



Development Control Committee

16th July 2009

Report of Head of Planning and Building Control, Regeneration

Contents Sheet

Item No	Page No	Application Number	Site Address	Proposal	Recommendation
1	1	09/0645/FL	LAND AT THE JUNCTION OF HIGH STREET AND OGLEY ROAD, BROWNHILLS, WS8 6DW	Provision of 73 new build affordable dwellings which comprise 61 no. 2 bed 3 person flats, 6 no. 3 bed 5 person houses, 2 no. 4 bed 6 person houses, 2 no. 4 bed 7 persons houses and 2 no. 5 bed 7 person houses and new highway, parking courts, external works and landscaping.	Grant Permission Subject to Conditions and a Planning Obligation
2	19	09/0255/FL	TENACRES INDUSTRIAL ESTATE, STATTON ROAD, RUSHALL, WALSALL,	Erection of 83 Dwellings, garage and parking, access roads, landscaping and associated works. (Re-plan of Application no.07/1255/FL/E11)	Grant Permission Subject to Conditions and a Planning Obligation
3	39	09/0378/FL	KINGSLAND GRANGE, BRIDLE LANE, STREETLY, B74 2DY	Substitution of house types and repositioning plots 5-12 (consec), 28-37 (consec) & 49-53 (consec) and associated road re-alignment plus installation of entrance wall feature (amendments to permission 07/1617/FL/E11).	Grant Subject to conditions
4	49	08/1818/OL	LAND BETWEEN RICHARDS STREET AND WHITWORTH CLOSE, DARLASTON, W S10 8AJ	Outline application (considering access only) for 90 residential units comprising, 9 two-bedroom flats, 10 two-bedroom bungalows, 34 three-bedroom houses, 21 four-bedroom houses and 16 five-bedroom houses. The proposals	Refuse

				include a minimum of six zero energy dwellings. Vehicular and pedestrian access from Richards Street only with associated landscaping, car parking and other works.	
5	83	09/0155/FL	WOOD STREET,WALSALL,WV13 1LA	The erection of a petrol filling station and car washing facilities including wider highway alignment and pedestrian crossing, and dedicated right turn lane into petrol filling station, plus removal of footpath through the site	Grant Permission Subject to conditions, unless additional information is received which raises mater
6	99	09/0162/AD	WOOD STREET,WALSALL,WV131LA	Petrol filling station signage to forecourt canopy, price sign, kiosk and car wash	Grant Advert 5 years
7	105	09/0163/FL	LAND SOUTH OF WOOD STREET, WILLENHALL	Variation of Condition 9 of outline planning permission 07/0639/FL/W2 relating to clearing of part of site included in outline application, for residential development. Alteration of condition to remove the word "residential" from the	Grant Subject to conditions
8	111	09/0497/FL	MOSSLEY CENTRE,1 ROCHE ROAD,WALSALL,WS3 2QT	Variation of condition 13 attached to planning approval 07/2059/FL/E9 to permit the development to be occupied by persons of 55 years of age and over instead of 60 years of age and over	Grant
9	115	09/0504/FL	HIGH STREET/LINDON DRIVE,BROWN NHILLS,WALSALL	Variation of condition 23 of planning approval 08/1373/FL for occupation of persons of 55 years of age and over.	Grant
10	119	09/0519/FL	NORTHGATE REHABILITATION CENTRE, NORTHGATE, WALSALL, WS9 8HL	Variation of planning condition 15 of planning permission 09/0342/FL to read - "The extra care apartments hereby approved with the exception of the guest suite shall be occupied solely by persons of 55	Grant

				years of age and over"	
11	123	09/0500/FL	1 & 3 Brockhurst Crescent and Delves Resource Centre, Brockhurst Crescent, Walsall, WS5 4PW	Variation of Condition 12 of 08/0907/FL so that the permitted development may be occupied by persons of 55 years of age and over.	Approve variation of condition 12 of planning approval 08/0907/FL.
12	127	09/0507/FL	Land adjacent 18 Park Road, Willenhall, West Midlands	Proposed erection of 13 dwellings	Grant Permission Subject to Conditions and a Planning Obligation
13	137	09/0709/FL	37-38 PINFOLD STREET, WALSA LL, WS10 8SY	Demolition of existing building and erection of purpose designed temple with associated facilities and car parking.	Grant Subject to conditions
14	147	09/0580/FL	Pacific Nurseries Ltd, Chester Road, Streetly, Walsall, WS9 0PH	Erection of a canopy structure (10m x 35m x 5,3m max height), retention of existing shade structure (3m x 26m x 3m max height), retention of existing uses and operation of the site as a nursery.	Grant Permission Subject to Conditions and a Planning Obligation
15	157	08/1839/FL	VALEN HOUSE, WESTG ATE, WALSA LL, WS9 8DG	New workshop with ancillary offices and photographic lab in part of the First floor.	Grant Subject to conditions
16	171	09/0757/FL	158 HARDEN ROAD, WALSA LL, WS3 1BX	Change of use from Betting Office (A2) to Restaurant (A3) and Hot Food Takeaway (A5).	Grant Subject to conditions
17	179	09/0393/FL	LAND ADJACENT TO LOWER FARM COUNTY PRIMARY SCHOOL, BAKE WELL CLOSE, BLOXWI CH	Change of use from open space to school playing field (max 3155m ²) including new 2.4m high fencing around perimeter and extension of access path from Lower Farm Primary School.	Grant Subject to conditions
18	189	09/0495/FL	ST. PAULS BUILDINGS, ST. PAULS STREET, WALSA LL,	Conversion and alterations with change of use of transport offices to offices at first and second floors and to 5 shops and 2 cafe/restaurants at ground floor with new shop fronts and fume extraction at rear. Also new layout for car park.	Grant Subject to conditions



To: DEVELOPMENT CONTROL COMMITTEE

Report of Head of Planning and Building
Control, Regeneration Directorate on
16 Jul 2009

REASON FOR BRINGING TO COMMITTEE: Major Application

Application Number: 09/0645/FL

Application Type: Full application

Applicant: Walsall Housing Group

Proposal: Provision of 73 new build affordable dwellings which comprise 61 no. 2 bed 3 person flats, 6 no. 3 bed 5 person houses, 2 no. 4 bed 6 person houses, 2 no. 4 bed 7 persons houses and 2 no. 5 bed 7 person houses and new highway, parking courts, external works and landscaping.

Ward: Brownhills

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

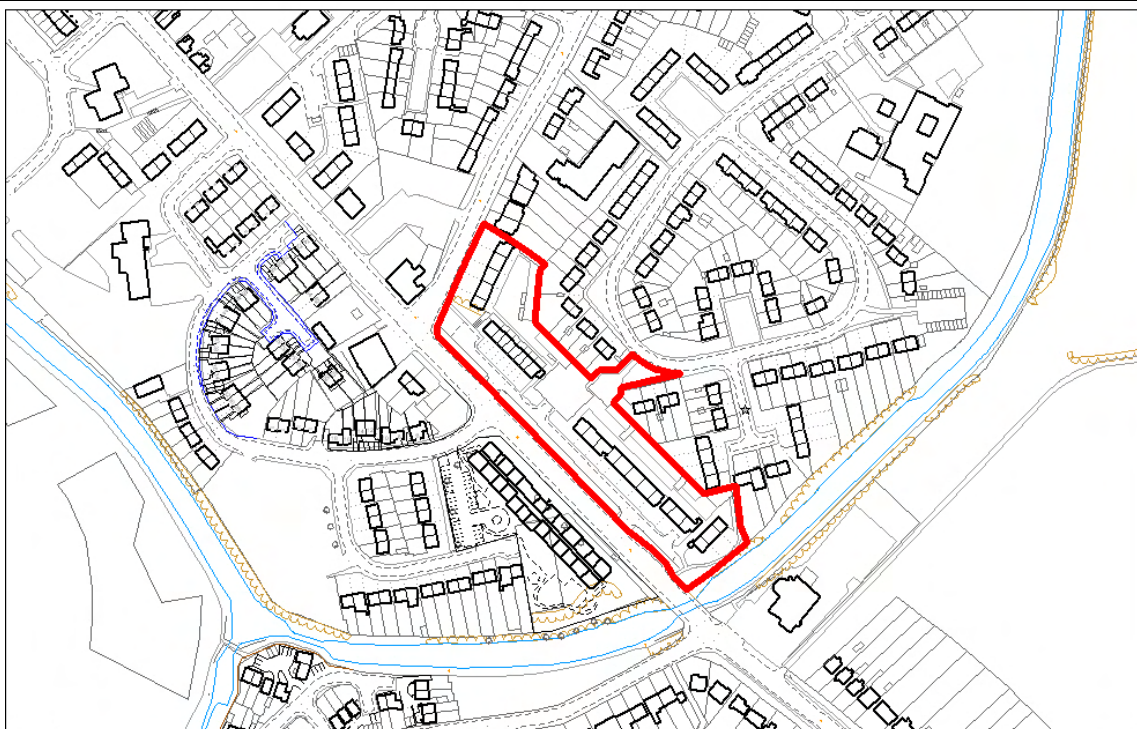
Case Officer: Andrew White (E10)

Telephone Number: 01922 652429

Agent: Walker Troup Architects

Location: LAND AT THE JUNCTION OF
HIGH STREET AND OGLEY ROAD,
BROWNHILLS, WS8 6DW

Expired: 14/08/2009



Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Walsall MBC. Licence Number LA 076414.

Application and Site Details

The site currently has 3 and 4 storey 1960's flats on it, in two blocks of a plain and simple design. Two other blocks have already been demolished, the site cleared and secured with palisade fencing. The application site is elongated from Ogley Road turning the corner into High Street, extending to the Wyrley and Essington Canal. The Ogley Road site frontage is approximately 60metres with the High Street site frontage some 215metres. The High Street frontage is broken into two portions by a small car park and an un-adopted pedestrian link to the Catshill estate. There is a further unadopted pedestrian link from the Catshill estate around the rear of the existing development along the edge of the canal corridor terminating at High Street. The depth of the site is approximately 20metres.

The wider area is characterised by mostly two storey dwellings with a few single storey dwellings. The design and style of the surrounding dwellings vary from 1950's through to 1990's and the opposite side of High Street (under construction) is the 3 to 4 storey Housing 21 development. There are also commercial properties including two public houses, (one single storey and one vacant), car repairs, church, telephone exchange and limousine hire business. Within 250 metres of the application site is Brownhills Town Centre and within 350 metres the retail core of the centre. At the canal end of the development site is a bus stop with a further bus stop on the opposite side of the road.

The application proposes the demolition of the remaining flats and the construction of 73 dwellings comprising 61 two bedroom flats, 6 three bedroom houses, 4 four bedroom houses, 2 five bedroom houses and new highway, parking courts, external works and landscaping. The buildings are of a modern mono pitch roof design, with a mix of coloured render and brick work walls.

The site area of 1.16 hectares provides a density of 63 dwellings per hectare.

The development provides 2 parking spaces each for the three bedroom houses, 3 for the four and five bedroom houses and 1 parking space for 14 of the two bedroom flats, increasing to an average of 1.15 for the remaining 47 two bedroom flats.

Relevant Planning History

04/0536/PD/E5, Prior notification of demolition of 28 number brick built garages. No permission required 04/05/04

08/1419/PD, Prior notification of demolition of 37 three and four storey flats. No permission required 25/09/08.

Relevant Planning Policy Summary

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

Walsall Unitary Development Plan March 2005

Policy GP1: The Sustainable Location of Development

identifies four main ways in which the location of development can help achieve greater sustainability: locating development where it will be accessible to everyone by a choice of means of transport; encouraging mixed use developments and greater diversity within the urban

area; maximising the recycling of previously used land; and making the most efficient use of existing or proposed infrastructure.

Paragraphs 2.1 and 2.2 state that the aims of the Plan include sustainable development, urban regeneration and environmental improvement, with action to include creating, sustaining and enhancing a high quality natural and built environment, including a high standard of design, and providing for the right number, type and distribution of new homes.

GP2: Environmental Protection

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

Policy 3.6 seeks environmental improvement resulting from development.

Policy 3.9 high priority will be given to maximising the re-use and reclamation of derelict and previously developed land.

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.

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

GP3: Planning Obligations

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

GP4: Local Area Regeneration

(a) Council will promote and encourage local area regenerative initiatives that;

VII. Improve safety and security

VIII. Provide for affordable housing and/or the regeneration of the existing housing stock

GP7: Community Safety

Proposals would be expected to have regard for the objectives of 'designing out crime' which include maximising the surveillance of public areas from the living areas of homes and from other buildings.

H3: Windfall Sites on Previously Developed Land and Conversion of Existing Buildings.

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

H4: Affordable Housing

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

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

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

H9: Minimum Densities

(a) The net density of residential development should be at least 30 dwellings per hectare. Densities in the range of 30 - 50 dwellings per hectare net are likely to be suitable on most sites.

(c) Significantly higher densities, exceeding 50 dwellings per hectare, will be encouraged

if 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
- Provides small units for people such as single persons or the elderly.

H10: Layout, Design and Dwelling Mix

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

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

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

ENV14: Development of Derelict and Previously-Developed Land.

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

ENV22: Protected Species

Development on sites used by species protected by European law and/or British legislation will not be permitted unless demonstrated the development will not have an adverse impact on the species.

ENV23: Nature Conservation & New Development

(a) New development take account of;

- (I) potential for enhancement of natural environment
- (b) Habitat creation, enhancement and appropriate measures to encourage conservation of wildlife;
 - (I) in proximity to a SSSI, LNR, SINC or SLINC
 - (II) in proximity to or within a wildlife corridor
 - (V) in proximity to a site used by species protected by European law and/or British legislation

ENV32: Design and Development Proposals.

Poorly designed development or proposals which fail to properly take account of the context or surroundings will not be permitted. Detailed criteria are listed for consideration when assessing the quality of design of any development proposal including:- the appearance, materials, height, proportion, scale and mass of the proposed buildings, the visual relationship of the proposal with adjacent areas, the street and the character of the surrounding neighbourhood, the effect on the local character of the area.

ENV33: Landscape Design

Good landscape design is an integral part of urban design and the Council will require planning applications to be fully supported by details of external layout and landscape proposals.

ENV34: Public Art

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

ENV39: Renewable Energy and Energy Efficiency

Encourage proposals for the development of renewable energy sources and for the efficient use of energy.

LC1(d): Urban Open Space

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

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

LC9: Canals

The Council will expect all development alongside and near to canals to positively relate to the opportunity presented by the waterway, achieve high standards of design.

T7: Car Parking

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

T8: Walking

Encourage greater use of walking as a healthy and sustainable form of travel.

III. Protect and seek to improve, wherever possible, pedestrian links

V. Developers must provide good pedestrian links within the development and a variety of pedestrian access points to ensure easy access to the surrounding area. All pedestrian links must be safe, direct, convenient and well lit.

T11: Access for Pedestrians, Cyclists and Wheelchair users

(a) Residential development should be within easy walking/cycling distance of a range of facilities which meet local needs.

T12: Access by Public Transport (Bus, Rail, Metro & Ring and Ride)

Residential development (Use Class C3)

(l) Walking distance should be no more than 400metres to a bus stop

T13: Parking Provision

1, 2 and 3 bed houses 2 spaces per unit

4 bed houses and above 3 spaces per unit

Flats with communal parking 1.5 spaces per unit

Designing Walsall (SPD) (Feb 2008)

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

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

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

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

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

DW5: Ease of Movement – connections to existing routes

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

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

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

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

Residential development for 15 units or more require a contribution of £350.00 per dwelling towards the provision of public art.

DW10: Well Designed Sustainable Buildings - new development should make a positive contribution to creating a sustainable environment.

Annexe E: Numerical Guidelines for Residential Development identifies privacy and aspect distances between dwellings including 24m separation between habitable windows for two storeys and above, 13m separation between habitable room windows and blank walls exceeding 3 metres in height, 45° code, garden dimensions of 12m in length and 68m² for

housing and 20m² per dwelling where communal provision is made, set backs to avoid terracing and provision of boundary walls. Although failure to comply with these guidelines may not by itself be a reason for refusal of an application, it will be a factor to be used in determining whether a proposal would be compatible with the wider character of the area or the existing dwelling or the amenity of neighbours.

Urban Open Space (SPD) (April 2006)

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

Education (SPD) (Feb 2007)

Requires a contribution towards local primary and secondary education facilities where required according to capacity with a threshold of 10 residential units and above.

Affordable Housing (SPD) (April 2008)

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

Healthcare (SPD) (January 2007)

There is a requirement to provide contributions to help meet new healthcare requirements either providing new facilities or contribute to improving existing facilities needed to meet additional demand arising from housing developments of 1 hectare Or 30 dwellings or more.

Conserving Walsall's Natural Environment (SPD) (April 2008)

Identifies sites where bats are most likely to be roosting:

- Within 50 metres of mature trees
- Lies within a 50m of a site designated for nature conservation, in this case of Anglesey Branch of the Wyrley and Essington canal Site for Local Importance for Nature Conservation.
- It also states demolition or modification of buildings; particularly the roof would require a bat survey.

National Policy

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

PPS3: Housing. The objective of the revised guidance is to:

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

PPS9: Biodiversity and Geological Conservation.

Networks of natural habitats provide a valuable resource. They can link sites of biodiversity importance and provide routes or stepping stones for the migration, dispersal and genetic exchange of species in the wider environment.

The accompanying ODPM **Circular 06/2005: Biodiversity and Geological Conservation – Statutory Obligations and their Impact within the Planning System** gives guidance on how the legal provisions for site and species protection and local authority duties for nature conservation; need to be taken into account.

PPG13: Transport. The guidance promotes more sustainable patterns of development for housing development and encourages assessment of the location and accessibility of jobs, services and transport choices and to reduce travel, especially by car.

PPS25: Development and Flood Risk. Flooding threatens life and causes substantial damage to property. The effects of weather events can be increased in severity both as a consequence of previous decisions about the location, design and nature of settlement and land use, and as a potential consequence of future climate change. Although flooding cannot be wholly prevented, its impacts can be avoided and reduced through good planning and management. All forms of flooding and their impacts are material planning considerations. Planning Policy Statement 1: Delivering Sustainable Development sets out the Government's objectives for the planning system, and how planning should facilitate and promote sustainable patterns of development, avoiding flood risk and accommodating the impacts of climate change.

Consultations

Transportation – No objections subject to safeguarding conditions.

Centro- No objections, the development is well located for bus services and served by a large number of buses that link the site to Walsall, Burntwood and Birmingham. Information should be provided to new residents promoting alternative methods of transportation.

Fire Service – Object because of unsatisfactory accesses for fire service to third floor units 62-70 and block 71-73.

Building Control- No objections. Requires a Building Act application for any demolition.

Public Right of Way – No objections

Environment Agency- No objections subject to safeguarding conditions

Pollution Control – Scientific Team – No objections subject to safeguarding conditions.

Contaminated Land Team – No objections, subject to safeguarding conditions.

Environmental Health – No objections.

Severn Trent- No objections subject to safeguarding conditions

Drainage- No objections

Ecology- No objections subject to safeguarding conditions

Tree Officer – no objections subject to safeguarding conditions.

Landscape Team- No objections

Natural England- No objections

British Waterways- No objections subject to safeguarding conditions

Inland Waterways Association- No objections, the replacement dwellings are of an attractive modern design and the plans indicate that the frontage to the Wyrley and Essington Canal will be hedged and landscaped.

Strategic Policy – No objections, the proposal is considered to be in line with UDP policies H3: Windfall sites on previously developed land and ENV14: Development of derelict and previously-developed sites.

The proposal is also considered to be in line with PPS3 Housing paragraph 36 in that priority for development has been given to a previously developed site.

Urban Design – No objections.

West Midlands Police – No objections.

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

Housing Strategy- No objections, this is part of the strategic regeneration framework first phase. Property mix has already been agreed.

Town Centre Manager- No objections, the Brownhills Town Centre Partnership fully support the application and are keen to see the development progressed.

Representations

None

Determining Issues

- The Principle of Development
- The design and layout of the proposals
- Parking, access and visibility
- Urban Open Space, Healthcare, Affordable Housing, Public Art and Education provision.

Observations

The principle of the development

The site is currently occupied by two blocks of three and four storey flats that are considered no longer meet modern residential standards. Two other blocks of flats have already been demolished. Policy H3 encourages the re-use of previously developed land for residential purposes.

The proposals provide a density of 63 dwellings per hectare. The development fronts part of the Strategic Highway Network and is within 250 metres of Brownhills District Centre, close to shops and services as well as good public transport routes with two bus stops located either side of High Street outside the application site and as such is considered a sustainable location. Therefore, it is considered that the development accords with Policy H9(c), where densities are higher than 50 dph are encouraged close to town centres with good accessibility by a choice of means of transport.

Design and Layout.

The development has been designed to provide a gateway feature defining the entrance to Brownhills allowing the town to develop an individual identity from the wider conurbation. This is achieved in conjunction with the Housing 21 project opposite. Similar architectural details have been used (scale, coloured render, balconies, contemporary design and street frontage development).

To maximise safety and security, the design of the development has adopted small street blocks forming enclosure with the existing Catshill dwellings to the rear, allowing street frontage continuity to maximise defensible space. All of the proposed dwellings provide pedestrian access to the street, habitable room windows and balconies overlooking the public realm maximising surveillance of the street.

The design of the scheme has also maximised surveillance of the vehicular accesses to the private parking courts. The pedestrian route between the Catshill estate and High Street at the middle of the site (formerly the source of anti social behaviour), will now benefit from surveillance, additional street lighting, increased activity from the new residents, all contributing to the reduction of anti social behaviour and creating a secure pedestrian route. The other pedestrian link around the rear edge of the original development was also a source of anti-social behaviour. Leaving the route in place proved difficult without severely impacting on the amenities of neighbouring properties. The Police were concerned that the route would continue to be a source of anti social behaviour; therefore the footpath is to be closed as part of this development. The Police have asked that the development gains secure by design certification. This can be achieved via a condition and is also a requirement of the funding from the Homes and Communities Association.

The development has been designed to meet level three of Code for Sustainable Homes as a minimum (by better insulated buildings, composting, water butts, clothes lines, secure external storage, secure cycle storage etc).

The street block design of the development and the introduction of larger balconies has allowed the scheme to maximise the canal frontage, providing overlooking of the canal corridor and the green belt beyond.

Whilst the existing/demolished development solely provided flats, the new development provides flats and larger family housing. The houses are sited at the corner of Ogley Road and High Street and include six 3 bedroom, four 4 bedroom and two 5 bedroom houses each with their own off street parking and secure private amenity space set behind a shared surface service road. The private amenity space for each house exceeds, both in length and area the requirements of Designing Walsall SPD annex E.

The flats have shared secure private amenity space. Whilst this does not meet the Council's Designing Walsall annex E space standards, it is considered that in this instance, the reduced amenity space is acceptable because, the majority of the flats have individual balconies, and the close proximity of the canal corridor and Green Belt more than compensates for the reduction.

The proposal has been designed to reduce the impact on neighbour's amenity compared to the original flatted development especially the properties at the rear of the site. The original 3 to 4 storey flats were designed in four solid blocks restricting views and sunlight through, with rear to rear separations varying from the closest point of 18 metres extending to between 30 to 40 metres at the furthest. The new scheme is broken down into smaller blocks allowing greater views and sunlight through, with the rear to rear separation distances increasing so that the closest point is 29 metres extending to between 40 to 50 metres.

Overall, it is considered that the design and layout of the scheme meets the aims and objectives of the Council's UDP and Designing Walsall SPD policies.

Parking, access and visibility

Plots 1-12 (houses) provide 2 or 3 off street parking spaces each accessed via a shared surface road. Plots 13 to 26 (flats) each have one off street secure parking space and plots 27 to 73

(flats) each have the equivalent of 1.15 secure off street shared parking spaces. Whilst the flatted part of the development falls slightly below the UDP (T13) guidance for parking, these are maximum standards. The site is situated in a sustainable location within 250 metres of Brownhills District Centre, with good access to shops, services and public transport which includes two bus stops either side of High Street outside of the development. The development also provides secure and lit cycle storage to encourage new residents to use alternative modes of transport. The level of parking is considered satisfactory.

The Fire Service is concerned that access to the third floor flats of block 62 to 70 and to block 71-73, are beyond the Fire Services 45 metre requirement. The provision of sprinklers and or dry risers within these blocks can be secured via a condition and would overcome the concern. It is considered that the design of the proposed layout meets the aims and objectives of the Council's policies.

Affordable Housing, Urban Open Space, Healthcare, Public Art and Education Provision

The required contributions are set out below. The applicant has submitted a financial appraisal concerned that the housing grant from the Homes and Communities Association would not fully cover the costs of the development. The results of the District Valuers assessment will be reported to Committee by officers.

Affordable Housing

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

Urban Open Space

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

Healthcare

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

Public Art

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

Education

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

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

Summary of Reasons for Granting Planning Permission

The proposals are acceptable in planning land use, and the density of development for previously developed land because of the close proximity of Brownhills Town Centre and good accessibility to a choice of modes of transport other than the private car. The proposals are also acceptable in terms of the design and layout, ecology, landscape, sustainability, impact on neighbours, parking, access and visibility would provide a quality design and layout which fits

Page 10 of 195

well with the constraints of the site. The proposal makes good use of previously developed derelict land within a sustainable location and would have no adverse impact on the amenities of the surrounding occupiers.

Whilst there are concerns about emergency access to some of the upper floor flats by the Fire Service, there is an engineering solution of installing sprinklers and/or dry risers that is considered acceptable in this instance.

The proposals would accord with the aims and objectives of the development plan, in particular policies GP1, 2.1, 2.2, GP2, 3.6, 3.9, 3.113, 3.114, 3.115, 3.16, GP3, GP4 (a) VII VIII, GP7, H3, H4 (b) (e) (i), H9 (a) (c), H10 (a) (I), (c), ENV14, ENV22, ENV23 (a) (I), (a) (I) (III) (V), ENV32, ENV33, ENV34, ENV39, LC1(d), 8.8, LC9, T7, T8 III, V, T11(a), T12(I) & T13 of Walsall's Unitary Development Plan (2005) and Supplementary Planning Documents: Designing Walsall (2008), Education (2007), Urban Open Space (2006), Affordable Housing (April 2008), Healthcare (January 2007) and Conserving Walsall's Natural Environment (SPD) (April 2008).

Recommendation: Grant Permission Subject to Conditions and a Planning Obligation

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. Prior to built development commencing a copy of the findings of an additional ground gas assessment, together with an assessment of the hazards arising from any ground gas shall be forwarded to the Local Planning Authority. (see Note for Applicant CL2).

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

3. Prior to built development commencing a "Remediation Statement" setting out details of remedial measures to deal with the identified and potential hazards of any land contamination and/or ground gas present on the site and a timetable for their implementation shall be submitted to and agreed in writing by the Local Planning Authority. (see Note for Applicant CL2). The remedial measures as set out in the "Remediation Statement" required by this condition shall be implemented in accordance with the agreed timetable. If during the undertaking of remedial works or the construction of the approved development unexpected ground contamination not identified by the site investigation is encountered development shall cease until the "Remediation Statement" required by this condition has been amended to address any additional remedial or mitigation works required and agreed in writing by the Local Planning Authority. A validation report confirming the details of the measures implemented together with substantiating information and justification of any changes from the agreed remedial arrangements shall be submitted to and accepted in writing by the Local Planning Authority prior to the development being brought into use. (see Note for Applicant CL3)

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

4. Prior to the commencement of the development engineering details of the improvements to the existing public highway (new footway crossing, removal of redundant crossing and improvement to existing crossing), street lighting shall be submitted to and approved by the

Council, and an agreement under S278 of the Highways Act 1980 entered into. The approved details shall be fully implemented prior to first occupation unless otherwise agreed in writing

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

5. Prior to the commencement of the development a Fire Safety Strategy for the development in particular relating to Plots 62 to 70 and plots 71 to 73 shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented and maintained thereafter

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

6. Prior to the commencement of the development a Waste Management Strategy for the site in particular relating to the collection of bins from the bin store adjoining Plots 71 to 73 shall be drawn up in conjunction with Walsall Waste Management Services and shall be submitted for approval in writing by the Local Planning Authority.

Reason: To define the permission

7. Notwithstanding the plans submitted prior to the commencement of development, details of the existing and proposed ground levels of the site, access way and finished floor levels shall be submitted to and agreed in writing by the Local Planning Authority. The submitted details shall include full details of any retaining structures required to ensure the stability of the site and any drainage or other works necessary to facilitate this development. The development shall be thereafter implemented in accordance with the agreed details and maintained thereafter unless otherwise agreed in writing.

Reason: In order to assess, and if necessary mitigate against the impact on the integrity of the waterway and the appearance of the waterway corridor and in the interests of the amenity of the area and to ensure satisfactory development of the site.

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

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

9. Notwithstanding the plans submitted, prior to commencement of the dwellings details of the proposed boundary treatment (showing height, specification, colour, materials and/or planting) shall have been submitted to and agreed in writing by Local Planning Authority and thereafter implemented prior to first occupation in accordance with the agreed details and maintained there after unless otherwise agreed in writing.

Reason: To ensure that the external appearance of the development is satisfactory.

10. No site clearance works shall commence until a method statement for the clearance of the site to minimise adverse impacts on wildlife has been approved in writing by the Local Planning Authority. The method statement shall be based on the proposals outlined in the Ecological Protection Plan by Middlemarch Environmental Ltd dated April 2009 and cover the following issues:

- Avoidance of disturbance to breeding birds.
- Management of existing landscaped and lawned areas prior to site clearance.
- Avoidance of impacts on bats during site clearance.
- Removal of Japanese knotweed.

The approved details shall be implemented fully unless amended with the written approval of the Local Planning Authority and retained thereafter.

Reason: In order to safeguard European protected species and their habitats

11. No development shall commence until full details of the bat roosting provision to be incorporated into the building nearest the canal as proposed in the Ecological Protection Plan by Middlemarch Environmental Ltd dated April 2009 has been approved in writing by the Local Planning Authority. The approved scheme shall be incorporated into the building and retained thereafter.

Reason: In order to safeguard and support bats and their habitats

12. No development shall commence until full details of all external lighting proposals including the luminance in candelas have been submitted to and approved in writing by the Local Planning Authority. The scheme must demonstrate that lighting provision will not impact adversely on bats and/or other nocturnal animals expected to be using the site and/or its immediate environs. The approved scheme shall be incorporated into the development and implemented prior to first occupation and retained thereafter.

Reason: The lighting at waterside developments should be designed to minimise the problems of glare, show consideration for bats and unnecessary light pollution should be avoided by ensuring that the level of luminance is appropriate for the location, is sustainable and efficient, and protects the integrity of the waterway infrastructure.

13. Unless otherwise agreed in writing by the Local Planning Authority, no development shall be carried out until details of security oriented design measures and physical security measures for all buildings and public spaces have been submitted to and approved in writing by the Local Planning Authority. The Council consider the scheme should meet the terms of the Secured by Design concept and expect the submissions under this condition to meet that concept, or provide compelling justification for not doing so. The approved measures shall be implemented concurrently with the relevant element of the development, and thereafter retained.

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

14. No development shall take place until suitable noise mitigation measures to protect internal areas, as detailed by recommendations contained in report reference P331 05 006 dated 25th July 2008 from Ken Dibble Acoustics, have been agreed in writing with the local planning authority, and the development shall not be occupied until such measures have been fully implemented and maintained there after unless agreed in writing with the local planning authority.

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

15. No built development shall commence until details confirming measures used to ensure that the development shall be constructed in accordance with the Code of Sustainable Homes (Level 3) or equivalent relating to energy efficiency / CO2, water efficiency, surface water

management, site waste management, household waste management and use of materials, has been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented and retained there after unless other wise agreed in writing with the local planning authority.

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

16. If surface/ground water run off of the car park/hardsurfaces is proposed to drain into the waterway full details of the flow rates and expected volumes of water shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of development and thereafter implemented in accordance with the agreed details and retained unless otherwise agreed in writing.

Reason: Given the proposed use there is the potential for pollution of the waterway and British Waterways will need reassurance that only clean surface water run-off will be allowed to discharge into the waterway, and, if necessary, that interceptors and other measures will be included to prevent pollution.

17. No development shall commence on site until drainage details, incorporating sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, have been submitted to and approved in writing by the Local Planning Authority. The scheme should be in-accordance with the following documents;

- Stewart and Harris, High Street Brownhills, engineering layout, drawing 08226-D1 Rev D 22/08/09

- Microdrainage calculations, High Street 08226 Storm 1B, Simulation W.11.4, 18/06/09

The development shall be completed with the approved details and include permeable paving and filter drains prior to first occupation of any unit and retained as such.

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

18. The rear garden boundaries between plots 1 to 26 and 27 to 73 shall be a 1.8 metre close boarded fence with 0.3 metre trellis on top unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of securing the development and to safeguard the visual amenity of the area.

19. All soft landscaping/planting works shall be carried out prior to completion of the development in accordance with the approved details set out on the following plans;

- Soft landscaping concept plan 389-09-PL001-P03 (Submitted 18/6/09),

- Soft landscaping planting plan sheet 1 of 2 389-09-PL002-P04 (Submitted 18/6/09),

- Soft landscaping planting plan sheet 1 of 2 389-09-PL003-P03 (Submitted 18/6/09),

- Landscaping bio-diversity enhancement in support of the proposed housing development 389-09-ALD-389_RP-001-P05 (Submitted 18/6/09)

and

- Planting schedule ALD-389-PL401-Rev02 (Submitted 18/6/09).

All remaining landscaping work shall be carried out prior to the completion of any part of the development or in accordance to a timetable agreed with the Local Planning Authority. Any

Page 14 of 195

trees or plants, which within a period of five years of the commencement of any works in pursuance of the development die, are removed, or become seriously damaged or diseased, shall be replaced as soon as practicable with others of similar size and species, following consultation with the Local Planning Authority, unless the Local Planning Authority gives written consent to any variation.

Reason: To preserve and enhance the visual amenities of the locality in accordance with Policy ENV18 of the Walsall UDP 2005.

20. This permission relates to and shall be built in accordance with the following submitted information:

Site location plan 0812-01 (Submitted 15/5/09)

Site plan 0812-02F (Submitted 15/5/09)

Engineering layout 08226-D1 Rev C (Submitted 15/5/09)

Street elevations 0812-16 (Submitted 15/5/09)

2 bedroom 3 person flat ground floor and first floor plans 0812-56 (Submitted 15/5/09)

2 bedroom 3 person flat second floor and roof plan 0812-57 (Submitted 15/5/09)

2 bedroom 3 person flat elevations 0812-58 (Submitted 15/5/09)

2 bedroom 3 person corner flat front elevation one 0812-52 (Submitted 15/5/09)

2 bedroom 3 person corner flat front elevation two 0812-53 (Submitted 15/5/09)

2 bedroom 3 person corner flat side elevation one 0812-54 (Submitted 15/5/09)

2 bedroom 3 person corner flat front elevation two 0812-55 (Submitted 15/5/09)

2 bedroom 3 person corner flat ground floor plan 0812-47 (Submitted 15/5/09)

2 bedroom 3 person corner flat first floor plan 0812-48 (Submitted 15/5/09)

2 bedroom 3 person corner flat second floor plan 0812-49 (Submitted 15/5/09)

2 bedroom 3 person corner flat third floor plan 0812-50 (Submitted 15/5/09)

2 bedroom 3 person corner flat roof plan 0812-51 (Submitted 15/5/09)

2 bedroom 3 person flat ground and first floor plans 0812-39 (Submitted 15/5/09)

2 bedroom 3 person flat second floor and roof plan 0812-40 (Submitted 15/5/09)

2 bedroom 3 person flat front and rear elevations 0812-41 (Submitted 15/5/09)

2 bedroom 3 person flat side elevations 0812-42 (Submitted 15/5/09)

2 bedroom 3 person flat ground floor and first floor plans 0812-43 (Submitted 15/5/09)

2 bedroom 3 person flat second floor and roof plans 0812-44 (Submitted 15/5/09)

2 bedroom 3 person flat front and rear 0812-42 (Submitted 15/5/09)

2 bedroom 3 person flat ground floor and first floor plans 0812-43 (Submitted 15/5/09)

2 bedroom 3 person flat second floor and roof plans 0812-44 (Submitted 15/5/09)

2 bedroom 3 person flat front and rear elevations 0812-45 (Submitted 15/5/09)

2 bedroom 3 person flat side elevations 0812-46 (Submitted 15/5/09)

2 bedroom 3 person single flat floor plans 0812-37 (Submitted 15/5/09)

2 bedroom 3 person single flat elevations 0812-38 (Submitted 15/5/09)

2 bedroom 3 person corner flat ground floor plan 0812-28 (Submitted 15/5/09)

2 bedroom 3 person corner flat first floor plan 0812-29 (Submitted 15/5/09)

2 bedroom 3 person corner flat second floor plan 0812-30 (Submitted 15/5/09)

2 bedroom 3 person corner flat top floor plan 0812-31 (Submitted 15/5/09)

2 bedroom 3 person corner flat roof plan 0812-32 (Submitted 15/5/09)

2 bedroom 3 person corner flat front elevation one 0812-33 (Submitted 15/5/09)

2 bedroom 3 person corner flat front elevation two 0812-34 (Submitted 15/5/09)

2 bedroom 3 person corner flat side elevation one 0812-35 (Submitted 15/5/09)

2 bedroom 3 person corner flat side elevation two 0812-36 (Submitted 15/5/09)

5 bedroom 7 person slim house plans 0812-26 (Submitted 15/5/09)

5 bedroom 7 person slim house elevations 0812-27 (Submitted 15/5/09)

3 bedroom 5 person slim house plans 0812-20 (Submitted 15/5/09)

3 bedroom 5 person slim house elevations 0812-21 (Submitted 15/5/09)

4 bedroom 6 person slim house plans 0812-22 (Submitted 15/5/09)
 4 bedroom 6 person slim house elevations 0812-23 (Submitted 15/5/09)
 4 bedroom 7 person corner house plans 0812-24 (Submitted 15/5/09)
 4 bedroom 7 person corner house elevations 0812-25 (Submitted 15/5/09)
 Design and Access Statement 0812 (Submitted 15/5/09)
 Soft landscaping concept plan 389-09-PL001-P03 (Submitted 18/6/09)
 Soft landscaping planting plan sheet 1 of 2 389-09-PL002-P04 (Submitted 18/6/09)
 Soft landscaping planting plan sheet 1 of 2 389-09-PL003-P03 (Submitted 18/6/09)
 Landscaping bio-diversity enhancement is support of the proposed housing development 389-09-ALD-389_RP-001-P05 (Submitted 18/6/09)
 Planting schedule ALD-389-PL401-Rev02 (Submitted 18/6/09)
 Middlemarch Environmental Ltd, Code for Sustainable Homes, High Street, Brownhills- Report Number RT-MME-102574 (Submitted 15/05/09)
 Hydrock Desk Study and Ground Investigation at High Street Brownhills final report- R/08414/001 February 2009 (Submitted 15/05/09)
 Middlemarch Environmental Ltd, Arboricultural Survey High Street Brownhills- August 2008 Report Number RT-MME-102674 (Submitted 15/05/09)
 Ken Dibble Acoustics Planning Noise Assessment P331 05 006, 25 July 2008 (Submitted 15/05/09)
 Bureau Veritas Air quality Assessment AGGX1397663/BV/AQ/2574 February 2009 (Submitted 15/05/09)
 JBA Consulting/ Stewart & Harris Flood Risk Assessment Final Report May 2009 (Submitted 15/05/09)
 Middlemarch Environmental Ltd, Bat Survey October 2008 Report Number RT-MME-102675 (Submitted 15/05/09)
 Middlemarch Environmental Ltd, Ecological Protection Plan April 2009 Report Number RT-MME-102948 Rev A (Submitted 15/05/09)
 Site Survey High St Brownhills 08446-01 (Submitted 15/05/09)
 Site Survey High St Brownhills 08446-02 (Submitted 15/05/09)
 Stewart & Harris Engineering Layout Aug 08 08226-D1 Rev D (submitted 03-07-09)
 Stewart & Harris Micro Drainage 08226-Storm 1B figures (submitted 03-07-09)

Reason: In order to define the permission.

21. No demolition, heavy construction or engineering works (including land reclamation, stabilisation, preparation, remediation or investigation) shall take place on any Saturday, Sunday, Bank Holiday or Public Holiday* and otherwise such works shall only take place between the hours of 0800 to 1800 Mondays to Saturdays, unless otherwise permitted in writing by the Local Planning Authority. No plant, machinery or equipment associated with such works shall be started up or operational on the development site outside of these permitted hours.

Reason: To safeguard the amenity of occupiers of premises within the vicinity.

Notes for Applicant

Conditions 2 and 3. CL2 When making assessments of any contaminants identified as being present upon the land, considering their potential to affect the proposed land use and deciding appropriate remediation targets regard should be had to the advice given in CLR 11 "Model Procedures for the Management of Land Contamination", The Contaminated Land Exposure Assessment (CLEA) model (Latest Version), Science Report – SC050021/SR3 "Updated technical background to the CLEA model" and Science Report – SC050021/SR2 "Human health toxicological assessment of contaminants in soil" or any relevant successors of such guidance.

Page 16 of 195

This list is not exhaustive. Assessment should also be made of the potential for contaminants contained in, on or under the land to impact upon ground water. Advice on this aspect can be obtained from the Environment Agency.

Condition 3. CL3 Validation reports will need to contain details of the “as installed” remediation or mitigation works agreed with the Local Planning Authority. For example photographs of earth works, capping systems, ground gas membranes, and structure details should be provided. Copies of laboratory analysis reports for imported “clean cover” materials, manufacturer’s specification sheets for any materials or systems employed together with certification of their successful installation should also be submitted. Where appropriate records and results of any post remediation ground gas testing should be included in validation reports. This note is not prescriptive and any validation report must be relevant to specific remedial measures agreed with the Local Planning Authority.

Condition 21. Bank and public holidays for this purpose are : Christmas Day; Boxing Day; New Year’s Day; Easter Monday; May Day; Spring Bank Holiday Monday and August Bank Holiday Monday.

- i. The applicant/developer is advised to contact Mr Des Harris, Senior Third Party Works Engineer on 01827 252038 in order to ensure that any necessary consents are obtained and that the works comply with British Waterways’ “Code of Practice for Works affecting British Waterways”.
- ii. British Waterways offer no right of support to the adjacent property. The land owner should take appropriate steps to ensure that their works do not adversely affect the canal wall at this location.
- iii. The applicant/developer is advised that native species should be used within the proposed landscaping scheme to enhance the biodiversity of the canal corridor.
- iv. The applicant is advised that permission would be required for the planting of trees and landscaping within 5 metres of British Waterways’ property.
- v. The applicant is advised that an agreement with British Waterways would be required for the discharge of water into the canal.

