approved amendment/permission.

*Reason :* Pursuant to the requirements of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

10. The 6 metre wall on the eastern boundary of the site shall be retained or replaced by a wall of the same height, unless otherwise agreed in writing by the Local Planning Authority.

*Reason:* To preserve the wildlife and visual benefits of the existing wall, or provide a comparable replacement.

11. Before demolition work commences the applicant or the applicant's agent shall advise the Local Planning Authority in writing as to the arrangements made for the disposal of features and materials resulting from the demolition, and demolition shall proceed in accordance with those arrangements.

*Reason:* To safeguard materials capable of reuse.

12. No development shall be carried out until details of the proposed bike rack have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented before any dwelling is brought into use.

*Reason:* To ensure the satisfactory provision of bike parking and to promote bike use.

13. No development shall be carried out until the applicant has demonstrated to the Local Planning Authority suitable legal rights or entitlements to carry out all of the planting works proposed, and including technical details of planting in the highway and the implications for services and has a written approval for the information from the Local Planning Authority. The whole planting scheme shall be carried out before any dwelling is occupied, unless otherwise agreed in writing by the Local Planning Authority.

*Reason:* To ensure the planting can be carried out, both legally and technically, and to secure its implementation.

14. 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.

15. No development shall be carried out until full details of existing and proposed levels of the site, access way and floor levels 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 and to safeguard the visual amenity of the area.

16. 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.

17. All planted and grassed areas and associated protective fencing will be maintained for a period of 5 years from the full completion of the scheme approved under condition 11. Within this period:

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

*Reason :* To ensure the success of the landscaping and planting scheme, and the establishment of the plants.

18. No development shall be carried out until a plan showing the species and location of all existing trees and hedges on the site, details of which trees and hedges are to be retained or removed, and details of the design and location of protective guards or fencing, has been approved in writing by the Local Planning Authority.

*Reason:* To safeguard the trees included in the TPO on the site.

19. The existing soil level shall not be altered within the full extent of the canopy of each tree, group of trees or hedge to be retained or to such lesser distance as the Local Planning Authority agree in writing.

*Reason:* To safeguard the trees included in the TPO on the site.

20. The approved guards or fencing shall be erected around all trees and hedges to be retained before development commences, and shall be retained until the development is entirely complete. The land so enclosed shall be kept clear of all contractor's material and machinery at all times.

*Reason:* To safeguard the trees included in the TPO on the site.

21. None of the existing trees on the site shall be lopped, felled or root pruned without the prior consent in writing of the Local Planning Authority.

*Reason:* To safeguard the trees and or hedges on the site.

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

*Reason:* To safeguard the trees and or hedges on the site.

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

*Reason:* To safeguard the trees included in the TPO on the site.

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

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

25. This permission relates to the amended plans deposited on 31<sup>st</sup> October 2005 including drawing numbers: 2736P-001, 2736P-005rev. B, 2736P-006rev. C, 2736P-008rev. C, 2736P-009rev. C and 2736P-010.

*Reason:* To define the permission.

NOTE FOR APPLICANT: The ground contamination survey and phased site investigation carried out on the site shall be made in reference to current standards and best practice such as 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'; Environment Agency, NHBC 'Guidance for the Safe Development of Housing on Land Affected by Contamination' R and D Publication 66, 2000; and the Contaminated Land Exposure Assessment Model (CLEA) 2002. Please note that this is not an exhaustive list.

NOTE FOR APPLICANT: 'Habitable rooms' for the purposes of this condition shall be interpreted as living rooms and bedrooms.

NOTE FOR APPLICANT: Party wall and floor structures should have reasonable resistance to airborne and impact sound in accordance with Approved Document E of the Building Regulations 2000, (As Amended).

NOTE FOR APPLICANT: 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 07.00 to 18.00 weekdays, and 08.00 to 13.00 Saturdays unless otherwise permitted in writing by the Local Planning Authority.

NOTE FOR APPLICANT: 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.

NOTE FOR APPLICANT: 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.

NOTE FOR APPLICANT: 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.

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

The proposed development is considered to comply with the relevant policies of the development plan, in particular policies GP1, GP2, GP3, GP7, T7, T13, ENV18, ENV29, ENV32, S8, H3 and H10 and, on balance, having taken into account all material planning considerations, the proposal is acceptable.

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

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To: DEVELOPMENT CONTROL COMMITTEE

Report of Head of Planning  
and Transportation  
On 13 December 2005

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

**Application Number:** 05/2175/FL/E5

**Case Officer:** Della Templeton

**Application Type:** Full application

**Telephone Number:** 01922 652487

**Applicant:** Damar Homes Ltd

**Agent:** J Mason Associates Ltd

**Proposal:** Residential development comprising 12 No 2 Bedroom Apartments, 6 No 1 Bedroom Apartments and 4 No 3 Bedroom Houses.

**Location:** THE STAG, FIELD ROAD, WALSALL, WEST MIDLANDS

**Ward:** Bloxwich East

**Expired:** 06 February 2006

**Recommendation Summary:** S106 Agreement and Grant Permission Subject to Conditions



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## **Application and Site Details**

Outline planning permission was granted on 11 June 2002 for residential development on the Stag Public House site. The time for submission of Reserved Matters has since lapsed, hence the need for a new application for full planning permission. The former public house building has been demolished in preparation for the new development.

The application proposes a development of 22 residential units equating to a density of 81 units per hectare. The apartments and houses are proposed to be accommodated around the site frontage with 2 storey houses adjacent to existing dwellings and the apartments provided in a 3 storey block turning the corner between Field Road and Victoria Avenue. The houses fronting Victoria Avenue would each have 2 direct access car parking spaces whilst those fronting Field Road would have one frontage space each and further parking in a communal parking area to the rear of the site which would also serve the flats. The parking area would be accessed via a single shared drive off Field Road.

The application is accompanied by an arboricultural report and an indicative landscaping scheme which sets out which trees are to be removed/retained and where new planting would take place. A fully detailed landscaping scheme would be provided as a conditional requirement.

## **Relevant Planning History**

05/1169/RM/E5 for residential development of 24 units was refused on the grounds that it would not provide a satisfactory residential environment, the design and layout would not respect the character of surrounding development and insufficient supporting information was provided relating to access arrangements, loss of trees etc.

Outline planning permission BC64631P was granted on 11 June 2002 for residential development on the Stag Public House site.

## **Relevant Planning Policy Summary**

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

### Unitary Development Plan 2005

Policy GP 1 promotes sustainable locations for development, minimising the use of the private car

Policy GP2 expects all development to make a positive contribution to the quality of the environment;

Policy GP3 refers to Planning obligations to secure the provision of off-site infrastructure such as education facilities.

Policy 3.6 expects development to contribute to environmental improvement.

Policy ENV9 seeks to direct environmental improvement initiatives to general locations including housing areas with a poor quality environment and areas with a concentration of derelict land and poor quality buildings.

Policy ENV14 encourages the reclamation and development of derelict and previously developed land provided this accords with other policies of the Plan

Policies ENV18 seeks to protect trees on development sites.



Policy ENV32 will not permit poorly designed development or proposals which fail to properly take account of the context or surroundings. Amongst the criteria used in assessing design are the height, proportion, scale and mass of structures, the integration of buildings and external spaces and the visual relationship of the proposed development with adjacent areas, the street and the character of the surrounding neighbourhood.

Policy ENV33 requires good landscape design;

Policy 6.3 advocates a sequential approach which maximises the use of previously developed land for housing. Locations should have good accessibility and be well related to local facilities.

Policy H9 seeks housing densities in the order of 30 to 50 dwellings per hectare. Higher densities will be encouraged where the proposal is within or close to a town, district or local centre or other location with good accessibility by a choice of means of transport or where it would provide small units for people such as single persons or the elderly.

Policy H10 expects residential developments to create a high quality living environment, well integrated with surrounding land uses and local character and in accordance with the principles of good design set out in Policy ENV32. Residential development proposals will be considered against the Council's detailed Residential Development Standards, April 2005. Standard requirements include a minimum of 24m separation between facing habitable room windows.

Policy T13 Parking provision standards are applied as a maximum, with cycle facilities to be provided as minimum standards, in accordance with PPG13.

Policy 8.8 residential developments will only be permitted where adequate school capacity exists or can be provided - Council may seek a financial contribution to meeting any shortfall.

#### National Planning Guidance

#### **Planning Policy Statement 1**

Planning should facilitate and promote sustainable and inclusive patterns of urban and rural development with policies to deliver safe, healthy and attractive places to live. PPS1 emphasises the importance of good design which should be integrated into the existing urban form. Development should be visually attractive as a result of good architecture and appropriate landscaping.

#### **Planning Policy Guidance Note 3 - Housing - Design for quality advises**

- the need to create places and spaces with people in mind, which have their own distinctive identity but respect and enhance local character;
- focus on quality of places and gives priority to the needs of pedestrians rather than the parking of vehicles;
- car parking standards with more than 1.5 off-street parking spaces are unlikely to reflect the Government's emphasis on securing sustainable residential environments;
- seeks development at net densities greater than 30 dwellings per hectare.
- layout and design must be informed by the wider context

#### **Consultations**

**Transportation** - No objections. The proposal includes an adequate level of parking provision. The location of the bin store exceeds the recommended carry distance. The applicant should therefore be asked to locate the bin store within 30m from the highway. This can be secured by the imposition of a suitable condition.

**Education Walsall** - There are sufficient surplus spaces in local primary schools but not in local secondary schools thus a contribution would be required towards secondary school provision.



**Environmental Regeneration, Arboricultural Officer** - Drawing number 1112/09A, submitted on 29 November 2005, contains sufficient information to provide a reasoned assessment. On this basis, no objection is raised subject to application of standard tree protection conditions.