R240. 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



To: DEVELOPMENT CONTROL
COMMITTEE

Report of Head of Planning and
Building Control, Regeneration
Directorate on 16 Jul 2009

REASON FOR BRINGING TO COMMITTEE: Major application

Application Number: 09/0255/FL

Application Type: Full application

Applicant: Barratt West Midlands/George
Wimpey North Midlands

Proposal: Erection of 83 Dwellings, garage
and parking, access roads, landscaping and
associated works. (Re-plan of Application
no.07/1255/FL/E11)

Ward: Rushall-Shelfield

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

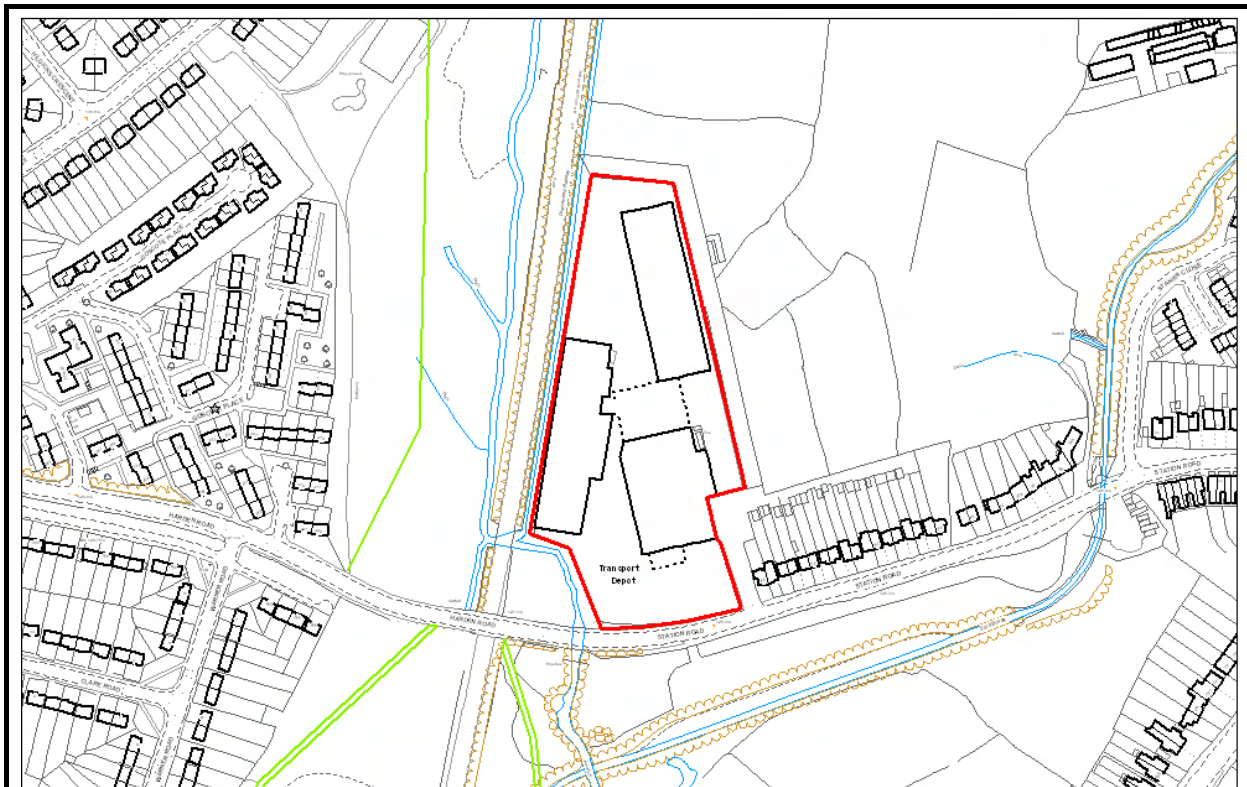
Case Officer: Alison Deakin

Telephone Number: 01922 652487

Agent: Mr Lee Perry

Location: TENACRES INDUSTRIAL
ESTATE, STATION ROAD,
RUSHALL, WALSALL,

Expired: 16/06/2009



Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Walsall MBC. Licence Number LA 076414.

Application and Site Details

The proposal is for erection of 83 dwellings on the site. There is an earlier permission, reference 07/1255/FL/E11, for erection of 106 houses and flats at the site granted in August 2007. The new application essentially removes the majority of flats from the site to reflect the change in the housing market. The proposed accommodation is to comprise 36 two bedroom houses, 43 three bedroom houses and 4 two bedroom maisonettes. (The approved scheme comprises 71 flats and 35 houses).

The site is identified as a Major Developed Site in the Green Belt under policy ENV4 of the UDP.

The site frontage is 95m, but the site widens to 110m then narrows to 50m at the rear where the ground levels are higher. There is a 2m fall from north to south across the site. The site is approximately 230m deep and is screened from the highway by mature trees and landscaping. Rough Brook adjoins the site. A dismantled railway line and a Sustrans cycle route, lie along the western boundary and open fields along most of the eastern boundary. There are mature trees and landscaping along all of these boundaries, which largely screen the site from view from the Green Belt. There is a row of semi-detached housing fronting Station Road to the east of the site with a vehicular access to parking and garages at the rear of the existing residential properties between the houses and the site. The industrial units on the site have now been demolished.

A Design & Access Statement, Supporting Statement, Financial Appraisal, Flood Risk Assessment, Traffic Assessment Report, Traffic Assessment Technical Note, Site Investigation Report, Protected Species Report, Bat Mitigation Plan, Noise Report, Affordable Housing Statement and Residential Travel Plan have been provided in support of the proposals.

The applicants provided a Financial Appraisal for the development highlighting the viability of the site in terms of the costs of developing the site and requirement to provide affordable housing and contributions towards education and urban open space. These were the matters included in the S106 Planning Obligation completed in accordance with application 07/1255/L/E11. Due to the financial viability of the development the applicant now proposes no affordable housing or contributions towards education, urban open space, healthcare or public art as required in accordance with current Council policies.

The site area is 1.99 hectares that gives a density of 42 dwellings per hectare.

Relevant Planning History

07/1255/FL/E11 – Demolition of existing industrial buildings and erection of 106 houses, flats, garaging and parking, access roads, landscaping and associated works – Granted Subject to Conditions and a Section 106 Agreement 30/08/07. The Section 106 Agreement included provision of affordable housing and contributions towards education and urban open space.

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

Unitary Development Plan (UDP)

GP1: Supports the sustainable location of development.

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

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

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

3.21 & ENV1: Defines the purpose of the Green Belt.

ENV2: Presumes against construction of new buildings except for some defined purposes.

ENV3: Lists criteria for assessing proposals in the Green Belt.

ENV4 (d): Identifies the site as a major developed site in the Green Belt where redevelopment may be permitted provided there is no greater impact on the openness and purpose of the Green Belt, height of existing buildings is not exceeded and the area covered by buildings will not occupy a larger area of the site.

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

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

ENV23: Development needs to demonstrate no adverse impact on species protected by European law and generally conserves natural elements.

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

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

ENV34: Requires the provision of public art to enhance the quality and individuality of existing buildings, spaces or new development especially in public spaces, public buildings, important and prominent locations.

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

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

H4: On sites suitable for provision of an element of affordable housing the Council will normally negotiate with developers for 25% of total dwellings to be affordable homes.

H9: Housing densities in the range of 30 -50 dwellings per hectare are likely to be suitable on most sites.

7.1: Seeks to promote an efficient highway network;

T7: All development should satisfy the car parking standards set out in Policy T13.

T8, T9 & T10: Encourage greater use of walking as a healthy and sustainable form of travel via good pedestrian links; improvements to make cycling an attractive alternative to the private car and highlight the standards for public transport, cycles, taxis and disabled car parking are minimum ones and developers are strongly encouraged to improve on them.

T13: car parking standards

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

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

8.1 & 8.2: The Council will seek to safeguard, improve and expand facilities for entertainment and culture; urban open space; greenways; canals and waterways; sport and recreation and education, health and community activities and encourages increased and improved provision of entertainment and cultural facilities in town, district and local centres.

8.8 & 8.9: Residential development 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 facilities. On housing sites of 1 hectare (or 30 dwellings) or more accessible community healthcare facilities should be provided to serve the development. The Council may require a contribution from developers towards such provision.

Supplementary Planning Document (SPD)

Designing Walsall SPD

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

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

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

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

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

DW6 – Legibility: New development should contribute to creating a place that has a clear identity;

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

DW10 – new development should make a positive contribution to creating a sustainable environment.

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

Natural Environment SPD

NE1 and NE4: all relevant applications to be supported by an adequate impact assessment.

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

Protection is proposed for protected animals, plants etc.

Urban Open Space SPD

Identifies the requisite local standards and contributions that developers will be required to make towards provision and improvement of open spaces.

Healthcare SPD

Developers of new residential sites will be required to make contributions to help meet new healthcare requirements. Within larger developments land may be required for the provision of healthcare facilities or alternatively financial contributions may be required to support the needs of new development.

Education SPD

Sets out the contributions that developers will be required to make towards the provision and improvement of local education facilities.

Affordable Housing SPD

Guides delivery of affordable housing to appropriate locations in the Borough and provides for balanced, mixed communities.

Regional Spatial Strategy for the West Midlands

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

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

National Policy

PPS1: Promotes sustainable development and good design.

PPG2: Seeks to protect against inappropriate development that is harmful to the Green Belt. Limited infilling or redevelopment of major developed sites that meets the criteria C3 & C4 in Annex C of PPG2 is not inappropriate development

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

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

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

Consultations

Transportation - No objections subject to provision of revised details. These should show a visibility splay at the existing access road junction with Station Road, adjacent to No.84, (2.4m x 70m), ensure protection of all visibility splays from encroachment and ensure the existing industrial access is permanently closed. Details are also required to show the proposed footpath to the west of the site, which will link the development with the dismantled railway (Sustrans Route), to be a dual

cycle/pedestrian design of a minimum width of 3 metres, with the benefit of street lighting. Anti motorcycle barriers shall be installed at the outer limit of the dual path.

Pollution Control (Scientific Team) – No objections in principle subject to conditions to address the impact of noise from construction/demolition operations.

Pollution Control (Contaminated Land) – No objections subject to conditions to ensure provision of an additional site investigation and assessment of ground contamination and landfill gas together with any remedial measures.

Sustainable Travel Officer – No objections in principle. A Residential Travel Plan has been. Amended details are required.

District Valuer – The proposed residential development scheme is unviable as it results in a residual value of minus £665,000. The assessment has been carried out at a time where house values/residential flat values are falling and where there are consequential effects on residential development viability. The appraisal has made no deductions for land acquisition costs as this would reduce the negative residual value of the land further. The purpose of considering a current development residual appraisal is to look at the viability of the scheme at the date of this report. Accordingly to use current reduced house/residential flat values to calculate the sales revenue yet deduct historic land acquisition costs would not give a fair picture. Even if the historic land acquisition cost is taken into consideration the scheme still appears to be significantly unviable.

It is likely that current market conditions/downturn in the housing market and economy may change over a reasonable period of time and it is therefore recommended that the assessment should be reviewed if development has not commenced within one year of any permission being granted.

The assessment has been made on the assumption that the residential development scheme can be completed within three years. If the scheme were to take longer, or was completed in a shorter period of time, the amount of interest would also potentially increase/decrease. No allowances have been made for any incentives to sell the residential dwellings and/or residential flats that may, or may not be required.

The developers have not provided written confirmation that all costings in their development appraisal are justified. However, in the absence of any details regarding the breakdown of costs or of outstanding invoices the District Valuer has accepted the developer's comments in good faith.

Environmental Health –No objections.

Landscape – No objections.

Ecology – No objections. The retention of the tree belts around the edge of the site is important for foraging bats. The layout encroaches closer to the tree belts than the development permitted by the previous application 07/1255/FL/E11. This is likely to lead to proposals for the cutting back or felling of the tree belt due to undue shading of proposed houses and gardens. However, measures to resolve this problem have been incorporated within revised plans.

Discrepancies between the landscape and tree survey plans can be resolved and

Page 24 of 195

amended details are required.

The bat mitigation strategy needs to be updated to reflect the layout of the application and amended details are required.

Arboricultural Officer – No objections subject to the guidelines and recommendations being adhered to in the arboricultural report and the tree protection fencing being erected and maintained throughout the development.

Environment Agency – No objections subject to provision of details regarding drainage.

Police Architectural Liaison Officer – Objects. The security of the development should be given the utmost consideration, as it is located in an area with high crime levels, especially crime against dwellings and vehicles. Key concerns include; lack of surveillance to parking spaces and parking courts, provision of gated accesses between dwellings, secure fencing to gardens and the site boundary, and the footpath through to the open space adjacent.

Education Walsall – No objections in principle. The level of surplus places is below 10% in local secondary schools. A contribution of £184,006.60 is therefore required towards provision of secondary schools in line with policy GP3 and 8.8 of the UDP.

Fire Service – No objections. Satisfactory for fire service access.

Housing Strategy – No objections. The scheme provides a good mix of starter and family homes. 25% of the units should be provided as social rent, with a greater focus on the 3 bedroom houses. The maisonettes are not required for affordable homes.

Centro - No objections in principle. However, the development does not meet the minimum standards for accessibility by public transport therefore the developer is required to develop a Residential Travel Plan and promote sustainable travel to and from the development. The Transport Assessment is incorrect as it states that the bus stop on Harden Road is within 400m of the site when in fact it is 480m from the access to the site. The developer should also be made aware that Centro and Walsall Council have aspirations to develop a new public transport system along the route of the disused railway alignment adjacent to the site and options include the reintroduction of heavy rail or a Rapid Transit system and this corridor should be protected. Given the size and nature of the scheme the developer should be required to make a contribution towards ongoing improvements to public transport infrastructure in the area and long-term development of the public transport network.

Birmingham & Black Country Wildlife Trust – No objections subject to measures to protect and enhance via mitigation and compensation of ecological impacts are included. The site provides an ideal opportunity to increase integration of the site with the surrounding area and its ecology through introduction of appropriate landscaping and design thereby increasing sustainability and local biodiversity.

Public Participation Responses

Four objection letters received relating to the following:

- Increased volume of traffic particularly at peak times

Page 25 of 195

- Capacity of highway to deal with increased traffic
- Increased pressure on the sewer/drainage systems which already struggle to cope and need updating
- Increased flooding risk
- Potential of queuing traffic to restrict access to existing dwellings
- Alternative transport provision should be considered i.e. additional buses
- Loss of trees detrimental to the character of the area
- Chemical treatment of root systems may pollute the nearby brook
- Residential development may prejudice development of public transport system on former railway line adjacent
- Higher parking levels does not encourage use of public transport
- Need to control hours of construction to prevent noise disturbance to neighbours

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

Determining Issues

- Relationship with Green Belt
- Layout and Design
- Access and parking
- Relationship with surrounding properties
- Ecology and trees
- Affordable Housing
- Flood Risk
- Provision for Education/Open Space/Healthcare/Public Art

Observations

Relationship with Green Belt

The site is well screened from adjacent green belt land by existing trees and vegetation around its perimeter. The site therefore has little visual impact on the openness and purpose of the green belt. The original industrial buildings on site had maximum ridge heights of 10m. The proposed dwellings are all 2 and 2½ storeys buildings with maximum ridge heights of 10.5m. Although the proposed dwellings are greater in height they are lower than the height of buildings already granted permission on the site which would have been 13.2m maximum height. Also, it is considered that the scale and mass of the proposed dwellings will have less visual impact than the former industrial units or the approved residential scheme which included apartment blocks up to 4 storeys high. The overall floor area is also reduced given that there are fewer dwellings proposed and the density reduced from 53 dwellings per hectare to 42 dwellings per hectare.

Generally, the change from industrial to residential use on this former developed site will not have any adverse effect upon the openness of the green belt and is in accordance with policy ENV4.

Layout and Design

The road layout remains the same as approved. The key changes are replacement of four larger apartment blocks flanking both sides of the main entrance and a further two apartment blocks at the end vistas. These are replaced with terraced and semi-detached housing that faces the street and form perimeter blocks. The development generally gives greater potential for improved surveillance of the public realm and the Green Belt and creates improved links to the Green Belt and adjacent cycle route.

Page 26 of 195

Although the proposals reduce the density from 53 to 42 dwellings per hectare this still falls within the range stated in policy H9.

A revised layout has been received. This seeks to address concerns regarding the proximity of dwellings on the northern and eastern boundary to the protected tree belt and to revise the parking court for plots 68b to 71b in order to improve the outlook for occupiers. Plots 37-40 have been rotated through 90 degrees so that they face the turning head and a parking court provided at the far northern corner of the site. This pulls the buildings further away from the tree belt and is less likely to lead to pressure from future occupiers to prune or remove trees at a later date. It also provides less shaded gardens. Plots 41b and 42b have been moved further towards plot 43b and garage and parking positions for 41b-43b amended to accommodate the move and the incorporation of the parking court in the corner. The layout of the parking court for plots 68b-71b has been reversed so that there is some relief to the outlook from the dwellings instead of immediately facing parked vehicles.

In order to address concerns of the Police Architectural Liaison Officer the fencing to parking courts at the rear of plots 1-7 and 78b-83b has been changed to hit and miss fencing that will allow intervisibility from the gardens of properties to the parked cars and improve surveillance and security. These parking courts are also provided with a gate to secure the areas. The only other parking court is that serving plots 37-40 in the northern corner of the site but the entrance is considered to be well observed by adjacent housing. Other parking spaces throughout the site are considered to be adequately observed by adjacent housing to prevent crime against vehicles. In terms of secure gates and fencing details of such are to be provided.

The majority of private gardens throughout the site provide useable space despite approximately 56% being below 12m in length and 57% being below 68m². Gardens vary between 8-15m in length and the smaller gardens on plots 23, 32, 33, 39, 49b, 56b, 68b, 69b, 73b and 76b are below 40m². The maisonettes on plots 11-14 have no gardens, there is a small landscaped area at the rear. On balance, it is considered that generally the smaller dwellings have smaller gardens and given that there is a large area of Green Belt land and open space adjoining the site this will compensate in terms of providing alternative amenity space and an improved link to these areas are proposed.

Separation between facing elevations of some properties varies between 13-15.5m, for example between plots 51b and 56b, plot 47b and 35, plot 8 and 77b. However, the public highway separates these units and the relationship between facing plots is off-centre in some instances. It is considered therefore that potential for overlooking will not have an adverse impact on residential amenities of potential occupiers and the layout creates an attractive appearance to the street scene that takes into account the surrounding context.

The design of the proposed dwellings respects the scale and height of adjacent dwellings and draws on traditional design elements evident within the street scene such as pitched and hipped roofs, door canopies and gable roofs. The strong line of housing fronting Station Road also defines a clear entrance to the site creating a strong approach.

On balance the layout is considered acceptable, despite the shortfall in garden areas. The design maintains the approved access road arrangement and creates perimeter blocks of housing that provides surveillance of the street.

Access and parking

The design of the access roads is as approved under application 07/1255/FL/E11. A Transport Assessment has been provided which concludes that satisfactory vehicular access to the site can be achieved; the site is accessible by sustainable transport modes such as public transport, cycling and walking and does not generate significant additional travel demand. Given that the proposed number of dwellings has been reduced from 106 to 83 it is also considered that the proposals will not generate any greater number of trips or have any greater impact upon the surrounding highway network than already approved. Objectors concerns about increased traffic congestion and the capacity of the surrounding highway network have therefore been addressed.

Centro have requested a Residential Travel Plan which the developers have provided but minor revisions are required. This Travel Plan addresses objectors concerns that the site should encourage public transport use. The development of the site does not impinge upon the adjacent Sustrans Route or prejudice its future development as a public transport route as a buffer of landscaping is maintained. Although Centro have requested the developer contributes towards improvements to transport infrastructure given the viability of the scheme referred to in the District Valuer response it is considered unlikely that such assistance can be provided by the applicant.

As the principle of the access has been approved already the key consideration is whether the position of dwellings and provision of parking is acceptable in relation to this approved access. The Transportation Officer is satisfied with the arrangement of dwellings and relationship to the highway. There are 155 car parking spaces throughout the site which equates to 186% provision. All 3-bed houses have two off-street parking spaces per dwelling and 2-bed houses have at least 1.5 spaces per dwelling. A lower parking provision was accepted for the higher density development already approved at the site, 163 spaces for 106 dwellings or 1.53 spaces per unit. The proposals therefore offer improved parking provision and given that a Residential Travel Plan is being promoted the levels of parking are acceptable. The Travel Plan will also promote alternative means of sustainable travel methods to future occupiers.

The potential for queuing traffic to restrict access to existing dwellings on Station Road is no greater than would have been considered on the earlier permission. As the Transport Statement concludes that the highway network should cope with traffic capacity this is considered not to be a problem.

In light of the above the access and parking provision is considered acceptable subject to revised Residential Travel Plan details and other engineering requirements.

Relationship with surrounding properties

The proposed development of the site for residential purposes has already been approved and is considered more compatible with the surrounding properties on Station Road than the former industrial uses creating less noise and disturbance. The siting of the proposed dwellings does not present any potential for overlooking, loss of privacy or daylight to the existing dwellings to the east of the site on Station Road as separation distances exceed those specified in appendix E of Designing Walsall.

There is an existing vehicular access between the application site and 84 Station Road that leads to private garages at the rear of properties fronting Station Road. The proposal does not include any revisions to this access that would prevent or restrict access therefore protecting the neighbours' rights of access.

Objectors consider there is a need to control hours of construction at the site to prevent noise disturbance during construction phases. A condition is recommended.

The relationship between proposed dwellings on the site has been discussed earlier in the report. Although separation distances and garden sizes do not fully comply with those required in appendix E of Designing Walsall, on balance it is considered that the relationship between dwellings and the boundaries of the site are acceptable and would not cause any undue harm to privacy, daylight or outlook for future occupiers.

Ecology and trees

The Council Ecologist is concerned that the proposed dwellings on the northern and eastern boundaries encroach closer to the tree belt than the dwellings approved under application 07/1255/FL/E11. The smaller gardens and proximity of dwellings to the trees could result in heavy shading of gardens leading to pressure for removal of trees. The trees are important for their amenity value and ecological value as they accommodate foraging bats.

Amended plans have been received that includes measures to resolve these issues. The plans show plots 37-40 rotated through 90 degrees so that the buildings do not encroach any closer to the tree belt than the line of remaining housing along the eastern side of the site. Of the plots along the eastern boundary 8 out of 20 are closer to the tree belt than approved under application 07/1255/FL/E11 and four detached garages are included within gardens of plots 27 and 34-36 that encroach further. Plots 25-29 and 34-36 have been repositioned 300mm further forward. On balance, considering these changes, and given that none of the dwellings are as close to the tree belt as the original factory buildings were, the proposals are acceptable.

The tree belt is outside the applicant's ownership and belongs to the Council. Regular pruning will inevitably be required and is likely to require significant expenditure. As no S106 contributions are proposed it is likely that there will be a direct financial implication upon the Council.

Discrepancies between the landscape scheme and tree survey can be addressed by submission of revised plans. The bat mitigation survey also needs to be altered to reflect the revised layout and increase the number of bat boxes proposed. Revised details are required.

The potential risk of pressure to remove trees is therefore not significantly different to that considered by the original permission. The separation between dwellings and trees allows space to retain trees to preserve the character of the Green Belt and surrounding context.

Flood Risk

A Flood Risk Assessment has been provided. The Environment Agency is satisfied that adequate drainage can be provided at the site. Concerns regarding potential

increased flooding risk have therefore been addressed and details are to be provided in respect of future drainage systems.

Provision for Affordable Housing/Education/Open Space/Healthcare/Public Art

Affordable Housing, Education, Urban Open Space, Healthcare and Public Art are required due to additional demand the development places on these facilities in the area. A Section 106 Agreement is therefore required under the principles of policies GP3, ENV34, H4, 8.8, 8.9 and LC1 of the UDP and policy DW9 of SPD: Designing Walsall. In accordance with the above policies 25% of the housing provided should be for affordable social rented housing (21 units). A contribution of £184,006.60 is required towards provision of local secondary school provision. A contribution of £174,870.00 would be required towards urban open space, a contribution of £77,244.30 is required towards healthcare provision and a figure of £29,050.00 toward public art provision. The total figure is therefore £465,170.90.

The developer has provided a Financial Appraisal for the site that indicates the viability of developing the site. They state that given the current economic climate and costs already incurred in purchasing the site the viability of the scheme is precarious. In the circumstances they propose no affordable housing provision and no contributions to education, urban open space, healthcare or public art. The S106 Agreement on the earlier permission made provision for only affordable housing, education and urban open space. Committee resolved not to collect healthcare contributions or public art.

The Financial Appraisal has been assessed by the District Valuer who concludes that the proposed residential development scheme is unviable as it results in a negative residual value of minus £665,000.

In this particular case and in light of the above advice it is considered that it has been demonstrated that pursuing the affordable housing and other contributions cannot be delivered. However, there is a clear intention by the developers to build out this scheme as all original buildings on site have already been demolished and the developer has indicated their intentions to bring this site forward for early development. This is an exceptional case and in the interests of securing this investment in the borough it is recommended that the developer's case is accepted.

Summary of Reasons for Granting Planning Permission

The principle of residential development is already established. The current proposal is a re-design to remove apartments and reflect the change in the housing market and current economic climate. The road layout remains the same and the revised housing does not have any greater impact upon the layout, design or appearance of the proposals within the area or any adverse impact upon adjoining occupiers.

The means of access to the site remains unaltered and off-street parking provision is improved. The Transport Assessment is accepted; the site is accessible by sustainable transport modes such as public transport, cycling and walking and does not generate significant additional travel demand. Concerns about highway safety and traffic congestion have therefore been addressed. A Residential Travel Plan has been provided that seeks to encourage alternative means of travel. The proposal

does not prejudice development of a public transport system on the adjacent former railway line.

The proposals do not have any adverse impact upon existing neighbouring properties in terms of overlooking, loss of privacy or daylight and the relationship between dwellings within the site is considered acceptable, albeit shorter gardens and separation distances are proposed than normally accepted. The right of access to the east of the site is protected and hours of construction are controlled to protect amenities of adjoining occupiers.

The deposited plans address ecological matters by providing separation between proposed housing on the northern and eastern boundaries of the site and the retained tree belt. This will protect the trees from pressure for their removal from future occupiers.

A Flood Risk Assessment has been provided and suitable drainage can be achieved at the site.

The developer has provided evidence to support their case to provide no affordable housing or provision of education, urban open space, healthcare or public art.

For the above reasons the proposals are considered to comply with policies GP1, 2.2, 3.6, 3.7, GP2, GP3, GP4, GP7, 3.16, 3.21, ENV1, ENV2, ENV3, ENV4, ENV14, ENV18, ENV23, ENV32, ENV33, ENV40, H3, H4, H9, H10, 3.116, 3.117, 7.1, T7, T8, T9, T10, T13, LC1, 8.1, 8.2, 8.8 and 8.9 of Walsall Unitary Development Plan, Supplementary Planning Documents: Designing Walsall and Conserving Walsall's Natural Environment and the Regional Spatial Strategy for the West Midlands (RSS).

Recommendation: Grant Permission Subject to Conditions and a Planning Obligation

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

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

2. This development shall not be carried out other than in conformity with the following approved plans and documents except insofar as may be otherwise required by other conditions: -

- Site Location Plan (259-SLP-01A) received 31/3/09
- Area Identification Plan (259-AIP-01F) received 27/2/09
- Planning Layout (259-PL-01K) received 30/6/09
- Street Scenes (259-SS-001F) received 18/6/09
- House Type Plots 6 & 7 (300/H621819/PL1B) received 27/2/09
- House Type A609/A665 (300/A609-A665/PL1B) received 27/2/09
- House Type H621 (300/H621/PL1C) received 27/2/09
- House Type H745 (300/H745/PL1B) received 27/2/09
- House Type H819 (300/H819/PL1B) received 27/2/09
- Severn House Type H905 (99) received 27/2/09
- Detached Single Garage (47) received 27/2/09
- Richmond House Type (2006/RIC/04C) received 27/2/09
- Richmond Special House Type (2006/RIC/SP/04) received 27/2/09

Page 31 of 195

- Kingsville House Type (259-KI-01) received 27/2/09
- Maidstone Special House Type (259-MAI-001) received 27/2/09
- Enbourne House Type (259-ENB-001) received 27/2/09
- Single Detached Garage (2006/DET/135A) received 27/2/09
- Double Detached Garage (2006/DET/136A) received 27/2/09
- Triple Detached Garage (2006/DET/137A) received 27/2/09
- Triple Detached Garage Elevations (2006/DET/138A) received 27/2/09
- Site Location & Survey (259-SLP-001) received 27/2/09
- Survey of land at Tenacre Site, Station Road (GW/TS/712390/1) received 17/3/09
- Site Sections (AAC4857-600*) received 17/3/09
- Preliminary Finished Floor Levels (AAC4857-601*) received 1/4/09
- Tree Survey (LA3200/1A) received 27/2/09
- Landscape Proposals Plan (LA3290-1A) received 30/4/09
- Soft Landscape Specification prepared by John Challoner Associates dated January 2009 received 27/2/09
- Standard Detail Tree Protective Barrier Fencing (SD1/A) received 27/2/09
- Drainage Concept & Flood Routing Plan (AAC4857-100.01A) received 17/6/09
- Transport Statement prepared by Travis Baker Associates Ltd dated 6 May 2009.
- Vehicle Tracking (426-VT1) received 17/3/09
- Large Refuse Vehicle Movements (06-262-SK1) received 27/2/09
- Flood Risk Assessment prepared by RPS (AAC4857) dated January 2009
- Desk Study & Site Report prepared by Wardell Armstrong dated March 2006 received 27/2/09
- Protected Species Report prepared by CSa Environmental Planning dated June 2007 received 27/2/09
- Bat Mitigation Plan prepared by CSa Environmental Planning (CSA/755/13) dated March 2008 received 27/2/09
- Impact on Noise on Proposed Residential Development prepared by George Wimpey Midlands Limited (GW_MID-11961) received 27/2/09
- Affordable Housing Statement prepared by Pioneer dated May 2007 received 27/2/09
- Supporting Statement received 27/2/09
- Design Access Statement Update received 27/2/09

Reason: To ensure that the development undertaken under this permission shall not be otherwise than in accordance with the terms of the application on the basis of which planning permission is granted, (except in so far as other conditions may so require).

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

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

4. Prior to the commencement of the development the following matters shall be addressed:

- i) Prior to built development commencing additional site investigation, ground contamination survey and assessment of ground gas, having regard to current best practice shall be undertaken. (See Note for Applicant CL1)
- ii) Prior to built development commencing a copy of the findings of the site investigation, ground contamination survey and ground gas assessment, together with an assessment of the hazards arising from any land contamination and/or ground gas shall be forwarded to the Local Planning Authority. (See Note for Applicant CL2)
- iii) Prior to built development commencing a "Remediation Statement" setting out details of remedial measures to deal with the identified and potential hazards of any land contamination and/or ground gas present on the site and a timetable for their implementation shall be submitted to and agreed in writing by the Local Planning Authority. (See Note for Applicant CL2)
- iv) The remedial measures as set out in the "Remediation Statement" required by part iii) of this condition shall be implemented in accordance with the agreed timetable.
- v) If during the undertaking of remedial works or the construction of the approved development unexpected ground contamination not identified by the site investigation required by part (i) of this condition is encountered development shall cease until the "Remediation Statement" required by part iii) of this condition has been amended to address any additional remedial or mitigation works required and agreed in writing by the Local Planning Authority.
- vi) A validation report confirming the details of the measures implemented together with substantiating information and justification of any changes from the agreed remedial arrangements shall be submitted to and accepted in writing by the Local Planning Authority prior to the development being brought into use. (See Note for Applicant CL3)

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

5. Notwithstanding the details shown on the landscaping drawing LA3290-1-Rev A prepared by John Challoner Associates, no tree works along the northern, eastern or western boundaries of the site shall be undertaken without the prior approval of the Local Planning Authority via a formal application under the Tree Preservation Order legislation. Other than this the approved landscaping works shall be completed in accordance with the approved details before the development is occupied, unless otherwise agreed in writing by the Local Planning Authority, and retained as such. All planted areas shall be maintained for a period of 5 years from the full completion of the scheme. Within this period any tree(s), shrubs or plant which die, becomes seriously diseased, damaged or is removed shall be replaced with a tree, shrub or plant of the same or greater size and same species as that originally required to be planted.

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

6. Prior to the commencement of the development a revised Residential Travel Plan shall be submitted to and agreed in writing by the Local Planning Authority and then implemented in accordance with the agreed details.

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

7. Prior to the commencement of the development a revised drawing showing a visibility splay at the existing retained access road junction with Station Road. (Adjacent to No.84), of 2.4m x 70m shall be submitted to and agreed in writing by the Local Planning Authority and then implemented in accordance with the agreed details.

Reason: In order to maintain highway safety.

8. Prior to the commencement of the development the existing industrial access shall be permanently closed, and the pavement re-constructed to a specification agreed with the Local Planning Authority.

Reason: In order to ensure the satisfactory appearance of the site and maintain highway safety.

9. Visibility splays on driveways and access roads must be kept clear of landscaping over 600mm in height from carriageway level. No railings or other form of boundary treatment shall be erected so as to encroach into any visibility splay required as part of this permission, on to Station Road. Railings or other boundary treatment shall be located behind the splay, and any areas within the splay shall be consolidated and surfaced to a standard to be first submitted to and agreed in writing by the Local Planning Authority.

Reason: In order to maintain highway safety.

10. Prior to the commencement of the development details of the proposed footpath to the west of the site, which links the development with the dismantled railway (Sustrans Route) shall be submitted and agreed in writing by the Local Planning Authority. This shall be a dual cycle/pedestrian design of a minimum width of 3 metres, with street lighting and anti motorcycle barriers shall be installed at the outer limit of the dual path. The footpath link shall then be implemented and maintained in accordance with the agreed details throughout the life of the development.

Reason: To encourage alternative means of travel and ensure the satisfactory appearance of the development.

11. Notwithstanding the submitted plans, the access ways, vehicle parking areas and manoeuvring spaces shall be hard-surfaced in materials to be agreed in writing by the Local Planning Authority. No dwelling shall be occupied until the access drives, vehicular turning areas and garage parking associated with each specific dwelling have been provided as shown on the approved plans. These areas shall thereafter be retained and used for no other purpose.

Reason: To ensure the satisfactory development of the site.

12. Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed and retained throughout the life of the development.

The scheme shall:

- (i) Be designed in accordance with Flood Risk Assessment (RPS Planning and Development Station Road, Rushall, reference AAC 4857, January 2009) and
- (ii) Drainage concept and flood routing plan (RPS Planning and Development, Station Road, Rushall, reference AAC4857, Drawing 100.01. Revision A, June 2009).

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

13. No development shall be carried out until a schedule of facing materials to be used in external walls and roofs of the development and the surrounding garden walls and other structures and boundary treatments (including details of surface treatments), has been approved in writing by the Local Planning Authority.

Reason: To ensure the satisfactory appearance of the development.

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

Reason: In the interests of the amenity.

15. Prior to any construction or demolition works taking place on site tree protection measures shall be implemented in accordance with BS: 5837 2005 in order to protect the trees to be retained on site and around the edges of the site throughout the life of the development unless the Local Planning Authority agrees to any variation.

Reason: To safeguard trees protected by Tree Preservation Order and preserve the visual amenities of the area.

16. Prior to the commencement of the development an amended bat mitigation strategy to reflect the revised layout of the development shall be submitted the Local Planning Authority. The strategy shall include increased provision for building in bat roosting opportunities into new buildings and a timetable for implementation. The updated mitigation strategy shall be approved in writing by the Local Planning Authority and implemented in accordance with the approved strategy unless the Local Planning Authority agrees to any variation in writing.

Reason: To safeguard protected species and ensure the satisfactory development of the site.

17. Notwithstanding the plans and documents submitted in support of the application, any works proposed to trees protected in Area A1 of the Tree Preservation Order 52 of 2006 shall be subject of separate applications under the Tree Preservation legislation.

Reason: To safeguard existing protected trees adjacent to the site.

Notes for applicant:

1. In relation to condition 3 - Bank and Public Holidays for this purpose shall be: Christmas Day, Boxing Day, New Years Day, Easter Monday, May Day, Spring Bank Holiday Monday and August Bank Holiday Monday.

Notes for Applicant – Contaminated Land

CL1

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

CL2

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

CL3

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

Where appropriate records and results of any post remediation ground gas testing should be included in validation reports.

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



ITEM NO: 3.

To: DEVELOPMENT CONTROL
COMMITTEE

Report of Head of Planning and
Building Control, Regeneration
Directorate on 16 Jul 2009

REASON FOR BRINGING TO COMMITTEE: Major application

Application Number: 09/0378/FL

Application Type: Full application

Applicant: George Wimpey North
Midlands

Proposal: Substitution of house types and repositioning plots 5-12 (consec), 28-37 (consec) & 49-53 (consec) and associated road re-alignment plus installation of entrance wall feature (amendments to permission 07/1617/FL/E11).

Ward: Streetly

Recommendation Summary: Grant Subject to conditions

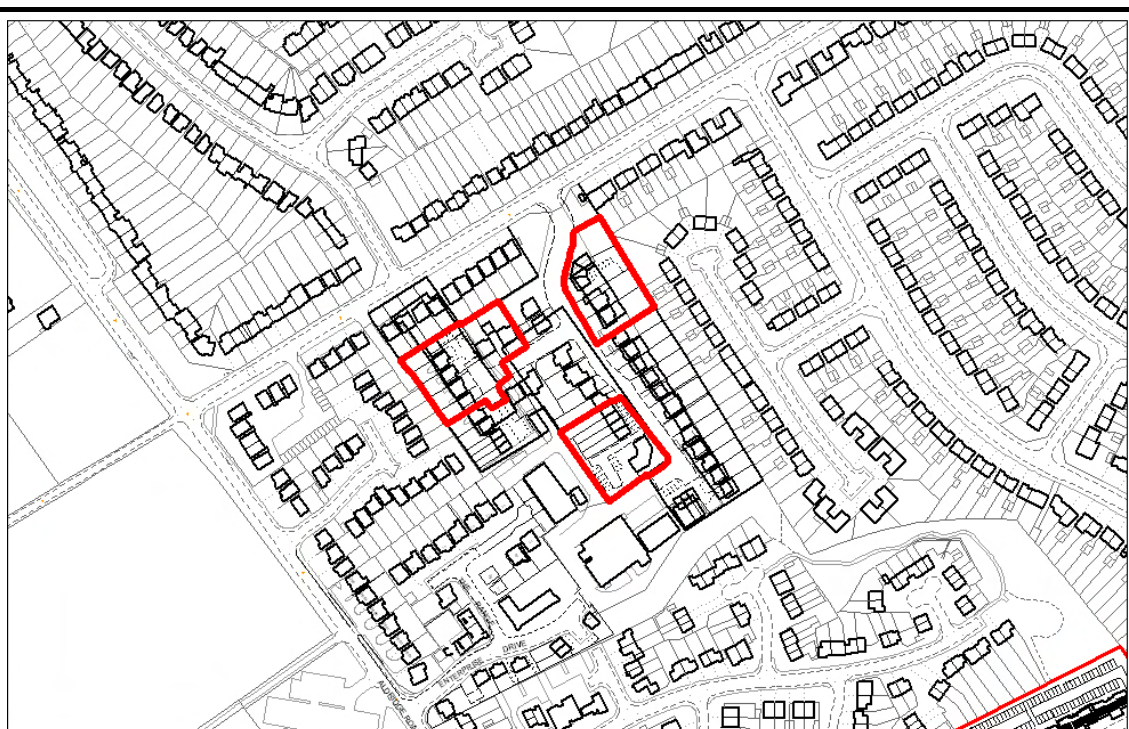
Case Officer: Alison Deakin

Telephone Number: 01922 652487

Agent:

Location: KINGSLAND GRANGE,
BRIDLE LANE, STREETLY, B74 2DY

Expired: 14/08/2009



Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Walsall MBC. Licence Number LA 076414.

Application and Site Details

The proposal is for a substitution of house types and repositioning of various plots throughout the site, re-alignment of a turning head and installation of an entrance wall feature at this residential development fronting Bridle Lane. There are 23 plots affected by the proposed amendments out of the 57 approved plots.

The flats on plots 5-12 are to be repositioned approximately 1m closer to the Bridle Lane frontage. This will essentially allow more space at the side of plots 11 and 12, two detached houses which sit immediately behind them, which have also moved forward 1m. Wider drives have been incorporated for all dwellings with integral garages to prevent the need for a separate pedestrian access to front doors. The flats on plots 28-33 are to be repositioned 1m further south towards the turning head and boundary of the site. This allows space for plots 34-37 to be substituted to provide two pairs of semi-detached houses rather than a terrace of four houses. Plots 51-53 have been moved back to align with the rear wall of plot 50. The turning head adjacent plots 49-53 has been rotated slightly. This allows slightly wider plots for the detached houses on plots 54 and 55 but reduces the garden lengths from between 12-15m to between 11-13m.

The entrance feature wall has already been constructed and therefore retrospective permission is sought. This comprises two walls on either side of the main access to the development. Each has three sections ranging from 1.5m to 1.8m high with 2m high piers between. A rendered panel is incorporated at the front which bears the name "Kingsland Grange" in applied metal lettering.

This former industrial site was granted permission for residential development in July 2007, and all former industrial buildings have now been demolished and residential development has commenced. There is a belt of protected trees along the eastern and southern boundaries and on the site frontage to Bridle Lane, adjacent the access. A sewer easement crosses the site from north to south parallel to the belt of trees that run along the eastern boundary.

The surrounding area is predominantly residential comprising of inter-war detached and semi-detached properties on Bridle Lane and contemporary housing and apartments on the adjacent site, being developed by Morris Homes. There remain 3 industrial occupiers adjacent to south western corner between this site and the Morris Homes site.

The developer advises that on the basis that the dwelling types and number of dwellings remain unaltered the Transport Assessment, Acoustic Assessment, Flood Risk Assessment, Ecological Survey and Air Quality Assessment prepared in support of the original permission remain unaltered. A Design and Access Statement has been provided.