**Severn Trent Water** - No objection subject to inclusion of a condition relating to drainage works.

**Environmental Health and Consumer Services** - No adverse comments.

**Energis Communications** - No adverse comments

**Central Networks** - No objection but ask that the applicant be made aware of various points raised in their letter.

**Fire Service** - No objections regarding access.

**National Grid** - No adverse comments.

### **Representations**

The occupants of number 110 Victoria Avenue object on the following grounds:-

- Out of character with existing properties.
- Over development.
- Loss of privacy.
- Increased traffic.

An objection has also been received from Councillor Kath Phillips who has asked that the matter be brought before Committee and strongly objects to flats being built on this site as 'they will overlook houses in Penderel Street'

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

### **Determining Issues**

- Impact on the character of the area.
- Impact on neighbours' amenity.
- Tree impact.
- Provision of a satisfactory residential environment.
- Car parking.

### **Observations**

#### **Impact on the character of the area**

The site lies within an area of low rise residential development comprising a mix of predominantly 2 storey, detached, semi-detached and terraced properties with direct frontage access. Whilst some terraces are built at back of footway with no dedicated off-road parking many have parking on frontages and some have long rear gardens with side driveways and

garages behind the houses. The two adjoining properties, numbers 160 Field Road and 112 Victoria Avenue both have hipped gables and frontages in excess of 7m deep.

The surrounding area demonstrates a low density pattern of development of around 25 dwellings per hectare. The proposed density is higher than that sought under policy H9, however, the site is within walking distance of Bloxwich centre and well served by public transport along Field Road. As such it is a sustainable location for a higher density development which would assist in achieving an average density for the area closer to the 30 to 50 dwellings per hectare range as stipulated in both local and national policy.

The proposed new development would include two storey houses adjacent to the existing neighbouring properties rising to 3 storeys for the apartments block on the corner of the site. The semi-detached houses would follow similar lines to those already defined by existing development along both Victoria Avenue and Field Road. These houses would be separated from the apartment block by the entrance drive to the car park in Field Road and by the private communal garden serving the apartments in Victoria Avenue. Although the apartment block would be taller and closer to the back of footway, the degree of separation would help to assimilate this into the surrounding pattern of development.

### **Impact on neighbours' amenity**

The scheme has been designed to comply with minimum separation standards as set out in the Residential Design Standards document.

There is a car parking area adjacent to surrounding residential gardens although this is not immediately adjacent to any existing residential buildings and would be screened by existing trees which are proposed to be retained around the south-east and south-west boundaries of the site. Proximity of parking could lead to a degree of disturbance from the comings and goings of cars in excess of what would be expected from a conventional form of residential development where parking is on the street or the site frontage. The parking area would be between 2 and 3m from any garden boundary leaving sufficient space for substantial planting should the existing trees be removed in the future and it is therefore considered that the level of disturbance would be managed to an acceptable level. Boundary treatment around this part of the site should ideally comprise a brick wall, however, in view of the close proximity to protected trees a substantial close boarded fence would be acceptable as a minimum requirement if a wall is not possible.

### **Tree Impact**

Trees on the site are included in a Tree Preservation Order. These comprise a linear group of 37 lime trees, 2 sycamore and 1 holly sited predominantly along the northern and eastern boundaries with a few trees jutting into the middle of the site. The submitted scheme involves the removal of the majority of trees along the Victoria Avenue boundary, and those projecting into the centre of the site. These include the most visible trees on the site, although they amount to less than 30% of total tree cover, and the replacement rate is around 150%, including further trees along the road frontages. On this basis, the level of tree replacement appears satisfactory. Furthermore, the applicant has indicated that a full landscaping scheme, to include a scheme for arboricultural management of existing trees, will be submitted before development commences.

### **Provision of a satisfactory residential environment**

Each of the semi-detached houses would have its own private rear garden of 12m in length.

The block of flats would have private amenity space to the east between the side wall of the apartment block and the Victoria Avenue semi-detached houses. This would comprise a garden area towards the highway frontage, screened from public view by a suitable height fence, and a drying area for washing to the rear. Although limited this would enable occupants to sit outside if they so desired. Space to the front of the apartment block would be immediately adjacent to the footway and overlooked from all sides thus, although not useable, this would enhance visual amenity.

### **Car parking**

Sufficient car parking is proposed to meet Council standards.

Highways Officers have raised concerns relating to bin storage area which can be addressed through conditions with only minor amendments to the site layout.

The car parking at the rear of the site would be remote from the units it serves and the screening to adjacent properties would result in a complete lack of surveillance. This would leave residents vehicles and adjoining properties vulnerable to crime unless some form of security barrier were to be provided. In addition some low-level lighting should be provided to the car parking area. The applicant has expressed a willingness to comply with any reasonable requests along these lines and a suitable condition is included in the recommendation. Highways officers suggest that any barrier should be at least 10m clear of the back of footway to allow vehicles to clear the carriageway and pavement whilst operating the barrier.

### **Conclusion**

The scheme currently under consideration is a marked improvement on the previously refused scheme, providing a suitable residential environment for future occupants without any material impact on existing neighbouring residents. The issue of site security has been considered and can be dealt with by condition as can the positioning of the bin store. The layout would sit comfortably within the surrounding pattern of development providing a mix of dwelling types. As such this is considered to be an acceptable form of development. The consultation period to all parties will have expired prior to the meeting. I therefore recommend approval of the scheme subject to conditions and satisfactory completion of a Section 106 agreement for the collection of a commuted sum as required to address the educational shortfall in the area.

### **Recommendation: S106 Agreement and Grant Permission Subject to Conditions**

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

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

2. No development shall be carried out until full details of the proposed boundary treatment of the site have been approved in writing by the Local Planning Authority. The submitted scheme shall include provision of a substantial treatment on the boundaries defining the rear of the car parking areas as well as details of any internal site divisions. The approved scheme shall be implemented before the development is brought into use and shall be thereafter retained.

*Reason:* To safeguard the amenities of the occupiers of the properties hereby approved and of all adjoining premises and ensure the site and surrounding land is secure.

3. No development shall be carried out until full details of a locking gate system and security lighting to the car park entrance have been submitted to and approved in writing by the local planning authority. The approved gate shall be at least 10m behind the back of footway and shall be installed before the development is brought into use and shall be thereafter retained. No external lighting other than that approved under this condition shall be installed anywhere on the site until details have been submitted to and approved in writing by the Local Planning Authority and the lights shall be installed in accordance with the approved details.

*Reason:* To ensure security for the site and surrounding land and safeguard the amenities of the occupiers of adjoining premises.

4. No development shall be carried out until a detailed landscaping scheme for the site, (including any necessary phasing of implementation), has been approved in writing by the Local Planning Authority. The approved scheme shall be implemented in the first planting season (1<sup>st</sup> October - 1<sup>st</sup> April) following any part of the development being brought into use, or in accordance with any agreed phasing.

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

5. No development shall be carried out until full details of all existing and proposed underground services and sewers have been approved in writing by the Local Planning Authority.

*Reason:* To safeguard the trees and or hedges on the site.

6. No development shall be carried out until a plan showing the species and location of all existing trees and hedges on the site, details of which trees and hedges are to be retained or removed, and details of the design and location of protective guards or fencing, has been approved in writing by the Local Planning Authority. The approved guards or fencing shall be erected around all trees and hedges to be retained before development commences, and shall be retained until the development is entirely complete. The land so enclosed shall be kept clear of all contractor's material and machinery at all times.

*Reason:* To safeguard the trees included in the TPO on the site.

7. The existing soil level shall not be altered within the full extent of the canopy of each tree, group of trees or hedge to be retained or to such lesser distance as the Local Planning Authority agree in writing.

*Reason:* To safeguard the trees included in the TPO on the site.

8. At such time as this development has been completed, or appears to the Local Planning Authority to be substantially completed, an assessment of the remaining trees shall be undertaken in conjunction with the Authority. Any remedial work or replacement of trees damaged or destroyed during construction work shall be carried out as part of the implementation of an approved landscaping scheme.

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

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

*Reason:* To safeguard the trees and or hedges on the site.

10. 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 and the visual amenity of the area.

11. 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.

12. This development shall not be carried out until full details of proposed refuse disposal arrangements, including location of bin storage area for the flats, have been submitted to and approved in writing by the local planning authority.

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

13. The development hereby permitted shall not commence until drainage works for the disposal of both surface water and foul sewage have been carried out in accordance with the details to be submitted to and approved by the local planning authority in writing.

*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.

14. This development shall not be carried out other than in conformity with drawings numbered 1112/01B; 05; 06; 07 and 08 as submitted on 1 November 2005, and 1112/09A submitted on 29 November 2005, except as may be required by other conditions of this permission or by any subsequent approved amendment/permission.

*Reason:* To define the permission and ensure that the development undertaken 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).

15. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, or succeeding Orders, there shall be no development of any kind, other than as shown on the approved plans, within the spread of any tree included in the Tree Preservation Order on the site without the prior approval of a planning application.

*Reason:* To safeguard the trees included in the TPO on the site.

16. Before this development is brought into use, obscure glazing shall be installed and thereafter retained in all side facing windows serving bathrooms or W.C's as indicated on the approved plans.

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

17. 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 shown on the deposited plans, shall be installed in any part of this development without the prior approval of a planning application.

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

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

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

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

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

The proposed development is considered to comply with the relevant policies of the development plan, in particular policies GP2, GP3, 3.6, ENV9, ENV14, ENV18, ENV32, ENV33, H9, H10 and T13 of Walsall's Unitary Development Plan adopted March 2005, and, on balance, having taken into account all material planning considerations, the proposal is acceptable.

NOTE FOR APPLICANT: Central Networks were consulted on this application and your attention is drawn to the attached response.