The proposal does not alter the proposed number of dwellings which remains at 57 dwellings on a site of 2.08 hectares giving a density of 27 dwellings per hectare.

Relevant Planning History

07/1617/FL/E11 – Demolition of existing buildings and erection of 57 no. two, three, four and five bedroom dwellings, garages and access road – Granted subject to conditions 18/10/07.

A Deed of Variation to the S106 Agreement made under the earlier approval 07/1617/FL/E11 was granted by Development Control Committee on 19/2/09. This releases the developer from the obligations relating to provision of affordable housing, education, healthcare and urban open space provision. The variation was allowed following an assessment of the viability of the scheme.

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

Unitary Development Plan (UDP)

GP1: Supports the sustainable location of development.

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

GP4 & ENV14: Encourage local area regeneration and reclamation and development of derelict and previously developed land

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

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

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

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

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

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

H9: Housing densities in the range of 30 -50 dwellings per hectare are likely to be suitable on most sites.

7.1: Seeks to promote an efficient highway network;

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

T13: car parking standards

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

Flats with communal parking - 1.5 spaces per unit.

Designing Walsall SPD

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

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

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

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

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

DW6 – Legibility: New development should contribute to creating a place that has a clear identity;

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

DW10 – new development should make a positive contribution to creating a sustainable environment.

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

Natural Environment SPD

NE1 and NE4: all relevant applications to be supported by an adequate impact assessment.

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

Protection is proposed for protected animals, plants etc.

Regional Spatial Strategy for the West Midlands

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

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

National Policy

PPS1: Promotes sustainable development and good design.

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

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

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

Consultations

Transportation – No objections. The applicant is seeking to reposition a number of plots and make a minor re-alignment to the western cul-de-sac. These changes do not affect the overall parking provision across the site as a whole and the re-alignment is minor in nature and will have no significant affect on the operation of the street.

Page 42 of 195

Pollution Control (Scientific Team) – No objections. Details regarding noise mitigation measures have already been provided and accepted under the earlier permission.

Pollution Control (Contaminated Land) – No objections.

Arboricultural Officer – No objections.

Environmental Health – No adverse comments.

Public Participation Responses

One letter of objection received referring to the following:

- Potential loss of trees along the boundary of the site and the objector's garden
- Proximity of the proposed dwellings to their existing dwelling that may be overbearing

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

Determining Issues

- Layout and Design
- Access and Parking
- Relationship with neighbouring properties
- Relationship with trees

Observations

Layout and Design

The general layout and arrangement of dwellings remains the same as that approved under application 07/1617/FL/E11 with the exception of the substituted house types on plots 34-37. These plots substitute 3 bedroom terrace houses with 3 bedroom semi-detached houses and have no adverse impact upon the layout or design. The other changes are primarily to create wider plots for detached housing on plots 11, 12, 54 and 55 allowing a greater gap along boundaries and detached garages on plots 12, 54 and 55 to be repositioned slightly to improve access for maintenance.

Repositioning the flats at the front of the site 1m nearer to Bridle Lane has no adverse impact upon the street scene, as the proposed dwellings sit back approximately 26m from the road frontage. Additional landscaping is also proposed in front of the building that will enhance the appearance of the site within the street scene.

The design of the dwelling types is almost identical to those approved under the earlier permission. The changes are minor cosmetic changes, such as, replacing arched headers above windows with straight headers and replacing French windows with patio windows. These changes will have no adverse impact upon the street scene and are considered acceptable.

The feature wall at the entrance to the site does not interfere with visibility at the junction or adjacent trees. It is considered to mark the entrance to this site and as it is

Page 43 of 195

set back from the Bridle Lane frontage slightly it does not appear obtrusive, particularly when viewed against the back drop of the retained trees and vegetation. It is considered not to harm the appearance of the development within the street scene and is therefore acceptable.

Access and Parking

The principal estate road within the site remains as approved. A slight rotation of the turning head serving plots 42-55 is proposed. The size of the turning head remains the same hence larger vehicles, such as waste collection lorries, will still be able to turn within this access. Transportation are satisfied that the changes will have no adverse impact upon the operation of the street or highway safety.

The parking arrangements and levels of parking throughout the site remain the same and are considered acceptable. The increased width of the drives to the plots has been incorporated to prevent the need to construct a separate pedestrian path to serve these dwellings and is also considered acceptable.

Relationship with neighbouring properties

The repositioning of plots 5-12 at the entrance to the site 1m further forward has no adverse impact upon surrounding properties residential amenities, as 24m separation between the nearest buildings (plots 5-10 and 130 Bridle Lane) remains. Repositioning of plots 51-53 further back draws them closer to the boundary and nearer to gardens of properties in Old Lindens Close but there remains in excess of 25m separation which accords with SPD guidance.

Substituting house types on plots 34-37 does not draw these dwellings any closer to adjacent property in Enterprise Drive and is therefore acceptable. Plots 28-33 have been repositioned closer to the turning head but there remains 22m separation between these flats and plots 25-27. As there are no directly facing elevations residential amenities are protected despite this separation distance not achieving 24m required by the SPD guidance.

The objector is concerned about potential loss of trees from the land separating their garden (Gunstock Close) and the application site. However, this land falls outside the application site and the proposals do not affect these trees. No changes to plots 25-27 nearest this boundary are proposed. There is approximately 35m separation between the new dwellings and properties in Gunstock Close therefore there will be no adverse impact upon outlook or privacy. It is considered that the dwellings will not be overbearing for these neighbouring properties.

Relationship with trees

The proposed repositioning and substituted plots do not have any adverse impact upon existing trees throughout the site. The majority of plots are no nearer to existing trees. The flats at the front of the site are 1m closer. However, the windowless gable elevation of these flats is nearest the trees and the building itself does not fall beneath the canopies. Although the front elevation of the building is 1m closer to proposed trees there are lounge bay windows facing hence there is a light source and outlook from different positions. The proposed planting is also controlled by requirement for a landscaping scheme to ensure a compatible species is chosen. In light of the above comments it is considered that the proposals have no greater impact upon retained trees than the existing permission.

Summary of Reasons for Granting Planning Permission

The principle of residential development is already established. The current proposal is for substitution of house types, repositioning some plots, realignment of a turning head and erection of a feature wall at the entrance. These are considered to be only minor changes that do not have any greater impact upon the layout, design or appearance of the proposals within the area or any adverse impact upon adjoining occupiers.

The means of access to the site remains unaltered and provision of parking remains the same. The realignment of the turning head serving the plots on the western side of the site still enables access by larger vehicles.

There will be no further loss of trees as a result of the proposals which addresses the objector's concern. In respect of any potential overbearing appearance of proposed new dwellings the repositioning of various plots is only slight (by just 1m), and does not draw properties so close to adjoining dwellings as to have an overbearing appearance or affect outlook or privacy.

For the above reasons the proposals are considered to comply with policies GP1, 2.2, 3.6, 3.7, GP2, GP4, GP7, ENV14, 3.16, ENV18, ENV23, ENV32, ENV33, ENV40, 6.3, H3, H9, H10, 3.116, 3.117, 7.1, T7 and T13 of Walsall Unitary Development Plan, Supplementary Planning Documents: Designing Walsall and Conserving Walsall's Natural Environment and the Regional Spatial Strategy for the West Midlands (RSS).

Recommendation: Grant Subject to conditions

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

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

2. This development shall not be carried out other than in conformity with the following approved plans and documents except insofar as may be otherwise required by other conditions: -

- Planning Layout (drwg no. 01 Rev U) received 20/04/09
- Red Line Ownership (drwg no. 101 Rev U) received 20/04/09
- Engineering Layout (drwg no E1 Rev R) received 23/03/09
- Ashbury General Arrangement Plans (drwg no. ASH/20 Rev B) received 20/04/09
- Ashbury Elevations (drwg no. ASH/30 Rev B) received 20/04/09
- Chester General Arrangement Plans (drwg no. CHE/20 Rev A) received 20/04/09
- Chester Elevations (drwg no. CHE/30 Rev A) received 20/04/09
- Douglas General Arrangements Plan (drwg no. DOU/20 Rev B) received 20/04/09
- Douglas Elevations (drwg no. DOU/30 Rev A) received 20/04/09
- Hurstwood General Arrangement Plans (drwg no. HUR/20 Rev B) received 20/04/09

Page 45 of 195

- Hurstwood Elevations (drwg no. HUR/30 Rev A) received 20/04/09
- Linford General Arrangement Plans (drwg no LIN/20 Rev B) received 20/04/09
- Linford Elevations (drwg no. LIN/30 Rev A) received 20/04/09
- Lynton Apartments General Arrangements Ground Floor (Plots 5-10)(drwg no. 0813/LYN/20-1C) received 15/05/09
- Lynton Apartments General Arrangements First Floor (Plots 5-10)(drwg no. 0813/LYN/21-1C) received 15/05/09
- Lynton Apartments General Arrangements Second Floor (Plots 5-10)(drwg no. 0813/LYN/22-1C) received 15/05/09
- Lynton Apartments Return Front Elevations (drwg no. 0813/LYN/31B received 15/05/09
- Lynton Apartments Front Elevations (drwg no. 0813/LYN/30B received 15/05/09
- Lynton Apartments Rear Elevations (drwg no. 0813/LYN/32B received 15/05/09
- Lynton Apartments General Arrangements Ground Floor (Plots 28-33)(drwg no. 0813/LYN/20-2C) received 20/04/09
- Lynton Apartments General Arrangements First Floor (Plots 28-33)(drwg no. 0813/LYN/21-2C) received 20/04/09
- Lynton Apartments General Arrangements Second Floor (Plots 28-33)(drwg no. 0813/LYN/22-2C) received 20/04/09
- Tolworth General Arrangement Plans (drwg no. TOL/20 Rev A) received 20/04/09
- Tolworth Elevations (drwg no. TOL/30 Rev B) received 20/04/09
- Westbourne General Arrangement Plans (drwg no. WES/20 Rev A) received 20/04/09
- Westbourne Elevations (drwg no. WES/20 Rev A) received 20/04/09
- Entrance Details (drwg no. EN1) received 23/03/09
- Large Bin Store Revision B received 23/03/09
- Materials Schedule Revision A received 23/03/09
- Design & Access Statement dated March 2009 received 23/03/09

Reason: To ensure that the development undertaken under this permission shall not be otherwise than in accordance with the terms of the application on the basis of which planning permission is granted, (except in so far as other conditions may so require).

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

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

4. The development shall not be occupied until the agreed noise mitigation measures approved in accordance with permission 07/1617/FL/E11, have been fully

implemented. The agreed measures shall be retained in accordance with the agreed details throughout the life of the development.

Reason: To ensure the satisfactory development of the site.

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

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

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

Reason: In the interests of the amenity.

7. Notwithstanding the submitted plans, the access ways, vehicle parking areas and manoeuvring spaces shall be hard-surfaced in materials to be agreed in writing by the Local Planning Authority. No dwelling shall be occupied until the access drives, vehicular turning areas and garage parking have been provided as shown on the approved plans. These areas shall thereafter be retained and used for no other purpose.

Reason: To ensure the satisfactory development of the site.

8. Visibility splays on driveways and access roads must be kept clear of landscaping over 600mm in height from carriageway level.

Reason: To maintain highway safety.

9. Prior to the commencement of the development hereby approved a Residential Travel Plan shall be first submitted to and agreed in writing by the Local Planning Authority and then implemented in accordance with the agreed details and retained throughout the life of the development.

Reason: In the interests of promoting sustainable travel

10. The development shall be constructed in accordance with the Code of Sustainable Homes '3 stars' or Eco Homes 'good' standard relating to energy efficiency / CO2, water efficiency, surface water management, site waste management, household waste management and use of materials, unless otherwise agreed in writing with the local planning authority.

Reason: In order to provide high performance sustainable homes and protect the environment in accordance with strategic policy aims 2.1, 2.2, 3.17 and 3.18 and policies GP2 and ENV39 of the Walsall Unitary Development Plan

11. No dwelling shall be constructed on plots 31-37 (consecutive) unless or until such time as the commercial uses and premises known as Jofson Limited and Paraday bordering the south west of the site have been brought forward for residential purposes in accordance with the Master Plan drawing shown on page 17 of the Design & Access Statement submitted with the application unless the Local Planning Authority agrees in writing to any variation.

Reason: To ensure the satisfactory development of the site and protect residential amenities.

Notes for applicant:

1. In relation to condition 3 - Bank and Public Holidays for this purpose shall be: Christmas Day, Boxing Day, New Years Day, Easter Monday, May Day, Spring Bank Holiday Monday and August Bank Holiday Monday.



To: DEVELOPMENT CONTROL
COMMITTEE

Report of Head of Planning and
Building Control, Regeneration
Directorate on 16 Jul 2009

REASON FOR BRINGING TO COMMITTEE: Major Application

Application Number: 08/1818/OL
Application Type: Outline Application
Applicant: Mr Mark Horsley
Proposal: Outline application (considering access only) for 90 residential units comprising, 9 two-bedroom flats, 10 two-bedroom bungalows, 34 three-bedroom houses, 21 four-bedroom houses and 16 five-bedroom houses. The proposals include a minimum of six zero energy dwellings. Vehicular and pedestrian access from Richards Street only with associated landscaping, car parking and other works.
Ward: Bentley & Darlaston North
Recommendation Summary: Refuse

Case Officer: Andrew Thompson
Telephone Number: 01922 652403
Agent:
Location: LAND BETWEEN
RICHARDS STREET AND
WHITWORTH CLOSE,
DARLASTON, WS10 8AJ

Expired: 23/06/2009



Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Walsall MBC. Licence Number LA 076414.

Application and Site Details

The application site is located on land between Richards Street and Whitworth Close opposite an existing area of open space to the east.

The site is on the edge of a large area of Core Employment Land, which has also been designated as part of the Darlaston Strategic Development Area. The site and its surroundings are strongly industrial in character, to the north and east. Immediately adjoining to the east is Manheim Car Auctions.

To the south there are residential properties but beyond this (to the south-east) is more employment land. Residential development is found primarily to the southwest and northwest of the site. Darlaston Town Centre is approximately 800metres to the southwest.

The site comprises two large warehouse buildings surrounded by a large area of hard surfacing used for vehicle manoeuvring and car parking on a total site area of about 2.44 hectares. Within the site are hedgerows and scattered trees have been planted around the boundaries of the site with a few areas of lawn and ornamental shrubs to the east of the buildings.

Along the southern boundary of the site is a raised embankment where trees have been planted. The height of the embankment is perhaps 4-5 metres above the surrounding neighbourhood, although its height is not constant. This wooded area separates the houses in Richards Street, Florian Grove and The Flatts from the industrial and commercial activity within the site and was constructed to achieve this.

The application is in outline with only access being considered at this stage. All pedestrian, cycling and vehicular access points are from Richards Street, and include a home zone area.

The application includes 6 zero energy dwellings and the applicant has committed to building the remainder of the development at Code for Sustainable Homes 3 stars standard.

The indicative plans show a housing mix comprising:-

- 9, two bed flats
- 10, two bed bungalows
- 34, three bedroom houses
- 21, four bedroom houses
- 16, five bedroom houses

The plans show the removal of part of the embankment and landscaping to the southern boundary (this would be mandatory given the proposed number of dwellings) and would involve the closure of the existing emergency access point on Richards Street

In addition to plans the application is accompanied by a range of information.

The applicants are aware of the designation of the site as a Core Employment Zone in the UDP (the objective of the Zone is explored below, but in essence is to reserve the area for employment uses), and have made submissions on the subject. Their

case to justify the departure is that that the following issues are material in overcoming the planning policy for the site:

1. The site constraints militate against using it for industry
2. The Government is increasingly recognising the potential contribution of housing land towards meeting housing targets
3. There is no prospect of the site being used in the future for employment related uses.
4. The proposal has good accessibility by a choice of means of transport
5. The dwellings would have excellent sustainability credentials

The applicant considers that these together outweigh the JP5 designation as core employment land.

Planning Statement

- The site is in a sustainable location.
- The proposals should not be considered solely on the employment land designation.
- There is a need for housing sites in the Borough.
- The site is not needed for employment uses
- Improves the environment
- Provides affordable housing
- A sustainable scheme

Marketing Assessment

- The site has been extensively marketed
- No interest has been forthcoming
- Planning constraints make the site unattractive
- Impact of Manheim Car Auctions (high levels of traffic on auction days)
- Distance from the motorway and poor profile
- The specialist nature of the buildings and the position on the buildings on site restricts the way in which the buildings can be used. Examples quoted include:
 - i) the long, thin design of the buildings,
 - ii) the number of roller shutters,
 - iii) layout of buildings restricts movement on the site,
 - iv) limited offices and toilet provision in the southern warehouse
 - v) too many offices in the northern warehouse
 - vi) height clearance under the offices in the northern warehouse is only 3.8m which is too low.

Investors are deterred by the poor quality of the buildings and that redevelopment is unattractive due to the poor access and the location on the periphery of the Darlaston Road network which could take 15-20 years to improve.

The Marketing Assessment considers that onerous planning conditions, and the layout and configuration of the buildings have limited appeal, and the location has limited appeal due to distance from the motorway and the impact on the motorway.

Report on Viability of Industrial Land

The report considers the continued use of the premises, and redevelopment for a large single operator, and supply and demand within the region, and current market conditions. The applicant considers that there is adequate supply in the Borough for the next five years and conclude:

The site is a very secondary location not recognised by tenants seeking industrial/warehousing space. The existing planning consent is far too restrictive to allow a suitable tenant to operate commercial business

The site is close to existing residential dwellings and is therefore not ideal for its existing use. The existing buildings are too long and thin and will only suit a very selective audience. The building would not divide well and the costs of carrying this out produce a negative value, therefore this is not viable.

The site's remediation costs make the redevelopment of the site unfeasible.

The current market conditions are in a downward cycle due to the current economic recession, and tenant demand is in decline for industrial space.

Supply of newer better located buildings is at a high with 5.1 million sq ft standing stock currently available.

The investment market for commercial property has suffered major decline Therefore the report considers that given the purchase price paid by the applicants the most viable option to dispose of the property is to pursue an enhanced planning permission for an alternative such as residential.

Other submitted information

The submitted Design and Access Statement sets out the locational aspect of the proposals, design considerations and how the applicant has sought to address these issues.

The habitat survey aims to demonstrate the ecological aspects of the proposals whilst concluding that further study is required to assess the full ecological potential of the site. The application also includes a tree survey.

The Flood Risk Assessment seeks to demonstrate that the development will not result in an adverse impact on flood risk.

The Geo-Environmental Investigation document seeks to assess and evaluate the contamination of the land and provide responses and recommendations to the issues raised for construction.

An Air Quality Assessment assesses issues in particular in relation to the impact from neighbouring industrial uses.

The submitted Noise Assessment seeks to assess the impact and relationship of the proposed residential development against neighbouring industrial development and suggesting appropriate mitigation methodology.

A Statement of Community Involvement shows the level of pre-application consultation that has been undertaken. This includes the presentation of the scheme to the Council's Development Team.

The applicant has also submitted a Sustainability Statement and Statement on Zero Energy Dwellings assesses the location of the site, the provision of zero energy dwellings and the relationship to the carbon footprint of the site.

The submitted Community Art Competition Report suggests a sculpture in the nearby Owens Park in place of public art provision. Also submitted is a Transport Assessment assessing the impact of the proposals on the local highways network.

Relevant Planning History

BB12663R – Outline application for the development of 15,000sq ft buildings for Class III or IV Use, and the remainder of the site (excluding an area of open space) for Class X Use at Land fronting Richards Street – Granted 19/07/1979.

BB14541R – Outline: Vehicle maintenance workshop and area transport depot – Granted 28/02/80

B.C.15137 – Reserved Matters to BB14541R: Vehicle maintenance workshop and area transport depot – Granted 3rd April 1980

BCW310 – Temporary Change of use from B2 to B8 – Granted 28th August 1992.

BCW470 – Permanent use for B8 storage and distribution (continuation of previous temporary use for B8 granted under BCW310) – Granted 24th April 1995

BCW571 – Change of use to Class B8 storage and distribution - Granted 20th September 1996.

BCW612 – Variation of condition nos. 7 & 11 of planning permission BCW571, relating to the location of loading/unloading and opening of roller shutter doors – Granted 27th June 1997

Relevant Planning Policy Summary

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

Adopted Unitary Development Plan

GP1: Supports the sustainable location of development.

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

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

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

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

4.4 and JP5 – seeks to safeguard core employment land for employment uses
ENV10 – deals with Pollution effects from developments including ground contamination and noise.

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

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

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

ENV36: seeks public art contributions to development

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

6.3 and H3: encourage the provision of additional housing through the re-use of previously developed land provided a satisfactory residential environment can be achieved and there is no overriding need for the land to be retained for employment or any other use.

H4 sets out the Council's policy to deliver affordable housing in the Borough

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

7.1: Seeks to promote an efficient highway network;

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

T12: seeks to achieve satisfactory access to public transport facilities and that residential development should not be more than 400m to a bus stop.

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

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

Flats with communal parking - 1.5 spaces per unit.

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

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

Supplementary Planning Documents (SPDs)

Designing Walsall SPD

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

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

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

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

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

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

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

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

The SPD also amplifies guidance on how public art contributions will be sought from development.

Natural Environment SPD

Policies N8, N9 & N10 deal with the need to fully assess, protect and secure compensatory planting for trees. Protection is proposed for protected species, and important wildlife, flora and fauna habitats. Discussed in further detail later in this report.

Affordable Housing SPD

Details the need for affordable housing in terms of the Borough's requirements and how this should be brought forward in developer contributions. The document has to be read in conjunction with the Council's Adopted Housing Needs Study.

Urban Open Space SPD

Amplifies the Council's policy for open space provision in the Borough and the calculation method for developer contributions

Education SPD

Amplifies the Council's policy for education provision in the Borough and the calculation method for developer contributions

Healthcare SPD

Amplifies the Council's policy for healthcare provision in the Borough and the calculation method for developer contributions.

Walsall Local Development Framework

Core Strategy

The Black Country Joint Core Strategy (JCS) has completed its Preferred Options Consultation. Whilst not formally part of the Development Plan (as defined by Section 38(6) of the Planning and Compulsory Purchase Act 2004), the JCS is a material consideration. Submission to the Secretary of State is anticipated in late 2009 following further public consultation. The broad principles of the UDP – e.g. the appropriate reuse of previously developed land, need to promote the town and district centres and high quality design are further advanced in the document taking account of recent national and regional planning guidance

The site is located in Regeneration Corridor 6 which identifies the broad area for investment to create high quality employment (110Ha). Including highway improvements to Darlaston Strategic Development Area with about 110ha for local employment.

Regional Spatial Strategy for the West Midlands (RSS11)

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

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

- a) to reverse out-migration accommodating within the Black Country all of the generated household growth from 2011 and meeting at least the identified levels of housing provision;
- b) to raise income levels raising demand and household incomes (average earnings, GDP per head and reducing unemployment) to the UK average by 2033;
- c) to create an inclusive and cohesive society within the Black Country removing barriers to opportunity and changing the socio economic mix by increasing the proportion of social grades A and B to match the national profile by 2033 or earlier; and
- d) to transform the Black Country Environment by protecting and enhancing the sub-region's environmental and heritage assets and biodiversity.

As part of the ongoing review of the RSS to produce regional targets to 2026, the RSS Phase Two Revision Preferred Option that has recently been reconsulted on and will be submitted to the Secretary of State indicates that between 2006 and 2026, Walsall should be looking to accommodate the annual housing land supply requirement for Walsall (amplified by Policies CF3 and CF6) (based on the adopted RSS) at a minimum of 500 dwellings per year until 2011 and 825 dwellings per year between 2011 and 2013. The revised RSS (Phase 2 revision, incorporating the Nathaniel Lichfield and Partners additional assessment) suggests this figure should then rise to 840 dwellings for the next five years.

Policies UR1 and UR1A indicate that urban renaissance will require an integrated approach to improving the urban environment, housing choice, access to jobs, transport efficiency, the distinctiveness of centres, and service delivery. To tackle these issues holistically requires integrating land-use decisions with other activities (such as education, health, community safety, leisure and environmental services) and joint working with others, including residential and business communities.

Policy UR1B, states

A) Within the growth corridors the Black Country Joint Core Strategy and Local Development Documents will define the Employment Land Investment Corridors [the application site is located in one of these areas] shown on the revised spatial strategy diagram.

B. Within the growth corridors and the Employment Land Investment Corridors, local authorities through the Joint Core Strategy and LDDs will:

- (i) identify and protect those sites most suitable for employment purposes to ensure the provision of subregional employment sites (10ha - 20 ha) and a portfolio of employment land,*
- (ii) identify sites, including through the transfer of employment land, for housing and mixed uses to ensure that the housing requirements in policy CF3 are met,*
- (iii) work towards the balanced development of both uses, and*
- (iv) produce water cycle strategies to ensure the quantity and quality of surface and ground water produced by developments does not exceed the capacity of supply and treatment infrastructure.*

Policies CF1, CF4 and CF5 seek to ensure that residential development is of a high standard and delivers affordable housing that meets local needs.

Policy PA1 (part A in particular) directs that Economic growth should, wherever possible, be focused on the Major Urban Areas (MUAs), with an emphasis on creating greater opportunities for development and support for existing economic activities within agreed regeneration areas. Policy PA2ii) also directs that in order to encourage urban renaissance and help reverse long-standing trends of decentralisation of economic activity and population and to encourage the regeneration of economies, policies and programmes of local authorities, AWM, local economic partnerships and other agencies should focus investment within the Regeneration Zones of the North Black Country and South Staffs (Future Foundations with this area being identified as an “Employment Land Investment Corridor”).

Policy PA6 part C and D are also important C. As part of the review of development plans local planning authorities should review all existing employment sites within their area to establish their continued suitability for employment development. This assessment should take account of:

- i) the physical suitability of the use of the land for employment purposes;
- ii) a realistic assessment of the market attractiveness of the site for employment purposes, irrespective of the attractiveness of the land for alternative, higher-value uses;
- iii) whether the site is or can be served by high-quality public transport; and
- iv) the likely level of employment land required over the plan period.

D. Where the above review establishes that existing employment sites have no realistic prospect of development under current market conditions in their current physical state within the plan period, careful consideration should be given to:

- i) what remedial action/infrastructure works will be required to justify the retention of the site within the portfolio; and
- ii) identification/re-allocation of the site for an alternative use or uses.

QE1, QE2, QE3, QE7, QE8 and QE10 seek to ensure high quality, sustainable design taking account of any natural environment interests and ensuring the development takes account of local surroundings and its context.

EN2 encourages proposals for the use of renewable energy resources, including biomass, onshore wind power, active solar systems, small scale hydro-electricity schemes and energy from waste combustion and landfill gas.

T2, T3, T4, T5 and T12 seeks to reduce the need to travel and promote sustainable modes of transport, have appropriate regard to car parking and transport movement and seek contributions to identified public transport projects from developers.

National Planning Policy

(The terms Planning Policy Statement and Planning Policy Guidance Note are abbreviated to PPS and PPG respectively).

PPS 1: Sets out the overarching planning policies on the delivery of sustainable development through the planning system. PPS1 indicates that planning policies should promote high quality inclusive design in the layout of new developments and individual buildings and that design which fails to take the opportunities available for

Page 57 of 195

improving the character and quality of an area should not be accepted.” Paragraphs 33 to 39 also state the importance of good design. A supplementary document has been published on the need to address climate change through the planning system.

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

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

PPS9 sets out planning policies on protection of biodiversity and geological conservation through the planning system. This should be read in conjunction with the associated Best Practice Guidance and Circular 06/2005 (Biodiversity and Geological Conservation -statutory obligations and their impact within the planning system) which requires survey work for protected species, if required, to be undertaken before planning permission is granted (paragraph 99).

PPS12 guides on Local Spatial Planning. PPG13 on transportation seeks to minimise the use of the car by the sustainable location of development.

PPS23 and PPS24 consider the requirements of development to take account of pollution, contamination and noise.

PPS25 seeks to ensure that appropriate safeguards from flooding are incorporated into new development. The use of Sustainable Drainage Systems and other methods to reduce rainwater runoff are encouraged.

Circular 02/99 (Environmental Impact Assessments), 07/99 (Departures and Development Plans), Circular 05/2005 (Planning Obligations) are of relevance (the latter with regard to the appropriate level of planning contributions that will be sought).

Consultations

Walsall Regeneration Company (WRC) – Object – despite several meetings and discussions, the application is not supported with a robust evidence based justification – reinforced by reference to a properly conducted up to date marketing campaign that provides a clear basis for a decision to take this site out of employment use at this juncture.

At the same time we are very aware that housing led regeneration within Darlaston is likely to be a significant driver for the town’s future prosperity. The Council are preparing their Strategic Regeneration Framework (SRF), with a clear focus on housing and town centre revitalisation. We are very much in support of a high quality

Page 58 of 195

housing offer as part of the holistic regeneration formula for building and reinforcing a higher quantity and quality of skills and employment opportunities for Darlaston. The SRF overlaps with the WRC's own work for the Darlaston Strategic Development Area which is also not yet at a mature stage. The MarCity evidence base does not support the aims of this initiative.

The WRC are also concerned that the proposal for delivery of 6 dwellings to a high standard of environmental sustainability (although laudable) may not be practically achievable. With only a handful of such dwellings built in the UK, it is a standard that is technically and financially extremely challenging to the industry. In the circumstances we would consider that a greater number of dwellings built to Code Levels 4 or 5 may be more deliverable and achieve an overall higher reduction in the carbon footprint of the development.

Delivery and Development Team – Object - Having considered the application, we do not believe that a strong enough justification has been provided for the loss of the employment land. There is no evidence of a recent marketing campaign to test the viability of this site as employment land, contrary to the advice given in pre-application meetings.

We also consider that the proposal to build 6 dwellings to Level 6 accreditation under the Code for Sustainable Homes may not be practically achievable and suggest that a lower level such as 5 or 4 would be more likely to be delivered. These lower levels are still considered to provide a high level of environmental sustainability and would be welcomed if the site were to eventually be developed for residential purposes. Similarly, the proposed bungalows would also be supported and welcomed.

The Whitworth Close site also falls within the boundary of the Darlaston Strategic Regeneration Framework (SRF) study area. The SRF study will focus on housing-led regeneration and town centre revitalisation, and will also consider the long-term sustainability of some of the employment areas in Darlaston. This study has only just commenced, therefore the final recommendations of this study will not be available until early 2010. If this application were to be resubmitted in 12 months time after the completion of the SRF, and depending on the conclusions of the SRF study, there may be an improved case for the development of this site for residential use.

In addition, consultants have been appointed to conduct a Strategic Housing Land Availability Assessment (SHLAA) for Walsall, whereby any site in the Borough can be considered for residential use in the future, including core employment land. The Whitworth Close site should be referred to this study if it has not already.

Economic Regeneration - Object in relation to the impact that residential development could have on neighbouring industry. Housing developments in close proximity to employment sites can cause severe disruption to operations and exacerbate disincentives to investment.

Given the current scarcity of good quality employment sites in Walsall, we would prefer to explore opportunities to stimulate commercial development rather than release employment land for residential.

Strategic Policy - Recommend refusal of this application, as contrary to JP5, and (potentially) T12, and taking account of PPS3/Employment Land Guidance Note; PPG4; the RSS and the JCS.

Housing Strategy - The scheme is supported subject to:

Planning viability

If planning policy issues are resolved and the scheme receives planning permission, then able to support it as a HCA (Homes and Communities Agency) grant funding application. However it should be noted that the scheme does not contribute to the key regional or local spatial priorities. The Council's local spatial priorities being towards housing development in Moxley, Goscote, Brownhills and Walsall Town Centre.

Housing mix

The property type and size mix is excellent and meets Walsall's Housing Need and Strategic priorities for bungalows and larger family homes. The overall tenure mix is agreed, but the detail may be subject to slight alteration. Support is also dependant on the provision of the 6 zero carbon homes and at least the 10 bungalows being fully wheelchair adapted. This has all been agreed with MarCity prior to the funding submission.

Grant rate

The grant rate being achievable for the HCA in the context of not adversely affecting the amount of funding remaining for Walsall Council priorities.

District Valuers Service (DVS)

The DVS have been instructed to consider two aspects – the current viability of the employment land and the S106 offer and commercial viability of the proposals. These are contained within the main body report. However broadly:

In terms of viability of employment use and marketing of the site.

The report of the DVS notes the current state of the market and that their own assessment is only valid for a short period due to the current state of the market and that the report does not set aside the long term planning aspirations of the Council or any regeneration strategy being progressed and the DVS Report is only valid for a period of three months.

The overall conclusion is that in the current climate the site would be difficult to for employment uses and the applicant has demonstrated that this is the case. However, regeneration of the area, improvements to the road system (which are planned) or relaxing of planning conditions may result in a viable scheme coming forward in the future as the market recovers.

S106 contributions and development viability

This report of the DVS considers several issues relating to rental income generated, the purchase price and the viability of a residential scheme. The report considers the amount of S106 contributions sought by the Council against those offered by the Developer with the report concluding that whilst the full level of S106 contributions cannot be met in the current market, a higher level than that offered (£145,000) could be achieved.

Transportation – No objection subject to conditions

Pollution Control (Contaminated Land Team) no objection to this development proposal subject to works being implemented to investigate and remediate any localised ground contamination and ground gas issues on the site associated with

Page 60 of 195

the former historical uses i.e. mining and quarrying, unknown filled ground and road haulage. Conditions to address these concerns have been provided.

Pollution Control Scientific Team – No objection subject to conditions.

Natural Environment Team (Nature Conservation) - Object

The site contains a small woodland and several tree and hedge lines which link into the wider green infrastructure in the neighbourhood. The small woodland on an embankment to the south of the site has recently been felled but is already regenerating. The existing trees and woodland should be properly retained within any development. It is questionable whether this has been achieved.

The Natural Environment Team are not convinced that the indicative landscape and ecological proposals are feasible as the potential space for them is very limited. Not all proposals are shown on the indicative landscape plan which does not give much confidence that the treatments can be incorporated.

With regard to landscape issues the proposal to construct housing inside a core industrial area. The boundary treatment proposed is inadequate compared with the substantial embankment and planting which currently separates the two uses. It is possible that the future of dirty or noisy industrial uses on the adjacent sites are under threat because they are incompatible with adjacent residential uses.

The eastern boundary is of particular concern because important screen planting is proposed in short rear gardens where there is a strong risk that shading will cause nuisance to future residents.

This is a site where housing could be feasible with more effective and substantial boundary landscaping. Reducing the number of units would resolve the landscape issues.

Natural Environment Team (Trees) – Object - The various access arrangements from Richards Street will result in the loss of numerous protected trees. They are of high amenity value and their loss will be detrimental to the amenity, aesthetic and landscape value of the area.

The indicative layout shows the removal of a significant amount of the banked area to the south of the site. This would also remove a large amount of regenerating protected woodland area trees with no indication of suitable replacement planting elsewhere.

The indicative layout comes in close proximity to the existing trees and gives rise to concerns over shading. This will lead to the Council being placed under pressure to allow severe pruning or felling of trees of high amenity value. This indicates that the proposed number of units is too high for the existing site constraints.

Centro - Whilst existing infrastructure is not affected by the proposal the site does not meet the Passenger Transport Authority's minimum standards for accessibility by public transport. The nearest bus stops to the development are over 400 metres from the site on The Green and the most frequent route, the 333, only provides 2 buses per hour Monday to Saturday in the peaks and daytime, with an hourly service at all other times. A residential travel plan and developer contributions are required to address this shortfall. In addition the site is in walking distance to the proposed 5W

Page 61 of 195

Metro stop at Darlaston Green and therefore should contribute towards the delivery of this infrastructure.

Environment Agency – No objection subject to appropriate conditions.

Built Environment Team (Urban Design) – Object on the grounds that the applicant has failed to conclusively demonstrate the quantum of development can be satisfactorily accommodated on the site without compromising residential amenity, the natural environment and protected trees.

The proximity of the industrial uses immediately to the north of the development site causes concern for the impact upon the proposed residential properties next to the boundary. The relationship to the existing embankment is unsatisfactory and the indicative layout has failed to take into account the site's constraints. As such it is the view of Urban Design Officers that the proposals have failed to demonstrate that the quantum of development can be accommodated on the site.

In terms of more detailed consideration of the indicative layout there has been no change in our previous comments. The scheme lacks a sense of place or local distinctive and whilst this could be improved to a degree by high quality housing architecture and public realm, the fundamental lack of innovation in the layout design would undermine achieving this. The scheme relies on numerical dimensions rather than innovative and high quality design that draws in particular on the principles of character, legibility and high quality public realm.

Education - The level of surplus places in local primary schools is above 10% so no contribution is required for this phase. However, the level of surplus places in local secondary schools is below 10% and therefore we do require a contribution towards secondary school provision.

The contribution calculation is sensitive to the type and mix of dwellings to be built. It involves combining the expected pupil yield for the development by a Building Cost Multiplier provided by the DCSF at the start of every financial year. Based on current prices and calculation methods and within the Adopted Supplementary Planning Document would seek a contribution of £226,642.30. based on the mix shown on the submitted indicative plans.

Fire Service – There should be vehicle access to within 45m of all points within each dwelling.

Access and Disability Officer – No objections

Building Control (Safety) – No objection subject to an informative requesting that Building Control be made aware of any demolitions

West Midlands Police Authority – based on the indicative plans seeks a contribution of £195.68 per household created, equating to a total sum of £22,307.42. The development should meet Secured by Design standards.

Green Space – Based on indicative plans submitted with the application a sum of £210,642 would be sought in line with the Council's Adopted SPD

Healthcare – Based on indicative plans submitted with the application a sum of £116,827.20 would be sought in line with the Council's Adopted SPD

Public Art – This development would be subject to a public art contribution of £350 per dwelling which totals £31,500 via a Section 106 contribution. No on-site public art is being sought by the council so in accordance with Policy DW9 and Appendix D of Designing Walsall SPD and the emerging public art framework the full Section 106 amount will be sought. The SPD promotes a strategic approach to public art provision through community arts, art in public spaces and art as public places and public realm. The accumulation of Section 106 funds from developments across the Darlaston area will allow more thoughtful and effective art projects to be undertaken rather than the installation of individual artworks on separate developments across the same geographical area. For these reasons, whilst the reference and commitment to public art in the planning submission is welcomed, the proposed approach to provide it all on-site at Owens Park is not supported as this is seen as contrary to the distribution of funds as outlined in Designing Walsall SPD, which will be reinforced through the emerging public art framework.

Public Participation Responses

Darlaston Strategic Regeneration Framework Project Reference Group (PRG) – Support residential development on this site despite being contrary to UDP Policy. The site is considered by the local community as being under utilised and the potential for an alternative and viable use should be strongly investigated, and where possible realised. The PRG was keen to support the development and recommend that it should take place as soon as possible and that this should be enforced by condition.

The development should continue to consider an environmentally sustainable approach as a) a method of leveraging funding and b) as a benchmark for an environmental focus for future development within the wider Darlaston area (including residential and town centre development under the SRF work and employment led regeneration under the WRC within the Darlaston Strategic Development Area).

In relation to the amended plans:

Manheim Car Auctions maintain their objection to the proposals on the grounds that houses on the eastern boundary will be adversely affected by the operations and that the buffer strip shown should be increased to at least 5 metres as the preparation and movement of vehicles occurs throughout the opening hours of Manheim Car Auctions (which is unrestricted). Also concerned that the proposed cul-de-sac may result in use by residents and conflict in commercial and residential traffic with users of the car auction site using the development for parking.

In addition the following response was received to the original plans:

One letter received from a neighbouring resident objecting to the loss of the trees and adverse impact on the natural environment, proximity of the housing to the boundary as shown on the plans, the impact of the proposals due to the change in levels, and the loss of employment land is the wrong approach in the long term. Also question the impact of the access point on Richards Street and whether 114 dwellings are too many for the site.

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

Page 63 of 195

Determining Issues

- Core Employment Policy and Employment Land Supply
- The potential contribution of housing land towards meeting housing targets and meeting housing need
- Northgate Appeal Decision
- The prospect of the site being used in the future for employment related uses and the Darlaston Strategic Development Area (DSDA) and employment land viability
- The dwellings would have excellent sustainability credentials and has good accessibility by a choice of means of transport.
- The site constraints
- Ecology, landscape and tree issues
- Vehicular Access and Pedestrian Access points
- The indicative layout
- Objections from neighbouring commercial occupier
- Affordable Housing, Education, Healthcare, Open Space, Public Transport, Police and Public Art Contributions

Observations

Core Employment Policy and Employment Land Supply

The central issue to this proposal is that the application site is subject to Policy JP5. The policy seeks to protect our best employment land., and states:

“(a) The core employment areas are shown on the Proposals Map. These areas will be safeguarded for core employment uses, permissions for which may be subject to conditions to prohibit change to other uses, such as Class B1(a) offices. Proposals for other uses will only be permitted where it can be demonstrated that:-

I. A need would be met which could not be satisfied elsewhere in the Borough; or

II. The range and quality of employment opportunities would be significantly increased.

(b) When windfall sites or buildings in core employment areas come forward for reuse or redevelopment they will normally be safeguarded for core employment uses according to the above policy.”

The comments from Strategic Policy and Economic Regeneration identify the importance of keeping this site in employment uses. Therefore, the presumption is to retain the site in employment use unless there is a material consideration that outweighs this retention. The applicant's case to justify the Departure has been set out.

GVA Grimley as part of the Joint Core Strategy evidence base highlighted that the required development path for the Black Country economy is based on a restructuring towards, service sector, office based activities and the comparative advantage that the location has in relation to logistics. The GVA assessment also highlighted the need for a cautious approach to the release of employment land.

The GVA Grimley review also states that Walsall will have a deficit in employment land by 2026.

Walsall's overall deficit would be at best 6 -9ha at 2026 but after the sensitivity analysis is applied – the worst case scenario - this could rise to between -36 and - 62ha.

The Black Country supply is a part of the Joint Core Strategy process and including the calculation of the industrial land supply means that Walsall and Wolverhampton will have to help meet the overall Black Country supply. This deficit could be between 289ha and 400ha.

The policy tests are not disputed by the applicant and it is acknowledged the proposals do not conform to the Core Employment policy. Therefore the test is whether or not there are any special circumstances to this case that would justify the change of allocation to residential use. Consideration of such issues is discussed below.

The evidence base urges a cautious approach towards the release of employment land and this is consistent with the robust protection of Core Employment Areas.

The proposals would fail in this regard and negatively impact on the supply of employment land in the Borough and the Black Country as a whole.

The potential contribution of housing land towards meeting housing targets and meeting housing need.

One of the principle issues that would justify the release of land would be if the Council was not meeting its housing targets but there is no housing land supply requirement.

In assessing the next 5 years supply (as required by PPS3) the annual requirement (based on the adopted RSS) is a minimum of 500 dwellings per annum until 2011 and 825 dwellings between the years of 2011 and 2013. The revised RSS (Phase 2 revision, incorporating the Nathaniel Lichfield and Partners additional assessment) suggests this figure should rise to 840 dwellings per annum for the next five years.

Capacity of current known supply (allocations and commitments) is 11,329 dwellings in Walsall. This is discounted against risk of non-delivery (75% on commitments and 65% on other sites) to a level of 7,990 dwellings (known as the constrained supply).

The five year requirement in the current RSS is 3,150 and in RSS Phase Two Revision Preferred Option is 4,200 (gross equivalent). Therefore both these figures are significantly exceeded.

There is a strong argument for a windfall allowance in advance of a UDP replacement. Based on the last 6 years (2002-2008) Walsall has approved 7,885 dwellings at an average of 1,314 per annum. Using this average for the next 5 years and, applying a higher risk of non-delivery (40% completion rate), this could take the constrained supply up to 10,618 dwellings.

There is also a need to evaluate building patterns over the past years and whether at the current rate of building (i.e. over the past decade) a higher rate of building has taken place.

Monitoring data shows that development (i.e. completions) in Walsall has peaked in two years – these being 1997-1998 and 2004-2005 - at approximately 800 dwellings (811 and 793 respectively). However, in other years this figure has dropped to as low as 327 in 2001-2002. The average completion rate for the last 11 years (i.e. 1st April 1997 to 31st March 2008) is 589 dwellings (6,482 total). Removing the peak of 1997-1998, i.e. considering the last 10 years, this figure drops to 567 per annum.

Page 65 of 195

Therefore based on the build rate for the past 10 years Walsall's current commitments will give a housing land supply of 19.9 years (based on unconstrained figure) and

14.1 years based on the discounted figure. Including a windfall allowance this figure rises again to 18.7 years supply.

Based on the current RSS figures the supply of housing is:

Unconstrained: 17.9 years

Discounted: 12.6 years

Discounted plus windfall allowance: 16.8 years

Based on the revised RSS figures the supply of housing is:

Unconstrained: 13.4 years

Discounted: 9.5 years

Discounted plus windfall allowance: 12.6 years

In line with the Vision for the Black Country this will be based on a polycentric social and economic fabric. One of the key changes to the new fabric will be the re-use of industrial land and the creation of logistics zones.

The Joint Core Strategy will address the actual and perceived low quality environment, across all locations. The separate initiative to create an urban park and related physical improvement is an essential pre-requisite to achieving the desired transformation.

Overall, Walsall is already well in excess of its RSS target of using brownfield land for housing. Walsall's housing land supply is significantly in excess of the 5 year requirements detailed in PPS3. Paragraph 4.6B of the RSS states that the release of former employment sites for housing will only be considered if there is an adequate supply of good quality employment land is maintained in the Black Country.

Whilst the application is in outline, the proposed mix is included within the development description and therefore a consideration and the comments of Housing Strategy are an important consideration.

Having regard to the large amount of affordable housing (in particular 2 and 3 bedroom units) in the immediate area and with regard to the overall need for accommodation identified in the Housing Strategy (2008-11) and Housing Needs Study (2008), the Council supports the delivery of bungalows and five-bedroom houses. The remainder of the accommodation is already satisfied in the Borough and as such any additional accommodation of this type would not meet an established need in the Borough.

The applicant has indicated in their Planning Statement that they are seeking to provide a high level of affordable housing (70%), however the submitted viability statement to justify 25% in line with Council's adopted policy. The applicant has confirmed that the only lower level (25%) is guaranteed with the remainder not being part of the S106 offer and being dependent on obtaining national funding. There are significant questions therefore as how the higher level is proposed to be secured and

delivered and whether this is viable (even with HCA funding). With regard to the high level of affordable housing the Council would not support a 100% affordable scheme.

Therefore it is the view of officers that

1. there is ample supply of housing land within the Borough
2. there is no requirement to locate these units in this specific location
2. this provision could be located within developments elsewhere in the Darlaston area
3. given the position with regard to the offer of affordable housing, this provision cannot set aside the overarching employment policy in this instance.

The Northgate Appeal Decision

An outline planning application (reference 07/2559/OL/E11) for residential development on core employment land in Aldridge was refused in June 2008. An appeal has been dismissed on policy grounds relating to the Core Employment Area [CEA] and associated policy. The appeal raises similar issues and debates.

With regard to purpose of Core Employment Areas and Policy JP5 the Inspector comments:

"It is the purpose of policy JP5 to ensure that these [Core Employment] areas, the best industrial areas that Walsall has to offer, will be retained for these uses. They are strategic employment areas, where their critical mass, as well as the quality of individual sites within them is important. Historically, the Borough has had a fragmented portfolio of employment sites that are generally less well suited to modern industry as a whole. Policy JP5 provides a policy framework for securing a sufficient critical mass of industrial land that will enable the creation of large sites and the clustering of use related smaller enterprises. Whilst in the current recession these factors will not alone be enough for firms to remain solvent, in my opinion, they provide the necessary pre-requisite for the Borough's long-term economic regeneration prospects.

The Inspector also noted with regard to the impact on neighbouring industrial sites and the creation of a precedent:

"I consider that it is highly likely that granting permission in this case would increase 'hope' value of neighbouring industrial sites, including that to the south. That owner has expressed an interest in the residential redevelopment of his site and the Appellant's indicative layouts show how it could be connected to the appeal site. Thus, this is a realistic outcome, which notwithstanding the need to justify individual cases, the Council would find increasingly difficult to resist, and which could result in a creeping erosion and fragmentation of the CEA that would be contrary to the Council's economic regeneration aims for the Borough.

I conclude that cumulatively, these consequences would result in loss of cohesion and functioning of the CEA, loss of overall provision for employment land and the thwarting of the regeneration aims for the Borough."

With regard to the Employment Land Supply in the Borough the Inspector noted:

"I am not convinced that there is a significant over-supply of vacant employment floorspace or land in Walsall. Consequently, I conclude that

Page 67 of 195

the loss of the appeal site would result in a material reduction in the supply of employment land in the Borough.”

The overall conclusion on the development proposals were that:

“my conclusions on this key issue are that the development is contrary to policy JP5 and, furthermore, that it would result in loss of cohesion of the CEA, the loss of valuable employment land and consequently, that it would hinder the economic regeneration aims for the Borough. I further conclude that neither individually nor collectively the material considerations presented by the Appellant in support of the proposal are sufficient to outweigh its conflict with the development plan and the harm that it would cause to the wider economy of the Borough”.

The appeal site is in a similar position in relation to the Core Employment Area (being on the edge of the Area), there are no significant changes to the Employment Land Supply assessment and therefore this decision adds further weight against the proposals in this application and supports the Council's case for retention of the land in employment use.

The prospect of the site being used in the future for employment related uses and the Darlaston Strategic Development Area (DSDA) and employment land viability

Even assuming that the site is not suitable for industry at the moment it could serve as part of a larger development that better meets the needs of industry in the future. PPS3 refers to the 2004 Employment Land Guidance Note. In paragraph 4.30, the Guidance Note states “*strategic planning factors, for example where a site is key to delivering economic development objectives or an overriding spatial vision or indeed forms part of a wider regeneration proposal, may support retention of an apparently unsustainable site. Sites, which are marginal or give ambiguous results, in terms of sustainability, should be left in the frame for more detailed appraisal.*”

The site is identified for strategic planning purposes as within a Core Employment Area, and also could form part of the high quality land supply identified in emerging Joint Core Strategy Regeneration Corridor 6.

Walsall Regeneration Company and the Council's Delivery and Development Team, who are preparing strategies for this area, both object to the proposals.

Walsall Regeneration Company (WRC) is supportive of the need for employment led regeneration and the need to bring forward sites in line with the Vision for the area. The Vision is as follows:

“Darlaston Strategic Development Area is a major strategic location of more than 54 developable acres, Darlaston SDA represents one of the West Midlands’ prime regeneration opportunities.

Falling both sides of the M6 at the very heart of the national motorway network, and with easy access to Birmingham International Airport, Darlaston SDA presents a compelling case for national and international companies looking to establish a high profile presence.

With substantial investment required to remediate the land, WRC's strategy is built around a clear focus on delivering solutions. Establishing a close working

Page 68 of 195

relationship with the Environment Agency, the approach is recognised as an innovative model of best practice. This has encouraged regional development agency Advantage West Midlands to acquire a key site within the SDA to kick-start development. Pilot remediation is planned to commence in early 2009 with full engineering works to follow.

WRC is seeking to create a high quality environment, emphasising the area's heritage and canal, forming an early feature of the Black Country Urban Park.

Links to Walsall Gigaport (Walsall's town centre office corridor development) by fibre optic cable will give businesses locating here broadband at speeds of a gigabyte a second, 120 times faster than normal, in both directions. Truly a fifth 'Industrial Revolution' on sites that once housed the 'engine room' of the first. With connectivity at the speed of light the platform is there for inspirational transformation, leading the way for the Black Country and West Midlands. Darlaston SDA has the potential to create between 2,500 and 4,500 jobs with 21st century skills."

The work is ongoing and no specific site evaluation or public consultation has taken place on any strategy or document. The site allocation within the Core Strategy for employment purposes is also salient. It is noted that no representations have been received to the Core Strategy consultation in relation to this site. As such the proposals are considered to be premature to be considered whether they are in compliance with the forthcoming strategy for the area and whether infrastructure improvements planned in the near future will have an impact on the surrounding area.

The employment land viability is considered in the following aspects

- i) Walsall Regeneration Company work on the Darlaston Strategic Development Area
- ii) The Council's own work including the Strategic Regeneration Framework and Joint Core Strategy (through the report of GVA Grimley)
- iii) The Northgate Appeal Decision
- iv) The report submitted by the applicant
- v) The report of the District Valuers Service

With regard to points i) and ii) this is detailed above and the objections of all consultees to the proposals are noted. The conclusions of the Northgate appeal are also discussed above and this also lends no support to the application.

In so far as the applicant's report Officers have the following response:

- The site is a very secondary location not recognised by tenants seeking industrial/warehousing space.

Acknowledged however this does not take into account the regeneration initiatives or the supply and demand for employment land, in addition a wide range of employment sites are required in order to provide for a diverse range of users. Not all are likely to be capable of accommodating large, single user developments.

- The existing planning consent is far too restrictive to allow a suitable tenant to operate a commercial business

As previously highlighted it is noted that the applicant has not sought to vary the planning conditions. In addition the site has, until recently, been operating as an employment use

- The site is close to existing residential dwellings and is therefore not ideal for its existing use.

The site was designed to accommodate this with the landscape bund between the employment and residential properties. Conversely this also confirms Officers concerns with regard to the potential impact on the future viability of other commercial operators if residential encroached further into the Core Employment Area.

- The existing buildings are too long and thin and will only suit a very selective audience.

Noted, however, these have been operational for some time and the buildings have remained in use until recently. The proposals may need to be remodelled and improved in order to be attractive to the market, this may involve a short term loss in order to gain long term viability.

- The remediation costs make the redevelopment of the site unfeasible.

The remediation costs are equally restrictive, if not more so, for residential use.

- The building would not divide well and the costs of carrying this out produce a negative value therefore this is not viable.

Whilst the current viability is not disputed, the long term viability is currently unknown. Indeed the DVS report on viability is valid for a period of three months and reviews the current situation. The impact of regeneration projects such as the IMI works and planned improvements to infrastructure could have an impact on the site and demand for industrial uses in the area. It is therefore important that the proposals take account of the report on employment land provision and the future work on the Employment Land Supply within the Core Strategy and Darlaston specific regeneration (both within the Council and the Regeneration Company). The proposals are noted supported by this work.

- The current markets conditions are in a downward cycle due to the current economic recession, and tenant demand is in decline for industrial space.

Current market conditions stretch beyond the industrial sector to the construction and development industry as a whole. The short-term construction jobs are off-set by the long term loss of employment provision and the potential impact on other commercial operators. The long term requirement for employment land is also shown to be at a deficit within the Borough and any loss of areas should be considered through Development Plan Documents and full evidence based assessment of the long term provision of jobs to which Darlaston and this application site play a key role.

- Supply of newer better located buildings is at a high with 5.1million sq ft standing stock currently available.

The applicant has submitted a list of available premises. A significant majority are not in this Borough, nor in the Black Country. Some of the sites identified are not in the West Midlands Region. Therefore, the evidence base to the Joint Core Strategy is of more relevance which shows that there is likely to be a long term deficit of employment land. This is discussed above and has been supported in the Northgate Appeal.

Therefore whilst the applicant considers that the most viable option is to dispose of the site to an enhanced planning permission, such as residential use, Officers maintain the view that the long term requirements and the lack of employment land in the Borough do not support the loss of employment land in this location.

The Site Constraints

The applicant's stated constraints stem from the housing immediately to the south. But allowing housing on this site would not solve this problem – it could simply move the problems further into the industrial area and have an adverse effect on operations there – e.g. to the coachbuilders and manufacturing uses to the north.

PPG4 (paragraph 18), highlights the implications of residential development proposed in the vicinity of industrial activity, and this is relevant here. This paragraph states:

“Planning authorities should consider carefully whether particular proposals for new development may be incompatible with existing industrial and commercial activities. The juxtaposition of incompatible uses can cause problems for the occupiers both of the new and of the existing development. For example, where residential development is proposed in the vicinity of existing industrial uses, the expectations of the residents may exceed the standards applied by the planning authority, and may give rise to pressure to curtail the industrial use. This may be a particularly acute problem where other legislation, such as that relating to environmental pollution or public health, might subsequently result in costly new conditions or restrictions being imposed on the industry as a consequence of the new neighbouring development.”

There are planning conditions on the site which limit the hours of loading and unloading outside the buildings outside the hours of 10pm and 7am and require the closure of roller shutters during these times if the buildings are in operation. Other conditions prevent outside storage and that access to the Richard Street shall be for emergency purposes only. Whilst these conditions are restrictive, they are not considered by Officers to be overly onerous nor have they been challenged by the applicant. They reinforce the importance of a buffer between housing and unrestricted employment uses.

Whilst site constraints exist limiting hours of operation outside the buildings between 7am and 10pm these are not overly onerous or restrictive of the use of the site and officers consider that the buildings themselves are a greater constraint to the continued use of the land. The buildings are becoming outdated and were built to a specific end-user/design methodology which is now no longer up-to-date. This is supported by the applicant's marketing assessment (paragraph 6.1) which states that although the buildings are well presented, they are starting to “show their age”. In addition the Marketing Assessment identifies other issues (set out in the opening passages of this report). However, redevelopment of the site for employment uses

can resolve some of these issues. There is no support in this issue for the concept that this should cease to be an employment site.

The proposals would not result in the range and quality of employment opportunities being significantly increased and Officers reject the assertion that the site constraints militate against using it for industry and consider that residential use on this site could result in adverse impacts on neighbouring commercial operators resulting in the loss of further employment land. It is considered that redevelopment of the site, but for employment uses, should be the primary focus for marketing of the site.

If this application were approved, the precedent would be set for other sites, particularly those neighboring the application site, which could replicate this argument and therefore lead to the piecemeal and significant loss of core employment land. There is also concern that release of this land would compromise wider regeneration of the area under the Darlaston Strategic Development Area (DSDA) and continued operations of other commercial operators in the area, particularly those which are noisy and / or could cause air quality issues and also on traffic generation, movement and highway safety in the area.

The Departure cannot be justified by this aspect.

The dwellings would have excellent sustainability credentials and and has good accessibility by a choice of means of transport

Sustainability is a wide ranging word and has significant implications. The applicant, in referring to 'sustainability' considers the development in relation to the built form of the development and settlement pattern – i.e. the proposed zero energy development and using level 3 of the Code for Sustainable Homes over the rest of the development.

However officers consider that this is simplistic and fails to consider wholly the criteria of sustainability in terms of the Brundtland Report definition i.e. "meets the needs of the present without compromising the ability of future generations to meet their own needs." The concept of sustainable development focused attention on finding strategies to promote economic and social development in ways that avoid environmental degradation, over-exploitation or pollution, and sidelined less productive debates about whether to prioritize development or the environment

Economically, this is considered above. There is a clear need to retain the land for employment uses and to ensure that the employment land is provided in sustainable locations. The limited economic benefits of the development would not be long lasting and would not result in substantive economic improvement over the use of the land for employment purposes.

Socially there would be limited benefit from the proposals and unless the existing employment activity is upgraded there would be little social benefit from the retention of the proposals. Overall this is considered to be a neutral factor.

Environmentally whilst it is recognised that the development would include an element of sustainable construction, the development industry will be required to build to Level 3 standard in 2010 leading to the Government target of zero energy development by 2016 (as amplified by the Government on 17th December 2008). There is a distinct possibility that by the time the proposals would be built, more stringent environment standards to building will be in place.

Other environmental factors to consider are the ecological factors and the effect of low-carbon buildings will be negated if developments are located too far from public transport and walking distance of a range of day to day facilities, thereby increasing the potential for increased car usage. Therefore whilst there are some positive environmental aspects to the development, the potential impact of the development on the ecological factors, the lack of public transport facilities in walking distance from the proposals and the need to supply jobs in sustainable locations. As such, there is at best a neutral impact in terms of sustainability.

It is agreed that the site fulfils Policy T11 of the UDP in being less than 1000m walking distance (by adopted pedestrian routes) of Darlaston District Centre. However, the position is borderline in relation to bus stops being about 450m (serving the Walsall route) and further away for the other direction. The site therefore does not meet the Passenger Transport Authority's minimum standards for accessibility by public transport. The nearest bus stops to the development are over 400 metres from the site on The Green and the most frequent route, the 333, only provides 2 buses per hour Monday to Saturday in the peaks and daytime, with an hourly service at all other times.

Although fairly close to the site, the current proposals for the 5Ws Metro/Rapid Transit route would not affect or be affected by the development, however, the proposed Darlaston Green Stop is within walking distance of the site and could significantly increase the public transport accessibility of the development.

The site does not therefore benefit from a good accessibility to a choice of means of transport and would require significant contributions to public transport and a robust residential travel plan in order to meet this claim.

Ecology, landscape and tree issues

The objections of the Natural Environment Team are noted. Whilst the amount of development has been reduced in the amended submission there remain questions as to whether the development shown can be accommodated on the site.

The indicative layout shows a barrier of planting no more than about 4 metres wide along the northern boundary. Along the eastern boundary a similar width of planting is proposed but there are a number of places where hard surfacing and built development encroaches close to the boundary preventing effective screening. It is unlikely that such relatively narrow belts of planting will effectively screen the adjacent land uses from a new housing development. Natural Environment Officers do not believe that there is much scope to increase the width of boundary planting without significantly reducing the amount of developable land or robbing more land from the southern tree belt.

Protected species issues

A bat and black redstart survey was submitted by Middlemarch Environment. It found the buildings on the site unsuitable for roosting bats and the site unsuitable for black redstarts. This is not disputed. However, no field work has been carried out to assess the importance of the site for foraging and commuting routes for bats. If the development layout submitted with the application is constructed it could, at least in part, be mitigated by additional planting and management of some of the areas already damaged however there is a significant risk that there is insufficient room for the planting proposed, to grow without causing shading problems to future residents.

Page 73 of 195

It is unlikely that any other protected species occur on the site.

Despite misgivings about the retention of bat foraging and commuting habitat, Officers conclude that there are no protected species reasons for refusing the application.

Habitat issues

The most important habitat feature is the woodland growing on an embankment on the southern part of the site. This woodland area, as stated above, was largely felled in the autumn/ winter of 2008 by the applicants. Some trees remain immediately adjacent to the existing houses. A recent visit indicates that significant numbers of trees are regenerating both from the stumps of felled trees and through seedlings which were not removed. Left to its own devices, this woodland would regenerate in a relatively short period.

Tree and hedge lines around the exterior of the site have not been removed.

The Phase 1 habitat survey provided was sketchy, although it is accepted that the site contains nothing that would justify designation as either a Site of Importance for Nature Conservation or a Site of Local Importance for Nature Conservation.

The Natural Environment Team found in their own site visits a number of the uncommon Earth Star Fungus which was subsequently confirmed by the applicant's consultants.

Whilst habitats present are not of national or regional importance, there is no doubt that the existing features are locally significant in providing potential habitat for birds, mammals and invertebrates. The structural diversity of the vegetation is notable in a part of the borough with relatively few wildlife habitats as are the habitat corridors within the site linking into the wider landscape.

Landscape issues

The existing trees growing on the site are visually important in providing substantial planting in the neighbourhood and in separating the industrial uses from the residential. The woodland on the raised embankment to the south is visually prominent in the landscape. Existing features on the site should be incorporated into the development in accordance with UDP policy ENV32 Design and Development Proposals.

Middlemarch Environmental has submitted a Biodiversity Enhancement Plan with the application. This proposes the following features for wildlife:

- Short turf with low growing wildflowers;
- Wildflower-rich swards;
- Ruderal vegetation;
- Native tree and shrub planting;
- Dead wood habitats;
- Pond;
- Native hedgerows.

While the species lists proposed have been incorporated onto the indicative landscape plan, the locations where each treatment is proposed are often unclear. Wildflower grasslands need to be a certain size to make the specialist management viable. There is not much space for any more than quite minimal habitat creation. It

Page 74 of 195

may be better to concentrate on fewer, larger habitat types. However, the treatments are indicative only. It is hard to see how these proposals (which are not even all depicted on an indicative landscape plan) can be secured.

Tree issues

TPO 1 of 2009 covers a large area of trees whether they be individual, in groups or as part of a woodland. The southern end of this site is covered by a woodland TPO containing mixed deciduous species. It was placed on a raised banking area that used to be totally covered in trees until a large amount of them were felled (prior to the TPO being made). However, it was considered, given the nature of the site, regeneration would occur and the woodland would return in a short period of time. Recent site visits have indeed indicated that this is the case.

The indicative landscape plans submitted with the proposal show that a large amount of the wooded area to the south would be lost due to the construction of 10 bungalows and a pair of semi detached units. A small area of trees in the western section of the Woodland area would also be lost for the construction of 2 pairs of semi detached units.

At present, the banked area covers approx. 4536m². The proposal would result in the loss of approx. 2131m², which equals approx. 47%. It is recognised that there is indicative supplementary planting however, it will not substitute for the loss of such a large area, particularly one where, even small trees, are protected by law.

The proposal also includes the pedestrian and vehicular access points off Richards Street. This area has several trees that are covered by TPO 1 of 2009, the vast majority of which will be affected by the proposal. The whole of Group 3 (7 Silver Birch) and the individual tree T17, a London Plane, will be lost due to the construction of the site access. T16 is indicated as being retained although it is doubtful if it could be retained due to the construction of the access. Of the remainder of the trees, 4 are to be removed and 6 are to be retained. However, 3 of the 6 trees to be removed will be significantly affected by the proposals to construct vehicular and pedestrian access points to indicative Plots 7 & 8, bringing the total number of trees removed to 7 (out of 10 trees). These trees have high amenity value at present and have significant potential to increase. There is also concern over T11 and T12 as they are indicated as being incorporated into the Homezone area, which increases the impact on these trees.

There are some concerns over the layout in places as some of the units are situated in areas where future shading from tree growth will be a major factor and place the Council under significant pressure to allow severe pruning or felling.

Conclusion on the impact on natural environment issues.

This application is somewhat unsatisfactory for a number of reasons. The main problem is a lack of certainty about the scheme which will be eventually submitted if outline planning permission is granted. This is a site with natural features worthy of retention and in a sensitive location at the junction of residential and industrial uses. Officers are not convinced that the indicative scheme provided addresses these issues satisfactorily. This is a site where all the constraints to development are around the edges; seemingly an ideal situation for any developer. The indicative layout is dependent on encroachment onto these natural features. As such Officers are unconvinced that a case has been made for this number of houses on this site.

Officers note that the applicant's submitted further rebuttal evidence on the comments of officers to the amended plans. It is the view of officers that their position is not altered by the submitted documents.

There are many existing trees around the edge of the site which should be retained and augmented. The southern woodland will be significantly reduced in area and the embankment it is growing on will be re-graded. It would be preferable to leave the mound intact and treat it as a site asset.

The landscape treatment to separate the proposed development from the adjacent industrial and commercial uses will be much more flimsy than the robust barrier currently in place. There is a risk that the landscape barrier proposed will be visually ineffective. Many of the mature trees the scheme relies on for screening are outside the application boundary and presumably outside the applicant's ownership. There is a danger that the vegetation will not become established or managed to secure wildlife benefits, especially if it is in different ownerships. In some places replacement tree belts will cause shading and nuisance to future residents and may not therefore be retained for long.

The layout is indicative only and there is no guarantee that the development will be built in this form, if planning permission is granted. Problems with boundary landscape treatment on the eastern edge of the site is in the grounds of individual properties, and while the applicants may assure the council that landscaping will be managed effectively, the landscape treatment is vital in ensuring a screen between the proposed housing development and the adjacent car auction site. There is likely to be a conflict between residents who want both sunlight in their gardens and freedom from visual intrusion on adjacent land. It should be noted that the landscape treatment is not continuous on the eastern boundary. There are a number of places where development is so close to the site boundary that there is no room for planting.

The proposed indicative flats in the north-east corner of the site only have heavily shaded amenity space. This is not acceptable and there is a danger that, when a detailed application is made, the site is actually too small for the numbers of dwelling proposed and there may be pressure to encroach further into the southern tree belt or reduce plot sizes.

It is questionable whether the development accords with the Development Plan policies.

Vehicular Access and Pedestrian Access points

There is no objection in principle to the main vehicular access point into the development, in principle, however there are several issues with regard to the implications for design and layout, that would need to be overcome at Reserved Matters, if the principle of the development was considered to be acceptable. These primarily relate to the layout, servicing, relationship to protected trees and the requirement for a significant buffer to neighbouring industrial users, if it is considered that these issues can be overcome.

It is also necessary to consider the access points to driveways from Richards Street and pedestrian access points including the 'homezone'. Whilst there are no concerns with regard to highway safety, there are concerns with regard to the protected trees (considered above).

Therefore it is not considered that it has been demonstrated that the proposed pedestrian accesses from Richards Street can be achieved satisfactorily and that further work on the layout and impact on the protected trees are required.

The indicative layout

The overall layout continues to be rather symmetrical in nature and appears to lack scope for imbuing any particular level of character or sense of place. The proposal lacks design quality or understanding of how to build urban design quality. The scheme continues to draw from numerical residential standards rather than being based on design quality. Whilst standards for residential design are important, it should be emphasised that these are subservient to the overall ethos of Designing Walsall towards promoting and achieving strong design quality in new development. It should be noted that the apartments in the northeast corner have been designed without their own private attached amenity space as required in Appendix E of Designing Walsall, nor would it seem they have been provided with 20sqm each of communal amenity space (again part of the SPD), in addition the relationship to both the trees and neighbouring commercial and industrial occupiers would render the space provided unsatisfactory and of poor quality as a residential environment.

The inclusion of Zero Energy Dwellings (ZED) properties is positive in the sense that it brings an innovative and more sustainable form of architecture and development to Walsall, however, the ethos and development of this concept has not been taken forward and as such this aspect of the proposals appear to be nothing more than tokenistic and a design approach of this merit deserves to set the design ethos and character for the whole development. The submitted plans and elevations for the remaining properties appear 'off the shelf' in nature and reflect none of the architectural or proportional dimensions of the ZED properties, which is the very least that could be designed in to create a more integrated development. Six sustainable dwellings cannot be considered to constitute a flagship project and it is disappointing that the remainder of the scheme does not reflect this approach towards sustainable development in any way. Visitors would certainly be greatly disappointed by the vast drop in quality beyond these properties. The applicant has failed to understand the concept and the difference in house sizes and associated plot sizes between the ZED and standard house types exemplifies of the lack of cohesion and inadequacy of the standard house types being progressed across the remainder of the site.

Whilst it is noted from the submitted information that details regarding public realm, landscaping and housing detail would be submitted as part of any future reserved matters application, the basis of this development with its standard road layout and 'off the shelf' housing units lacks any character whatsoever and officers are not convinced that the addition of superficial details could overcome these fundamental issues. The application refers to the creation of character areas but in reality these are exceptionally small areas dispersed across the site. Character areas should embrace the whole site and encompass appropriately designed streets, houses and landscaping rather than simply paving a small parking area in a different material and classifying it as a homezone. As a result the homezone shown appears to be tacked on and not a cohesive part of the proposals. Fundamental issues may arise from the lack of urban design/architectural presence at meetings held over the course of this application.

The layout continues to fail to take into account the significant change in land levels across the end of the site adjacent to Florian Grove nor the groups of TPO trees to

Page 77 of 195

the eastern and western boundaries. The layout continues to lack the understanding of the natural environment and their constraints and officers are unconvinced by the relationship of the bungalows and indeed the communal space. How this area would be managed, including the TPOs are either ignored or confused. It is doubtful that this area would be a qualitative feature and in all likelihood the area would become a target for anti-social behaviour.

This proposal continues to demonstrate a lack of understanding in developing a hierarchy of streets, in conjunction with lacking character. The proposal demonstrates no legibility. The building typologies are monotonous as are the streets. The mix of dwelling sizes lack legibility and character. Nothing contained within the supporting information suggests that the homes will be designed to Lifetime Homes standards.

Consideration of the public realm has been delegated to the detailed consideration stage, although the provision of homezones through distinctive public realm is specified as part of the Design and Access Statement. As the streets (except the 'homezone') have all been shown to be designed along similar principles rather than being designed to convey their own character, the likely result is that they will continue to look identical and lack a cohesive design quality.

Overall the applicants have not demonstrated that the site has taken account of the constraints to a sufficient level where the Council can be confident of neither the quantum and mix of development proposed can be accommodated on the site nor, if agreed, that the proposals would be brought forward to a high or deliverable quality. The scheme lacks a sense of place and does not build upon local distinctiveness.

Objections from neighbouring commercial occupier

The objection from Manheim car auctions amplifies the issues of introducing the residential use into the Core Employment Zone and the implications on their continued operations. It is highly probable that the result of the development would be to cause objections to the use as a car auction site and potentially pose a threat to the future viability of this land as an employment use, thereby losing jobs in the Borough.

This creeping and erosion of the Core Employment Land and the views expressed by Manheim Car Auctions is an important issue in retaining this land for employment use and the continued viability of the surrounding

Affordable Housing, Education, Healthcare, Open Space, Public Transport, Police and Public Art Contributions

The applicants in their Design and Access Statement suggest that in partnership with an Registered Social Landlord, they will deliver 70% affordable housing (and as a result have the support of housing strategy officers). Policy H4 and the Affordable Housing SPD guides that 25% of the total development should be sought for affordable housing.

The applicant has confirmed that the higher level of affordable housing is dependent on applying to the Housing and Communities Agency for additional funding. Therefore the offer of 25% can only be considered at this stage.

The Community Art Competition Report submitted in support of the application is broadly welcomed but it has failed to take into account the Public Art Framework in

Page 78 of 195

the Designing Walsall SPD. In addition public art will form a part of the DSDA development framework but in a coordinated manner. The present proposals to incorporate a single structure in Owen Park will fail to form part of a strategic approach to public art. The proposals therefore fail in this regard and would be contrary to Policy DW9 of the Supplementary Planning Document.

A viability report has been submitted to the District Valuers Service for comment. This proposes 25% affordable housing and £90,000 towards other contributions at the Council's discretion.

The Police are seeking payment to meet generalised needs. Such issues have been considered by the Council on other issues (e.g. education, open space or healthcare). Before setting in place a system of levies for those other issues, the Council has gone through a complex process, creating Supplementary Planning Documents (including public consultation). In the absence of such an exercise, officers do not consider that this Council can agree to the request from the Police.

This differs from the approach to public transport contributions due to specific schemes together with targets and thresholds being identified in existing Adopted Development Plan Documents.

The comments of Centro are salient in seeking public transport improvements in the area. It is a government requirement that light rail scheme funding packages include a 25% local contribution and that is why it is important that larger developments such as this should participate in the proposed funding package. However, it is also acknowledged that any such agreement should, perhaps, be conditional on the proposed Metro scheme progressing and in this case Centro would be seeking contributions towards other public transport service improvements. It should be noted that there is a clear commitment by Walsall Council to supporting and developing this Metro route in principle, as stated in Policy T3 of the Adopted UDP 2005. As the proposed 5Ws Metro route could significantly enhance the public transport accessibility of the proposed development if implemented and because of the development's size and proximity to the proposed Metro route and current lack of public transport serving the site, Centro recommends that a developer contribution towards the proposed Metro route should be sought. Should the proposed Metro scheme not progress, as detailed above, the developer should be required to make a contribution towards upgrading of bus services or infrastructure in the surrounding area. This is supported by Walsall UDP Policy T10, which states that planning conditions / obligations will be used to ensure that accessibility standards are met throughout the life of the development.

The District Valuers have concluded the total amount of contributions sought (£585,641.50 plus affordable housing and Centro contributions) are not viable on the scheme. However it should also be noted that, based on current valuations, the scheme can accommodate and remain viable with a contribution of £145,000 with a further review of viability at the Reserved Matters Stage. Therefore should members be minded to approve the application then the S106 would be sought at a level of 25% and £145,000.

Conclusion

The proposals would be a Departure from the Unitary Development Plan and the emerging Core Strategy.

Attention is drawn to the comments of Strategic Policy Officers, Walsall Regeneration Company, Economic Regeneration Officers and Development Team Officers. There is no extra housing requirement in new supporting documentation to the Regional Spatial Strategy for the Borough. The emphasis is on employment development and with the lack of housing requirement in the Borough (based on current commitments), significant regeneration benefit would need to be demonstrated.

The land should be retained for employment use and the employment needs of the Borough should not be readily dismissed, particularly where this could lead to the erosion of Core Employment areas.

With regard to regeneration of the area attention is also drawn to the Darlaston Strategic Development Area (DSDA), an employment led regeneration project (to which this site is located within) being developed by the Walsall Regeneration Company and the Council. The proposals would need to be in compliance with the strategy for this initiative.

Officers consider that reallocating this site to residential development should be given through the strategic plan making and regeneration process; i.e. in the Black Country Core Strategy and subsequent Land Allocations Development Plan Document the Council prepares or as part of the DSDA project. It is Officers view that an ad hoc planning proposal, such as this would compromise the delivery of wider regeneration aims.

In addition to the principle objection to this development there are several detailed issues, relating to design, access and the natural environment which are also significant issues that the development has not adequately considered. Officers have also added these issues as reasons for refusal.

Recommendation: Refuse

1. Walsall's Housing Land and Employment Land monitoring demonstrates that there is an adequate supply of housing land in the Borough for the next five years and that there is a potential shortfall in employment land in the future. The proposals have failed to demonstrate that there is a need for the land to be developed for residential purposes and that the land could not be developed for employment purposes and the proposals would not result in the piecemeal, ad hoc loss of Core Employment Land. As such the proposals are contrary to Policies CF3, CF6 and PA6 (parts C and D) of the Regional Spatial Strategy for the West Midlands; Policies H3 and JP5 of the Adopted Unitary Development Plan and guidance contained within PPS3 and associated Employment Land Review Guidance Note (2004).

2. The site lies within

- **the area identified as Regeneration Corridor 6 in the emerging Joint Black Country Core Strategy,**
- and**
- **in an Employment Land Investment Corridor as identified in Policies UR1B, PA1, and the key diagram of the Regional Spatial Strategy for the**

**West Midlands
and**

- **the Darlaston Strategic Development Area identified by Walsall Regeneration Company in their 2009 Prospectus.**

These initiatives focus development on comprehensive employment led development and as such the proposals are considered to be contrary to the wider regeneration initiatives and the piecemeal, ad hoc loss of Core Employment Land and are contrary to Policies UR1B, PA1, PA6 (parts C and D) of the Regional Spatial Strategy for the West Midlands; Policies GP2, GP4 and JP5 of the Adopted Unitary Development Plan; the emerging Black Country Joint Core Strategy; and the initiatives being progressed by Walsall Regeneration Company.

3. The proposals have failed to demonstrate that the scheme will not cause harm to the existing habitat and wildlife potential present on the site. The submitted ecological survey is inadequate and as such the proposals are contrary to guidance contained in PPS9, associated Best Practice Guidance and Circular 06/2005 (Biodiversity and Geological Conservation -statutory obligations and their impact within the planning system); Policies QE7 and QE8 of the Regional Spatial Strategy for the West Midlands and Policies ENV23 b) II, V, and VI, ENV32 a) and b) Part IX and ENV33 of the Adopted Unitary Development Plan as well as the Walsall M.B.C. Natural Environment Supplementary Planning Document.

4. Taking into account the site constraints, including access issues, neighbouring industrial uses and ecological and arboricultural constraints on the site, the application has failed to demonstrate that the quantum of development proposed would be capable of being accommodated on the site to create a high quality residential development. As such the proposals are contrary to Policies UR1B, CF1, QE1, QE2, QE3, QE4, QE7, QE8 and QE10 of the Regional Spatial Strategy for the West Midlands and Policies GP2, ENV10 (Part III), ENV14 (d), ENV18, ENV19, ENV22, ENV23, ENV32, ENV33, H3, H9 and H10 of the Adopted Unitary Development Plan and Walsall's Adopted Natural Environment and Designing Walsall Supplementary Planning Documents.

5. The proposals have not adequately demonstrated that contributions sought towards Public Transport, Urban Open Space, Education or Healthcare facilities in the area and have failed to bring forward an appropriate mechanism for the delivery of strategic public art and a mechanism for the delivery of appropriate affordable housing on the site. As such the proposals are contrary to Policy T12 of the Regional Spatial Strategy for the West Midlands, Policies GP3, LC1, H4, T3, T10, T12 and ENV36 of Walsall's Adopted Unitary Development Plan and Adopted Healthcare, Urban Open Space, Education and Designing Walsall Supplementary Planning Documents.



ITEM NO: 5.

To: DEVELOPMENT CONTROL
COMMITTEE

Report of Head of Planning and
Building Control, Regeneration
Directorate on 16 Jul 2009

REASON FOR BRINGING TO COMMITTEE: Requiring a balanced judgement

Application Number: 09/0155/FL

Application Type: Full application

Applicant: WM Morrison Supermarkets
PLC

Proposal: The erection of a petrol filling
station and car washing facilities including
wider highway alignment and pedestrian
crossing, and dedicated right turn lane into
petrol filling station, plus removal of
footpath through the site

Ward: Willenhall South

Case Officer: Marilyn Kowalski

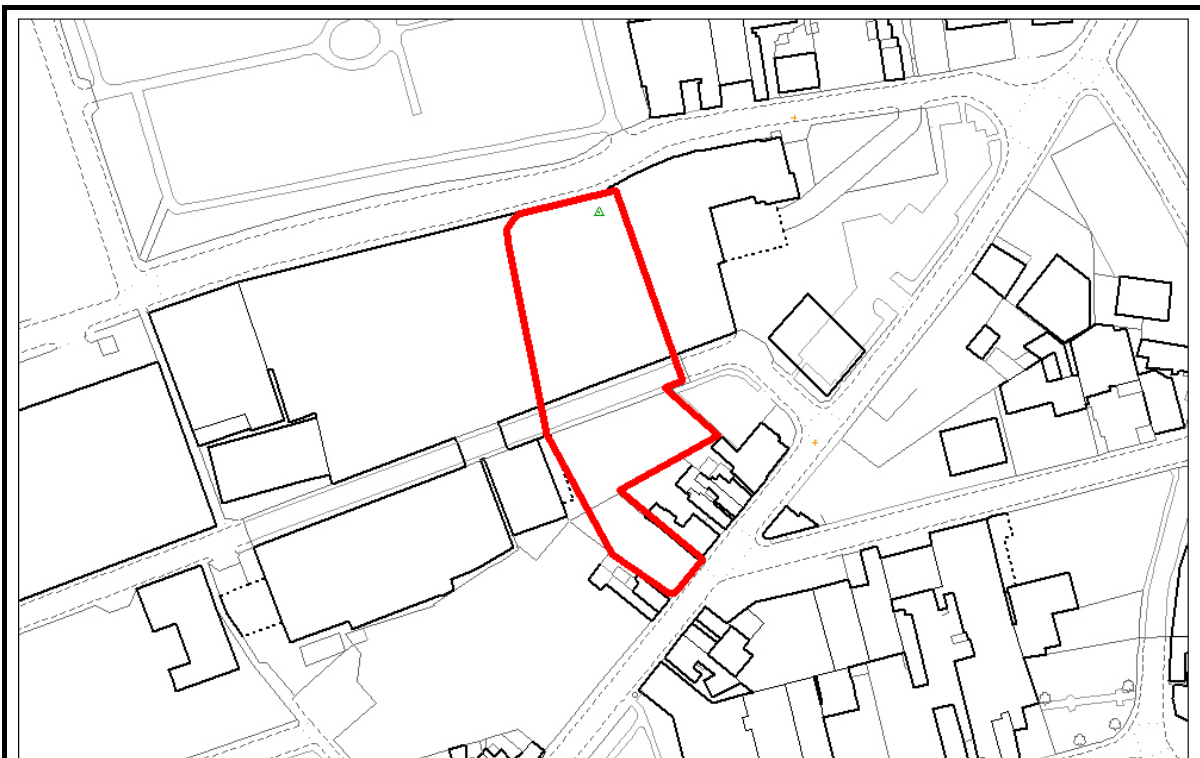
Telephone Number: 01922 652492

Agent: Mr David Savage

Location: WOOD
STREET, WALSALL, WV13 1LA

Expired: 06/04/2009

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



Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Walsall MBC. Licence Number LA 076414.

Application and Site Details

This is a full application for a petrol station in connection with a new superstore (Morrisons) which is to be built on the adjoining site. The site is immediately south of the Wood Street Cemetery.

Outline planning permission was granted in March 2008, ref: 07/0639/OL/W2, for a superstore, service or office use, and residential. The outline permission covered a large area consisting of two plots defined in the application as "A" and "B". Plot "A", the larger of the two, is for the retail food store, the smaller (area "B") was earmarked for residential development. This full planning application relates to part of area "B".

A separate application seeking to amend the outline permission is elsewhere on this agenda.

The development is a conventional petrol station, including a walk in shop, canopy (covering 5 double-sided petrol pumps); car wash and jet wash bays. The kiosk will be brick built to match the store and will be located to the east of the site. Railings and landscaping define the site boundaries.