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





To: DEVELOPMENT CONTROL COMMITTEE

Report of Head of Planning  
and Transportation  
On 13 December 2005

**REASON FOR BRINGING TO COMMITTEE: Significant community interest/ unresolved objection by key consultee.**

**Application Number:** 04/1321/FL/W3

**Case Officer:** Mrs J Scrivens

**Application Type:** Full application

**Telephone Number:** 01922 652436

**Applicant:** Minhajul Quran

**Agent:** Mr. M. Afzal

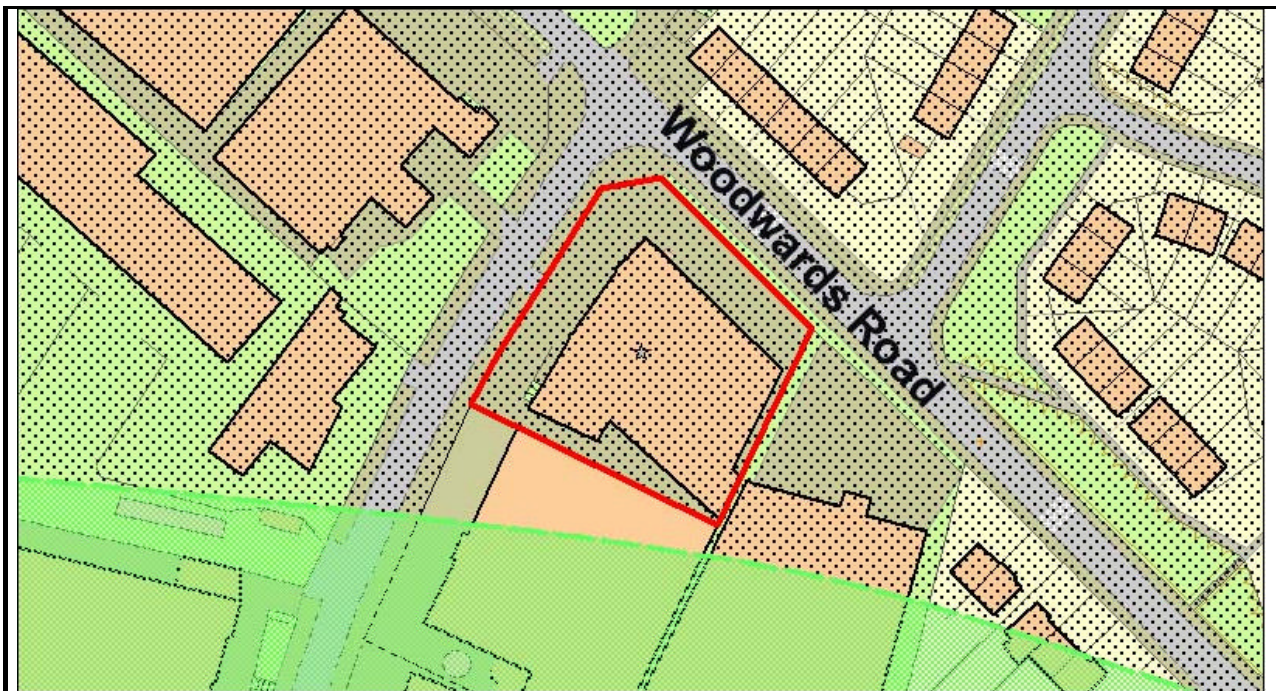
**Proposal:** Change of use to Mosque

**Location:** 49, WOODWARDS  
ROAD, WALSALL, WEST  
MIDLANDS, WS2 9RN

**Ward:** Pleck

**Expired:** 25 January 2005

**Recommendation Summary:** Grant Permission subject to conditions



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## **Application and Site Details**

The application relates to a former factory at the junction of Woodward's Road and Reservoir Place. The uses on the south side of Woodward's Road are predominantly industrial. The north side is residential.

The application was originally submitted as a change of use to a community learning resource centre but this description has subsequently been amended to change of use to a mosque, with ancillary religious education classes.

The building is one and two storey with external parking on both frontages. The original vehicular access points have been reduced to an entrance from Woodward's Road and an exit to Reservoir Place. The premises are already in use.

The following information has been supplied in respect of the application:

- i) The mosque will be open for prayers between 6 a.m. and 10 p.m., seven days a week. It is anticipated that very few people would attend the early morning and late evening prayers and that a maximum of 30 adults would attend each prayer session.
- ii) Religious education classes would be held between 5 p.m. and 8 p.m. Mondays to Fridays only. They would cater for a maximum of 15 to 20 children between the ages of 6 and 13. The majority of children would walk to the site with their parents and some would be dropped off by parents at dedicated points within the application site.
- iii) The mosque would have one full time employee, who will be responsible for leading the prayers, and two part time employees for the education classes.
- iv) An amended car parking layout has been supplied showing 46 spaces, although in the opinion of the applicant it is unlikely that all of these will be required since the majority of people visiting the Mosque live locally and would walk to the premises; it is intended to draw up a travel plan to promote more sustainable means of transport; the applicant is willing to provide cycle stands; the parking arrangements will be actively managed to ensure that there is no use of adjacent roads. There are speed humps along Woodward's Road and most residents have off-street parking.
- v) The application site was chosen as it is within the Alumwell area and the majority of users reside within walking distance. The location is well served by buses, along Darlaston Road and Pleck Road, which are within walking distance.
- vi) The site has no designation in the Development Plan and is in a predominantly industrial area, with little effect on residential amenity. Other sites considered were too small or had inadequate parking.
- vii) The proposal is unlikely to have any adverse effect on the amenity of local residents. Prayers are offered very quietly. The majority of people will walk to the mosque, reducing external noise from vehicle movements. The property could be re-used as a factory and industrial uses are likely to raise significantly greater levels of noise and disturbance than the proposed use and to generate more traffic movements, possibly involving larger vehicles.



viii) The use of the site is in accordance with PPG6 and PPG13 and with Development Plan policies. The mosque is a local facility and would not add to the viability or vitality of any town, district or local centres as a result.

### **Relevant Planning History**

None.

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

#### **Unitary Development Plan.**

Policy GP1 relates to sustainable development - the location of facilities where they are accessible to everyone and minimise the need to travel

Policy GP2 expects all development to make a positive contribution to the quality of the environment.

Paragraph 4.5 states that employment areas (which are not included in Core Employment Areas or are best quality sites) should retain their overall industrial character, subject to Policy JP7.

Policy JP7 defines the uses suitable to employment areas. Places of worship (D1) uses are not acceptable unless a purely local need can be demonstrated.

Policy S1 defines uses which are appropriate to Town centres. This includes uses falling within Class D1 which serve more than local needs.

Policy S6 identifies that some areas are without local facilities such as shops, health, community and local education facilities. New small scale local facilities can be considered acceptable provided that they meet specific criteria relating to scale, location, impact on other centres and facilities, travel and amenity

Policy T13 relates to car parking standards.

Paragraph 8.7 supports the provision of new community facilities, including those for religious groups

#### **National Policy.**

Planning Policy Guidance Note PPG1: General Policy and Principles requires Local Authorities to address issues of social inclusion and to make provision for a variety of needs including places of worship.

Planning Policy Guidance Note PPS6: Planning for Town Centres sets out the need to direct development to centres to promote their vitality and viability and to adopt a sequential approach to the location of new development..

Planning Policy Guidance Note: PPG13 Transport promotes accessibility to facilities by public transport, walking and cycling and seeks to reduce the need to travel by private car.

### **Consultations**

**Transportation:** No objections. Recommends conditions requiring car parking to be installed/retained.

**Pollution Control:** No objections.

**Fire Service:** No objections.

**Education Walsall:** No objections.

**Walsall Regeneration Company:** Object to the application. In general terms the Company supports the provision of community facilities but it is expected such a use would be within a centre unless a local need can be demonstrated. The premises are within a predominantly industrial area, directly adjacent to the former IMI site. The future development of this site will strengthen the industrial character and the use of the building as a mosque is therefore inappropriate.

### **Representations**

A 98 name petition of support has been received. The supporters' addresses are predominantly from Pleck, within walking distance of the site.

Objections have been received to the application in two phases. Initially when the application was described as a community and learning centre it attracted a petition of 335 names and 12 letters. The revised description as a mosque attracted a petition of 118 names and 5 letters. It is clear from the contents of both phases of objections that there are common elements of concern.

The grounds of objection (to both descriptions) are:

- i) the retrospective nature of the use
- ii) lack of off - street parking, parking and congestion on narrow residential roads; difficulty of access for ambulances/fire engines, cars come from outside the area to these premises, traffic is already a problem from the industries in the area; health problems from traffic
- iii) sufficient/too many mosques in the area already; community facilities/education already available; lack of facilities for resident population; proposal of no benefit to area
- iv) large numbers of people visiting the premises, the area is heavily populated and cannot cope with people coming from outside the area. The area is deprived and struggling to resolve problems affecting the community already living here.
- v) there are vacant factories in the area which have residual pollution and the adjacent site is used for zinc plating etc. This is potentially dangerous and unhealthy. The area in general is highly polluted from the motorway.
- vi) noise and unruly behaviour from children and noise from visitors to the mosque particularly in the evening,
- vii) factory needed to encourage jobs in area
- viii) devalue properties
- ix) rubbish and broken windows

Reconsultation on the amended plans which included additional parking in the building has produced a further five responses, which repeat earlier objections.

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

### **Determining Issues**

- the need to retain the building in industrial use
- local need
- parking/highway safety

- amenity

## **Observations**

### **Use of the building.**

The site is not allocated for industrial purposes in the development plan, although, as a building within an existing employment area, paragraphs 4.5 and Policy JP7 give a presumption that the industrial use will be retained. Places of worship are not defined as suitable uses for such areas unless a local need can be justified. The applicant has demonstrated a local need through the submission of a petition of support.

### **Local need.**

The application is supported by a petition of 98 names, with the supporters coming mainly from the Pleck area which is within walking distance of the site.

While residents have objected on the grounds that there are 'sufficient' mosques in the area already, the retrospective nature of the application would indicate that this is not the case.

### **Parking/highway safety.**

This has been a key issue for residents and as a consequence, has been the subject of discussions with the applicant. This has resulted in a proposal to use the single storey part of the building for car parking and the submission of an amended car parking layout. Some of the internal partitioning of the single storey part of the building would require demolition to accommodate these spaces and some roof stanchions would have to be removed and an alternative form of roof support provided.