The car wash facilities, to the south of the site, would have silver cladding panels. The canopy will face the store across the link road. This will have a metal fascia in yellow and white with illuminated signage. (There is a separate application for the signs.)

Vehicular access is via the new link road.

Relevant Planning History

07/0639/OL/W2 Outline: demolition of buildings and provision of retail, service or office use (Use classes A1) residential use (Class C3) premises for retail, service or office use (class A1, A2, A3, A4, A5, or B1), link road, car parking and other associated works. Grant subject to conditions 12th March 2008.

08/1415/FL – removal of condition 26 of 07/0639/OL/W2 allowing demolition of the Assa Abloy / Yale building. Approved 21/10/08.

08/1827/RM Reserved matters to planning application no 07/0639/FL/W2 undetermined at time of writing. Committee have resolved to approve this application, subject to the resolution of some of the details.

09/0163/FL Variation of Condition 9 of outline planning permission 07/0639/FL/W2 relating to residential development. Undetermined, elsewhere on this agenda.

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

Unitary Development Plan

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

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

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

Policies 2.2, 3.6, 3.7, and ENV10 seek to protect residents from unacceptable noise and pollution, whilst ensuring development makes a positive contribution to the quality of the environment..

3.116 seeks to ensure the design of buildings takes into account the context and surroundings.

Policy 5.2 seeks to enhance the vitality and viability of local centres.

Policy S3 Developments should be well integrated into existing centres

T7 - 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.

WH4 (vi) **East of the District Centre** (an area significantly bigger than the area of the application site):-

"This area has a wide range of uses, including employment, services and car parking. Although the Council will encourage existing employment uses to remain and will facilitate their expansion where appropriate, when sites are vacated other forms of development might be appropriate. The extent to which these alternative uses could be satisfactorily accommodated within the area will be determined by a number of factors including: their functional relationship with the Primary Shopping Area; adjacent land uses; and the improvement of vehicular access to and within the area. Any redevelopment must retain, and preferably enhance, public car parking in the area, in terms of quality, quantity and location."

Designing Walsall SPD

DW3 – respect local character

DW4 – define / enclose spaces

DW8 - contribute to places that can change over time

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

Local Area Character Guidance (Willenhall)

- Lock and key heritage
- Market is focus for centre
- Small scale brick built form
- Work within the Action Area Plan
- Reflect the historic built character

Regional Spatial Strategy for the West Midlands was published in June 2004.

Policy UR1 - Urban Renaissance in the Major Urban Areas (MUA's)

Policy CF1 - Scale and range of new housing development

Policy QE1 - Environment

Overall, these seek improvements to the design and sustainability of the urban areas.

National Policy

PPS1 on delivering sustainable development and good design.

PPS6 seeks to promote strong and diverse town centres whilst being accessible to all and promoting the need for high quality design.

Other related documents are

PPG25 Development and Flood Risk,
'By Design' companion to PPG's,
Safer Places, The Planning System and Crime Prevention and By Design
Urban Design Compendium (English Partnerships and Housing Corporation,
2000)
By Design (CABE, 2000)

Consultations

Transportation No objection subject to conditions relating to detail of improvements to the public highway and construction of the pedestrian crossing and associated refuges as shown on drawings.

Environment Agency: Object.

Insufficient information to demonstrate that the risk of pollution to controlled waters is acceptable. The level of risk posed by the proposal is unacceptable. The application fails to provide assurance that the risks of pollution are understood, as a preliminary risk assessment (including a desk study, conceptual model and initial assessment of risk) has not been provided. PPS23 takes a precautionary approach. It requires a proper assessment whenever there might be a risk, not only where the risk is known. Also, the application should not be determined until information is provided to the satisfaction of the Local Planning Authority that the risk to controlled waters has been fully understood and can be addressed through appropriate measures. This is not currently the case. The reason for this is that the site is underlain by a designated minor Aquifer. River Tame is located approximately 250m to the southeast of the site. Due to historical and current land use there is potential for the presence of contamination on site. A satisfactory desk study and a preliminary risk assessment will be required to overcome the objection. A Model Procedures and good practice Informative has been suggested for the applicant

Urban Design: Object

Recommend refusal on the grounds that the proposal fails to take account of its context and surroundings and does not make a positive contribution to the character of the area; irreversibly erodes the sense of place of Wood St cemetery and fails to contribute to the continuous frontage that contributes significantly; the Wood Street's character or provide an acceptable replacement to the Assa Abloy/Yale building; The proposal does not represent high quality design or demonstrate a high quality visual impact upon the immediate area

Police Architectural Liaison Officer: No objections.

It is recommended that security measures are implemented as petrol filling stations are regularly targeted by the criminal fraternity. They suffer from people obtaining petrol and not paying for it and the shop areas are targeted regularly by shoplifters.

This impacts both on the commercial success of the premises and causes a drain on police resources.

There is no indication on the plans that an Automated Teller Machine (cash dispenser) is to be installed at the site and such an installation would not be supported.

The layout of the forecourt is supported as vehicles at the pumps will be facing the shop and will not be 'side on' as they refuel.

Pollution Control:

Scientific Team: No objection to this application in principle. The following matters however should be taken into account. New petrol filling stations are subject to the provisions of the Environmental Permitting (England and Wales) Regulations 2007, which require:

- a) the installation of a Stage II petrol vapour recovery system, which will affect the pipe, tank and pump layout, and;
- b) a permit,

before they become operational. The proposed petrol filling station site will therefore require the operator to apply for a permit under the above provisions. Since the purpose of this permit would be to regulate emissions to air from prescribed activities at the site however, any conditions to regulate such emissions (**not including noise**) would be dealt with under Pollution Control legislation. Therefore an advisory note for applicant is recommended.

Contaminated Land: Support the development, however the site falls in the boundary of planning application 08/1827/RM, a site investigation and contamination assessment has been submitted but not yet agreed. No significant difficulties are envisaged. As the current application is a "stand alone" element of the wider scheme it would be prudent to attach conditions requiring remediation, and a validation statement confirming successful implementation of the measures.

Environmental Health and Consumer Services: No objection.

Severn Trent Water: No objection subject to a condition requiring drainage details.

Drainage: No objections

Fire Service: No objection, satisfactory for fire service access.

Landscape officer – Regeneration Services: Landscaping scheme satisfactory subject to a condition requiring details of the planting pits.

Conservation Officer - Regeneration Services: No objections.

Representations

There have been 2 letters of representation, one from the Project Reference Group (PRG) and one from Willenhall Community Forum.

The PRG advise:-

1. the PRG comprises councillors, members of the LNP and commerce
2. it is tasked with developing a consultation and engagement strategy for regeneration in the area
3. they have met Morrisons and debated the scheme
4. the concept is supported

5. Recent improvements to the cemetery area have been implemented through a joint council and PRG supported environmental enhancement programme;
6. Proposed neighbouring developments, including the Union Locks residential scheme, the Morrisons building, which is influenced by the towns historic architecture and the planned art work for the rear elevation of the superstore, will add to the PRG / council overall vision for this area of the town;
7. The PRG fear that a petrol station will conflict with these improvements in the pipeline and destroy the positive work the group and council have done towards the creation of an attractive, welcoming area around the cemetery site;
8. Increased traffic around the cemetery area, as a result of the petrol station will further detract from the areas positive attributes and deter people from making use of the space.
9. While there is a recognised need for the petro station, the proposed location is not ideal
10. The proposed location, shown on the outline permission nearer to Walsall Street is preferred;

Willenhall Community Forum object as:--

- a) Due to its siting the petrol station will generate considerable traffic and noise disturbance;
- b) Will prejudice the open space and amenity value of the cemetery;
- c) Fails to assimilate into the character and appearance of the surrounding area;
- d) Will create a disparate and inharmonious streetscape which would harm the current openness;
- e) Landscaping on Wood Street will only mask the presence of poor development
- f) Poor design;
- g) The proposed location, shown on the outline permission nearer to Walsall Street is preferred;

(The references to an alternative location at Walsall Street refer to an indicative but later phase in the outline application, on a site to the south. It was not part of the outline application.)

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

Determining Issues

- Principle of development
- Conservation and design quality
- Land Contamination/pollution control issues
- Transportation
- Security

Observations

Principle of development

A petrol station is commonplace with superstores, and indeed the Willenhall PRG have agreed that there is a “need” for such a facility.

The approval of this application would not prejudice the possibility of future development for residential or any other purpose of the rest of Site B, though clearly there will be design issues when the remainder of Site B comes forward.

In policy terms, GP1 in the UDP seeks sustainability, minimising use of the car, and maximising the re-use of land. Other policies seek good design, including landscaping. The importance of the context of a site is clear from the policies. Detailed design issues are dealt with below.

UDP Policy 5.2 seeks to enhance the vitality and viability of local centres. The decision to support the superstore proposal was driven by the desire to support Willenhall centre. To that degree a better superstore can be argued to better support Willenhall (though clearly this is a matter of value judgements).

The principle of a petrol filling station in association with the new superstore is acceptable.

Conservation and design quality

Conservation have not raised any objections to the proposal and in terms of its impact on the Conservation Area or any historic buildings, the proposal can be supported.

Urban Design object to the application and recommend refusal, arguing that the impact of the petrol filling station would be significantly undesirable in urban design terms, and that the development fails to reflect any of Willenhall's built form, or character, concluding that this is contrary to Designing Walsall and the UDP. As part of this position, they argue the petrol station would not be an appropriate replacement of the 1930s Assa Abloy / Yale factory building that previously stood on Site B. This is seen as not providing an effective, high quality continuous frontage to reflect the previous character of Wood Street. The implications for the street also affect the cemetery, on the opposite side of the road.

It is accepted that the area covered by the site has some importance in historical and architectural terms and because of its association with the lock industry. Wherever possible these influences have been understood and incorporated into the design of the superstore proposals, although the design of a petrol station is something that has to be functional and as a result is visually simpler. It is difficult to enhance if it is to meet its practical needs. One key area is landscaping (addressed below). The other key area is paving.

The hard surfacing of the petrol station site, using good materials, offers some potential to improve the image of the site. A condition is proposed.

The loss of the Assa Abloy / Yale building was agreed by Committee, on the basis that the original application showing 47 flats was a theoretical design, but detailed information showed that retention was found to be unviable, because:-

- the scale of the building was a constraint as the remainder of the site would be overshadowed and would prove difficult to integrate with buildings of a domestic scale.
- In terms of market viability, the design and construction of the building would make conversion extremely expensive.

- In terms of heritage it was argued that this is not an original lock making building. It reflects the later evolution of lock making in the town. It's architectural merits were considered to be "unremarkable" and the extent to which it can be regarded as an important part of the town's heritage was limited by this to a large extent.
- The conservation officer was reluctant to see the building go
- In granting the original outline permission, Committee resolved that the façade of the building be protected so far as practicably possible
- A convincing case was put forward for the removal of the building.

The developer, in making the present application has put forward a case that the context of the current proposal is lacking in any specific character and that surrounding buildings are either derelict or in a poor state of repair, and that the petrol station will improve this area.

It is clear to all that the area is in transition, and that the petrol station will be read, in large part, in the context of the supermarket.

Part of that context is the presence, on the opposite side of the road, of the cemetery. Also in that context is a redevelopment site, recently approved for housing (The Keys). Urban Design state that the incongruous visual appearance, noise disturbance and type of related activities associated with the petrol station would not contribute positively to Wood St cemetery's sense of place or the local distinctiveness of Willenhall. The PRG and the Willenhall Community Forum have also expressed concerns that a petrol station will destroy the positive work which has already been achieved to create an attractive, welcoming area around the cemetery.

The developer has disputed the amenity value of the cemetery and argues that the petrol station would enhance its surroundings in that it would promote increased usage and improve surveillance.

Clearly, this is a complex situation, and contracting views are held by the parties. There have been recent improvements to the cemetery area (implemented through a joint council / PRG enhancement programme). The proposed neighbouring residential scheme, the superstore, and the planned art work for its rear elevation, will add to the PRG's and council's overall vision for this area of the town. However, the Action Area Plan (the crucial vehicle for delivering regeneration in the area in the future) is currently being formulated and has just completed the public consultation stage. Until this is adopted it carries little weight (and this makes it a weak tool to resist the application).

Part of the petrol station application is a 4 metre wide strip of landscaping along the area fronting Wood Street. This has the potential to be an attractive feature (and its retention / maintenance should be conditioned as recommended, if the scheme is approved)..It is considered that this significant landscaping strip will complement the open space of the cemetery.

The nature of the approved changes in the area, and the proposed landscaping, have brought your officers to the conclusion that the design of the petrol station is acceptable, despite the concerns and objections which have been received.

The boundary of the application to the rear of the proposed petrol filling station (adjoining the rest of Site B) has a levels difference, and an embankment will be formed. The top of the embankment will be landscaped with ornamental planting (trees & shrubs) with the down slope (towards the vacant site) proposed to be rough mown grass. Due to the uncertainty in respect of timescales for the future development of the adjacent residual land, the developer is reluctant to install costly retaining structures at this stage which may be detrimental to the future development opportunities of the site. Accordingly, it is anticipated that the above solution will provide a suitable treatment during the temporary situation. Consultation is currently underway on amended plans embodying this and other revisions. The recommendation reflects this.

It is felt that, on balance, this application and the superstore will have a positive effect on the regeneration aspirations for the area as a whole. These benefits should be weighed against the concerns expressed by Urban Design.

Land contamination/Pollution Control Issues

The Environment Agency has reviewed the application since their initial response. They are still stating that there has not been a contaminated land desk study. They are also requesting an accurate report of contamination on the site at the time the planning application was submitted with regards to contamination and the presence of asbestos, prior to recommending planning conditions. They are not able to suggest conditions for this until a desk study has been submitted. Without this they feel that the risks posed to the environment as required by PPS23, can not be accurately determined. They are concerned that the site will not be remediated to protect controlled waters and that this could lead to an enforcement issue, and / or a pollution incident in the future.

The applicant has responded stating that additional information has been submitted to them, but despite this, the EA have not withdrawn or modified their position.

The land in question has the benefit of outline planning consent for residential development. This would require a more rigorous assessment than the use of the land for a petrol station, and that is controlled by the existing conditions on the existing permission.

It is therefore concluded that the conditions suggested by Pollution Control will be satisfactory in this instance.

Objectors have raised the issue of noise disturbance, however, Pollution Control scientific team has not raised any objections on noise grounds.

Transportation

The objectors have stated that they would prefer to see the petrol station relocated to where it was shown on the outline planning application. This was next to the roundabout on the south side of Doctor's Piece and Leve Lane. However, Transportation have stated that the proposed location is the preferred option. It is situated on the new road which has a better design width than some of the existing network for access and egress for tanker deliveries. In addition, it is in close proximity to the Morrisons store.

It is inevitable that the Petrol Filling Station will generate traffic, but this will be the case wherever it is located. In its current location it will have the least impact on public transport, pedestrian movements and the eventual store traffic.

The layout of the site has recently been amended to facilitate the inclusion of a wider highway alignment which includes a pedestrian crossing and dedicated right turn lane into the petrol filling station and a pedestrian refuge to provide pedestrian connectivity to the store from the east of Willenhall. Should this proposal be implemented, it will be necessary to ensure that there is a coordinated programme of works, to ensure that the road is not constructed and then opened up again to introduce the refuge and associated works.

Security

With regard to the Police Architectural Liaison Officer's concerns, no ATM is proposed as part of the scheme, and conditions are suggested which require laminated glass in all glazed areas, for additional security. A note for applicant is suggested regarding advice about the layout of the shop area.

Conclusion

Reactions to the scheme are mixed. The report reaches conclusions on the issues. The recommendation is for approval subject to the satisfactory resolution of outstanding matters including authority to make judgements on any representations received.

Summary of Reasons for Granting Planning Permission

Ground conditions have been identified as a concern by the Environment Agency. Conditions are proposed to address these matters.

Noise emissions are considered to be acceptable.

Security measures are addressed by a condition.

This area is in transition and the petrol station will be read in context of the superstore proposed on the adjoining land. A new character will emerge as part of this massive transition. The conclusion is reached that the petrol station is a legitimate part of that new character.

Concerns in urban design terms have been satisfactorily addressed by a condition on the permission which will ensure that surfacing materials will support environmental improvements required as part of the superstore, and the landscaping proposed along the area fronting Wood Street which will compliment the open space of the cemetery on the opposite side of Wood Street.

A suitable landscape treatment will be provided to the embankment on the boundary of the application to the rear of the proposed Petrol Filling Station adjoining the vacant land which was earmarked for residential in the outline permission. This will provide a satisfactory measure until that land is developed.

It is felt that, on balance the development will have a positive effect on the regeneration aspirations for the area as a whole. These benefits have been weighed against urban design concerns and on balance the development proposals are considered to comply with the policies of the development plan, in particular policies GP1, GP2, GP7, 2.2, 3.6, 3.7, 3.16, 3.116, ENV10, ENV18, ENV32, ENV33, H10, 5.2, S3, T7, WH4 (vi), of Walsall's Unitary Development Plan and Designing Walsall Supplementary Planning Document, Regional Spatial Strategy for the West Midlands and National Policy Planning Policy Guidance PPS1, PPS6 and PPG25

Page 92 of 195

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

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

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

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

Reason: To ensure the satisfactory appearance of the development and for additional security.

3. Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings shall be passed through an oil interceptor designed and constructed to have a capacity and details compatible with the site being drained. Roof water shall not pass through the interceptor.

Reason : To protect controlled waters

4. Before the development hereby approved is brought into use, details of evidential quality video camera(s) covering the inside of the shop and the forecourt area shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented before the development is brought into use and thereafter retained in working order.

Reason: In the interests of security.

5. Prior to built development commencing:-

- i) a site investigation, ground contamination survey and assessment of ground gas, having regard to current best practice shall be undertaken. (see Note for Applicant CL1)
- ii) a copy of the findings of the site investigation, ground contamination survey and ground gas assessment, together with an assessment of the hazards arising from any land contamination and/or ground gas shall be forwarded to the Local Planning Authority. (see Note for Applicant CL2)
- iii) a "Remediation Statement" setting out details of remedial measures to deal with the identified and potential hazards of any land contamination and/or ground gas present on the site and a timetable for their implementation shall be submitted to and agreed in writing by the Local Planning Authority. (see Note for Applicant CL2). The remedial measures as set out in the "Remediation Statement" required by part iii) of this condition shall be implemented in accordance with the agreed timetable.

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

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

Notes for Applicant – Contaminated Land

CL1

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

CL2

When making assessments of any contaminants identified as being present upon the land, considering their potential to affect the proposed land use and deciding appropriate remediation targets regard should be had to the advice given in CLR 11 "Model Procedures for the Management of Land Contamination", The Contaminated Land Exposure Assessment (CLEA) model (Latest Version), Science Report – SC050021/SR3 "Updated technical background to the CLEA model" and Science Report – SC050021/SR2 "Human health toxicological assessment of contaminants in soil" or any relevant successors of such guidance. This

list is not exhaustive. Assessment should also be made of the potential for contaminants contained in, on or under the land to impact upon ground water. Advice on this aspect can be obtained from the Environment Agency.

CL3

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

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

6. No development shall be carried out until engineering details of improvements to the public highway (Pedestrian Crossing and associated refuges), have been submitted to and approved in writing by the Local Planning Authority, and an agreement under Section 278 of the Highways Act 1980 entered into. The development shall not be brought into use until the pedestrian crossing and associated refuges are constructed and implemented as shown on drawing number 08/074/PL 03/D.

Reason: In the interests of highway safety.

7. Within one month of the date of this permission, or such other period as may be agreed in writing, details of a coordinated programme of works shall be submitted to and approved in writing by the Local Planning Authority to ensure that the new link road is not constructed prior to the implementation of the refuge and associated works shown on the approved plan.

Reason: To ensure that the new link road is not constructed prior to the implementation of the refuge and associated works and the timing of one month is to ensure that the store is not complete before the implementation of the refuge and associated works.

8. Development shall not begin until drainage details, incorporating sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, have been submitted to and approved in writing by the Local Planning Authority, and the scheme shall consequently be implemented in accordance with the approved details before the development is completed/occupied.

Reason: To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of pollution.

9 No development shall commence until details of the planting pits have been submitted to, and agreed in writing by, the Local Authority. The details shall ensure that each tree pit has a minimum total rooting area of 5m³ and soil depth of a minimum 600mm, excluding any free draining sub grade that may be present.

Reason: To ensure sufficient soil is in place to sustain long term growth and stability for tree planting.

10. Notwithstanding the notation on plan no 08/074 PL 06 Rev..D no development shall be carried out until full details of the proposed surfacing materials, to match the environmental improvement areas on the main store site, and means of surface water drainage have been submitted to, and agreed in writing by, the Local Authority. The approved scheme shall be implemented before this development is brought into use and the parking spaces shall have been clearly marked out. The areas shall thereafter be retained and used for no other purpose.

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

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

Reason: To ensure the satisfactory appearance of the development.

12. 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.

13. Development must not be commenced on the petrol filling station prior to commencement of development on the superstore (permitted under outline planning permission 07/0639/FL/W2), or any other time to be agreed in writing by the Local Planning Authority. The superstore shall be complete before the Petrol Filling Station opens or any other time to be agreed in writing by the Local Planning Authority.

Reason: To ensure the satisfactory timing of development and to ensure the petrol station is not developed in isolation.

NOTES FOR APPLICANT

- A. With regard to condition 4 the system should be designed and developed to a standard in accordance with all Home Office and PSDB guidance documents to include (but not limited to):

1. CCTV Operational Requirements Manual (PSDB Publication 17/94)
2. UK Police Requirements for Digital CCTV Systems
3. Guidelines for Handling Video Tape (PSDB Publication 21/98)

Details can be found at

<http://scienceandresearch.homeoffice.gov.uk/hosdb/crime-investigation-safety/cctv-resources/?version=3> .

- B. The Environment Agency recommends that developers should:

1. Follow the risk management framework provided in CLR11, Model Procedures for the Management of Land Contamination, when dealing with land affected by contamination.
2. Refer to the Environment Agency Guidance on Requirements for Land Contamination Reports for the type of information that we require in order to assess risks to controlled waters from the site. The Local Authority can advise on risk to other receptors, such as human health.
3. Refer to the Environment Agency website at www.environment-agency.gov.uk for more information.

- C. Petrol filling and storage operations undertaken on site may require a permit under the Environmental Permitting (England and Wales) Regulations 2007. Please contact Walsall Council's Pollution Control Regulation Team on 01922 652236 for further information.



To: DEVELOPMENT CONTROL
COMMITTEE

Report of Head of Planning and
Building Control, Regeneration
Directorate on 16 Jul 2009

REASON FOR BRINGING TO COMMITTEE: Requiring a balanced judgement

Application Number: 09/0162/AD

Application Type: Advertisements

Applicant: WM Morrison Supermarket
PLC

Proposal: Petrol filling station signage to
forecourt canopy, price sign, kiosk and car
wash

Ward: Willenhall South

Recommendation Summary: Grant Advert 5 years

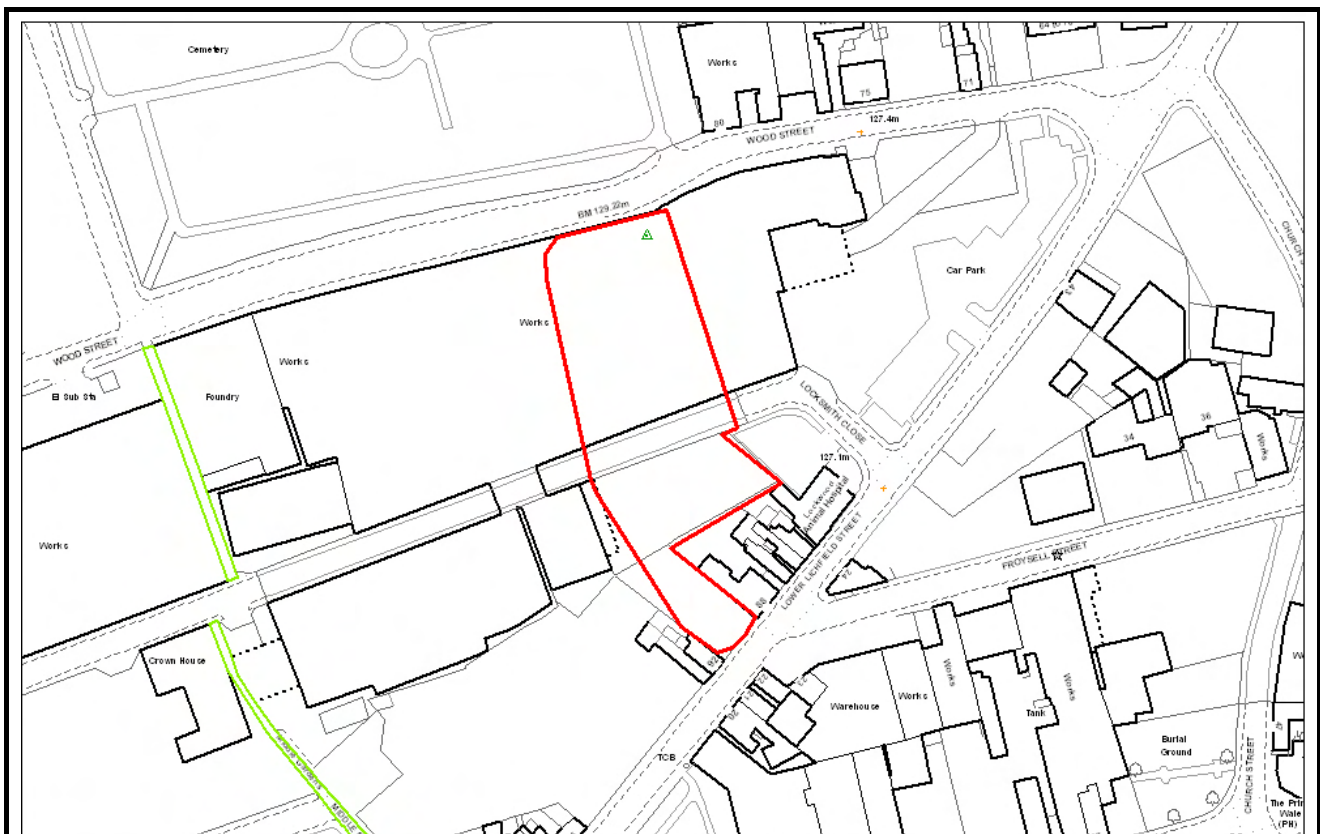
Case Officer: Marilyn Kowalski

Telephone Number: 01922 652492

Agent: WCEC Architects

Location: WOOD
STREET, WALSALL, WV131LA

Expired: 06/04/2009



Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Walsall MBC. Licence Number LA 076414.

Application and Site Details

This is an application for signage to the petrol filling station proposal which is the preceding item on this agenda.

The proposed petrol station consists of a walk in shop kiosk, a canopy covering 5 double-sided petrol pumps and car wash and jet wash bays.

The advertising material consists of:-

- Box sign to petrol filling station canopy: yellow with "Morrison" Motif and green lettering and "Miles Better Value" sign with internally illuminated white panels facing the new link road;
- Yellow box sign to petrol filling station canopy with no lettering or motif facing a vacant site adjoining to the east;
- Box sign to petrol filling station canopy: yellow with "Morrisons" Motif and green lettering with internally illuminated white panels facing Wood Street;
- Box sign to petrol filling station canopy: yellow with "Morrisons" Motif and green lettering with internally illuminated white panels facing toward the rear of properties on Lower Lichfield Street;
- Non illuminated Yellow sign unit on the car wash facilities facing toward Lower Lichfield Street and Wood Street;
- Internally illuminated box signs on car wash to rear facing vacant site and front facing new link road;
- Internally illuminated box sign to front of kiosk white with "Morrisons" Motif and green lettering;
- Internally illuminated totem "Price Clock" 5.547m high by 1.602 wide yellow with green lettering in verge on to side of exit.

Railings and landscaping define the site boundaries.

The site is immediately south of the Wood Street Cemetery.

Relevant Planning History

07/0639/OL/W2 Outline: demolition of buildings and provision of retail, service or office use (Use classes A1) residential use (Class C3) premises for retail, service or office use (class A1, A2, A3, A4, A5, or B1), link road, car parking and other associated works. Grant subject to conditions 12th March 2008.

08/1827/RM Reserved matters to planning application no 07/0639/FL/W2 Demolition of existing buildings & provision of retail (Use class A1), link road, car parking & other associated works and also affecting public footpaths Willenhall 73,74 and 78. Details also including discharge of several conditions of outline approval relating to, ventilation and extraction systems, public realm improvements, CCTV, concept landscaping, lighting & travel plans, and also amendment to wording of condition 12 regarding timing of Traffic Regulation Orders. Undetermined, though committee have resolved to support it subject to the resolution of some details.

09/0155/FL Erection of petrol station and car wash facilities (on part of the site subject to outline planning permission for residential development). Undetermined, and elsewhere on this agenda.

09/0163/FL Variation of Condition 9 of outline planning permission 07/0639/FL/W2 relating

Page 100 of 195

to clearing of part of site included in outline application, for residential development. Alteration of condition to remove the word "residential" from the condition. Undetermined, elsewhere on this agenda.

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

Unitary Development Plan

GP2 relates to environmental protection,
3.6 development should help to improve the environment of the Borough,
316 The Council will consider development in relation to its setting and will require a high quality of built and landscape design.

ENV32 Poorly designed development or proposals which fail to properly take account of the context or surroundings will not be permitted, this is particularly important on a visually prominent site, areas with a special character arising from the existing development in the neighbourhood. It sets guidelines with which to assess the quality of design.

ENV37 relates to small poster panel adverts. Regard should be had for effect on public safety, prominence in the street scene and any long distance views, the degree of visual clutter in the street scale and design in relation to its setting and effect on pedestrian circulation.

WH4 (vi) designates an area (significantly bigger than the area of the application site labelled:-

"East of the District Centre. This area has a wide range of uses, including employment, services and car parking. Although the Council will encourage existing employment uses to remain and will facilitate their expansion where appropriate, when sites are vacated other forms of development might be appropriate. The extent to which these alternative uses could be satisfactorily accommodated within the area will be determined by a number of factors including: their functional relationship with the Primary Shopping Area; adjacent land uses; and the improvement of vehicular access to and within the area. Any redevelopment must retain, and preferably enhance, public car parking in the area, in terms of quality, quantity and location."

Designing a better Walsall SPD

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

DBW1-Sustainability – new development must show that its design maximises energy efficiency in terms of layout, orientation and sustainable use of resources.

DBW3 – all new development must be designed to respect and enhance local identity

DBW6 – new development should contribute to creating a place that has a clear identity

DBW9 new development must seek to ensure it creates places with attractive environmental quality

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

Regional Spatial Strategy

The Regional Spatial Strategy for the West Midlands promotes the regeneration of the metropolitan area and sustainable development in accordance with national government guidance. Policies CC1, UR1B, QE10 are specifically relevant.

National Policy

Planning Policy Guidance 19: Outdoor Advertising states that advertisements should be considered only in terms of visual amenity and public safety.

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

Consultations

Transportation No Objection

Fire Service: No objection, satisfactory for fire service access.

Representations

None

Determining Issues

- Public Safety
- Effect on Amenity of Area

Observations

Public Safety

The display units would have no effect on public safety.

There are no objections on highway grounds.

Effect on Amenity of Area

Urban Design object to the application for the petrol filling station on the grounds of the visual amenity / character of area and in particular to the Wood St cemetery's sense of place. It is therefore appropriate to consider the effect of the advertising material in this context

In recommending approval for the petrol station, the character of the area has been taken into account. It is therefore important that the advertising material is in keeping with the site and does not have an adverse impact on its surroundings.

Some of the signage will face towards a vacant, future development site adjoining this to the east. This land formed part of the original outline planning permission and was earmarked for residential development. There is an application elsewhere on this agenda which seeks to remove the obligation for residential development of that

site. Nonetheless, the affect of this signage on that site needs careful consideration. The petrol filling station application clarifies that this boundary will be an embankment sloping downwards towards the future development site. The top of the embankment will be landscaped with ornamental planting (trees & shrubs) with the down slope (towards the vacant site) receiving grass seed to provide an area of rough mown grass. It is therefore suggested that the signage on this side of the petrol station should be non illuminated to ensure that the petrol filling station will not prejudice the development of that site in the future. A condition is suggested.

Regarding the possible effect on the sense of place of Wood Street Cemetery a 4 metre wide strip of landscaping is proposed along the area fronting Wood Street as part of the petrol station application. It is considered that this significant landscaping will compliment the open space of the cemetery on the opposite side of Wood Street, help to screen the petrol station and mitigate in terms of luminance levels.

Recommendation: Grant Advert 5 years

1. No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission

Reason: It is a requirement of the Regulations that the site owners permission be obtained before any advertisement is displayed.

2. No advertisement shall be sited or displayed so as to-

- Endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);
- Obscure, or hinder the ready interpretation of, any traffic sign, railway signal, or aid to navigation by water or air; or
- Hinder the operation of any device used for the purpose of securing or surveillance or for measuring the speed of any vehicle.

Reason: In the interest of public safety

3. Any advertisement displayed, and any site used for the displaying of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.

Reason: To ensure the satisfactory appearance of the development

4. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.

Reason: In the interest of public safety and amenity

5. Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair on visual amenity.

Reason: In the interest of public safety and amenity

6. The materials used shall be those indicated on the approved plans.

Reason: To ensure the satisfactory appearance of the development

7. The light source for each advertisement displayed shall be static and not visible to road users.

Reason: To ensure that the light source does not unduly distract driver's attention in the interests of highway safety.

8. Unless otherwise agreed in writing by the Local Planning Authority, the signage facing towards the vacant, future development site adjoining this to the east shall be non illuminated.

Reason: To ensure that the petrol filling station will not prejudice the future development of the adjoining site.

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



ITEM NO: 7.

To: DEVELOPMENT CONTROL
COMMITTEE

Report of Head of Planning and
Building Control, Regeneration
Directorate on 16 Jul 2009

REASON FOR BRINGING TO COMMITTEE: Major application

Application Number: 09/0163/FL

Application Type: Full application

Applicant: WM Morrison Supermarkets
PLC

Proposal: Variation of Condition 9 of
outline planning permission 07/0639/FL/W2
relating to clearing of part of site included in
outline application, for residential
development. Alteration of condition to
remove the word "residential" from the
condition

Ward: Willenhall South

Recommendation Summary: Grant Subject to conditions

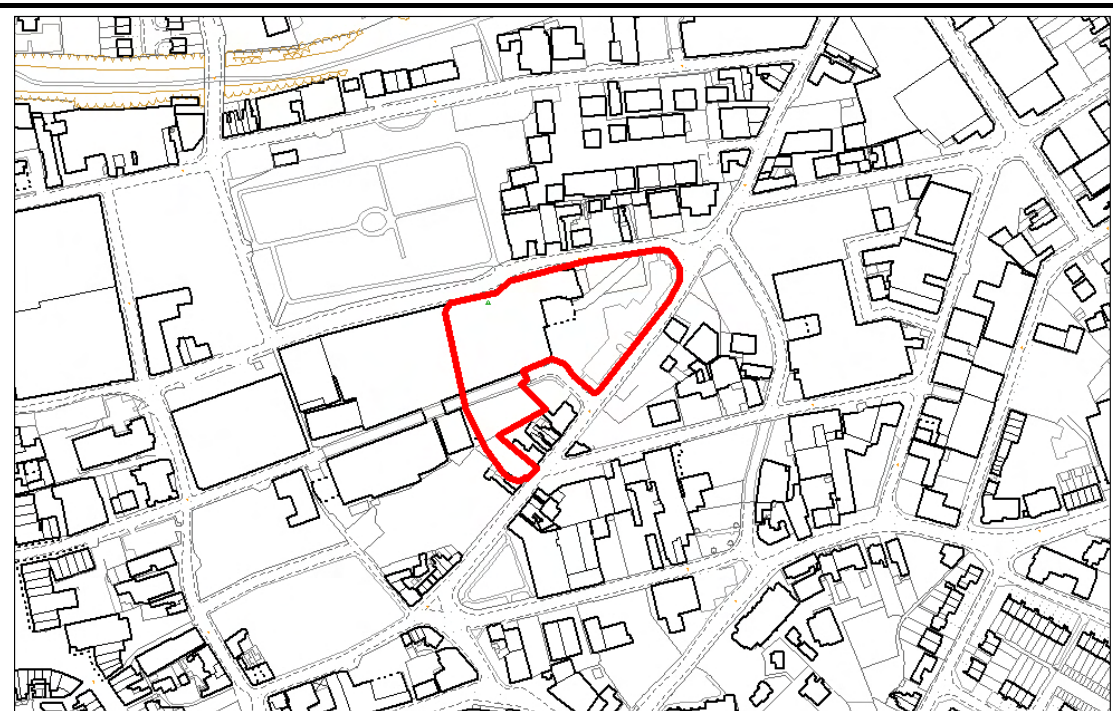
Case Officer: Marilyn Kowalski

Telephone Number: 01922 652492

Agent: WCEC Architects

Location: LAND SOUTH OF WOOD
STREET, WILLENHALL

Expired: 11/05/2009



Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may
lead to prosecution or civil proceedings. Walsall MBC. Licence Number LA 076414.

Application and Site Details

This is an application for the variation of condition 9 attached to outline approval ref: 07/0639/OL/W2 which was for the demolition of buildings and provision of retail, service or office use, residential use, service or office use, link road, car parking and other associated works which was granted in March 2008. The condition reads:-

"No later than six months from the opening of the food retail store, the residential site ("Area B" shown on plan B3667-011-G) shall be cleared for development, and commencement details for this site agreed, in accordance with a scheme to be submitted to and approved in writing by the Council.

Reason

To ensure the satisfactory development of the whole site to prevent implementation of the food retail store in isolation, resulting in a potentially unsatisfactory environment."

The outline permission covered a large area consisting of two plots "A" and "B". Plot "A", the larger of the two is for the retail food store (now known to be Morrisons)". The smaller area "B" was shown for residential development.

The applicants have set out that their reason for applying for this variation is that the condition restricts Area B to residential use only and that they want to be able to use it for other activities.

There is a full application on part of site "B" for a petrol station in connection with the new superstore. It is elsewhere on this agenda, though the two applications need to be determined separately from each other.

Relevant Planning History

07/0639/OL/W2 Outline: demolition of buildings and provision of retail, service or office use (Use classes A1) residential use (Class C3) premises for retail, service or office use (class A1, A2, A3, A4, A5, or B1), link road, car parking and other associated works. Grant subject to conditions 12th March 2008.

08/1827/RM Reserved matters to planning application no 07/0639/FL/W2 Demolition of existing buildings & provision of retail (Use class A1), link road, car parking & other associated works and also affecting public footpaths Willenhall 73,74 and 78. Details also including discharge of several conditions of outline approval relating to, ventilation and extraction systems, public realm improvements, CCTV, concept landscaping, lighting & travel plans, and also amendment to wording of condition 12 regarding timing of Traffic Regulation Orders. Undetermined, though committee have resolved to support it subject to the resolution of some details.

09/0155/FL Erection of petrol station and car wash facilities (on part of the site subject to outline planning permission for residential development). Undetermined, and elsewhere on this agenda.

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

Unitary Development Plan

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

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

WH4 (vi) designates an area (significantly bigger than the area of the application site labelled:-

"East of the District Centre. This area has a wide range of uses, including employment, services and car parking. Although the Council will encourage existing employment uses to remain and will facilitate their expansion where appropriate, when sites are vacated other forms of development might be appropriate. The extent to which these alternative uses could be satisfactorily accommodated within the area will be determined by a number of factors including: their functional relationship with the Primary Shopping Area; adjacent land uses; and the improvement of vehicular access to and within the area. Any redevelopment must retain, and preferably enhance, public car parking in the area, in terms of quality, quantity and location."

Regional Spatial Strategy for the West Midlands was published in June 2004.

Policy UR1 - Urban Renaissance in the Major Urban Areas (MUA's)

Policy CF1 - Scale and range of new housing development

Policy QE1 - Environment

Overall, these seek improvements to the design and sustainability of the urban areas.

National Policy

(PPG/PPS) - PPS1 on delivering sustainable development and good design.

PPS6 seeks to promote strong and diverse town centres whilst being accessible to all and promoting the need for high quality design.

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

Consultations

Transportation – No objection

Pollution Control

Scientific Team - No objections

Contaminated Land Team - No specific contaminated land requirements.

Environmental Health – No objections.

Drainage – No objection

West Midlands Fire Service – No objection in principle provided all access requirements are complied with.

Police Architectural Liaison Officer – No objection.

Landscape Design – No objection

Severn Trent Water – No objection

Representations

None

Determining Issues

- Principle of variation of condition

Observations

Principle of variation of condition

The application is to remove the word “residential” from the condition. The effect of approving the change applied for is that the developer still has to clear the site for development and submit the necessary information on commencement details. The removal of the word residential does not change this.

The applicants reason for the application is that they seek the ability to use Site B for other activities.

At present, only the activities listed in the outline planning permission 07/0639/OL/W2 are approved for the outline application site area. These are retail, service or office use (Use classes A1, A2, A3, A4, A5, or B1), residential use (Class C3) and car parking. This was approved in March 2008.

The variation of condition 9 does not, however, deliver what the applicants want (though it is what they have applied for).

Condition 4 of the outline permission says (and the crucial passages are identified in **bold**):-

4. A) The uses within the proposed development are permitted as follows unless otherwise agreed in writing by the Local Planning Authority:-

For the land to the west of Upper Lichfield Street on the Illustrative site layout plan drawing no. B3667-011-G:-

All purposes falling within:-

- Class A1
- Class A2
- Class A3
- Class A4
- Class A5
- Class B1
- Class C3 (for upper floors only)

For the land to the west of the new (north south) link road and east of Upper Lichfield Street:-

All purposes falling within:-

- Class A1
- Class A3 and A5 (not to exceed 12% of the food retail store floor area and shall be ancillary and located in the part of the building closest to

the town centre)
Class C3 (for upper floors only)

**For the land to the east of the new (north south) link road
All purposes falling within:-
Class C3**

of the schedule of the Town and Country Planning (Use Classes) Order 1987.

B) A Reserved Matters submission will define the areas and locations of the proposed buildings to be used for each Use Class and the hours of operation for non residential uses.

C) Prior to commencement of any A3, A4 and A5 uses on the site details of ventilation and fume extraction systems, where appropriate, including means to control odours for proposed food premises shall be submitted to and approved in writing by the Local Planning Authority

Reason: To define the use, secure the use of the site for purposes supportive of the role of the nearby district centre and ensure a satisfactory environment for the site and the adjoining sites.

Condition 4(A) says that the east of the new (north south) link road, that is Site B, is only approved for C3 (residential), with the proviso that this is “*unless otherwise agreed in writing*” by the Council.

The variation of condition 9 does not affect this requirement.

Approval of this application to vary condition 9 is necessary to achieve what the applicants want. It is then, in addition, open to the Council to agree, by an exchange of letters, that the terms of condition 4 can be varied. Of the list of uses approved under the outline (and officers would advise that the variation of condition 4 should only be within that list), retail should not be allowed east of the link road (it is not properly part of the town centre and the terms of the existing condition 4 reflect this). Of the available uses in the list, only B1 can be properly added to the list of approved uses for Site B.

It is therefore recommended that in addition to approving this application, a letter in these terms also be sent to the applicants.

Summary of Reasons for Granting Planning Permission

The removal of the word "residential" from condition 9 attached to outline approval ref: 07/0639/OL/W2 does not alter the approved uses for this part of the site.

The proposed variation is therefore considered to comply with Walsall's Unitary Development Plan, in particular policies GP1, GP2, GP7, 3.16, ENV18, ENV32, H10 and WH4 (vi) :

Recommendation: Grant Subject to conditions

1. Amend condition to read:-

“No later than six months from the opening of the food retail store, (“Area B” shown on plan B3667-011-G) shall be cleared for development, and commencement details for this site agreed, in accordance with a scheme to be submitted to and approved in writing by the Council.”

Reason: The variation of the condition does not impact on the approved uses or other features of the existing permission.



ITEM NO: 8.

To: DEVELOPMENT CONTROL
COMMITTEE

Report of Head of Planning and
Building Control, Regeneration
Directorate on 16 Jul 2009

REASON FOR BRINGING TO COMMITTEE: Major application

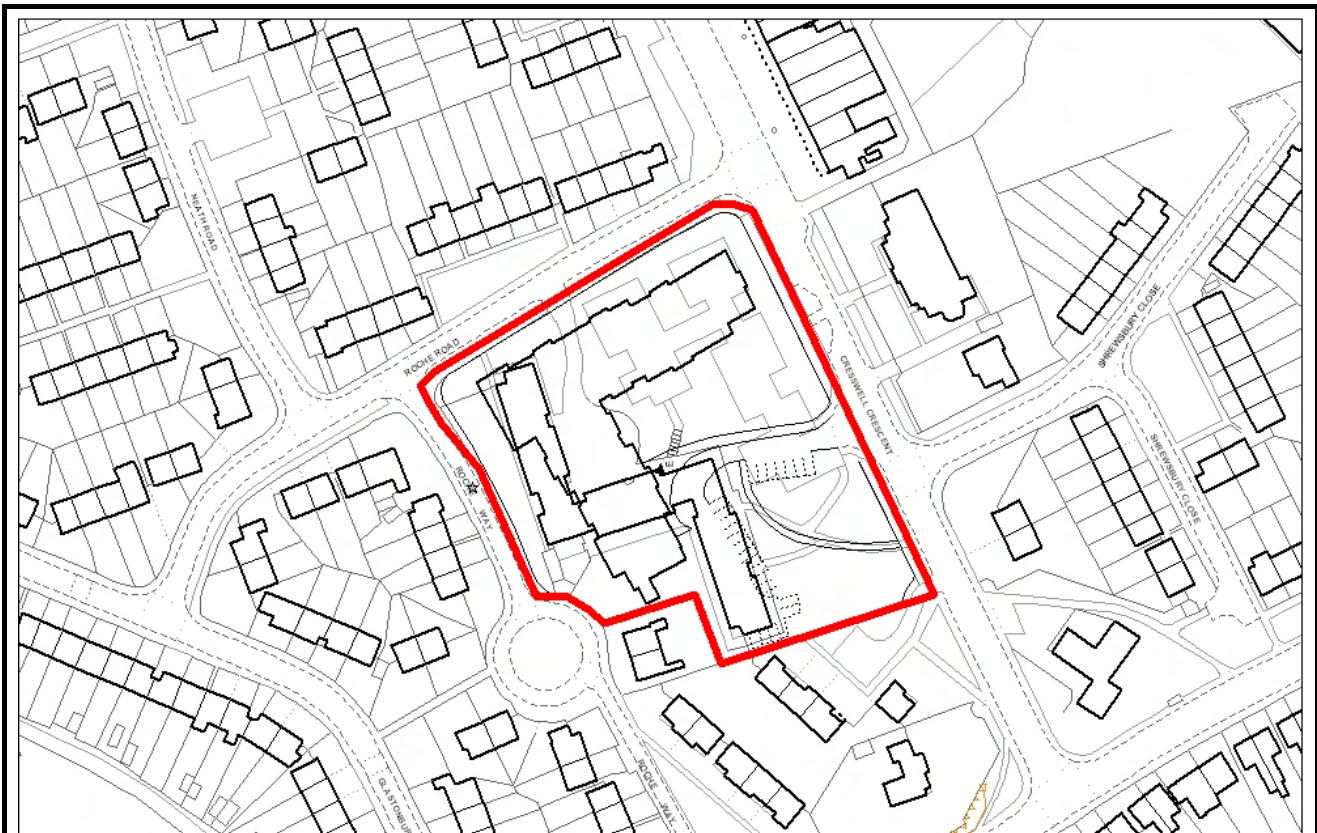
Application Number: 09/0497/FL
Application Type: Full application
Applicant: Housing 21
Proposal: Variation of condition 13
attached to planning approval
07/2059/FL/E9 to permit the development
to be occupied by persons of 55 years of
age and over instead of 60 years of age
and over

Ward: Bloxwich West

Recommendation Summary: Grant

Case Officer: Barbara Toy
Telephone Number: 01922 652429
Agent: Miss Sascha Newton
Location: MOSSLEY CENTRE, 1
ROCHE ROAD, WALSALL, WS3 2QT

Expired: 28/07/2009



Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Walsall MBC. Licence Number LA 076414.

Application and Site Details

This application follows an application that was approved by committee in December 2007 for 59 extra care apartments, communal facilities, day care centre, parking and associated landscaping. The extra care facilities form part of Housing 21's partnership scheme with the Council for the re-provision of residential and day care facilities for older people in Walsall, split over 5 identified sites to provide 322 residential units and 125 day care places. Extra care housing provides residents with their own home in a communal scheme where 24 hour care and support services are available should they need them.

This application seeks to vary condition 13 to allow the apartments to be occupied by persons of 55 years of age and over. Condition 13 states:

No dwelling shall be occupied by any person under the age of 60 years old.

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

The application is submitted in response to guidance for Registered Social Landlords from the Homes and Communities Agency (HCA) regarding extra care schemes. Under the terms of the HCA's Affordable Housing Capital Grant Funding guide, shared ownership for the elderly is only available for people aged 55 or over. The applicants state that to accord with the HCA guidelines on age restrictions for elderly accommodation, the Housing 21 lease to their tenants for the shared ownership accommodation states that 'Elderly Person' means a person of fifty five years of age or over.

The application is supported by a table detailing the level of parking provision in relation to existing and proposed sites under the control of Housing 21 across England. The applicant has stated that there are no parking problems on those sites where the residents are aged 55, or have no age restriction.

The site is situated on the western side of Cresswell Crescent and is bounded to the north by Roche Road and to the west by Roche Way. The site is situated just to the south west of Mossley Local Centre and approximately 1500m from Bloxwich District Centre, with good public transport facilities. The site is surrounded predominantly by residential properties in Roche Road, Roche Way and Cresswell Crescent, with St Thomas church and vicarage directly opposite in Cresswell Crescent and local shops (shops on ground floor with two storey residential above) situated to the north east of the site.

Relevant Planning History

07/2059/FL/E9 – Erection of 59 extra care apartments, communal facilities, day care centre, parking and associated landscaping. Granted subject to conditions 12th December 2007.

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

Unitary Development Plan (UDP)

GP2: The Council will expect all developments to make a positive contribution to the quality of the environment and the principles of sustainable development. ENV32 states poorly designed development which fails to take into account the context or surroundings will not be permitted.

T7 – Car Parking

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

T13: Parking Provision

Flats with communal parking 1.5 spaces per unit

Residential Care homes 1 space per 3 beds

Nursing Homes 1 space per 2 beds

Policy 7.63 of the UDP indicates that if housing schemes are to be occupied by a greater proportion of non-car users than average (eg affordable housing or elderly accommodation) then a lower level of parking provision may be appropriate.

National Guidance

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

Consultations

Transportation – no objection. The applicant has provided sufficient information to justify the reduction in the age of residents without the requirement to increase the level of on-site parking proportionate to the percentage of 55 year old residents accommodated within the development.

Housing Strategy – supports the change.

Public Participation Responses

One letter has been received objecting to the application on the following grounds:

- 59 apartments are planned but only has 29 parking spaces, where will staff and residents park?
- Area already suffers from parking problems
- Will be overlooked by this multi-storey development

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

Determining Issues

- Will the occupant qualifying age impact on parking needs

Observations

Will the occupant qualifying age impact on parking needs

The original application accepted a parking level of 50% for residents of 60 years old and above, based on the assumption that residents would have lower car ownership. Furthermore, in the original application, the applicants submitted that the parking provision would be sufficient based on the assumption that some staff may live locally and some may use public transport, and the site is considered to be in a sustainable location with good public transport and local facilities in close proximity.

Taking into account the submitted information on other sites in the country, and comparing this with the specific details of this case,, Transportation raise no objection to the application. It is therefore considered that reducing the qualifying age to 55 would not have a detrimental impact upon parking needs or result in on street parking which would be detrimental to highway safety.

Other issues raised by neighbours

One objection letter raises concerns about overlooking as a result of the multi-storey extra care apartments. As the principle of the development has already been considered acceptable through the granting of planning permission, this objection cannot be considered as part of the variation of condition application.

Summary of Reasons for Granting Planning Permission

The applicants have demonstrated that the parking provision would be sufficient based on the understanding that some staff may live locally and some may use public transport. The site is situated adjacent to the Mossley local centre and has good public transport links to the nearby Bloxwich District Centre.

Taking into account the submitted information on other sites in the country, and comparing this with the specific details of the case Transportation raise no objection to the application. It is therefore considered that reducing the qualifying age to 55 would not have a detrimental impact upon parking needs or result in on street parking which would be detrimental to highway safety. As such the proposal complies with Policy GP2, ENV32, T7, T13 and 7.63 of the Unitary Development Plan and the advice given in Planning Policy Guidance Note 13.

Recommendation: Grant

Recommendation: Approve variation of condition 13 of planning approval 07/2059/FL/E9

Condition 13 to read:

No dwelling shall be occupied by any person under the age of 55 years old.

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

Note for applicant

Notwithstanding the above please refer to the remaining conditions of planning approval 07/2059/FL/E9 which have not been altered as a result of this application.



To: DEVELOPMENT CONTROL
COMMITTEE

Report of Head of Planning and
Building Control, Regeneration
Directorate on 16 Jul 2009

REASON FOR BRINGING TO COMMITTEE: Major application

Application Number: 09/0504/FL
Application Type: Full application
Applicant: Housing 21
Proposal: Variation of condition 23 of
planning approval 08/1373/FL for
occupation of persons of 55 years of age
and over.

Ward: Brownhills

Recommendation Summary: Grant

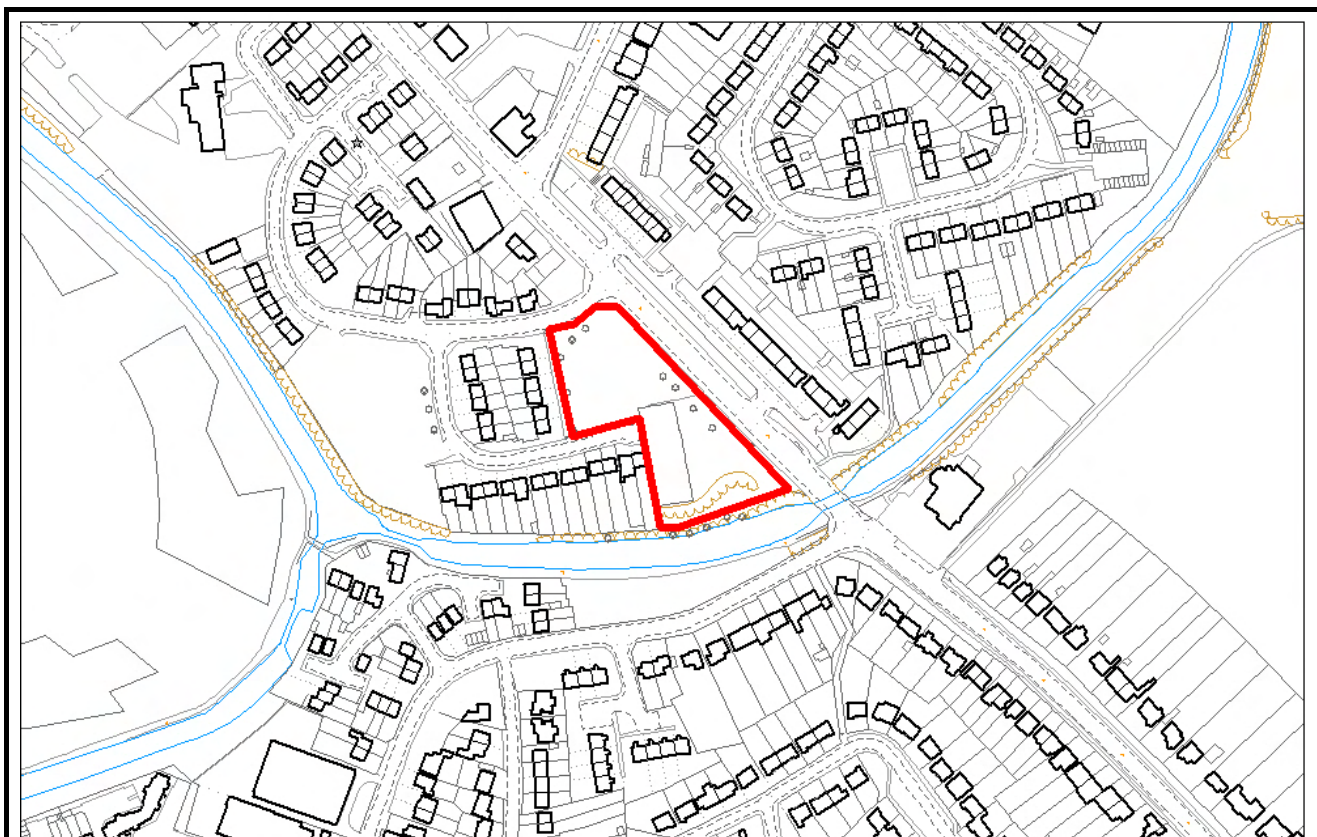
Case Officer: Paul Hinton

Telephone Number: 01922 652420

Agent: Calfordseaden LLP

Location: HIGH STREET/LINDON
DRIVE, BROWNNHILLS, WALSALL

Expired: 28/07/2009



Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Walsall MBC. Licence Number LA 076414.

Application and Site Details

This application follows an application that was approved by committee in October 2008 for 60 extra care apartments and associated facilities. The extra care facilities form part of Housing 21's partnership scheme with the Council for the re-provision of residential and day care facilities for older people in Walsall, split over 5 identified sites to provide 322 residential units and 125 day care places. Extra care housing provides residents with their own home in a communal scheme where 24 hour care and support services are available should they need them.

This application seeks to vary condition 23 to allow the apartments, with the exception of the guest suite, to be occupied by persons of 55 years of age and over. Condition 23 states:

The extra care apartments hereby approved with the exception of the guest suite shall be occupied solely by persons of 60 years of age and over.

Reason: To ensure functioning of the site in the provision of reduced car parking for the apartment block.

The application is submitted in response to guidance for Registered Social Landlords from the Homes and Communities Agency (HCA) regarding extra care schemes. Under the terms of the HCA's Affordable Housing Capital Grant Funding guide shared ownership for the elderly is only available for people aged 55 or over. The applicants state that to accord with the HCA guidelines on age restrictions for elderly accommodation, the Housing 21 lease to their tenants for the shared ownership accommodation states that 'Elderly Person' means a person of fifty five years of age or over.

The application is supported by a table detailing the level of parking provision in relation to existing and proposed sites under the control of Housing 21 across England. The applicant has stated that there are no parking problems on those sites where the residents are aged 55, or have no age restriction.

The site is situated on the corner of Lindon Drive and High Street. The site is 325m to the south of Brownhills District Centre, in a sustainable location with good public transport facilities. To the west are two storey semi-detached dwellings forming Lindon Close which is accessed off Lindon Drive. To the east across the High Street are a long block of four storey flats. Directly to the south is the Wyrley and Essington Canal which is approximately 2m lower than the application site and screened by a densely planted area of mature trees

Relevant Planning History

08/1373/FL – Provision of 60 no. extra care apartments and associated facilities. Granted subject to conditions 14th November 2008.

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

Unitary Development Plan (UDP)

GP2: The Council will expect all developments to make a positive contribution to the quality of the environment and the principles of sustainable development. ENV32 states poorly designed development which fails to take into account the context or surroundings will not be permitted.

T7 – Car Parking

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

T13: Parking Provision

Flats with communal parking 1.5 spaces per unit

Residential Care homes 1 space per 3 beds

Nursing Homes 1 space per 2 beds

Policy 7.63 of the UDP indicates that if housing schemes are to be occupied by a greater proportion of non-car users than average (eg affordable housing or elderly accommodation) then a lower level of parking provision may be appropriate.

National Guidance

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

Consultations

Transportation – no objection. The applicant has provided sufficient information to justify the reduction in the age of residents without the requirement to increase the level of on-site parking proportionate to the percentage of 55 year old residents accommodated within the development.

Housing Strategy – supports the change.

Public Participation Responses

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

- The terms of the original condition should remain.
- Lindon Drive and Lindon Close are already congested with parked cars, anything that will add to this should be resisted.
- If persons of 55 years occupy these properties there is a possibility younger members of families could also occupy the properties with them unless there are some conditions written into their tenancy agreements.

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

Determining Issues

- Will the occupant qualifying age impact on parking needs

Observations

Will the occupant qualifying age impact on parking needs

The original application accepted a parking level of 50% for residents of 60 years old and above, based on the assumption that residents would have lower car ownership. Furthermore in the original application, applicants submitted the parking provision would be sufficient based on the assumption that some staff may live locally and some may use public transport, and the site is considered to be in a sustainable location with good public transport and local facilities in close proximity.

Page 117 of 195

Taking into account the submitted information on other sites in the country, and comparing this with the specific details of this case, Transportation raise no objection to the application. It is therefore considered that reducing the qualifying age to 55 would not have a detrimental impact upon parking needs or result in on street parking which would be detrimental to highway safety.

Other issues raised by neighbours

One objection letter raises concerns about younger members of families occupying the properties if the age limit is reduced. The planning condition is clear in the age of occupants permitted (with the exception of the guest suite) and therefore this situation would be prevented.

Summary of Reasons for Granting Planning Permission

The applicants have demonstrated that the parking provision would be sufficient based on the understanding that some staff may live locally and some may use public transport. The application site has good public transport links to the nearby Brownhills District Centre.

Taking into account the submitted information on other sites in the country, and comparing this with the specific details of the case Transportation raise no objection to the application. It is therefore considered that reducing the qualifying age to 55 would not have a detrimental impact upon parking needs or result in on street parking which would be detrimental to highway safety. As such the proposal complies with Policy GP2, ENV32, T7, T13 and 7.63 of the Unitary Development Plan and the advice given in Planning Policy Guidance Note 13.

Recommendation: Grant

Recommendation: Approve variation of condition 23 of planning approval 08/1373/FL

Condition 23 to read:

The extra care apartments hereby approved with the exception of the guest suite shall be occupied solely by persons of 55 years of age and over.

Reason: To ensure functioning of the site in the provision of reduced car parking for the apartment block.

Note for applicant

Notwithstanding the above please refer to the remaining conditions of planning approval 08/1373/FL which have not been altered as a result of this application.



ITEM NO: 10.

To: DEVELOPMENT CONTROL
COMMITTEE

Report of Head of Planning and
Building Control, Regeneration
Directorate on 16 Jul 2009

REASON FOR BRINGING TO COMMITTEE: Major application

Application Number: 09/0519/FL

Application Type: Full application

Applicant: Housing 21

Proposal: Variation of planning condition
15 of planning permission 09/0342/FL to
read - "The extra care apartments hereby
approved with the exception of the guest
suite shall be occupied solely by persons of
55 years of age and over"

Ward: Aldridge/Central & South

Recommendation Summary: Grant

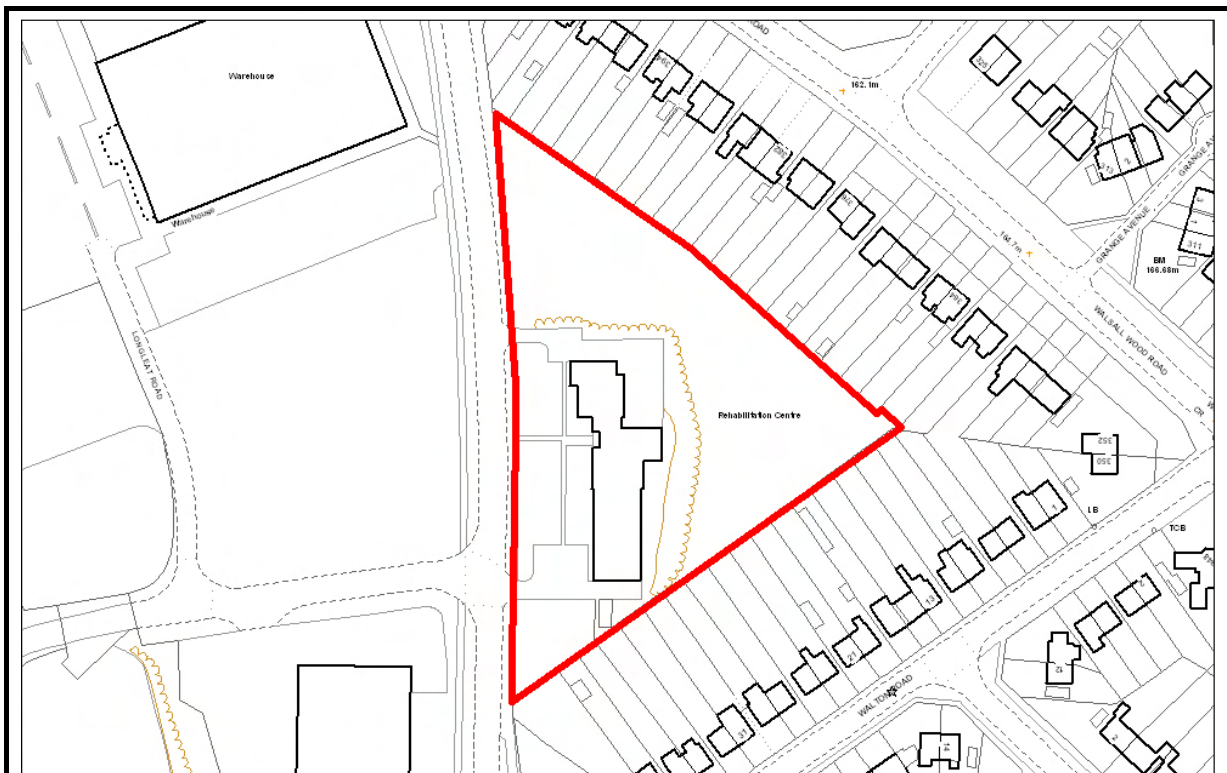
Case Officer: Devinder Matharu

Telephone Number: 01922 652487

Agent: Caldfordseaden LLP

Location: NORTHGATE
REHABILITATION CENTRE,
NORTHGATE, WALSALL, WS9 8HL

Expired: 28/07/2009



Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Walsall MBC. Licence Number LA 076414.

Application and Site Details

This application is the result of an application that was approved by Development Control Committee in February 2008 for 53 No. extra care apartments, communal facilities, day-care centre, parking and associated landscaping. A revised application for amendments to permission 07/2644/FL/E12 for changes to footprint, location of building, parking, landscaping and building fenestration was approved by Development Control Committee in May 2009. The extra care facilities form part of Housing 21's partnership scheme with the Council for the re-provision of residential and day care facilities for older people in Walsall, split over 5 identified sites to provide 322 residential units and 125 day care places. Extra care housing provides residents with their own home in a communal scheme where 24 hour care and support services are available should they need them.

This application seeks to vary planning condition 15 of planning permission 09/0342/FL to allow the apartments, with the exception of the guest suite, to be occupied by persons of 55 years of age and over. Condition 15 states:

The extra care apartments hereby approved with the exception of the guest suite shall be occupied solely by persons of 60 years of age and over.

Reason: To ensure functioning of the site in the provision of reduced car parking for the apartment block.

The application is submitted in response to guidance for Registered Social Landlords from the Homes and Communities Agency (HCA) regarding extra care schemes. Under the terms of the HCA's Affordable Housing Capital Grant Funding guide shared ownership for the elderly is only available for people aged 55 or over. The applicant's state that to accord with the HCA guidelines on age restrictions for elderly accommodation, the Housing 21 lease to their tenants for the shared ownership accommodation states that 'Elderly Person' means a person of fifty five years of age or over.

The application is supported by a table detailing the level of parking provision in relation to existing and proposed sites under the control of Housing 21 across England. The applicant has stated that there are no parking problems on those sites where the residents are aged 55, or have no age restriction.

The site lies on Northgate the main road from Aldridge to Walsall Wood, approx 1500m north of Aldridge District Centre. To the north, east and south of the site there are semi detached residential properties that front onto Walton Road and Walsall Wood Road benefiting from in excess of 30m rear gardens. The site is situated approx 80 metres away from the junction of Walton Road and Northgate. Opposite the application is an area of disused land that has been allocated as a new employment site in the Unitary Development Plan.

Relevant Planning History

07/2644/FL/E12 53 extra care apartments with communal facilities, day care centre, parking and associated landscaping. Northgate Rehabilitation Centre, Northgate, Aldridge. Granted subject to conditions 29 February 2008.

09/0342/FL. Amendments to Permission 07/2644/FL/E12 for 53 Extra Care Apartments, communal facilities, day-care centre parking and associated landscaping. Changes to footprint, location of building, parking, landscaping and building fenestration. Northgate Rehabilitation Centre, Northgate, Aldridge. Granted subject to conditions 22 May 2009.

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

Unitary Development Plan (UDP)

GP2: The Council will expect all developments to make a positive contribution to the quality of the environment and the principles of sustainable development. ENV32 states poorly designed development which fails to take into account the context or surroundings will not be permitted.

T7 – Car Parking

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

T13: Parking Provision

Flats with communal parking 1.5 spaces per unit

Residential Care homes 1 space per 3 beds

Nursing Homes 1 space per 2 beds

Policy 7.63 of the UDP indicates that if housing schemes are to be occupied by a greater proportion of non-car users than average (eg affordable housing or elderly accommodation) then a lower level of parking provision may be appropriate.

National Guidance

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

Consultations

Transportation – No objection, The applicant has provided sufficient information to justify the reduction in the age of residents without the requirement to increase the level of on-site parking proportionate to the percentage of 55 year old residents accommodated within the development.

Housing Strategy – supports the change.

Urban Design – no objection

Public Participation Responses

None

Determining Issues

- Will the occupant qualifying age impact on parking needs

Observations

Will the occupant qualifying age impact on parking needs

The original application accepted a parking level of 50% for residents of 60 years old and above, based on the assumption that residents would have lower car ownership. Furthermore, in the original application, the applicants submitted that the parking

Page 121 of 195

provision would be sufficient based on the assumption that some staff may live locally and some may use public transport. Northgate has good public transport links to the nearby Aldridge District Centre.

Taking into account the submitted information on other sites in the country, and comparing this with the specific details of the case Transportation raise no objection to the application. It is therefore considered that reducing the qualifying age to 55 would not have a detrimental impact upon parking needs or result in on street parking which would be detrimental to highway safety.

Summary of Reasons for Granting Planning Permission

Summary of reasons for granting planning permission

The applicants have demonstrated that the parking provision would be sufficient based on the understanding that some staff may live locally and some may use public transport. Northgate has good public transport links to the nearby Aldridge District Centre.

Taking into account the submitted information on other sites in the country, and comparing this with the specific details of the case Transportation raise no objection to the application. It is therefore considered that reducing the qualifying age to 55 would not have a detrimental impact upon parking needs or result in on street parking which would be detrimental to highway safety. As such the proposal complies with Policy GP2, ENV32, T7, T13 and 7.63 of the Unitary Development Plan and the advice given in Planning Policy Guidance Note 13.

Recommendation: Grant

Condition 15 to read:

The extra care apartments hereby approved with the exception of the guest suite shall be occupied solely by persons of 55 years of age and over.

Reason: To ensure functioning of the site in the provision of reduced car parking for the apartment block.

Note for applicant

Notwithstanding the above please refer to the remaining conditions of planning approval 09/0342/FL which have not been altered as a result of this application.



To: DEVELOPMENT CONTROL
COMMITTEE

Report of Head of Planning and
Building Control, Regeneration
Directorate on 16 Jul 2009

REASON FOR BRINGING TO COMMITTEE: Major application

Application Number: 09/0500/FL

Application Type: Full application

Applicant: Housing 21

Proposal: Variation of Condition 12 of
08/0907/FL so that the permitted
development may be occupied by persons
of 55 years of age and over.

Ward: Palfrey

Recommendation Summary: Approve variation of condition 12 of planning
approval 08/0907/FL;

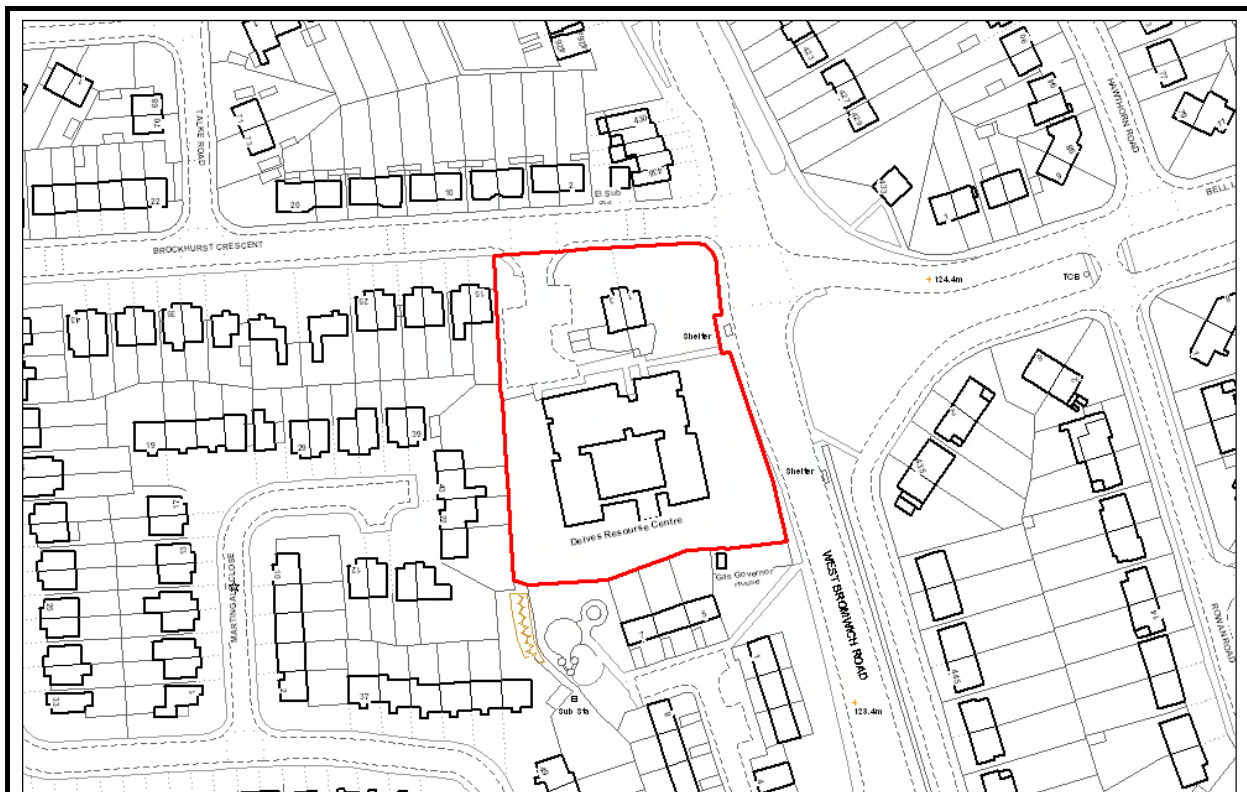
Case Officer: Val Osborn

Telephone Number: 01922 652436

Agent: Calfordseaden LLP

Location: 1 & 3 Brockhurst Crescent
and Delves Resource Centre,
Brockhurst Crescent, Walsall, WS5
4PW

Expired: 28/07/2009



Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Walsall MBC. Licence Number LA 076414.

Application and Site Details

This application follows a permission given by committee in October 2008 for 53 extra care apartments and associated facilities. The extra care facilities form part of Housing 21's partnership scheme with the Council for the re-provision of residential and day care facilities for older people in Walsall 5 identified sites to provide 322 residential units and 125 day care places). Extra care housing provides residents with their own home in a communal scheme where 24 hour care and support services are available should they need them.

This application seeks to vary condition 12 to allow the apartments, with the exception of the guest suite, to be occupied by persons of 55 years of age and over. The existing condition 12 states:

The extra care apartments hereby approved with the exception of the guest suite shall be occupied solely by persons of 60 years of age and over.

Reason: To ensure functioning of the site in the provision of reduced car parking for the apartment block.

The application is submitted in response to guidance for Registered Social Landlords from the Homes and Communities Agency (HCA) regarding extra care schemes. Under the terms of the HCA's Affordable Housing Capital Grant Funding guide, shared ownership for the elderly is only available for people aged 55 or over. The applicant states that to accord with the HCA guidelines on age restrictions for elderly accommodation, the Housing 21 lease to their tenants for the shared ownership accommodation states that 'Elderly Person' means a person of fifty five years of age or over.

The site is situated on the south-western corner of Brockhurst Crescent / West Bromwich Road and extends to the rear garden boundary of houses fronting Sarah Gardens and Martingale Close, as well as the side garden of 15 Brockhurst Crescent. The area is predominantly residential. Properties on Martingale Close are set at a significantly lower level than the existing building and the proposal.

The site is south of the small shopping parade on the north-western corner of Brockhurst Crescent and West Bromwich Road and set behind a railed street frontage. Trees at the corner of Brockhurst Crescent and on the West Bromwich frontage are, in the majority, to remain, with additional planting to enhance the existing line of trees.

Relevant Planning History

08/0907/FL – Provision of 53 no. extra care apartments and associated facilities. Granted subject to conditions 5th September 2008.

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

Unitary Development Plan (UDP)

GP2: The Council will expect all developments to make a positive contribution to the quality of the environment and the principles of sustainable development.

Page 124 of 195

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

T7 – Car Parking

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

T13: Parking Provision

Flats with communal parking 1.5 spaces per unit

Residential Care homes 1 space per 3 beds

Nursing Homes 1 space per 2 beds

Policy 7.63 of the UDP indicates that if housing schemes are to be occupied by a greater proportion of non-car users than average (eg affordable housing or elderly accommodation) then a lower level of parking provision may be appropriate.

National Guidance

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

Consultations

Transportation – No objection. The applicant has provided sufficient information to justify the reduction in the age of residents without the requirement to increase the level of on-site parking proportionate to the percentage of 55 year old residents accommodated within the development.

Housing Strategy – supports the change.

Public Participation Responses

None

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

Determining Issues

- Will the occupant qualifying age impact on parking needs ?

Observations

Will the occupant qualifying age impact on parking needs

The original application accepted a parking level of 50% for residents of 60 years old and above, based on the assumption that residents would have lower car ownership. Furthermore in the original application, applicants submitted the parking provision would be sufficient based on the assumption that some staff may live locally and some may use public transport, and the site is considered to be in a sustainable location with good public transport and local facilities in close proximity.

Taking into account the submitted information on other sites in the country, and comparing this with the specific details of this case, Transportation raise no objection

Page 125 of 195

to the application. It is therefore considered that reducing the qualifying age to 55 would not have a detrimental impact upon parking needs or result in on street parking which would be detrimental to highway safety.

Summary of Reasons for Granting Planning Permission

The applicants have **demonstrated** that the parking provision would be sufficient based on the **understanding** that some staff may live locally and some may use public transport. West Bromwich Road has good public transport links and Bescot Station is nearby, within walking distance.

Taking into account the submitted information on other sites in the country, and comparing this with the specific details of the case Transportation raise no objection to the application. It is therefore considered that reducing the qualifying age to 55 would not have a detrimental impact upon parking needs or result in on street parking which would be detrimental to highway safety. As such the proposal complies with Policy GP2, ENV32, T7, T13 and 7.63 of the Unitary Development Plan and the advice given in Planning Policy Guidance Note 13.

Recommendation: Approve variation of condition 12 of planning approval 08/0907/FL;

Condition 12 to read:

The extra care apartments hereby approved with the exception of the guest suite shall be occupied solely by persons of 55 years of age and over.

Reason: To ensure functioning of the site in the provision of reduced car parking for the apartment block.

Note for applicant

Notwithstanding the above please refer to the remaining conditions of planning approval 08/0907/FL which have not been altered as a result of this application.



To: DEVELOPMENT CONTROL
COMMITTEE

Report of Head of Planning and
Building Control, Regeneration
Directorate on 16 Jul 2009

REASON FOR BRINGING TO COMMITTEE: Major Application

Application Number: 09/0507/FL

Application Type: Full application

Applicant: Alexander Homes

Proposal: Proposed erection of 13 dwellings

Ward: Willenhall South

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

Case Officer: Jan Scrivens

Telephone Number: 01922 652436

Agent:

Location: Land adjacent 18 Park Road, Willenhall, West Midlands

Expired: 28/07/2009



Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Walsall MBC. Licence Number LA 076414.

Application and Site Details

This application proposes the erection of a mix of thirteen detached, semi-detached and terraced two storey houses on the site of a former factory. The houses would each have two bedrooms.

All of the houses would have garden lengths of 12 metres or more, although the area of four of them would be 60 square metres, and one would be 55 square metres.

There are trees on the site which are included in a Tree Preservation Order. Three would be removed as part of this proposal, one to accommodate the development and two identified as having health problems.

Of those houses which face each other only two would be at a distance of less than 24 metres (at 22.5 metres and 23.5 metres) and this is across the new cul-de-sac.

The density of the development would be 65 dwellings per hectare.

A new cul-de-sac would be created from Park Road to provide access to ten of the proposed houses, the remainder having vehicular access to Park Road. Although the site backs onto Thompson Street there would be no vehicular or pedestrian access to this road. A public footpath which formerly linked Thompson Street to Park Road, via the site, has now been extinguished.

Two parking spaces would be provided for each house.

A Design and Access Statement and a tree survey have been provided in support of this application.

Park Road to the west of the site is residential in character with two storey semi-detached houses. Land to the rear (south) of the site in Thompson Street and Thompson Close is also residential in character with one and two storey dwellings.

On the northern side of Park Road are industrial units and to the east of the site, separated by a belt of trees, is a club.

Relevant Planning History

06/0665/FL/W3 Erection of 40 apartments. Refused 3.7.06

06/2170/FL/W3 Erection of 24 apartments. Granted subject to conditions 24.4.07

08/0162/FL Erection of 24 apartments. Members resolved to grant permission for this development on 22.4.08 subject to the completion of a Section 106 Agreement which is still outstanding.

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

Development Plan

GP1 requires sustainable locations for new development, maximising the re-use of derelict land

GP2 and 3.6 require all development to make a positive contribution to the

Page 128 of 195

environment

GP3 relates to the use of planning obligations to secure the provision of on or off-site infrastructure, facilities, services or mitigating measures made necessary by a development

ENV14 relates to the treatment of previously developed sites

ENV18 states that development will not be allowed if it would result in the loss or damage of protected trees

ENV32 requires the design of new development to be of high quality

H3 encourages housing on previously developed sites

H10 requires residential development to create a high quality living environment and a dwelling mix appropriate to the area

Appendix E of the adopted Designing Walsall Supplementary Planning Document sets out standards for residential development.

T7 and T13 relate to car parking

8.7 and LC1 require new development to provide or make a financial contribution towards the improvement/provision of urban open space.

A Supplementary Planning Document relating to Urban Open Space was adopted in April 2006

Regional Spatial Strategy

Promotes sustainable regeneration of previously developed sites and high quality design

National Policy

Planning Policy Statement PPS1 encourages sustainable development and good design

Planning Policy PPS3 supports increased housing on brownfield sites.

Consultations

Transportation: No objection

Pollution Control: Contaminated Land Team has no objection. Recommends conditions requiring a site investigation/remediation. **Scientific Team** has no objection.

Recommends conditions relating to noise and vibration.

Walsall Children's Services - Serco: No objection. There is a surplus of both primary and secondary school places and therefore no financial contribution is required towards education.

Environment Agency: Object to the application. The applicant has not supplied adequate information to demonstrate that the risks posed to groundwater can be satisfactorily managed.

Centro: No objection. None of Centro's existing infrastructure is affected. The current proposals for the metro route do not affect this site. The bus service to the development is limited; the frequent bus service along Wednesfield Road is within walking distance but only has hourly services on evenings and Sundays. There will be insufficient demand from the development to change this situation.

Landscape: No objection. Recommends a landscaping condition.

Page 129 of 195

Representations

One neighbour has requested high security fencing on his boundary, preferably in the form of a 1.8m high brick wall, as the development will open up access to the rear of his property.

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

Determining Issues

- Residential environment
- Amenity
- Access and parking
- Urban open space provision

Observations

Residential environment

The acceptability of residential development on this site, in relation to the industrial uses opposite, was established by the approval of 06/2170/FL/W3.

Pollution Control has recommended conditions to address land contamination and noise and vibration issues. The Environment Agency has objected to the application due to the absence of a ground contamination report. Such a report has been provided with two previous applications on this site and on that basis the Agency has previously considered the development acceptable, subject to conditions requiring further investigations. Such conditions could be imposed again if the application is considered otherwise acceptable. Officers regard this as an acceptable position.