The amended car parking layout shows 46 car parking spaces of which only 44 are useable (2 would obstruct other spaces). 47 spaces are required to meet development plan standards, given that a small part of the single storey building would be retained as part of the mosque/educational area.

The site has been in use for approximately a year, during which the applicant has sought to identify and provide the facilities which the congregation require and the use and the application proposals have therefore been evolving during that time. The applicant has also been made aware that the unauthorised status of the use may result in enforcement action by the Council, so that the level of the current use may be somewhat muted.

Objectors have indicated that on - street parking takes place, causing congestion on narrow roads. The problem does however appear to be an occasional one rather than a permanent problem, which suggests that it is particular events which create additional demand for parking space rather than the day to day use of the premises. There have been three occasions reported over the last year on which parking has been a significant problem. On the latest occasion, which the applicant has confirmed to have been a special prayer meeting, residents reported that the single storey area of the building was used for parking, with further on-street parking occurring as well.

This may have been due to restrictions in the building caused by the roof stanchions and internal partitions or it may have been due to numbers of cars attending the event or a preference to park on the street. However if the single storey portion of the building was properly converted to parking then the site would be only three spaces short of Development Plan standards.

This is not a great shortfall for the size of the site and it would be difficult to justify a refusal of this application on the lack of three parking spaces.

The occasions on which parking has caused a significant problem appear to be few and the majority of the time the site appears to operate without parking problems. Approval has been given, on other sites, where the same level of provision has been made (i.e. meeting day to day needs, but not meeting the needs of an occasional large event).

### **Amenity.**

The operating hours of the original factory were not restricted by condition and evening working could have taken place, with deliveries and shift changes occurring at unsocial hours. The use of the premises as a mosque would not have a greater impact on the amenities of the area than manufacturing and is likely to have less.

The petitioners in support of the application are locally based and except on the special occasions identified there does not appear to have been a significant number of people visiting the premises.

### **Conclusion.**

The applicant has demonstrated a local need for this community facility, the location of which would have no adverse effect on the vitality and viability of town, district or local centres.

The main concern of residents relates to on-street parking. The applicant has now agreed to use part of the building for parking and will be able to provide a level of parking which is sufficient except on rare occasions. It would however be necessary to ensure that the indoor parking space is retained as such and not used for any other purpose. This requires modification to the building which could be required by condition, as recommended.

### **Recommendation: Grant Permission subject to conditions**

1 Within one month of the date of this decision details shall have been supplied to convert the single storey part of the building to an open car parking area. The approved details shall be implemented within 3 months of the date of this decision and thereafter be retained.

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

2. Within three months of the date of this decision the car parking layout both internal and external to the building shall have been permanently marked out in accordance with drawing no.P001-Existing rev.B. These spaces shall thereafter be retained and used for no other purpose.

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

3. This decision grants consent for the use of the premises as a place of worship with ancillary religious education and not for any other purpose within Class D1 of Part D of the schedule to the Town and Country Planning (Use Classes) Order 1987.

*Reason:* To define the permission. The site is not necessarily suitable for other uses.

To: DEVELOPMENT CONTROL COMMITTEE

Report of Head of Planning  
and Transportation  
On 13 December 2005

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

**Application Number:** 05/2165/PT/E6

**Case Officer:** Paul Hinton

**Application Type:** Prior approval of siting &  
Appearance of Telecommunications Apparatus

**Telephone Number:** 01922 652429

**Applicant:** 02 UK Ltd

**Agent:** Turner & Partners

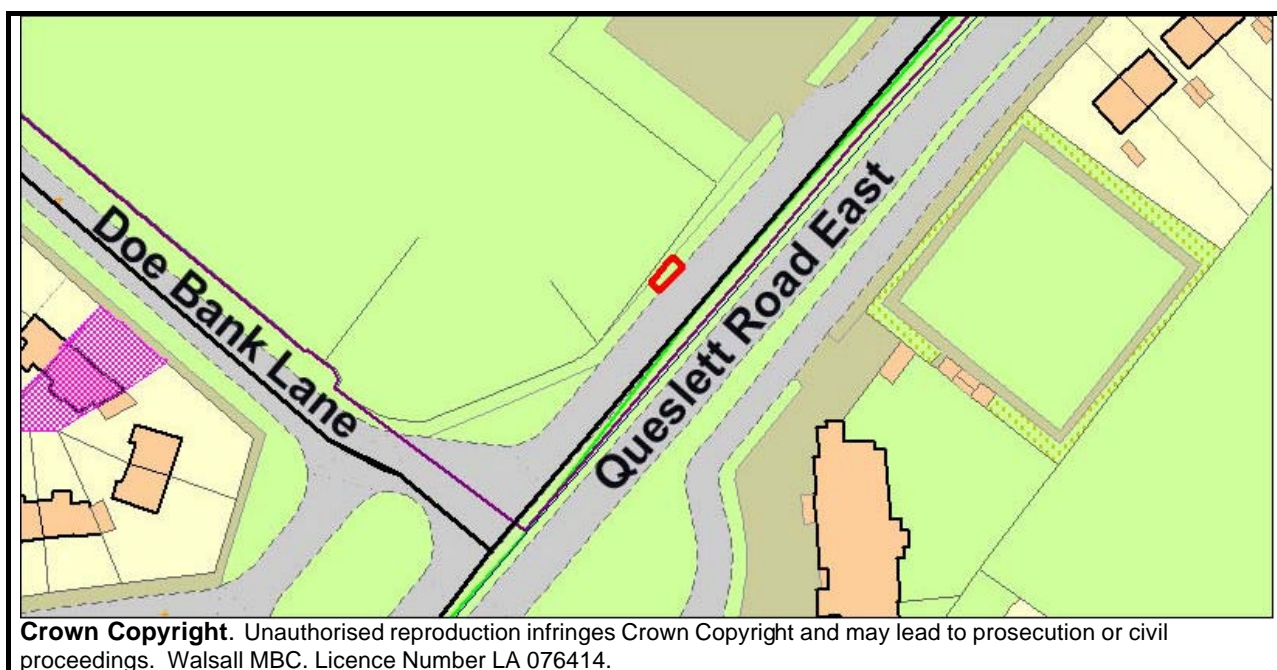
**Proposal:** 12.5 Metre High Imitation Lamp  
Post Supporting 3no. 3G Antennae, together  
with Gound Based Equipment Cabinets and  
Ancillary Development.

**Location:** SITE OPPOSITE THE DEER  
LEAPS PH, QUESLETT ROAD  
EAST, WALSALL

**Ward:** Streetly

**Expired:** 27 December 2005

**Recommendation Summary:** Details Approved





## **Application and site details**

This application follows the refusal of application 04/1845/PT/E5 for a 10m imitation telegraph pole, incorporating antenna and one equipment cabinet at a site 80m southwest of this application site which was dismissed at appeal.

The application is for the prior approval of 12.5m high non-illuminated mock street lighting column, incorporating three 3G antennas within a shroud, and the siting of two associated equipment cabinets of height 1.25m and 1.4m respectfully. The application site is on land that forms the highway frontage on the north (Walsall) side of Queslett Road East, Great Barr and is set back 0.6m from the roadside edge of the pavement.

The proposed pole and cabinets would be set back from the highway some 0.6m and would be located virtually directly opposite the access to the Dears Leap Public House on the Queslett Road East side, and 50m north east from the junction of Doe Bank Lane. The cabinets and pole would be between an existing row of large trees which measure approximately 7m located within Doe Bank Farm.

The application site is within Green Belt land and is within the Great Barr Conservation Area.

The applicants have explained in accompanying documentation that the proposal is required in order that the network may receive Third Generation phone communications in this area. The applicants have submitted coverage plots to illustrate how the network coverage would be increased by the proposed development.

Technical information submitted includes a Declaration of Conformity with ICNIRP (International Commission on Non-Ionising Radiation Protection) Public Exposure guidelines.

The applicants have advised that alternative sites in the area were also considered, but they conclude that there are no other existing masts or other tall structures that would be suitable for telecommunication development. Sites include the recent refusal by the LPA, the pylon runs to the west of the application site, which is stated to be technically unsuitable due to the elevated location and not providing coverage in the required area. The existing O2 site on Barr Beacon would also not be technically suitable and would not provide coverage to the required area. The applicant states that the existing 10m imitation telegraph pole on the corner of Doe Bank Lane is unsuitable for mast sharing. A proposed 15m mast at Doe Bank Farm and a mast on top of the Deer Leap Public House fails as landowners will not allow permission.

The applicants consider that the proposed location is the optimum feasible option in terms of its visual impact and the coverage it provides. They consider that the proposal will largely blend into the streetscape as it will appear a slightly modified street lamp post rather than as a bespoke telecommunications mast.

## **Relevant Planning history**

None at this site. However, at a site 35m southeast of the proposal the erection of 10m telegraph pole was granted planning permission on appeal reference 02/1016/FL/E4 in April 2003.

A site 80m southeast was refused planning permission, which was also dismissed at appeal reference 04/1845/PT/E5 for a 10m imitation telegraph pole, incorporating antenna and one equipment cabinet in June 2005. The refusal reason:

1. The proposed development by reason of its siting, appearance and failure to consider landscaping issues would be a prominent and incongruous feature in the street scene, which would have an adverse impact on the amenities of local residents. It would unjustifiably add to the visual clutter on this open site and it has not been demonstrated that mast or site sharing, or opportunities for using pylons in the vicinity, has been fully explored. As such, the proposed development conflicts with policies 3.6 and Appendix 2.4 of Walsall Unitary Development Plan 1995, policy ENV 40 of Walsall Unitary Development Plan Revised Deposit Draft March 2002 and PPG 8.

**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 2005**

GP2 - development should be sustainable and contribute to environmental improvement;

ENV2 - Control of development in the Green Belt, to secure the character and openness of the Green Belt. Presumption against new construction that is inappropriate, unless there are very special circumstances;

ENV3 - Criteria for detailed evaluation of acceptable development in the Green Belt which includes;

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

ENV38: Telecommunications;

- a) Equipment including cabinets can have significant visual impact and are unlikely to be acceptable in Conservation Areas.
- b) Mast and site sharing and use of high buildings recommended
- c) Measures to reduce the impact of the equipment, such as screening and mast camouflage, will be required where necessary
- d) All proposals should comply with ICNIRP requirements.

**National Policy**

Planning Policy Guidance Note 2:

Advises on the control of development in the Green Belt, defining inappropriate development and the need for very special circumstances to justify it.

Planning Policy Guidance Note 8:

Government policy is to facilitate the growth of telecommunications systems. It sets out guidance for the siting and design of equipment and how local planning authorities should deal with matters relating to health. In particular paragraphs 3 and 17 refer to Green Belt proposals and paragraphs 19 to 23 refer to mast and site sharing.

**Consultations**

**Transportation** - No objection. The location has been considered having regard to the general layout and features of the highway including driver and pedestrian sightlines, the footway width, the proximity of other street furniture. The footway at this location is sufficient width to enable a cabinet to be sited without having an adverse impact on pedestrian and vehicular visibility or the passage of pedestrians.

**Pollution Control** - no objections, subject to

- a) post-installation tests should be carried out to confirm that the equipment complies with ICNIRP limits
- b) should future upgrades of the equipment occur then tests should be conducted to confirm that the equipment continues to comply with the ICNIRP guidance

**Fire Service** - no access issues

**Conservation Officer** - The design is such that it should not have a detrimental impact on the character or appearance of the conservation area.

### **Representations**

Two identical letters and three individual letters object on the following grounds:

- Already have two masts in the locality with equipment cabinets, plus a lot of other street furniture
- Masts attract youths and graffiti
- Look a complete eyesore
- Still do not know what effect these mast have on health
- Why cannot they be erected elsewhere where they are not going to be a bother and nuisance to people
- Near to housing and school in Sundridge Road, Kingstanding
- Will never be able to sell homes

Additionally Birmingham City's Councillor John Cotton has formally commented that all three of the Oscott Ward Councillors are wholly opposed to the installation of a mast at this site, for the reasons of being directly opposite and adjacent to residential property, is located close to a busy shopping area and within a short distance of a primary school. The Councillor expresses that it is an unacceptable concentration of equipment in an area wholly unsuited for such purposes.

### **Determining issues**

- i) Visual amenity and impact on the Green Belt and Conservation Area
- ii) Health risks and perception of health risks

### **Observations**

#### **Visual amenity and impact on the Green Belt and Conservation Area**

Governmental advice through PPG 8 explains in Green Belts telecommunications development is likely to be inappropriate unless it maintains openness. The proposed mast would have no impact on the openness of the Green Belt. PPG 2 and policies of the Unitary Development Plan require that, in areas of Green Belt, only very special circumstances might outweigh the harm to the character and openness of the Green Belt and thereby justify



inappropriate development. PPG 8 acknowledges that the lack of a suitable alternative site that would meet the needs of network coverage or capacity might be considered as very special circumstances.

The absence of alternative sites amount to very special circumstances to support the principle of the proposal to be measured against impact on the amenity of the Green Belt.

The proposed mast within both the Green Belt and Conservation Area would consist of a 12.5m high non-illuminated mock street lighting column with the antennae's enclosed within the overall pole. The mast and associated equipment would be visible to pedestrians using the adjacent footway and passing motorists. However due to the mock street lighting method proposed, there would be no visible antennae attached to the structure and the visual impact of the lighting column would be similar to that of the street lighting columns in the locality. The proposal would be 0.5m higher than the adjacent columns, wider than the existing columns with a broad section at the top of the pole, though in the greater context the proposal would not be significantly different from the neighbouring street lights.

The proposed equipment cabinets would be similar in character to the cabinets used to control traffic lights and by terrestrial telephone systems. Such structures are commonly seen within highway verges and there are several examples on Queslett Road East in the vicinity of the application site.

The character of the Conservation Area is derived from its landscape character. The proposed development would be perceived as part of the street furniture associated with the neighbouring highway and its impact on the open land to the northwest would be negligible due to the trees on the boundary of the farm, which adjoins the site. Its impact on the landscape of the area would be insignificant and the character and appearance of the Conservation Area and the visual amenity of the Green Belt would be preserved.

Set on the edge of the Green Belt on the boundary of paddock land, the proposal is not opposite or adjacent to residential properties. As such it is not considered that the proposal would have an adverse impact on the amenities of nearby residents.

### **Health risks and perception of health risks**

Whilst health concerns are a material consideration, they must be considered in the context of current government advice. Planning Policy Guidance Note 8 comments that if a proposed mobile phone base station meets International Commission for Non-Ionising Radiation Protection (ICNIRP) guidelines for exposure, it should not be necessary to consider further the health aspects and concerns about them. In this case, emission levels are very low and well within the ICNIRP requirements.

### **Other considerations**

Impact on property values is not a material consideration.

### **Recommendation: Details Approved**

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

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

2. The development hereby approved shall not be carried out until details of

the colours of the external surfaces of the mast and cabinets have been submitted to and approved in writing by the local planning authority. The agreed colours shall be applied within one month of the cabinets and mast being erected and shall not thereafter be changed without the written agreement of the local planning authority.

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

3. When the equipment becomes fully operational the company shall carry out post-installation tests to confirm that the telecommunications equipment complies with ICNIRP limits and supply written verification to the Local Planning Authority within 8 weeks of conducting the tests. .

*Reason:* In the interests of amenity.

4. In the event of future up-grades or equipment be installed that will have an effect on the outputs of the telecommunications equipment then tests shall be conducted to confirm that the equipment continues to comply with the ICNIRP guidance (as amended).

*Reason:* In the interests of amenity.

5. The equipment and/or telecommunications installation hereby approved shall be maintained in compliance with ICNIRP and in the event that monitoring identifies non-compliance, the equipment shall immediately be removed.

*Reason:* In the interests of amenity.

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

The proposed development is considered to comply with the relevant policies of the development plan, in particular Policy ENV 38 of Walsall Unitary Development Plan March 2005, and, on balance, having taken into account all material planning considerations, the proposal is acceptable.

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



To: DEVELOPMENT CONTROL COMMITTEE

Report of Head of Planning  
and Transportation  
On 13 December 2005

**REASON FOR BRINGING TO COMMITTEE: Significant Public Interest**

**Application Number:** 05/2196/PT/E4

**Case Officer:** Val Osborn

**Application Type:** Prior approval of siting & Appearance of Telecommunications Apparatus

**Telephone Number:** 01922 652487

**Applicant:** T-Mobile U.K

**Agent:** Turner & Partners

**Proposal:** Prior Notification:  
Telecommunications installation comprising a 11.6m high streetworks pole supporting 3No antenna, together with ground based equipment.

**Location:** PAVEMENT OUTSIDE  
188C,CHESTER  
ROAD,STREETLY,SUTTON  
COLDFIELD,WEST MIDLANDS

**Ward:** Streetly

**Expired:** 02 January 2006

**Recommendation Summary:** Details Approved



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## **Application and Site Details**

This application is for the approval of the appearance and siting of a mast and cabinets on the pavement frontage to the car park of an estate agents at 188 Chester Road, Streetly. The application, submitted on behalf of T-Mobile, proposes a 12m high street pole at back of footpath, with three tri-sector antenna mounted at 10m in height, and three cabinets, on the pavement in front of the boundary wall to the estate agents.

The application site is the public footpath frontage to the car park area in front of Acres Estates Agents front boundary wall. There are street lighting columns, a telegraph pole and a telephone box, as items of street furniture, near to the application site.

The proposed cabinets measure 1.3m by 0.9m and 1.64m high, 0.6m by 0.5m by 1.2m high and 0.9m by 0.8m by 1.24m, would be sited in front of the boundary wall to the estate agents.

North of the application site is the McCarthy Stone 'retirement' development and to the south is the local retail centre of Manor Road/Chester Road junction of Streetly.

Additionally technical information includes a Declaration of Conformity with ICNIRP (International Commission on Non-Ionising Radiation Protection) Public Exposure guidelines are submitted.

The applicant explains that the proposal is outside commercial premises and is the least sensitive because of the existing street furniture.

## **Relevant Planning History**

None at the site.

Application 04/0658/PT/E4 for a 12.5m monopole and associated cabinet for 'O2', at the junction of Manor Road and Chester Road, Streetly, was granted permission on appeal on 12 April 2005.

Application 05/0590/PT/E4 for a 12m monopole and associated cabinets at the front of the Audi car dealership on Chester Road, was granted permission at appeal on 30<sup>th</sup> November 2005.

This application site is 50-60m further north on Chester Road from these appeal sites.

## **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 2005**

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

ENV38; Telecommunications;

a) equipment including cabinets can have significant visual impact and are unlikely to be acceptable in visually sensitive locations.

b) Mast and site sharing and use of high buildings recommended

d) all proposals should comply with ICNIRP requirements.

#### Planning Policy Guidance PPG8.

Government policy is to facilitate the growth of telecommunications systems. It sets out guidance for the siting and design of equipment and how local planning authorities should deal with matters relating to health.

In particular paragraphs 14 and 28 refer to effective landscaping for proposals and paragraphs 19 to 23 refer to mast and site sharing.

#### **Consultations**

**Transportation** - raises no objection to the proposal. The location has been considered having regard to the general layout and features of the highway including driver and pedestrian sightlines, the footway width, the proximity of other street furniture. The proposed position of the cabinets to the rear of the footway would not obstruct the free movement of pedestrian (including wheel chairs) traffic or sightline visibility. The proposal is unlikely to have an adverse impact on public safety.

**Pollution Control** - The applicant has considered likely levels of radiation for those in close proximity to the site and the likely health risks. Other suggested conditions are as appear in the recommendation.