Five of the houses would have garden areas which would be less than 65 square metres (four at 60 square metres and one at 55 square metres). Although this is less than Appendix E of Designing Walsall expects, they do meet the alternative requirement of being 12 metres long or more. These would be two bedroom homes for small families. It would be possible to enlarge the gardens slightly by pushing the houses forward but reducing the small front gardens would detract from the appearance of the cul-de-sac. Overall, the proposed garden areas are acceptable.

There is less than 24 metres between the facing habitable room windows of four of the houses. Since this is on the street elevation there would be no loss of privacy for the properties concerned.

Amenity

The previous applications for residential development on this site have been for flats, which neighbours have felt to be out of keeping with the area. Neighbours have also expressed a wish for family dwellings. Both preferences are accommodated in this development. The public footpath which formerly crossed the site, and was the subject of neighbours concerns about anti-social behaviour, has now been extinguished.

The majority of dwellings would be orientated west to east so that there would be no overlooking of neighbouring dwellings. All but three of the trees on the site would be

Page 130 of 195

retained, two are proposed to be removed on the advice of the Tree Officer and one would have to be felled to accommodate the development.

The layout of the scheme reflects the pattern of the surrounding streets with some houses facing Park Road and some facing onto the proposed cul-de-sac. The development would open the rear boundary of the site to public access (at the head of the proposed cul-de-sac) but these properties already have substantial boundaries and the applicant has erected a close boarded fence to reinforce this and create a consistent appearance.

Access and parking

The position of the cul-de-sac, which is the principal access to the site, would be the same as previously approved under 06/2170/FL/W3. Three individual properties would have direct access to Park Road which is acceptable.

The application proposes two parking spaces per dwelling which meets Council standards.

Urban open space provision

Policy LC1 requires the provision of urban open space or a financial contribution towards the provision/ improvement of existing open space. The applicant has agreed to complete a section 106 agreement to contribute £18,711 as required by policy LC1.

Summary of Reasons for Granting Planning Permission

The development would maximize the use of a redundant industrial site in a sustainable location, and the provision of small family homes will add to the mix of dwellings in the area. It would make a positive contribution to the improvement of the environment and would retain the majority of protected trees on the site for the benefit of its future occupiers and the amenity of the area. The development would provide satisfactory access to Park Road and sufficient parking to meet its needs. The provision or improvement of urban open space in the area will be secured by a planning obligation. The approval of this application would be in accordance with policies GP1, GP2, 3.6, GP3, ENV14, ENV18, ENV32, H3, H10 T7, T13, 8.7 and LC1 of Walsall's Unitary Development Plan and to appendix E of the adopted Designing Walsall Supplementary Planning Document and the adopted Urban Open Space Supplementary Planning Document.

Recommendation: Grant Permission Subject to Conditions and a Planning Obligation

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

Note for applicant

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

Reason: To ensure the satisfactory functioning of the development.

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

Note for applicant

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

Reason: To ensure the satisfactory functioning of the development.

4. Prior to development commencing, a noise survey shall be undertaken. The results of this survey, including details of all instrumentation used, prevailing weather conditions and traceable calibration tests shall be submitted to the local planning authority within 2 months of completion.

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

5. No development shall take place until suitable noise mitigation measures to protect internal areas have been agreed in writing with the local planning authority, and the development shall not be occupied until such measures have been fully implemented.

Note for applicant.

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

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

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

Unless otherwise specified in a relevant standard, code or guidance, sound level measuring instrumentation shall conform to either 'Type 1' of British Standards BS EN 60651: 1994 'Specification for sound level meters' and/or BS EN 60804: 1994 'Specification for integrating-averaging sound level meters' and/or Class 1 of BS EN 61672: 2003 'Electroacoustics-Sound Level Meters - Part 1: Specifications 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' or British Standard BS 61672 Electroacoustics- Sound Level Meters - Part 3: Periodic tests, within a preceding 2 year period.

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

*Planning Policy Guidance Note PPG 24 'Planning and Noise'. 1994;
Minerals Policy Statement 2: Controlling and Mitigating the Environmental Effects of Minerals Extraction in England. 2005
British Standard BS 7445: 2003 "Description and Measurement of Environmental Noise".
British Standard BS 7445-1: 2003 - Description and measurement of environmental noise - Part 1: Guide to Quantities and Procedures;
British Standard BS 7445-2: 1991 - Description and measurement of environmental noise - Part 1: Guide to the acquisition of data pertinent to land use
British Standard BS 7445-3: 1991 - Description and measurement of environmental noise - Part 3: Guide to application to noise limits.
British Standard BS 4142: 1997 – Method for Rating industrial noise affecting mixed residential and industrial areas
Calculation of Road Traffic Noise, 1988
Calculation of Railway Noise, 1995*

This is not an exhaustive list.

Noise surveys should adequately establish the spatial variation of noise across a proposed development site using one or more measurement and/or calculation points, and may also need to take account of changes in noise levels on account of height above ground floor level. Additionally, a noise survey may have to take into consideration changes in a noise climate between normal weekdays and weekends, and require continued

monitoring over a 24 hour period or longer. Secondary 'spot check' surveys will be required by the local planning authority in some instances to corroborate a continuous single noise survey.

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

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

6. Prior to development commencing, a ground and/or structural vibration survey shall be undertaken. The results of this survey, including details of all instrumentation used, prevailing site conditions and traceable calibration tests, shall be submitted to the local planning authority within 2 months of completion.

Note for applicant

Vibration surveys shall be conducted having regard to the advice, recommendations or requirements contained in British Standards: BS 6472: 1992 'Guide to Evaluation of human exposure to vibration in buildings (1 Hz to 80 Hz); BS 7385-1: 1990 Evaluation and measurement for vibration in buildings Part 1 'Guide for measurement of vibrations and evaluation of their effects on buildings'; BS 7385-2: 1993 Evaluation and measurement for vibration in buildings Part 2 'Guide to damage levels from ground borne vibration'.

This is not an exhaustive list.

Guidance on physical mounting on accelerometers may be obtained from British Standard BS ISO 5348: 1998 Mechanical vibration and shock – Mechanical mounting of accelerometers.

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

7. No development shall take place until suitable vibration mitigation measures to protect internal areas have been agreed in writing with the local planning authority. The development shall not be brought into use until such measures have been fully implemented and thereafter they shall be maintained in accordance with their design specification.

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

8. Levels of ground and/or structure-borne vibration transmitted to occupied buildings shall not exceed specified criteria for 'low probability of adverse

comment assessed with reference to British Standard BS 6472: 1992 'Guide to Evaluation of human exposure to vibration in buildings (1 Hz to 80 Hz).

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

9. 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 visual amenity of the area and the amenity of adjacent occupiers.

10. Notwithstanding the details shown on the submitted drawings no development shall be carried out until details of the existing and proposed west, south and east boundary treatments of the site and the internal site divisions have been submitted to and approved in writing by the Local Planning Authority. The approved boundary treatment shall be carried out before the development is brought into use and shall be thereafter retained.

Reason: To safeguard the amenities of the occupiers of the development and adjacent occupiers and in the interests of the satisfactory appearance of the development.

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

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

12. A 1.5 metre high chestnut paling fence shall be erected to the full extent of the canopy of each tree, group of trees or hedge to be retained, or to such other distance as the Local Planning Authority agree in writing, before commencement of any part of the development. The fence shall be retained until the development is entirely complete and the land so enclosed shall be kept clear of all contractor's materials and machinery at all times.

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

13. 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 (1st October - 1st April) following any part of the development being brought into use, or in accordance with any agreed phasing.

Reason: To ensure the satisfactory appearance of the development.

14. 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.

15. No dwelling shall be occupied until the drive or parking spaces to that dwelling have been hardsurfaced in accordance with the scheme approved by the Local Planning Authority under condition 11 of this permission.

Reason: To ensure the satisfactory functioning of the development.

16. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, or succeeding Orders, no development within Classes A, D and E of Schedule 2 Part 1 to the Order shall be carried out to the dwelling on plot 5 of this development without the prior approval of a planning application.

Reason: In order to maintain an adequate amenity area at the rear of the dwelling and in the interests of the amenity of adjoining occupiers.

17. This permission grants consent for the felling of the trees numbered 2435, 2436 and 2438 on the tree survey accompanying this application, only in connection with this development and not any other tree on the site.

Reason: In the interests of the amenity of the area and to define the permission.

18. This decision relates to drawings nos 01,02,03a,05,06,07,08,09a,10 and 11

Reason: To define the permission.



ITEM NO: 13.

To: DEVELOPMENT CONTROL
COMMITTEE

Report of Head of Planning and
Building Control, Regeneration
Directorate on 16 Jul 2009

REASON FOR BRINGING TO COMMITTEE: Requires delicate judgement

Application Number: 09/0709/FL
Application Type: Full application
Applicant: Shri Guru Ravidass

Case Officer: Jan Scrivens
Telephone Number: 01922 652436
Agent: Architectural Design Studio
Limited

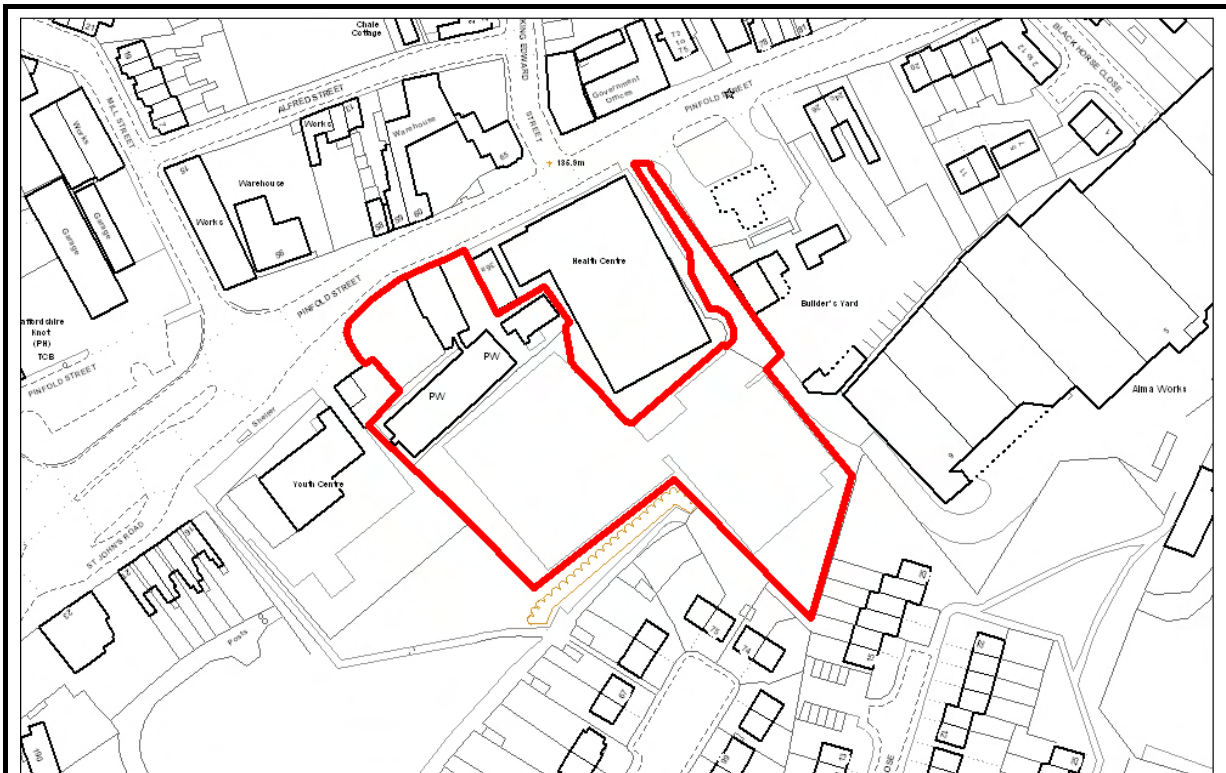
Proposal: Demolition of existing building
and erection of purpose designed temple
with associated facilities and car parking.

Location: 37-38 PINFOLD
STREET, WALSALL, WS10 8SY

Ward: Darlaston South

Expired: 22/07/2009

Recommendation Summary: Grant Subject to conditions



Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Walsall MBC. Licence Number LA 076414.

Application and Site Details

This application proposes the demolition and redevelopment of the Shri Guru Ravidass Temple, Pinfold Street, Darlaston.

The development involves a single storey building with two domes, the maximum height of which would be 14.8m. The building would be located at the rear of the site, partially behind a new pharmacy and an industrial building. It would have a pedestrian access from Pinfold Street and from the car park of Darlaston health centre which is at the rear of the site.

The building would have a capacity of 426 people for prayer and 280 for dining. There would be a single one bedroom flat within the building for a priest.

The application also proposes the construction of a car park on the front of the site with a new access and egress to Pinfold Street. The car park would provide 16 parking spaces of which 3 would be for disabled drivers. There would be 15 cycle stands and space for a small delivery van.

This parking would be augmented by the use of the health centre car park. The applicants have a legal agreement with the Primary Care Trust to use 11 parking spaces during the opening hours of the health centre and up to 118 spaces during the evening and weekend when the health centre is closed. There is no parking for coaches in either location but visitors by coach would be dropped off nearby and collected later.

The following information has been supplied with the application:-

- a Design and Access Statement which includes a list of functions and numbers of people attending
- a Transport Statement
- a tree condition survey
- a copy of licence dated 5.5.09 allowing the applicants to use the health centre car park

The site at present comprises a series of small, former industrial buildings in relatively poor condition which are in use as a temple.

The site is within Darlaston District Centre as defined by the development plan.

Relevant Planning History

BC07051P Change of use to temple for Shri Guru Ravi Dass Cultural Association. Granted subject to conditions 1983

BC 58492P Demolition of existing buildings and erection of new building for use as a community centre and place of worship with associated facilities and creation of car park on frontage. Granted subject to conditions 2003

08/1130/FL demolition of existing buildings housing the Shri Guru Ravidass Temple and the erection of purpose designed Temple for the Shri Guru Ravidass Cultural Association with associated facilities and car parking. Withdrawn 4/6/2009

Relevant Planning Policy Summary (Note the full text version of the UDP is

Page 138 of 195

available from Planning Services Reception and on Planning Services Website)

Development Plan

GP1 supports the sustainable location of development

GP2 and 3.6 require new development to contribute to the improvement of the environment

ENV18 relates to existing trees, woodland and hedgerows

ENV32 requires the design of new buildings to be appropriate to their context

S1, S2, and S4 define buildings for religious worship and cultural and community activities to be appropriate to town and district centres.

T7 and T13 relate to car parking

DA6 supports new and improved community facilities within and close to the centre of Darlaston

DW7 of the adopted Designing Walsall Supplementary Planning Document supports a mix of activities to create lively places and

DW7 supports the creation of places with attractive environmental quality

Regional Spatial Strategy

Promotes the regeneration of previously developed sites and high quality design.

National Policy

Planning Policy Statement PPS1 encourages sustainable development and good design.

Consultations

Transportation: No objection

Pollution Control: No objection subject to works being implemented to investigate and remediate any localised ground contamination and ground gas issues associated with the former mining and quarrying, subsequent infilling and light industrial buildings. Conditions to address these concerns have been provided.

Fire Service: No objections

Tree Officer: No objections. The proposed landscape scheme should contain carefully selected trees due to the small space available.

Representations

None

Determining Issues

- The principle of the use
- Amenity
- Parking/highway safety

Observations

The principle of the use

The redevelopment of this site, which is on the edge of the district centre, is acceptable in principle (and an earlier version has been previously approved). The

Page 139 of 195

use is appropriate to a district centre and is accessible by public transport as well as by car.

Amenity

Pollution Control advises that a site investigation, ground contamination and assessment of ground gas is necessary to remediate any ground contamination arising from previous uses of the site.

The determination of BC58492P raised concerns about the siting of the building, which was to be at the rear of the plot. Members and officers considered that a building on the Pinfold Street frontage of the site would contribute more to the street scene but this could not be achieved due to the applicants' requirements for the site and the building. BC58492P was ultimately approved with the building at the rear of the site in the position now proposed.

There is little change to the appearance of the building from that approved under BC58492P, other than the addition of the domes which would be a significant feature despite being set back from Pinfold Street. There is however no typical character to Pinfold Street at this point to which it would be necessary to adhere. There is no objection, from officers, to the domes.

The application as submitted shows a relatively plain building, which the applicant's and their architect have stated in pre-application discussions is intended to be embellished. The materials will also require careful consideration and to ensure the quality of the building it is recommended that conditions are imposed requiring further details.

The redevelopment of this site would be of benefit to the appearance of Pinfold Street; it would remove the dilapidated buildings and offer the opportunity for landscaping.

Parking/highway safety

The applicants have now secured the use of the health centre car park which has been under discussion since 2003. The licence will be in force until the applicants cease to remain a community centre at their registered office or until the Primary Care Trust or other NHS body cease to be the tenant under the head lease of the health centre site. (which is understood to run for another 20 years). The licence can be terminated with 28 days notice from either party. On the previous application, such an arrangement was seen as satisfactory. Clearly, there is a risk that the car park would cease to be available for the temple, and this needs to be weighed in reaching a decision.

Given the number of parking spaces which are now available to the applicant it is considered that the development is acceptable.

Conclusion

The redevelopment of the site in a similar fashion has been approved previously. The current proposal would improve the appearance of the site which is on a main road frontage to benefit the area. The applicants have now secured an acceptable level of parking to serve both the everyday needs of the site and larger functions. It is recommended that the permission is granted.

Summary of Reasons for Granting Planning Permission

The proposed development would provide an enhanced community facility in a sustainable location within Darlaston District Centre. The new building and proposed landscaping would improve the appearance of the site and the quality of the environment in Pinfold Street. The approval of this application would be in accordance with policies GP1, GP2, 3.6, S1, S2, S4 and DA6 of Walsall's Unitary Development Plan and policy DW7 of the Designing Walsall Supplementary Planning Document.

Recommendation: Grant Subject to conditions

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

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

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

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

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

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

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

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

vi) A validation report confirming the details of the measures implemented together with substantiating information and justification of any changes from the agreed

Page 141 of 195

remedial arrangements shall be submitted to and agreed in writing by the Local Planning Authority prior to the development being brought into use. (See Note for Applicant CL3)

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

Notes for Applicant – Contaminated Land

CL1

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

CL2

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

CL3

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

Where appropriate records and results of any post remediation ground gas testing should be included in validation reports.

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

3. No development shall be carried out until further details of the proposed boundary treatment of the site, including elevation details of the proposed wall, gates and railings along the Pinfold Street frontage, have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented before the development is brought into use or in accordance with any phasing to be agreed in writing by the Local Planning Authority.

Reason: To ensure the satisfactory appearance of the development.

4. Notwithstanding the details shown on the submitted plan, no development shall be carried out until further details of the design and materials of the proposed ramp and pathways to the health centre car park have been submitted to and approved in writing by the Local Planning Authority. The ramp and pathways shall have been constructed according to the approved details prior to the development being brought into use.

Reason: To ensure the satisfactory provision of access to and from the car park.

5. Notwithstanding the details shown on the submitted plans, no development shall be carried out until a schedule of materials to be used for the surfacing of the site, excluding the car parking area, has been submitted to and approved in writing by the Local Planning Authority. The surfacing shall be carried out in accordance with the approved details prior to the development being brought into use.

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

6. No development shall be carried out until details of the proposed lighting bollards have been submitted to and approved in writing by the Local Planning Authority. The lighting shall be installed in accordance with the approved details and thereafter retained as such, unless otherwise agreed in writing by the Local Planning Authority.

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

7. No development shall be carried out until details of the proposed materials, finishes and decoration of the domes, entrance canopy, doors and window frames have been submitted to and approved in writing by the Local Planning Authority. These features shall be installed in accordance with the approved details prior to the development being brought into use and thereafter retained unless otherwise agreed in writing by the Local Planning Authority.

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

8. No development shall be carried out until a schedule of facing materials to be used in the external walls and roofs has been submitted to and approved in writing by the Local Planning Authority.

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

9. 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 (1st October - 1st April) following any part of the development being brought into use, or in accordance with any agreed phasing.

Reason: To ensure the satisfactory appearance of the development.

10. 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.

11. Before this development is brought into use, the accessways, vehicle parking and manoeuvring areas shown on the approved plans shall be hardsurfaced in Tarmacadam or other 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, disabled parking and delivery space shall have been clearly marked out.

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

12. The access and egress shall be installed prior to the development being brought into use and thereafter retained. Each shall be a minimum of 3.1 metres wide.

Reason: To ensure the satisfactory functioning of the development.

13. The bicycle stands shown on the submitted plans shall be installed before the development is brought into use.

Reason: To encourage cycling as a means of travel.

14. The gates to the entrance and exit shall be kept open at all times when the premises are in use.

Reason: To prevent vehicles waiting on the highway to enter the site.

15. The proposed 'no entry' signs shall be erected on either side of the exit prior to the development being brought into use.

Reason: To ensure the satisfactory functioning of the site.

16. No amplification equipment shall be installed in the premises until details of the equipment and any necessary noise mitigation measures have been submitted to and approved in writing by the Local Planning Authority. Any agreed mitigation measures shall be carried out before the amplification equipment is brought into use.

Reason: In the interests of the amenities of the area.

17. This permission relates to drawings 07-501-100A, 102 and 103; 07-501-101C, 01M, 02E, 04 and 05, except as amended by conditions of this permission.

Reason: To define the permission.



ITEM NO: 14.

To: DEVELOPMENT CONTROL
COMMITTEE

Report of Head of Planning and
Building Control, Regeneration
Directorate on 16 Jul 2009

REASON FOR BRINGING TO COMMITTEE: Major Application.

Application Number: 09/0580/FL
Application Type: Full application
Applicant: Pacific Nurseries Ltd

Case Officer: Barbara Toy
Telephone Number: 01922 652429
Agent: Malcolm Scott Consultants
Ltd

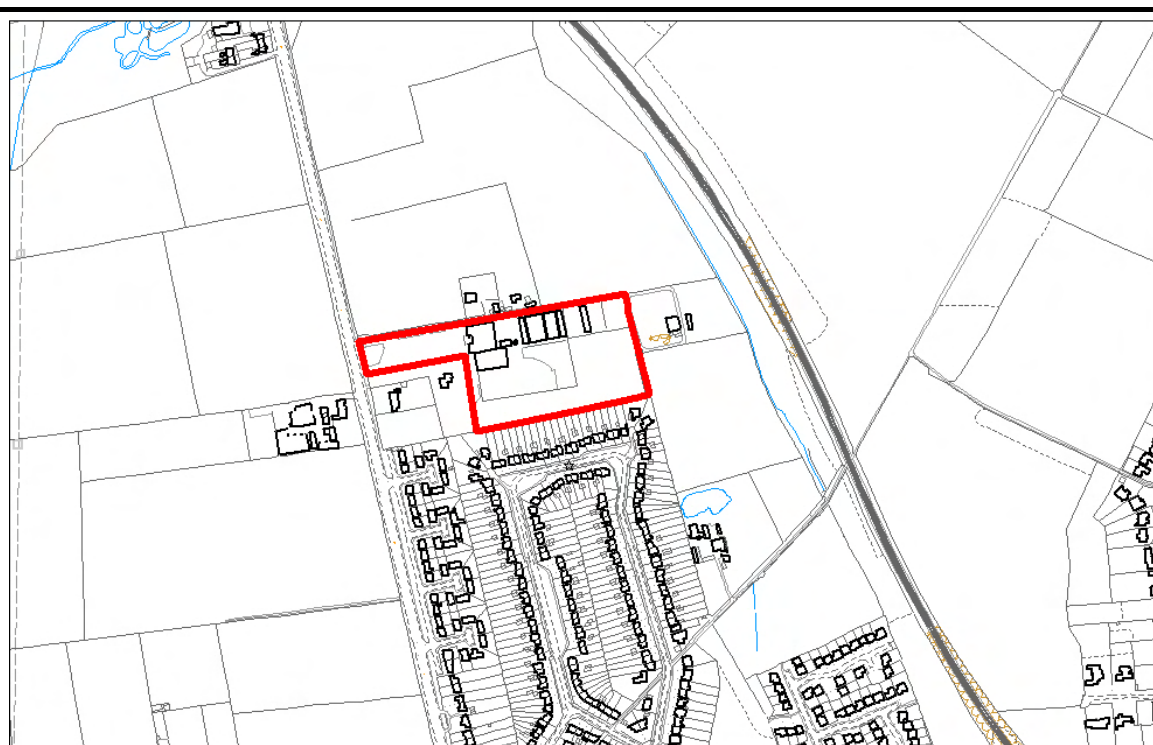
Proposal: Erection of a canopy structure (10m x 35m x 5.3m max height), retention of existing shade structure (3m x 26m x 3m max height), retention of existing uses and operation of the site as a nursery.

Location: Pacific Nurseries Ltd,
Chester Road, Streetly, Walsall, WS9
0PH

Ward: Streetly

Expired: 31/07/2009

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



Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Walsall MBC. Licence Number LA 076414.

Application and site details

The site is situated on the eastern side of Chester Road (A452) which forms part of the Strategic Highway Network (SHN) within the Borough. The site sits within the Green Belt.

The site comprises approx 2.8 hectares used as a garden nursery with retail sales. The owners operate a production nursery in Little Hay Nr Shenstone, Staffs, and a high percentage of plants sold at the application site are produced by themselves.

The site comprises a nursery production area (polytunnels set to the rear of the main building), retail sales area (within the main building), external display area, covered canopy display area, coffee shop (within main building) and outdoor café terrace and 113 space car park (including 10 disabled spaces) to the frontage of the site, with an in and out access off the main road.

The application proposes the erection of a canopy structure (10m x 35m x 5.3m max height) adjacent to two existing similar canopies within the external display area, the retention of an existing shade pergola structure (3m x 26m x 3m max height) adjacent to the southern boundary of the external display area and retention of existing uses and operation of the site as a nursery.

The site was redeveloped in 2004 following the granting of two planning approvals (03/1337/FL/E5 and 04/0034/FL/E5) each of which had a condition attached (Condition 12) to restrict the goods to be sold to those associated with the main use for the sale of plants. Since the redevelopment the nursery has continued to develop and now operates outside of the terms of Condition 12. The retail sale of goods have also expanded beyond the scope of those allowed in Condition 12 and a café/coffee shop has been introduced, including an outside seating area.

The applicant therefore proposes a S106 Undertaking to clarify the existing uses and operation of the site, which will provide a controlling mechanism and certainty regarding the future operation of the site for both the applicants and the Council.

The applicants have submitted a supporting statement with the application providing a Transport Statement, Design and Access Statement and Planning Statement.

Relevant Planning History

BC31760P, retention of offices, greenhouse and renewal of permission for covered link. Temporary approved 09-04-1991.

BC48447P, renewal of temporary planning permission BC31760P, retention of offices, greenhouse and covered link, approved 20-02-1997.

BC57231P, relocation and extension of existing polytunnels, approved 30-11-1998

BC60157P, extension to polutunnel, approved 24-12-1999.

03/1337/FL/E5, demolition of existing buildings and erection of buildings and polytunnels, extensions to plant sales area, nursery and car park. Approved 26-09-2003.

04/0034/FL/E5, amendments to 03/1337/FL/E5, demolition of 1916sqm of existing buildings, erection of 850sqm of buildings, 1065sqm of open sided polytunnels, extension of plant sales area and nursery and extension of car park for use of site as a nursery and garden/plant centre, approved 02-04-2004.

04/1332/FL/E5, extension to storeroom, approved 12-08-2004.

Relevant Planning Policy Summary

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

Walsall's Unitary Development Plan 2005

Policies 3.6 and 3.7 states that development should help to improve the environment of the Borough whilst seeking to protect people from environmental problems.

GP2: Environmental Protection

Development should be sustainable and contribute to environmental improvement and have no adverse effect on the countryside and the Green Belt.

Policy 3.3 states that the character and function of the Greenbelt will continue to be safeguarded, as part of the wider West Midlands Green Belt. Inappropriate development will not be allowed in the Green Belt unless justified by very special circumstances.

Policy 3.16 requires high quality design.

Policy 3.23 states that the Green Belt has a positive role to play in terms of retaining attractive landscapes.

Policy 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 and creates a sense of place.

ENV2: Control of Development in the Green Belt

In the Green Belt there will be a presumption against new buildings except in very special circumstances. Where development is acceptable in principle the siting, design, form, scale and appearance should be compatible with the surrounding area and careful consideration of the openness and character of the Green Belt.

ENV3: Detailed Evaluation of Proposals within the Green Belt

Proposals will be assessed for their impact on the Green Belt including:

- i. layout
- ii. siting, design, grouping, height and scale of buildings
- iii. colour and suitability of materials
- iv. use of redundant land and buildings for alternative uses
- v. quality landscaping
- vi. impact on significant views
- vii. cumulative physical effect in one area

ENV 4: Major Development Sites in the Green Belt

(a) Limited infilling of major development sites may be permitted provided that:

- No greater impact on the purpose of the Green Belt than the existing development
- The height of the existing buildings would not be exceeded

(c) it must be demonstrated that

- No significant intensification of activities on the site that would have an unacceptable adverse impact on the environment and amenities of the area

ENV32: Design and Development Proposals and Policy 3.16.

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

ENV33: Landscape Design

Good landscape design is an integral part of urban design and the Council will require planning applications to be fully supported by details of external layout and landscape proposals.

S13: Nurseries, Garden Centres and Builders Merchants

- a) may need to trade from out-of-centre locations
- b) conditions to limit goods to be sold, appropriate to the use and should not include other goods more appropriate to retailing centres
- c) expansion in the greenbelt will be subject to green belt policies in the UDP.

T7 – Car Parking

All development should satisfy the car parking standards set out in Policy T13. (e) all parking provision should be well designed and sensitively integrated into the townscape or landscape, respecting the character of the local area.

T13: Parking Provision

Hot food – 4 spaces up to 50sqm and then 1 space per 22sqm

General Retail – 1 space per 20sqm

Designing Walsall (SPD) (Feb 2008)

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

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

DW2 – all new development must contribute to creating places that feel safe.

DW3 – all new development must be designed to respect and enhance local identity

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

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

National Policy

PPG2: Green Belts

Planning Policy Guidance Note 2 advises on the control of development in the Green Belt. Paragraph 3.1 states there will be a general presumption against inappropriate development except in very special circumstances. Para 3.2 states that very special circumstances to justify inappropriate development will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. These exceptional cases will thus be treated as departures from the development plan.

Whilst Annex C refers to major development site redevelopment in the Green Belt, which the application site is not, the assessment criteria can be used as a guide:

- a) have no greater impact than the existing development on the openness of the Green Belt
- b) contribute to the achievement of the objectives of the use of land in the Green Belt
- c) not exceed the height of the existing buildings
- d) not occupy a larger area of the site than the existing buildings.

PPG4: Industrial, Commercial Development and Small Firms

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

PPS6: Planning for Town Centres

Directs leisure, retail and office development towards town centres as these locations are the most sustainable and strong town centres are vital for economic success.

Paragraph 3.29 refers to extensions of existing development and indicates that the Local Authority should assess the need for any additional floorspace and the class of goods to be sold. The sequential approach is only a relevant consideration to extensions where the gross floorspace of the proposed extension exceeds 200sqm. 3.31 provides guidance on the use of conditions and advises that it is reasonable to use conditions to ensure that ancillary elements remain ancillary to the main development, to limit the goods sold and to limit maximum floorspace.

PPS7: Sustainable Development in Rural Areas

Promotes sustainable patterns of development and sustainable communities in rural areas to ensure effective protection and enhancement of the environment, prudent use of natural resources and maintain high and stable levels of economic growth and employment.

Consultations

Strategic Policy – The additional canopy structure would provide cover to an existing goods display area, so would create no increase in sales area. The proposed S106 would restrict the sales area and the goods for sale to regularise the existing situation and provide certainty for the future. Provided that is done it is considered that there would be no retail policy objections to the proposed development. The site sits within the Green Belt and the proposed extension would be considered inappropriate development in the Green Belt for which very special circumstances would need to be demonstrated to justify the development.

Landscape – No objections, tree planting along the boundary with 409 Chester Rd may be appropriate, but only after consultation with the occupiers of 409 as this may increase shadowing of their garden.

Fire Officer - Satisfactory access for fire appliances.

Transportation – No objections. There are no specific car parking standards in Policy T13 for nursery use therefore the development has been broken down into its constituent parts. Coffee shop would require 9 spaces, internal sales area 41 spaces and canopies etc 53 spaces therefore a total of 103 spaces. The car park currently provides 113 spaces including 10 disabled spaces. The Transport Statement anticipates a small projected increase in vehicle trips (5 additional vehicles per hour at peak times of peak months) which could be accommodated within the spare capacity in the present car park. There is also potential for additional capacity within the existing parking area to accommodate additional vehicles at peak times if the need arises.

Public Participation

Two letters of objection received together with photographs.

Objections:

- Excessive height of proposed new canopy

- Mislead by previous planning application for canopies which referred to polytunnels, canopies much larger and higher
- Views of the nursery obscured during Spring and Summer but highly visible during Autumn and Winter.
- Canopy an eyesore and not appropriate in the green belt
- Submission states that they have sufficient car parking facilities, but they regularly use (weekends and bank holidays) land to the rear of Windermere Drive as an overflow car park, which is totally unacceptable. Noise from car engines, doors slamming, invasion of privacy, noise and pollution.

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

Determining issues

Impact of the proposed development on the openness and character of the Green Belt

Impact of the proposed development on the amenities of adjacent occupiers
Appropriateness and sustainability of the extended uses in the Green Belt.

Observations

Impact of the proposed development on the openness and character of the Green Belt

The proposed canopy structure would have a floor area of 350sqm and would sit along side two existing similar structures approved under planning applications 03/1337/FL/E5 and 04/0034/FL/E5.

This structure is regarded as inappropriate development within the Green Belt for which the applicant has put forward very special circumstances to justify the development in the Green Belt.

The previous approvals (referred to above) included a covered walkway situated to the south of the two canopy structures within the external display area. This walkway had a floor area of 351sqm, but has never been implemented by the applicants. The applicants therefore propose to substitute the approved covered walkway (351sqm) for the proposed new canopy structure (350sqm) and to secure this, are prepared to enter into a legally binding 'Section106' Undertaking to ensure no further steps to construct the covered walkway shall be undertaken.

The proposed canopy would be situated adjacent to the existing two canopies and would match them in terms of size, height and design. It would comprise a lightweight horticultural style structure with arched clear polythene roof and roll down polythene sides on the southern side and western end. The canopy would not be heated and surface water run-off would be collected for recycling for plant irrigation (as existing).

The new canopy would cover a similar floor area to the approved covered walkway. It would be higher, but would be seen as part of the existing structure, with a backdrop of the existing canopies and nursery buildings. It would be screened from long views from the Green Belt by the existing buildings, hedging and trees and would not have any significant visual impact in this context.

The canopy would cover part of the existing external display/sales area and would not involve any increase in overall floor space of the business. The canopy is needed to protect plants from frost, rain and damaging winds.

The proposals also include the retention of a timber pergola which is situated adjacent to the southern boundary of the external display area. This is an open, lightweight, domestic scale structure which is less than 1m higher than the adjacent boundary fence and does not obscure any views.

The site is an existing successful business within the Green Belt which now employs 21 staff. The proposals would assist with the continuation of the business and securing jobs without further prejudicing the Green Belt. The S106 Undertaking defines the use and operation of the site to limit further development and expansion of the use of the site. It is therefore considered that very special circumstances have been provided to satisfy this inappropriate development within the Green Belt and that the structure would have no adverse impact on the openness and character of the Green Belt.

Impact of the proposed development on the amenities of the surrounding occupiers

The two existing canopy structures are set approx 100m from the rear of the residential properties in Windermere Drive to the south of the site and the proposed new canopy would reduce this distance by 10m to approx 90m. The views of the structure would be similar to the existing with the same materials, design and height of structure being proposed.

The rear boundary of the gardens in Windermere Drive comprise substantial mature hedging and trees which during the Spring and Summer obscure any views of the nursery site from the houses. During the Autumn and Winter when the leaves have dropped the views are less obscured, but the separation distance of 90m is considered satisfactory to ensure no adverse impact on the amenities of the occupiers of Windermere Drive.

No 409 Chester Road sits immediately to the west of the site and comprises a detached bungalow set approx 24m from the boundary with the nursery and approx 37m from the western end of the proposed canopy. An existing close board fence 3.05m high is situated along the boundary and it is considered that because of its screening effect and the distance separation, there would be no adverse impact on the amenities of the occupiers of 409 Chester Rd. Planting opportunities may add to further enhance the screening provision.

The residents of Windermere Drive have raised objections regarding use of the open land between their rear boundary and the fence of the nursery (external display area) being used on a regular basis (weekends and bank holidays) as an overflow car park, and the noise, disturbance and pollution issues that this causes. The use of this area as an overflow car park has previously been investigated (2004 and 2006) when it was concluded that temporary use of the land as a car park for not more than 28 days in any one calendar year would not require planning permission as a short term temporary use as 'Permitted Development'. No evidence has been provided to show that the use has operated for more than 28 days in any one year. In any event, the land in question has now been included within the curtilage of the site and identified for horticultural/agricultural use within the S106 Undertaking plans and this would therefore secure the future use of this land. Further more, Transportation have

Page 153 of 195

confirmed that there is additional capacity in the existing parking area on the frontage that could be utilised if required, an area identified on the approved drawings 03/1337/FL/E5 as overflow car park. A suitable condition is therefore recommended in order to ensure control of this area.

Appropriateness and sustainability of the extended uses in the Green Belt

Both previous approvals at the site 03/1337/FL/E5 and 04/0034/FL/E5 for redevelopment of the nursery contained Condition 12 below, which restricted the retail sale of goods from the site to comply with policy S13 of the UDP.

12: The sales area shall be used primarily for the sale of plants and shrubs grown or 'grown on' within the site. Other, imported, products shall be restricted to living plants, (including bulbs and seeds), natural Christmas trees, hand tools for garden use, growing media, horticultural chemicals, composting equipment (excluding mechanised) and composting materials, materials and equipment for the support, protection, containment and irrigation of plants.

Reason: The site lies within the Green Belt where permission for development unrelated to the essential needs of this nursery use would not normally be permitted and to control the provision of retailing in an out-of-Centre location.

However, since completion of the works the business has continued to develop in line with customer needs and requirements and it is now estimated that approx 28% of the goods sold do not fall within Condition 12. Officers have therefore sought a regularisation of the use and means of future control under a legally binding Undertaking. It includes a schedule which restricts the floor space for the different uses within the site and within a second Schedule there is a comprehensive list of product groups that can be sold. This includes the café/coffee shop and its café terrace and goods that are considered to be associated with the main use as a nursery. The prime focus of the business remains the sale of plants and garden related sundries, the business continues to sell a high percentage of plants grown by applicants on site and at their local production nursery. Schedule 1 of the Undertaking identifies a maximum floor space for each of the areas of the site, restricts the use of the coffee shop for sale of hot and cold food for consumption on the premises, prohibits any further steps to construct the covered walkway and restricts the area surrounding the enclosed area as horticultural/agricultural land. Schedule 2 identifies maximum floor areas for different product groups, well over half of the floor space would be utilised for plants and shrubs and a further 35% used for specific garden and plant related products with only approx 15% of the floor space not specifically garden related (ie the coffee shop, farm shop produce etc).

The nature of the business means that it is seasonal and space is therefore used for different products at different times of year. The attached plans clearly identify the extent of the enclosed accommodation, covered canopies, external display area and the coffee shop and terrace, without identifying specific products for specific areas. The Undertaking will however provide both the applicants and the Council with certainty with regard to the use and operation of the site both now and in the future, and prevent any further development and expansion of the site without breach of the Undertaking.

Policy S13 of the UDP relates to nursery uses. It recognises that such uses may need to trade from out of centre locations and as such should have conditions to limit the goods to be sold to those appropriate for the use and not those more appropriate to a retailing centre. It also recognises that any expansion of sites in the Green Belt

Page 154 of 195

will be subject to Green Belt policies. It is therefore considered that the proposals comply with policy S13, the goods for sale are restricted within the S106 Undertaking and the proposed works comply with both PPG2 and UDP Green Belt policies.

Summary of Reasons for Granting Planning Permission

The proposed canopy structure would replace the approved covered walkway which has not been implemented and would have a similar size, design, height and materials as the existing canopy structures. The canopy would be viewed with a backdrop of the existing canopies and nursery buildings and would have no adverse impact on the openness or character of the Green Belt.

The timber pergola shade structure is open, lightweight and domestic scale and made of natural materials, and sitting adjacent to the existing boundary fence does not obscure any views and therefore its retention would have no adverse impact on the openness or character of the Green Belt.

After considering the objections received the position and size of both the canopy structure and the shade structure would be such that they would have no adverse impact on the amenities of the surrounding residential occupiers, exceeding the required separation distance required by Appendix E of Designing Walsall SPD. A suitable worded conditions to restrict the use of the open land to the south and prevent parking, is considered an appropriate means of overcoming the neighbours concerns.

The S106 Undertaking includes a restriction on floorspace for the different uses within the site and a comprehensive list of product groups that are considered to be associated with the main use as a nursery. This will regularise the existing use and provide certainty with regard to the use and operation of the site both now and in the future and prevent any further development and expansion of the site. The proposals would comply with Policy S13, which recognises that nursery uses may need to trade from out of centre locations but that conditions to restrict the goods to be sold should be used to limit goods to those appropriate for the use and not those more appropriate to a retailing centre.

The proposed development would therefore have no significant adverse impact on the character and appearance of the Green Belt or the amenities of surrounding residential occupiers and is considered to accord with the aims and objectives of the development plan, in particular policies 3.3, 3.6, 3.7, GP2, ENV2, ENV3, ENV4, ENV32, ENV33, S13, T7 and T13 of Walsall's Unitary Development Plan (2005) and Supplementary Planning Document – Designing Walsall (2008).

Recommendation: Grant Permission Subject to Conditions and a Planning Obligation

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

Page 155 of 195

Planning Act, 1990.

2. The new canopy structure hereby approved shall be constructed from materials to match the two existing structures in terms of type and colour in accordance with details contained within drawing number CO244-23D hereby approved, and no other materials used unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to ensure the satisfactory appearance of the development.

3. No development shall commence until details of a tree planting scheme to the western boundary of the site with 409 Chester Road, are submitted to and approved by the Local Planning Authority. The details should include species names, numbers and size, together with topsoil depths and specifications and staking details for the proposed trees. The scheme shall be completed in accordance with the approved details before the new canopy structure is first brought into use, unless otherwise agreed in writing with the local planning authority, and retained as such. All planted areas shall be maintained for a period of 5 years from the full completion of the scheme. Within this period any tree(s), shrubs or plant which die, becomes seriously diseased, damaged or is removed shall be replaced with a tree, shrub or plant of the same or greater size and same species as that originally required to be planted.