#### **Representations**

None

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

#### **Determining Issues**

- ? Policy
- ? the siting of the proposal
- ? the appearance of the proposal
- ? the impact of the proposal on the character and amenity of the area
- ? Health

#### **Observations**

##### **Policy**

The applicants have presented information to justify the need for improved 3G service in this locality and evidence their consideration of 6 alternative sites and explain how they have been discounted. It is clear from the technical information that a mast in this general locality is required to provide signal coverage for 3G.

## **Siting**

The application site is part of a street scene typical of a local centre. There are 11m high street lighting columns, telegraph poles, a telephone box and other street furniture in the vicinity of the proposed mast.

The proposed mast would therefore not be out of place in this part of the street and the proposed mast would be aligned with the existing telegraph poles.

The proposal is sited at a location to be least visually intrusive, at back of footpath and in association with other tall structures in the street scene.

In the determination of the appeals, Inspectors have not considered the proposed masts to be seen as an isolated or unduly intrusive feature in the street scene, given the surroundings of street lighting columns along the road side, telegraph poles, traffic lights, and other street furniture. The decisions and reasons for the appeals being allowed are material considerations in the determination of this application, as the sites are 50m distant from each other.

## **Appearance**

The monopole design is considered to be acceptably plain and can be painted in a colour to match the local street furniture. However the bland grey often used does reduce the visual impact that would be created compared to a stronger, less neutral colour.

## **Impact on the character of the area**

The application site is part of a busy local centre street frontage, where there are many other columns and poles for communication purposes such as wooden telegraph poles on either side of Chester Road, street lighting columns. The character of the area is one of a commercial frontage and similar in character to that of the Audi frontage and the Manor Road junction sites.

## **Health**

Whilst health concerns are a material consideration, they must be considered in the context of current government advice. Planning Policy Guidance Note 8 comments that if a proposed mobile phone base station meets International Commission for Non-Ionising Radiation Protection (ICNIRP) guidelines for exposure, it should not be necessary to consider further the health aspects and concerns about them. In this case emissions levels are very low and well within the ICNIRP requirements.

## **Other matters**

The locality of the application site is identified on the UDP as a local centre, and the character of the area in the immediate vicinity of this application site is therefore one of a mixed use, with retail uses and residential properties being on either side of Chester Road. The impact of the proposal on the value of property is not a material consideration.

## **Conclusion**

The application is accompanied by the appropriate ICNIRP certificate and the applicant has demonstrated the lack of alternative available sites. The application site is considered to be on a commercial frontage on Chester Road, near to existing masts, and at a location that is considered visually sensitive in the street scene.



## **Recommendation: Details Approved**

### **RECOMMENDATIONS: Prior approval is required and hereby granted, subject to the following conditions**

1. The development hereby approved shall not be carried out until details of the colours of the external surfaces of the mast and cabinets have been submitted to and approved in writing by the local planning authority. The agreed colours shall be applied within one month of the cabinets and mat being erected and shall not thereafter be changed without the written agreement of the local planning authority.

Reason; To ensure the satisfactory appearance of the proposal.

2. When the equipment becomes fully operational the company shall carry out post-installation tests to confirm that the telecommunications equipment complies with ICNIRP limits and supply written verification to the Local Planning Authority within 8 weeks of conducting the tests. .

Reason; In the interests of amenity and pursuant of ENV 38 of Walsall Unitary Development Plan March 2005.

3. In the event of future up-grades or equipment be installed that will have an effect on the outputs of the telecommunications equipment then tests shall be conducted to confirm that the equipment continues to comply with the ICNIRP guidance (as amended).

Reason; In the interests of amenity and pursuant of ENV 38 of Walsall Unitary Development Plan March 2005.

4. The equipment and/or telecommunications installation hereby approved shall maintained in compliance with ICNIRP and in the event that monitoring identifies none-compliance, the equipment shall immediately be removed.

Reason; In the interests of amenity and pursuant of PPG8 and ENV 38 of Walsall Unitary Development Plan March 2005.

The proposed development is considered to comply with the relevant policies of the development plan, in particular Policy ENV 38 of Walsall Unitary Development Plan March 2005, and, on balance, having taken into account all material planning considerations, the proposal is acceptable.

**To: DEVELOPMENT CONTROL COMMITTEE****Report of Head of Planning  
and Transportation  
On 13 December 2005****REASON FOR BRINGING TO COMMITTEE: Unresolved Objection from key Consultee****Application Number:** 05/2020/FL/W5**Case Officer:** Karon Hulse**Application Type:** Full application**Telephone Number:** 01922 652436**Applicant:** Midland Provincial Finance Ltd**Agent:** Mr Mark Bonham**Proposal:** Erection of 8 dwellings above ground retail with amenity and parking space**Location:** 43/44, BIRCHILLS STREET, WALSALL, WEST MIDLANDS, WS2 8MG**Ward:** Pleck**Expired:** 09 December 2005**Recommendation Summary:** Grant Permission subject to conditions

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## **Application and Site Details**

This application seeks consent to redevelop an existing industrial site on Birchills Street, Walsall. The site is currently occupied by a vacant, rundown and derelict factory building which occupies the whole of the site and is predominantly two storey. It has been subject to vandalism.

The application seeks to demolish the building and replace it with a three storey building at the back of the pavement. The building would be sited along the frontage of the site infilling the area between the access to the church and a retail unit. An archway into the development would give access to a rear courtyard where there would be parking for 8 vehicles. This rear parking area would be covered by a first floor deck accessed from the end of the car park and by an internal staircase in the building where access would also be gained to the first and second floor which accommodate eight flats (4 x two bedroom flats and 4 x one bedroom flats). The decked area would provide private amenity space for those flats.

The ground floor of the new building would create three small shop units.

The design of the street frontage is such that it continues the style and theme created by the entrance to the church and replicates some of its characteristics.

The density on this site would be approximately 15 dwellings per hectare however this does not take into account the mixed use proposal and the provision of three new retail units.

## **Relevant Planning History**

There is no relevant history

## **Relevant Planning Policy Summary**

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

The application site is identified as being within the Birchills Local Centre

In general the UDP promotes good development, seeks to protect employment and employment land and create good residential environments.

The following policies are also relevant to the determination of this application

Env14 and H3 encourages the development of previously developed land

3.6, 3.7, 3.16, Env 32(a) and (b), GP2 relate to the quality of the design and enhancement of the environment

ENV33...Good landscape design to be integral part of design

GP3 - planning obligations

GP7...designing out crime through promotion of mixed use developments

H9 relates to housing densities

H10... Layout, Design and Dwelling Mix

S5...specific policy for Local Centres

S8...housing in town centre

### **National Policy**

Planning Policy Guidance Note 3 (Housing) promotes the redevelopment of previously developed land for housing within urban areas, while protecting green spaces. It allows for some flexibility in the application of standards to achieve development. Its other objectives are :

- ~ to meet the housing needs of the whole community,
- ~ create more sustainable patterns of development,
- ~ make more efficient use of land,
- ~ promote good design,
- ~ reduce car dependence.

The PPG also advises densities should normally be in the range 30 to 50 dwellings per hectare. However, it does recognise that there are locations where density should and can be higher. Such locations are town centres, or transport nodes.

Planning Policy Guidance 24 on noise is important in this case. It establishes categories of acceptability. The issue is set out in more detail in the Observations section.

Planning Policy Statement 6 on Town Centres seeks to deliver more sustainable patterns of development, ensuring that locations are fully exploited through high-density, mixed-use development and promoting sustainable transport choices, including reducing the need to travel and providing alternatives to car Use.

### **Consultations**

**Transportation** - Objections on the grounds that no parking provision is proposed for the retail element of the scheme.

**Environmental Health** - no objections

**Fire Service** - satisfactory

**Lifelong Learning & Community** - no objections

**Central Networks** - no objection

**Energis** - no objections

**National grid** - no objections

**Inland Waterways** - no objection

**Severn Trent Water Ltd** . - no objection

**British Waterways** - no objections

### **Representations**

None received

### **Determining Issues**

- Principle
- Residential environment
- Parking
- External appearance
- Impact/benefits to the community

### **Observations**

#### **Principle**

The Government's current policy position in relation to housing use of the site is set out in PPG 3 (Housing) which advocates the re-use of brownfield land for residential use provided a satisfactory residential environment for future occupiers can be secured.

The site is currently a vacant disused two storey factory premises which occupies all of the site. It currently presents a very poor and neglected element of the environment.

This site is within a designated local centre as identified in the Unitary Development Plan, the main shops are on the opposite side to the application site on Birchills Street. The principle of converting upper floors above shops in town, district and local centres is to be encouraged as it makes full use of buildings for both commercial and housing. Whilst this is not a conversion of an existing building the resultant development would be similar to that of a conversion and will provide new retail opportunities as well as residential within a local centre.

The principles of housing in town centres and local centres is also outlined in Planning Policy Statement 6 which seeks to deliver more sustainable patterns of development, ensuring that locations are fully exploited through high-density, mixed-use development and promoting sustainable transport choices, including reducing the need to travel and providing alternatives to car. This application site again provides opportunities to ensure all of these elements are secured.

As a result of the above the principle of using the site for residential and retail is acceptable and in accordance with local and national policy.

#### **Creation of a satisfactory residential environment**

I consider the scheme will provide satisfactory residential environment and amenity space for its future residents whilst protecting other local occupiers in the vicinity.

The proposal is for a three storey development consisting of three retail units at ground floor with eight one and two bedroom flats on the first and second floors.

The proposals also include a large rear decked area above the car parking area. This would

be a very unusual method but practical way of introducing private amenity space within the development and particularly in an area where it would not otherwise be easily achievable.

The decked space would provide approximately 243 sq. metres of private useable amenity space which could accommodate sitting out / drying areas, general meeting and relaxing areas and provide a pleasant relationship between the apartments and the communal car parking area below. There are no residential properties surrounding the site and therefore there would be no overlooking or privacy issues as a result of the first floor decked amenity area.

## **Parking**

*Residential* - Parking is provided at a ratio of one per unit (100%), the site is within 900 metres of the Walsall town centre, therefore this provision is considered to be acceptable. It would be provided at the rear of the site under the decked amenity area. Visibility in and out of the site via the new drive way at the side is satisfactory. The location of the bin store is also acceptable.

*Retail* - The application does not provide any parking for the three new retail shop units. However, facilities within local centres are generally aimed at providing services and goods for its immediate community, in which case customers usually walk to the shops rather than drive. The shops in this local centre are mainly on the opposite side to the application site. Parking in this location is limited to on street, some shops opposite have minimal off street parking provision but otherwise any visitors to the local centre park along Birchills Street. When parking is required it is usually for very short periods of time, I do not consider this will have a detrimental impact on highway safety and in deed as suggested above these locations are linked more to providing day to day goods for the local community where visits are usually by walking.

## **External appearance**

The infill of this site provides an opportunity to improve the area visually. The design incorporates features to replicate characteristics of the adjacent church and will create a better presence and feature within the street scene.

The proposed apartments would be designed so as to have either large picture windows or Juliet balconied windows looking down onto Birchills Street, this design element together with the appearance of new retail units at ground floor would create a very active street frontage and visually improve the streetscene in this location.

## **Impact/benefits to the community**

The use of this site for residential will be of benefit to the local community. It will provide accommodation of a type and scale which is to be welcomed in the area whilst also providing new retail units which will benefit the local economy and continue to enhance this local centre. It will also visually improve an area which would benefit from regeneration.

## **Conclusion**

The principle of the use of the site for residential is acceptable and will make a positive contribution to the area and make more effective use of land as promoted in PPG 3 and be well integrated into the surrounding land uses in accordance local and national policies.

### **Recommendation: Grant Permission subject to conditions**

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

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

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

*Reason:* To ensure the satisfactory provision of off-street parking, the satisfactory appearance and functioning of the development and in the interests of highway safety.

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

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

4. No development shall be commenced until a protocol to ensure that the immediately surrounding highways are not adversely affected by the accidental deposition of materials from vehicles leaving the site in connection with the construction phase (this may involve the use of a wheel wash, road sweepers, etc.) has been submitted to and approved in writing by the Local Planning Authority. The agreed details shall be implemented at all times during construction of the development.

*Reason :* To prevent mud being deposited on the public highway and in the interests of highway safety.

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

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

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

*Reason:* In the interests of highway safety.

7. No external lighting shall be installed on the site until details have been submitted to and approved in writing by the Local Planning Authority and the lights shall be installed in accordance with the approved details.

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

8. Following the demolition of existing structures and buildings and prior to any residential development on the site

(a) 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 the advice and guidance contained in Environment Agency Contaminated Land Report 11(CLR 11) 'Model procedures for the management of land contamination'; 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"; and The Contaminated Land Exposure Assessment (CLEA) Model 2002 or any relevant antecedents of such guidance.*

(b) the approved survey and investigation shall be undertaken in accordance with the approved details,

(c) A copy of any ground survey and site investigations, together with a report setting out proposed remedial measures to deal with any identified and potential hazards arising from any gas and/or land contamination shall be submitted to the Local Planning Authority within 1 month of completion.

(d) The approved measures shall be implemented in accordance with the approved timetable.

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

9. No development shall commence until an appropriate noise survey has been undertaken in accordance with current guidance and procedures, to determine the suitability of developing the land for residential purposes, it shall be carried out to the written satisfaction of the Local Planning Authority. The results of the survey, including details of all instrumentation used, prevailing weather conditions and traceable calibration tests, together with a report concerning acoustic insulation requirements to meet the relevant British Standards shall be submitted to the Local Planning Authority within 2 months of completion.

*Notes for applicant : Sound level measuring instrumentation shall conform to British Standards BS EN 60651:1994 "Specification for sound level meters' (Type 1) and BS EN 60804:1994 'Specification for integrating-averaging sound level meters' (Type 1) or any superseding standard(s) as applicable, which shall have been verified in accordance with British Standard BS 7580 'Specification for the verification of sound level meters' Part 1:1996 'Comprehensive procedure' within a preceding 2 year period.*

*Current guidance and procedures for the completion of a suitable noise survey can be found in Planning Policy Guidance Note 24 (PPG 24) : Planning and Noise and British Standard BS 7445:1991 "Description and Measurement of Environmental Noise". (August; 2004)*

*The development should have regard to the advice and guidance contained in BS8233 1999: 'Sound insulation and noise reduction for buildings - Code of practice' to achieve a good criteria of indoor ambient  $L_{Aeq, T}$  noise level for bedrooms and*



*reasonable level for living rooms. The approved scheme shall be completed prior to occupation of any dwelling.*

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

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

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To: DEVELOPMENT CONTROL COMMITTEE

Report of Head of Planning  
and Transportation  
On 13 December 2005

**REASON FOR BRINGING TO COMMITTEE: Requires delicate judgement.**

**Application Number:** 05/1935/FL/E3

**Case Officer:** Devinder Matharu

**Application Type:** Full application

**Telephone Number:** 01922 652429

**Applicant:** Mr. A. Chance

**Agent:** Paul Clifton Associates

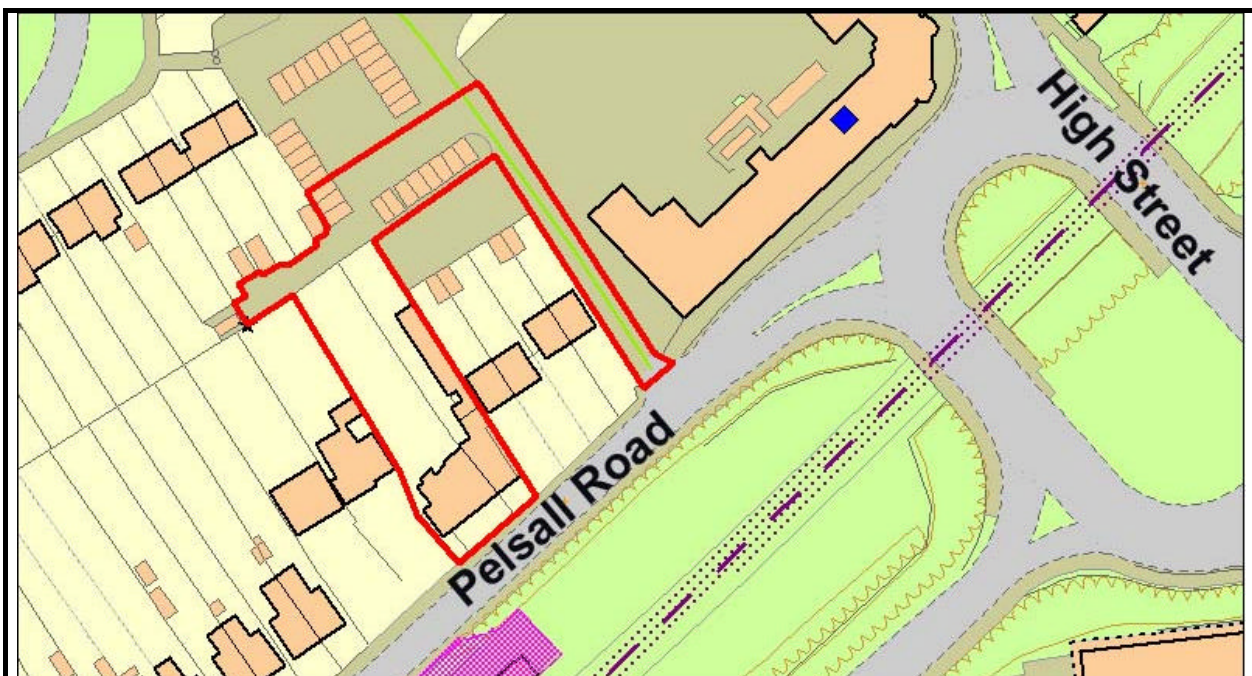
**Proposal:** Change of use to 8 bedsits

**Location:** 14, PELSALL  
ROAD, BROWNHILLS, WALSALL, WEST  
MIDLANDS

**Ward:** Brownhills

**Expired:** 01 December 2005

**Recommendation Summary:** Grant Permission subject to conditions



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## **Application and Site Details**

Pelsall Road lies north west of Brownhills District Centre, only 40 metres from the edge of the district centre boundary.

The application proposes the change of use of semi detached houses at numbers 14 and 14A Pelsall Road, Brownhills into 8 bedsits. The units would be split with three bedsits on the ground floor, two communal kitchen/dining rooms and two bathrooms. On the first floor five bedsits would be provided with a communal living area and two bathrooms. Pedestrian access to the bedsits would be via 14 Pelsall Road and the side entrance to 14A Pelsall Road.

At present there are 7 bedrooms on the first floor, two of the existing bedrooms will be converted into a living room and a bathroom and store room. On the ground floor the existing habitable rooms will be used as bedsits with the kitchen being converted into a bathroom and the dining room being converted into a kitchen/dining room.

A car parking area to the rear of the site, within the rear garden would be provide 8 parking spaces. The boundary with 16 Pelsall Road consists of a 2 metre solid panel fence and a landscaping buffer zone of just over 3 metres. 6 of the 8 car parking spaces will be provided here along the south western boundary with 16 Pelsall Road. A further two parking spaces will be provided to the north east of the site, near the boundary with 8 Pelsall Road.

Two additional spaces have been provided within the forecourt of the property with access off Pelsall Road. The two existing access points will be closed off and a single access point will be created off the Pelsall Road. A 600mm high boundary wall will be provided along the highway boundary.

There is a 750mm difference between the car park area and the garden.

## **Relevant Planning History**

05/0215/FL/E3 Change of use to 9 bedsits. Refused for the following reasons:

The proposed car park would, due to its size and siting, have an unacceptable impact on the level of amenity available at the rear gardens of adjacent properties, in particular numbers 16 and 8 Pelsall Road, arising from noise, intrusion from headlights and general disturbance from the arrival and departure of vehicles. As such the proposal is contrary to Unitary Development Plan policies H7, GP2 and ENV32.

## **Relevant Planning Policy Summary**

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

Policy 2.2 Creating, sustaining and enhancing a high quality natural and built environment.

Policy 3.6 states that development and redevelopment schemes should, as far as possible, help to improve the environment of the Borough.

Policy 3.7 - seek to protect people from unacceptable noise, pollution and other environmental problems.

Policy GP2 expects all development to make a positive contribution to the quality of the environment and the principles of sustainable development, and will not permit development which would have an unacceptable adverse impact on the environment.

Policy ENV18 seeks to ensure the protection, positive management and enhancement of existing trees.

Policy ENV32 - Poorly designed development or proposals which fail to properly take account of the context or surroundings will not be permitted, particularly in locations such as visually prominent sites, within or adjacent to transport corridors and areas with special character arising from the homogeneity of existing development in the neighbourhood. 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 3.116 Good design should be a feature of all development.

Policy ENV33 Good landscape design is an integral part of urban design.

Policy H7 states that proposals for the establishment, enlargement or alteration of houses in multiple occupations will be encouraged if it can be demonstrated that:

- i) that there would be no harm to the amenity of the occupants of the neighbouring buildings or the intended occupiers of the proposed accommodation.
- ii) There would be no harm to the character and appearance of the building or the surrounding area.
- iii) It would not impair the free flow of traffic and highway safety.

Policy H9 - significantly higher densities will be encouraged if the proposal is within or close to a town centre with good accessibility by a choice of means of transport, or provides small units for people such as single persons.

Policy 7.36 PPG13 states that Local Authorities should use parking policies to promote sustainable transport choices and reduce the reliance on the car.

Policy T4(a) states that street parking and direct frontage access will be kept to a minimum. High priority to improvements and traffic management measures to assist traffic flows on that part of the Strategic Highway Network.

Policy T7 (b) states that all development should satisfy the car parking standards as set out in Policy T13. This will involve providing an adequate level of car parking to meet operational needs whilst not exceeding any maximum parking standards. (e) All parking provision should be well designed and sensitively integrated into the townscape or landscape, respecting the character of the local area, and with appropriate use of materials and landscape treatment.

Policy T13, Car Parking Standards  
Flats with communal parking 1.5 spaces per unit

National Policy

## Planning Policy Guidance Note 13: Transport

51. In developing and implementing policies on parking, local authorities should:

1. ensure that, as part of a package of planning and transport measures, levels of parking provided in association with development will promote sustainable transport choices;
2. 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;
3. encourage the shared use of parking, particularly in town centres and as part of major proposals: for example offices and leisure uses (such as cinemas) might share parking because the peak levels of use do not coincide, provided adequate attention is given at the design stage.

### **Consultations**

**Transportation** - Transportation has no objections to this proposal providing the following comments are provided for:

There is a requirement for 12 off street parking spaces; the applicant has provided 10 spaces. However, this relaxation to 125% is acceptable given the application site is on a major bus route and in close proximity to Brownhills Town Centre. The level of parking provision is acceptable and complies with policy T13 and T7 of the Council's UDP.

The applicant should not erect a wall adjacent the highway boundary that exceeds 600mm.

**Fire Officer** - Satisfactory access for fire appliances

**Environmental Health and Consumer Services** - Have no comments to make.

**Greenspaces** - There are no positive or negative comments from a Greenspaces perspective. Any planning gain would be beneficial to improvements at Pelsall Commons.

**Urban Regeneration, Landscape Services** - No objections. The revised parking layout and planting proposals shown on drawing number 741.03 reflect the discussions had on site.

The parking to Pelsall Road frontage has now been restricted to just two spaces accessed by one entrance and partly screened by low 600mm high walls, although no details of the walls construction or materials have been provided. Subject to provision of these details, I consider from a landscape point of view this would be acceptable.

The rear parking area is now proposed to be of permeable material that should have minimum impact on the existing trees to be retained. Further tree and shrub planting to the adjoining rear garden will provide future screening. The numbers and species of trees and shrubs are acceptable.

Wall details acceptable to landscape.

### **Representations**

Two letters have been received objecting to the proposal on the following grounds:

- Loss of privacy
- Overlooking



- Adequacy of parking and road access
- Access to the rear restricted with little room to manoeuvre
- Noise and disturbance
- Over intensive development
- B and B at 18 Pelsall Road results in people knocking on their door asking for rooms
- Landlord not bothered about tenants
- Removal of front garden wall
- Vehicles parked behind properties and access road to rear

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

### **Determining Issues**

The determining issues here are whether the scheme addresses the previous reasons for refusal in relation to impact from the rear car park in respect of the amenity of the occupants of the neighbouring residential properties and operation of the car park.

### **Observations**

- impact on the amenity of the occupants of the neighbouring residential properties

The proposal here to change the use of the two residential dwellings into 8 bedsits in principle is acceptable, as it would provide an alternative form of housing for the lower end of the market, where there is a shortage of such accommodation.

The previous application was refused solely on the grounds relating to the car parking area, which due to its size and siting, would have had an unacceptable impact on the level of amenity available at the rear gardens of adjacent properties, in particular numbers 16 and 8 Pelsall Road, arising from noise, intrusion from headlights and general disturbance from the arrival and departure of vehicles.

Policy H7 supports houses in multiple occupation provided there would be no harm to the amenity of neighbouring occupants. In this case, the issue regarding amenity has been addressed. Furthermore, Policy H9 encourages higher densities close to town centres. This is a sustainable location where higher density development is encouraged. The number of bedsits has been reduced from 9 on the original scheme to 8, which reduces the number of parking spaces required.

The car parking area to the rear has now been reduced, from 15 car parking spaces to 8. Furthermore, a 2 metre solid panel boundary fence between number 16 and the application site has been erected. A landscape buffer zone has been incorporated into the scheme to provide an environmental buffer to the comings and goings of vehicles. This buffer zone will consist of a hedge screen approximately 3 metres in width comprising of 3 rows of Laurel and Holly. Two Silver Birch trees will also be planted within the centre of the hedge. The existing conifer along this boundary will be retained. Furthermore, the existing mature trees along the boundary with number 8 Pelsall Road and to the rear of the site will be retained.

The erection of the boundary fence and the inclusion of the planting buffer would reduce any potential impact from the use of this rear area. Through the planting and erection of the fence



and together with the reduction of the number of car parking spaces, it is considered that the proposal is acceptable.

- car parking

The site lies within close proximity of Brownhills Town Centre; furthermore, the site lies on a major bus route where public transport is easily accessible. Thus, the car parking standards have been relaxed to 125%. This reduces car parking figure has been agreed in accordance with Policy T7 and T13 of the UDP and furthermore, PPG13 states that Local Authorities should use parking policies to promote sustainable transport choices and reduce the reliance on the car.

The parking area to the rear of the site would enable tenants to park vehicles safely within the site and not on the rear access road servicing other properties along Pelsall Road. Two further parking spaces are available to the front of the site, the boundary wall, which was removed, will be replaced.

With regards to the issues raised about access and the use of the rear drive for vehicles coming and going from the site, the Highway Officer is satisfied with the parking and access arrangements. The issues raised about vehicles leaving and exiting the site at the same time, it is unlikely that all tenants would be arriving and departing at exactly the same time, furthermore, not all tenants may have vehicles. The site does lie on a major bus route and within walking distance of Brownhills District Centre.

#### Other Issues

The occupiers of number 16 have stated that one of their bedroom windows overlooks the rear garden of number 14 and 14A. This side window is a secondary window with clear glass and a primary window serving this bedroom is located at the front of the property.

Number 16 Pelsall Road is set some 5 metres further back from the rear elevation of number 14, any overlooking is via this secondary room window belonging to number 16 onto the private amenity area of number 14. Furthermore, with number 14 being set further forward there would be no direct overlooking to this secondary bedroom window. The only overlooking that may occur is from the rear window belonging to bedsit 8 and the front bedroom window of number 16, however, this is an existing layout and it would be expected that this bedsit at some stage would have been used as a habitable room.

There is a single storey rear extension with three small windows. One of these windows is obscurely glazed. It would appear that this is room is the habitable room that the objector refers to as potentially causing overlooking. There are no windows on the eastern elevation of this extension facing the private amenity area of 14 Pelsall Road. Furthermore, the boundary fence and proposed landscaping would screen the parking area.

Mixed use sites close to town centres are encouraged to ensure the vitality and viability of town centres.

#### **Conclusion**

It is considered that the proposal would be a positive benefit to Brownhills, as there is a shortage of such living accommodation. This is a sustainable location on a major bus route and in close proximity to the district centre where higher density development is encouraged.

## **Recommendation: Grant Permission subject to conditions**

### **Recommendation**

That planning permission is granted subject to the following conditions:

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

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

2) The boundary wall and car park shall only be built in accordance with plan number 741.03A submitted on 15<sup>th</sup> November 2005

*Reason:* To ensure only the approved works are undertaken.

3) The landscaping scheme hereby approved shall be implemented prior to occupation of the dwellinghouse. Any plant or shrub failing to become established within the first five years will be replaced to the satisfaction of the Local Planning Authority.

*Reason:* To ensure the satisfactory appearance of the development and to safeguard the amenities of the area.

4) The 8 bedsits hereby approved shall not be occupied until the car parking areas to the rear and front of the site are available for use.

*Reason:* In the interests of highway safety.

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

The proposed development is considered to comply with the relevant policies of the development plan, in particular policies 2.2, GP2, ENV18, ENV32, 3.116, ENV33, H7, 7.36, T4, T7 and T13 of Walsall's Unitary Development Plan, and, on balance, having taken into account all material planning considerations, the proposal is acceptable.

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