Reason: In order to safeguard the visual amenity and natural environment of the area and amenities of the adjoining residential occupiers.

4. The area identified as Horticultural/Agricultural Land on approved drawings CO244-25F (PLAN 2) and CO244-27A (PLAN 3) shall be used for no other purpose.

Reason: In order to define the permission and ensure no adverse impact on the amenities of the adjoining residential occupiers.

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

Location Map 'Plan 1' CO244-20B received on 1st May 2009
Existing Site Plan CO244-21D received on 1st May 2009
Proposed Site Plan CO244-22G received on 11th June 2009
Proposed Canopy: Floor and Roof Plans and Elevations CO244-23D received on 1st May 2009
Existing Timber Pergola: Floor and Roof Plans and Elevations CO244-24C received on 1st May 2009
Plan with Schedule of Uses 'Plan 2' CO244-25F received on 1st May 2009
Site Map 'Plan 4' CO244-26B received on 1st May 2009
Proposed Site Plan 'Plan 3' CO244-27A received on 1st May 2009
Planning Application Supporting Statement By Malcolm Scott Consultants Ltd received on 1st May 2009

Reason; To ensure that the development undertaken under this permission shall not be otherwise than in accordance with the terms of the application on the basis of which planning permission is granted, (except in so far as other conditions may so require)._____



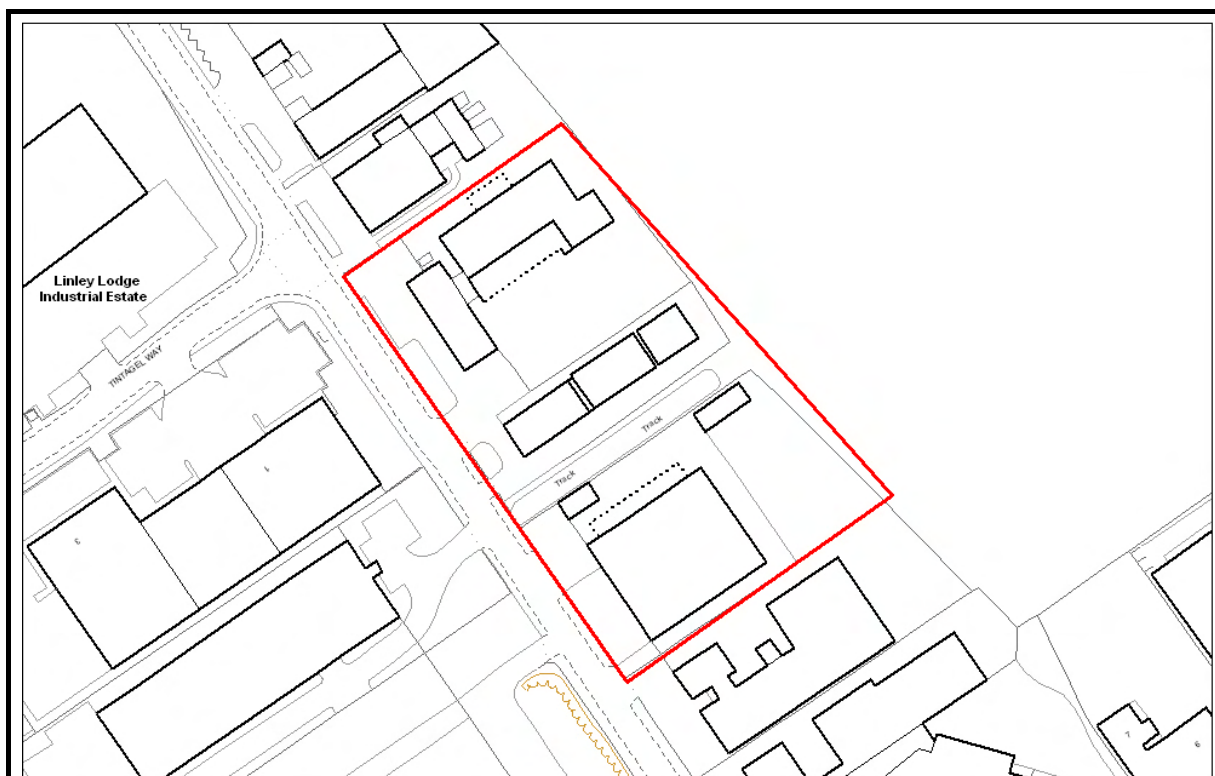
To: DEVELOPMENT CONTROL
COMMITTEE

Report of Head of Planning and
Building Control, Regeneration
Directorate on 16 Jul 2009

REASON FOR BRINGING TO COMMITTEE: Request to reconsider Committee resolution

Application Number: 08/1839/FL
Application Type: Full application
Applicant: Valen Fittings Ltd
Proposal: New workshop with ancillary offices and photographic lab in part of the First floor.
Ward: Rushall-Sheffield
Recommendation Summary: Grant Subject to conditions

Case Officer: Devinder Matharu
Telephone Number: 01922 652487
Agent:
Location: VALEN HOUSE, WESTGATE, WALSALL, WS9 8DG
Expired: 10/04/2009



Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Walsall MBC. Licence Number LA 076414.

Current Status

This application was reported to Development Control Committee in March 2009. Committee resolved to grant planning permission subject to the applicant entering into a Section 106 Agreement to secure a contribution towards public art.

In May the applicant provided a letter and accompanying sketches of potential art work schemes for Officers consideration. These failed to explain the commissioning process and the artistic meaning or what the art work intended to represent. The letter states that no outside artist assistance was required.

Negotiations between the applicant and Council officers have been carried out and requests for further explanation of the proposed art work have been sought by the Council's Urban Designer (who leads on art issues). Officers emphasised the importance and benefits of involving an art consultant who is familiar with the process for providing public art, to manage the project, the costs involved and the essential engagement with the local community, schools and community groups in the delivery of the public art.

The applicants are committed to providing art on their site. They are not prepared to commission one of the recommended community artists. They emphasise their experience in delivering art works – at Wednesbury bus station and for a display at the Walsall Art Gallery.

They are not prepared to enter into a planning agreement, which they consider is not reasonable or appropriate in this case. Instead they request that a condition be imposed on the planning permission in order to deliver public art at their site.

The report below is substantially the same as presented to Committee in May. Further additions including the Urban Design Officer's comments on the public art scheme have been set out in italics together with the related text.

The proposed public art feature is based on pipe work that Valen Fittings Ltd produce. The design consists of a large diameter shaped pipe presented in a vertical position with a smaller curved pipe fitting set further back creating a 'V' shaped design. A round disc with the initials VF will be placed on top of the larger pipe feature.

Application and Site Details

The site is within Westgate Core Employment Area in Aldridge. The buildings along Westgate are set back with car parking to the front. The boundary treatments along Westgate consist of low dwarf walls, which give the industrial estate an open character setting.

Valen House is located on northern side of Westgate and is a two storey square building; there is an ancillary building to the west of Valen House which is also two storey's high. To the front of the site there is a car parking area and along the adjacent building and cars are also parked along the frontage. On the opposite side of the site and adjacent Valen House are commercial buildings. To the rear of the site is Ibstock quarry.

The applicant looks to rebuild and extend the existing premises, including an ancillary photographic lab and office and increasing the Gross Floor Area from 4150 sq m to 5254 sq m. The ground floor will be divided into a test house facility area, pipe

Page 158 of 195

bending and press shop, plasma cutting, loading bay and plates storage area all in one section of the workshop a maintenance shop and stored finished goods area and a separate maintenance shop.

The workshop would measure 59.7m in length and approximately 29m in width. The height of the building would vary from 12.8m adjacent the existing building on the site and 10.4m adjacent MKG Foods. Rooflights and windows would be incorporated in the north west elevation and windows in the north east elevation. The design of the building would include a shallow apex roof.

A revised plan has been submitted which illustrates a total of 18 car parking spaces to be provided to the front and side of the proposed building.

A revised Design and Access Statement has been submitted with the application, which outlines the design of the proposal, disabled facilities and access. It also states that the extension is to form a large diameter pipe production unit to compliment the specialised purpose made fittings, which are currently produced by the company and used by the petro chemical industry. The appearance of the building would consist of brickwork up to 4m with vertical colour coated sheeting in mid blue. The proposal seeks to employ an extra 12 staff on site.

A plan showing a fire hydrant at the front of the site on Westgate has been submitted.

Relevant Planning History

BC16267P Condor Engineering Ltd, Westgate, Aldridge. Extension to form warehouse, tool room, inspection room, toilets, offices and canteen. Granted subject to conditions 1986.

BC33990P Valen Stainless Steel Fittings Ltd. New workshop/warehouse extension. Granted subject to conditions 1991.

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

Unitary Development Plan (UDP)

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

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

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

Policy GP7 refers to designing out crime.

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

Policies 3.16, ENV32 and 3.116: seeks the design of developments to create high quality living environments, well integrated with surrounding land uses and local character.

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

Policy ENV34 requires the provision of public art to enhance the quality and individuality of existing buildings, spaces or new development.

Policies 4.4, 4.33, 4.34 and JP5: Core Employment Areas will be safeguarded for core employment uses.

Policies 7.5, 7.52 and 7.36, PPG13: parking policies should be used to promote sustainable transport choices and reduce the reliance on the car by improving public transport.

Policies T1-T7: Advises on accessibility standards for bus, rail and road networks, car parking and provision for walking and cycling.

Policy T13: Use Classes B1(a)(b)(c) 1 car park space per 30m² of gross floorspace, 1 bike locker for every 10 car parking spaces, taxi facilities. Use Class B2 – 1 car park space per 50m² up to 250m², then 1 space for every additional 100m² of gross floorspace. 1 bike locker for every 10 car parking spaces, taxi facilities. Class B8 - 1 car park space per 50m² of gross floorspace up to 250m², then 1 space per 100m² up to 2500m² then 1 space for every 500m² of gross floor space. 1 bike locker for every 10 spaces and Taxi facilities.

Designing Walsall SPD (February 2008)

Aims to promote a high quality environment and high standards of urban and landscape design throughout the Borough and identifies the basis on which the design of buildings and spaces will be considered during the development control process. It identifies eight key urban design principles for consideration including sustainability, safe and welcoming places, character, continuity, ease of movement, legibility, diversity and adaptability. . Local Character Guidance is also included, plus Public Art Guidelines.

Policy DW9 refers to making a positive contribution and that public art is an essential component of high quality public realm.

Appendix D states:

- The Commissioning Process (page 130) can be structured into 4 parts: assembly of artist's brief and contract; selection and appointment of artist through interview; management of the project; and evaluation.

- Public artworks in Walsall are expected to be commissioned through a collaborative process which involves local people, working with the support and advice of experienced creative specialists (page 125).

- Principal drivers behind Walsall's public art programme are to engage local people in shaping and understanding their environments with the aim of improving

civic pride, creating opportunities for high quality artists, artisans and craftspeople to work in the borough, and to develop, commission and deliver high quality public art through public agencies and independent commissions.

- Public artworks which are not underpinned by a robust community engagement process are unlikely to receive support from the Council unless they are commissioned as part of a professional artists' programme by the New Art Gallery, which is not the case here.

Regional Policy

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

National Policy

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

PPG4 Industrial and Commercial Development & Small Firms: Seeks to take account of the locational demands of business.

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

PPS23 Planning and Pollution Control: Seeks to control the effects of pollution.

PPS24 Planning and Noise: Seeks to minimise the adverse impact of noise.

Consultations

Transportation – No Objection to the current proposal subject to conditions relating to layout, parking and travel planning.

Pollution Control Scientific Team – No comments

Pollution Control Contaminated Land Team – No objection subject to works being implemented to investigate and remediate any localised ground contamination and ground gas issues associated with the factory/works of an unspecified nature.

Fire Service – No objection subject to the Fire Hydrant shown on the revised plan submitted on 12 February 2009.

Building Control – No objection subject to user note advising the applicant to notify Building Control of their intention to demolish any buildings on the site.

Landscape Officer – No objection.

The application has been amended with, among others things, the removal of reference to a 2.0M high fence to the Westgate frontage. An amended layout plan has also been submitted that better explains how the site will function and relate to the existing building and the neighbouring premises.

No landscape objection to the revised proposal subject to the provision of landscape planting details to the Westgate frontage.

Police Architectural Liaison Officer – No objection subject to the inclusion of the revised information submitted on 12 February 2009 to be incorporated into the scheme.

Severn Trent Water – No objection subject to a drainage condition.

Drainage – No objection

Access Officer – No objection. Sanitation facilities need to be sorted out but this is a Building Regulations issue.

Urban Design – No objections subject to a Section 106 Agreement to provide a financial contribution towards public art in accordance with Designing Walsall SPD Policy DW9.

Urban Design objects to the art proposals submitted to the Council on 20th May 2009.

On the basis of the information provided the proposals do not make a positive contribution to the public realm. This is partly due to the lack of information and once a full level of detail as been presented to assess the scheme a decision can be made as to whether it meets the council's aspirations for public art as part of a high quality public realm.

Reference has been made to a feature at the main site access point with "brick wing panels" and "featureless stainless panels". Insufficient information has been provided and this level of description cannot be considered detailed enough to enable a decision to be made as to whether the proposals are acceptable in terms of Policy DW9. The use of the manufacturers fittings have been mentioned, unfortunately only photos have been supplied and no information on the location or context. This level of description cannot be considered detailed enough to enable a decision to be made as to whether the proposals are acceptable in terms of Policy DW9.

Whilst there is mention of the workforce there is no other indication of further consultation with elected members for the Aldridge area, community groups or the community in general. The proposal is fundamentally at odds with Policy DW9 and Appendix D in Designing Walsall SPD in this respect.

Having considered all the information provided in the context of Walsall Council's policies and best practice relating to public art, the following matters should be addressed in the interests of moving the project forward to a solution that will fulfill the requirements of Council policies:

- *The current proposal does not explain its artistic meaning or what it is intended to represent. There is no written explanation or visual interpretation of the manufactured fittings proposed to be used. Without the involvement of an artist the proposal is unlikely to meet the standards expected under Policy DW9.*
- *Once the details on the commissioning process in Designing Walsall SPD have been considered, if further expertise is needed to successfully commission and deliver a piece of public art then a public art consultant*

should be brought in to project manage the scheme in the most time-efficient way possible. There are a number of art consultants working on other projects around the borough at present and there is an approved list of public art consultants available at www.publicartonline.org.uk. Project managing the scheme would also incorporate the community engagement process, i.e. presentations to Project Reference Groups (or similar), working with schools, community groups and all the liaison involved with coordinating this and working with the artist in a way that gives them enough scope to create a high quality piece of creative work.

- *When all the financial and time-commitment aspects of producing an on-site piece of public art have been considered, including additional costs of manufacture, consultancy and fees, the alternative option to provide an off-site contribution through the Section 106 mechanism remains available, as explained in Designing Walsall SPD.*

Environmental Health – No objection

Public Participation Responses

None

Determining Issues

- Principle of Use
- Design
- Access and Car parking
- Contribution to public art

Observations

Principle of Use

The site falls within a Core Employment Area that supports development proposals for core employment uses defined as Classes B1(b), B1(c), B2 and B8. The proposal is to construct a unit to be used for these purposes the principle of development is acceptable and accords with policy JP5.

Design

The proposed workshop would sit in line with the building line of Valen House and would be 2.4m taller than the existing workshop building adjacent Valen House. The proposed workshop would have a shallow apex roof and the section of the workshop adjacent MKG Foods Ltd would be slightly recessed. The proposed building is considered acceptable, as it would sit in line with the existing building to the west, MKG Food Ltd and the existing buildings belonging to Valen House to the east. There is a 15m distance between MKG Food Ltd and the proposed workshop. The proposed building is stepped in height, so that when it is viewed in the street scene it would be seen as a gradual increase in height. From long views the proposed buildings would be seen against the back drop of other existing industrial buildings adjacent the site.

With regards to the landscaping at the front of the site, currently there is a landscaping strip fronting Westgate, however in a small section in between the proposed site and existing site there is currently no landscaping. The scheme will aim to incorporate landscaping in this section to create a continuous strip of

landscaping, which would visually improve the appearance of the site and enhance the character of the area. Planting details for such a small strip of land can be sought by way of a planning condition.

The Police Architectural Liaison Officer gave advice about securing the building to prevent the building being targeted for crime. The agent has confirmed that the recommendations of the Police Architectural Liaison Officer will be incorporated into the design of the building. A planning condition can ensure that these safety and security measures are incorporated into the design of the building.

The Fire Officer advised that access for fire appliances was satisfactory provided there is a fire hydrant within 90m of the entrance to the building. A revised plan has been submitted on 12th February 2009 illustrating an existing fire hydrant at the front of the proposed building..

Access and Car parking

In terms of the UDP car parking standards for B2 use this equates to a maximum requirement of 55 spaces for the whole use in total. A total of 50 car parking spaces will be provided which is considered acceptable to the Highway Authority.

As the development is an extension to the existing operation, the additional trips generated by the expanded business are unlikely to have a significant detrimental affect on the surrounding highway network. A Transport Assessment is therefore considered unnecessary; however the Travel Plan element will still be required to encourage sustainable modes of transport.

The agent has confirmed that some employees cycle to work and that there are on site shower facilities. A cycle store has been provided, however no details have been submitted. These details can be secured by way of a planning condition.

Contribution to public art

In accordance with policy ENV34 and DW9 a financial contribution of £9,000 would be required for public art contribution. The applicant has agreed to this which can be secured by a Section 106 agreement. In accordance with the SPD, the agreement would require 8% of the contribution to be payable on completion of the Section 106 agreement.

Whilst the public art feature illustrates what the company produce, , it is unlikely to be recognised as a piece of art by the public but rather more of an advertisement. It is considered that the proposed scheme is unimaginative and unremarkable and further work needs to be undertaken to produce a high quality scheme. Any further public art projects will need to engage the local community and follow the advice as set out in Annexe D of the Designing Walsall SPD, which outlines the process for such projects. Following meetings with the applicant's, the public art schemes put forward for the Council's consideration are not in accordance with Policy DW9 and the advice given in annexe D of the Designing Walsall SPD. However, if members are minded to support an on site solution to meeting the policy requirements, a revised scheme could be secured through a Grampian condition, as set out below, which would mean that a Section 106 agreement would not be required in this instance.

Summary of Reasons for Granting Planning Permission

The site falls within a Core Employment Area that supports development proposals for core employment uses defined as Classes B1(b), B1(c), B2 and B8. The proposal is to construct a unit to be used for these purposes the principle of development is acceptable and accords with policy JP5. Enhanced landscaping is proposed and that is visually acceptable. The Fire Officer's concerns together with the Access Officer's concerns and the Police Architectural Officer's concerns have been dealt with through the receipt of a revised Design and Access Statement, additional information and revised plans.

The proposals submitted for the Council's consideration for public art projects at the site do not make a positive contribution to the public realm. Further work in terms of the requirements of annexe D of the Designing Walsall SPD and Policies ENV34 and DW9 needs to be undertaken in order to secure an appropriate public art scheme. A scheme is required through a condition.

Recommendation: Grant Subject to conditions

Recommendation

That planning permission is granted subject to the following conditions and reasons:

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 proposed development hereby approved shall only be carried out in accordance with the proposed site layout plan, drawing number V345/1A/1/amended.Jan.09, V345/2A/amended.Jan.09, V345/3A/amended.Jan.09 submitted on 18 February 2009 and the street scene plan submitted on 19 December 2008 and the plan submitted on 12th February 2009 illustrating the fire hydrant.

Reason: To define the permission.

3) *Prior to the development commencing, the following details relating to the public art element of the scheme shall be submitted to and agreed in writing with the Local Planning Authority;*

- *an artist's brief and contract to provide opportunities for high quality artisans and crafts people to work in the borough*
- *details of the selection process and interview process for the artist*
- *details of how the project shall be managed and evaluated*
- *details of how the project shall involve local communities that includes how the project will shape and engender improving civic pride*
- *timetable for the project to be brought forward, completed and installed*

Following the public consultation in-conjunction with the local planning authority, the agreed public art scheme shall be completed within (an agreed timescale) to the satisfaction of the local planning authority and in place prior to the first occupation of the building.

Reason: To ensure the development complies with Policy EN34 of the Unitary Development Plan and Policy DW9 of the Designing Walsall SPD.

4) No development shall commence on site until details of the facing materials and external finish of the cladding have been submitted to and approved in writing. The development shall be completed with the approved details and retained at all times.

Reason: To ensure the satisfactory development of the site.

5) No development shall commence on site until a site investigation, ground contamination survey and assessment of ground gas, having regard to current best practice is submitted to and approved in writing by the Local Planning Authority. A copy of the findings of the site investigation, ground contamination survey and ground gas assessment, together with an assessment of the hazards arising from any land contamination and/or ground gas shall be forwarded to the Local Planning Authority as soon as they become available. The development shall be completed with the approved details and retained at all times.

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

6) No development shall commence on site until details of remedial measures to deal with the identified and potential hazards of any land contamination and/or ground gas present on the site and a timetable for their implementation shall be submitted to and agreed in writing with the Local Planning Authority. The agreed remedial measures shall be implemented to the satisfaction of the Local Planning Authority and in accordance with the agreed timetable. A validation report confirming the details of the measures implemented together with substantiating information and justification of any changes from the agreed remedial arrangements shall be submitted to and approved in writing by the Local Planning Authority prior to the development being brought into use. The development shall be completed with the approved details and retained at all times.

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

7) No development shall commence on site until drainage details, incorporating sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development have been submitted to and approved in writing by the Local Planning Authority. The development shall be completed with the approved details and retained and maintained at all times.

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.

8) No development shall commence on site until details of the covered, secure and illuminated cycle storage facility has been submitted to and approved in writing by the Local Planning Authority. The development shall be completed with the approved details and retained at all times.

Reason: To ensure the satisfactory completion of the development and encourage the use of sustainable modes of transport with the aim of reducing the reliance on the car.

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

Reason: To ensure the satisfactory appearance of the development.

10) Prior to the first operation of the proposed development all parking areas, accessways and manoeuvring areas shown on the approved plan number V345/3A/amended.Jan.09 and approved drawing proposed site layout plan submitted on 18 February 2009 shall be fully consolidated surfaced and drained and the bays clearly demarcated on the ground and thereafter be retained for this purpose.

Reason: To ensure the satisfactory operation of the development

11) Prior to the first operation of the workshop hereby approved a Travel Plan shall be produced in partnership with the Council's Sustainable Travel Officer on 01922 652463 and shall be submitted to and approved in writing by the Local Planning Authority.

The Travel Plan shall identify a package of proposed measures consistent with the aim of reducing reliance on the car, and encouraging the use of sustainable modes of transport. The travel plan shall be implemented prior to the building being first occupied

Reason: To encourage sustainable modes of transport.

12) The shared manoeuvring/service area shown on the approved plan number V345/3A/amended.Jan.09 and approved drawing proposed site layout plan submitted on 18 February 2009 shall be retained and maintained at all times for the use of the proposed development.

Reason: To ensure the future satisfactory operation of the development

13) The development hereby approved shall incorporate the following details to meet Secure by Design;

- Laminate glazing to all proposed ground floor doors and windows
- first floor windows should have laminate glass units
- the roller shutter doors shall have internal locks and be alarmed this is to be coupled into the existing comprehensive alarm system
- extension of the infra red beam system set 300mm from the front elevation
- infra red beam system on the NW Elevation
- inclusion of 24 hour security and CCTV.

Reason: To ensure the development complies with the aims and objectives of Policy GP7 of the Unitary Development Plan.

Noted for applicant

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

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

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

4) 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

5) No buildings shall be erected or trees planted within 5m (450CWS) (9375975SWS) either side of the sewer. The applicant may wish to apply to Severn

Page 168 of 195

Trent Water to divert the sewer in accordance with Section 185 of the Water Industry Act 1991.



ITEM NO: 16.

To: DEVELOPMENT CONTROL
COMMITTEE

Report of Head of Planning and
Building Control, Regeneration
Directorate on 16 Jul 2009

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

Application Number: 09/0757/FL
Application Type: Full application
Applicant: Mr Ali Basdogan
Proposal: Change of use from Betting
Office (A2) to Restaurant (A3) and Hot
Food Takeaway (A5).
Ward: Blakenall
Recommendation Summary: Grant Subject to conditions

Case Officer: Barbara Toy
Telephone Number: 01922 652429
Agent:
Location: 158 HARDEN
ROAD, WALSALL, WS3 1BX

Expired: 03/08/2009



Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Walsall MBC. Licence Number LA 076414.

Background

This application has been called in by Councillor Smith because he considers that insufficient parking provision would lead to on street parking to the detriment of highway safety. The uses would also be detrimental to the character of the area. They would cause demonstrable harm to the amenities of the surrounding properties over and above a level that they would reasonably expected to enjoy and cause disturbance to the occupiers of neighbouring properties by virtue of noise and or smells.

Application and Site Details

The site is situated on the southern side of Harden Road and comprises a retail shop with residential accommodation above, within a block of 8 retail units situated on the eastern corner of Chestnut Road.

A service yard for the shops is situated to the rear with access off Chestnut Road. There is parking for residents and customers situated on the open front forecourt which has access from both Harden Road and Chestnut Road. Access to the first floor flats is from the frontage immediately to the west of the application premises.

Existing uses within the block of shops include 3 existing hot food takeaways, a newsagent/convenience store, a pharmacy and 2 vacant units (including the application premises).

The site is situated in a predominantly residential area with two storey semi detached houses situated to the east and north on Harden Road and to the west within Chestnut Road. To the north west on the corner of Walker Road is a dental practise.

Harden Road is a busy through route from Bloxwich to Rushall with 5 bus routes along it.

The application proposes the change of use of the ground floor from an A2 Betting Office to an A3 restaurant and A5 hot food takeaway. The submitted internal layout includes 4 tables and 16 seats with serving counter to one side. The proposed hours of opening would be 0800 – 2300 Monday – Friday, 0800 – 2330 Saturday and closed on Sunday. The use would employ up to 5 staff.

The proposals include no alterations to the existing shop front but include installation of fume extraction equipment, ducting and extraction flue to the rear.

Relevant Planning History

There is no planning history for the premises themselves.

Other hot food uses within the block

166 Harden Road

06/2098/FL/E6, change of use to a balti takeaway with installation of flue to the rear.

Approved subject to condition 20-02-07, opening hours restricted to 1100-2300

Monday – Saturday with no Sunday opening.

166a Harden Road

BC42149P change of use to balti takeaway, approved subject to conditions 05-10-94, opening hours 0900-2315 Monday – Friday and 0900 – 2345 Saturday.

Page 172 of 195

BC42999P variation of condition 4 on BC42149P to allow Sunday opening 1700 – 2300, approved 28-02-95.

3 Chestnut Road

BC14869, potato store at fish and chip shop approved 24-04-80.

Relevant Planning Policy Summary

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

Walsall's Unitary Development Plan (2005)

GP1: Supports the sustainable location of development

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

GP2: The Council will expect all developments to make a positive contribution to the quality of the environment and the principles of sustainable development.

ENV10 b) Development will not be permitted if the health, safety or amenity of its occupants or users would be unacceptably affected by pollution caused by installations or activities that are a source of any form of pollution.

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

S6 Meeting Local Needs

- a) Outside the identified centres, existing local shopping, service, leisure, community and other facilities - in the form of shopping parades, clusters, single shops and other local provision -will be encouraged to continue to meet the day-to-day needs of their communities.
- b) The council will take account of the particular significance of local shops, service and facilities. Where facilities are judged to serve an important local need, the Council may seek to restrict such changes of use.
- c) New small-scale local facilities will be permitted if it can be shown that:
 - iii. There will be no likelihood of an adverse impact on the vitality and viability of any established centre in the Borough or elsewhere within the affected catchment area.
 - iv. There will be no impact on existing local provision such as to leave some local needs unmet, contrary to efforts to promote social inclusion.
 - vii. There must be no significant loss of amenity for neighbouring homes. To ensure this, the establishment of shops or other uses that attract the public in terraced properties adjoining dwellings will not normally be permitted.

S10: Hot Food Takeaways

These uses will be appropriate in the Town, District and Local Centres and in some shopping and commercial frontages elsewhere (if in accordance with Policies S6 and S7). The use must not adversely affect the amenities of the existing or proposed dwellings by reason of noise, smell, disturbance or traffic impact. The closing time for hot food takeaways will be considered in relation to the amenities of nearby dwellings. The Council will usually impose a condition requiring premises to close at 23.00 Monday to Friday and 23.30 Saturday. Ventilation and fume extraction equipment shall be positioned to avoid potential problems of noise, vibration and/or odour nuisance and would not be detrimental to visual amenity.

T7: Car Parking

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

Page 173 of 195

T13 Parking Standards

Hot food takeaways - 4 car park spaces for establishments with a gross floor space up to 50m²; then 1 space per 22m² of gross floor space. At least 1 bike stand for every 5 car park spaces with an absolute minimum of 2 bike stands. Taxi facilities.

Designing Walsall (SPD) (Feb 2008)

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

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

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

Regional Spatial Strategy for the West Midlands (PPS 11) (RSS) - Promotes sustainable regeneration of previously developed land, promoting a high quality environment and sustainable development capable of being accessed by a variety of transport modes. There is no need for this application to be considered under the Conformity Protocol.

National Policy

PPG 4, Industrial, commercial development and small firms, emphasises that a positive approach should be taken to dealing with planning applications unless it would cause demonstrable harm to interests of acknowledged importance.

The proposed change of use does not conflict with the sequential approach outlined in PPS 6: Positive planning for Town Centres. PPS6 states that centres should be strengthened by seeking to ensure that there is a range of facilities, consistent with the scale and function of the centre, to meet people's day-to-day needs.

PPG 24: Planning and Noise, the planning system should not place unjustifiable objects in the way of development which creates jobs and infrastructure, but must ensure that it does not cause an unacceptable degree of disturbance (para. 10). Noise-sensitive development should not normally be permitted where high levels of noise will continue throughout the night, especially during the hours when people are normally sleeping (23.00 to 07.00) (para. 12). There will also be circumstances when it is acceptable - or even desirable in order to meet other planning objectives - to allow noise generating activities on land near or adjoining a noise-sensitive development (para. 18). Fast food restaurants pose particular difficulties, not least because associated activities are often at their peak in the evening and late at night. Need to consider the noise generated within the premises and the attendant problems of noise that may be made by customers in the vicinity. The disturbance that can be caused by traffic and associated car parking should not be underestimated.

Consultations

Transportation – No objections subject to condition regarding the provision of cycle storage.

Environmental Health – No objection in principle although some concern about the cumulative impact of a fourth hot food use in terms of odour. The revised location of the extract ducting and flue is considered satisfactory. More details of the type of extraction unit to be used and the type of filtration/odour neutralisation to be installed/used is required. In terms of noise, Environmental Health have received no noise complaints relating to these premises.

Page 174 of 195

Fire Officer – Satisfactory for fire service access.

West Midlands Police – No objections, however due to the evening opening proposed it is recommended that CCTV equipment is installed to deter those intent on criminal or anti social behaviour and provide reassurance to staff and customers. There are only 3 records of instances of anti social behaviour in the past 2 years directly attributed to a similar use in the immediate vicinity. Should the premises be run correctly from the outset the likelihood of disruption to neighbouring properties is negligible as the site is located in a small commercial group of properties.

Public Participation

A petition against the proposals containing 156 signatures has been submitted by the operator of the existing fish and chip shop adjacent to the premises. The petition states no to extra litter, nuisance and loitering of groups of teenagers and 4 food establishments already within 100yards of the site.

Three letters of objection received, objecting on the following grounds:

- Would create a fourth hot food use in the block of shops, the three existing is sufficient
- In the middle of a residential area
- Late night noise and disturbance
- Excessive litter already from existing uses
- On street parking already even on double yellow lines
- A further takeaway will add to the misery of residents.

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

Determining Issues

- The appropriateness of the use
- The impact on the amenities of surrounding occupiers
- Parking and highway safety

Observations

The appropriateness of the use

The application site is situated within a block of 8 shops in a local shopping parade. Whilst the parade already provides 3 existing hot food uses it also provides a newsagent/convenience store and a pharmacy to meet local needs in compliance with Policy S6. The post office situated within the parade closed some years ago.

Policy S10 of the UDP indicates that some shopping and commercial frontages outside of Town, District and Local Centres are appropriate locations for such uses where there is existing activity, subject to key considerations.

The proposal would bring a vacant unit back into an active use, which should be encouraged.

The principle of the proposed use is therefore considered appropriate in this location and the proposed use is unlikely to have any adverse impact on the vitality and viability of the parade or the nearby local established centre.

The impact on the amenities of surrounding occupiers.

Whilst the property is situated within a commercial frontage, there are residential flats above the shops and residential properties to the east, north and west of the parade. Harden Road, is a busy route with 5 bus routes and a bus stop immediately in front of the parade. The frontage is therefore considered quite a busy and active location.

The application proposes opening hours of 0800 – 2300 hours Monday – Friday and 0800 – 2330 hours Saturday. The Monday to Saturday opening would comply with those recommended within Policy S10 to restrict evening opening and ensure no adverse impact on the amenities of surrounding occupiers. The existing newsagent/convenience store at 162-164 Harden Road opens from 0500 – 2200 daily, the hot food shop at 166 Harden Road has consent to open from 1100 – 2300 Monday to Saturday with no Sunday opening, the hot food use at 166a has consent to be open 0900 – 2315 Mon – Fri and 0900 – 2345 sat and Sunday opening 1700 – 2300. No exact details are recorded about the opening hours of the fish and chip shop at 3 Chestnut Road although it is known to be open lunchtimes and evenings. No 166 is situated at the more sensitive eastern end of the block, next to residential properties. The proposed use is situated in the middle of the block and the proposed opening hours would compare with existing uses within the block

Parking for the shops and flats is situated on the frontage and use of this parking is unlikely to have any additional adverse impact on the amenities of the residents above the shops through comings and goings. The pedestrian access to the flats above the shops is also situated on the frontage. It is considered that residential occupiers are unlikely to be adversely affected by the proposed use in terms of noise, disturbance of traffic or late night opening over and above the existing situation.

PPG24 advises that noise-sensitive development shall not normally be permitted where high levels of noise will continue throughout the night, especially during the hours when people are normally sleeping (23.00 to 07.00). It is considered that this development would not generate high levels of noise and the opening hours can be secured by condition. Environmental Health raise no objections on the grounds of noise.

The impact that the takeaway may have on the neighbours by means of the odours can be minimised with the installation of appropriately designed filters and other measures which would reduce the odours that are released. The application includes the installation of extraction ducting and fume extraction equipment to the rear elevation of the property. A revised plan has been submitted to amend the location and height of the extract ducting and flue on the rear elevation, in accordance with recommendations from Environmental Health, to ensure no adverse impact on the occupiers of the first floor flats from odour. Further details of the extraction equipment, filtration and odour control system is required in accordance with recommendations from Environmental Health, an appropriate condition is therefore recommended.

Parking and highway safety

The site is situated within a parade of shops with flats above, with a large open car park on the frontage and service yard to the rear. The proposal would require 7

Page 176 of 195

spaces for the use and the flat above, compared to 4 spaces for the current use and flat above. The applicant has indicated 5 spaces available within the 18, unmarked spaces within the general frontage parking area. The parade of shops and the residential flats would have an overall requirement of 37 spaces based on existing uses and flats above. Whilst only 18 spaces have been shown by the applicant it is envisaged that the car park could accommodate up to 28 spaces. Not all the businesses have the same opening hours and would therefore create staggered customer parking. Taking this into consideration a further A3/A5 use would be unlikely to have a significant detrimental impact on the surrounding highway network and Transportation have raised no objections to the proposals.

Other Issues and response to representations

Existing Hot Food Uses

Local residents have raised the issue of the number of existing hot food uses in the block and the area. Whilst there are 3 existing hot food uses within the parade, the parade also provides a convenience store and pharmacy to provide for local needs. The application premises has been vacant for over 12 months so the proposed use would bring the shop back into use. The use is proposed to be open all day bringing activity to this part of the frontage that is currently dead, with a solid roller shutter. It is not considered that the cumulative impact of hot food uses would have an adverse impact on the vitality or viability of the parade.

Anti Social Behaviour

Objectors have expressed concerns about the nuisance and loitering of youths at the shops. West Midlands Police have confirmed that there are only 3 reports of instances of anti social behaviour in the past two years attributed to a hot food use in the area and suggest that if the premises is run correctly from the outset the likelihood of disruption to neighbours is negligible. The police have further recommended CCTV for the premises and a note to the applicant is attached.

The unit is currently vacant, with solid roller shutters in place 24 hours providing no natural surveillance of the frontage. Use of the premises, especially in the evening may deter further anti social behaviour through natural surveillance and comings and goings of customers.

Litter

Objectors have commented on the excessive litter already in the vicinity. A condition is recommended to ensure the provision of a litter bin outside the premises and a mechanism for emptying.

Summary of Reasons for Granting Planning Permission

The proposed use would bring a vacant unit in a local shopping parade back into use and would comply with Policy S10 of the UDP in terms of the location, the proposed opening hours and the proposed fume extraction equipment. Adequate off street parking is available on the frontage of the parade to meet the use.

Having considered the matters raised by objectors and comments received from consultees, the proposed use would have no unacceptable impact on the amenities of the surrounding residential occupiers (including the flats above the shops) or the vitality or viability of the parade.

The proposed development is therefore considered to accord with the aims and objectives of the development plan, in particular policies GP1, 3.7, GP2, ENV10b, ENV32, S6, S10, T7 and T13 of Walsall's Unitary Development Plan (2005).

Recommendation: Grant Subject to conditions

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

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

2. The premises shall not be open for business outside the hours of 0800 to 2300 Mondays to Friday and 0800 – 2330 Saturday.

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

3. No development shall be carried out until further details of the ventilation equipment and odour control system including the specifications, siting, design and appearance have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented before this development is brought into use and thereafter retained in working order.

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

4. Prior to first use of the premises for the use hereby approved details of a litter bin outside the property (including mechanisms for emptying) shall be submitted to and approved in writing by the Local Planning Authority and once agreed the bin shall be installed and thereafter retained and operated in accordance with the approved details.

Reason: In order to safeguard the amenities of surrounding occupiers.

5. No development shall commence until details of a method to prevent grease entering the drainage system have been submitted to and approved in writing by the Local Planning Authority. The premises shall not be open for business until this approval has been given and approved details have been fully implemented. The approved equipment shall thereafter be retained and maintained in accordance with the manufacturer's or installer's requirement.

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

Note To Applicant

West Midlands Police recommend a CCTV system be installed at the premises which would help to deter criminal activity and anti social behaviour and provide reassurance to staff and customers. Please contact Mark Ledo, Crime Reduction & Architectural Liaison Officer at Walsall Police Station on 01922 439103 or ledo_1892@west-midlands.pnn.police.uk



ITEM NO: 17.

To: DEVELOPMENT CONTROL
COMMITTEE

Report of Head of Planning and
Building Control, Regeneration
Directorate on 16 Jul 2009

REASON FOR BRINGING TO COMMITTEE: Significant Community Interest

Application Number: 09/0393/FL

Application Type: Regulation 3 Consent
(V)

Applicant: Walsall Children's Services
(Serco)

Proposal: Change of use from open
space to school playing field (max 3155m²)
including new 2.4m high fencing around
perimeter and extension of access path
from Lower Farm Primary School.

Ward: Bloxwich East

Recommendation Summary: Grant Subject to conditions

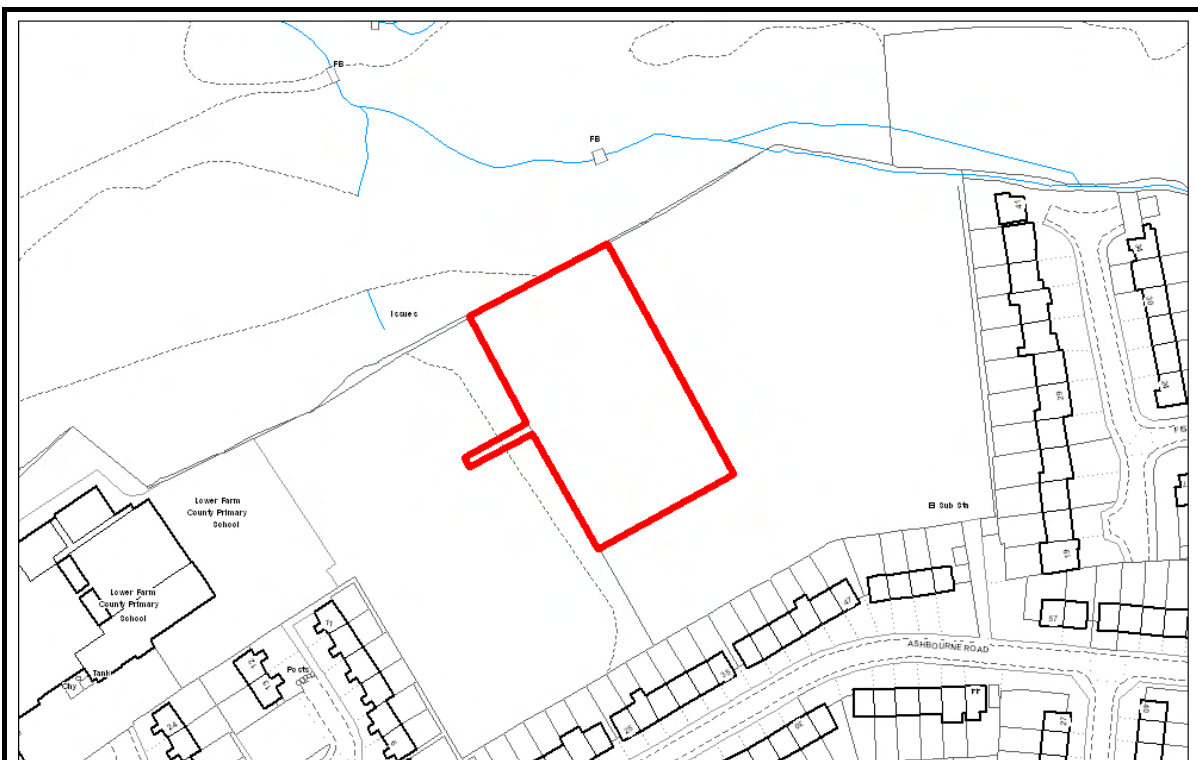
Case Officer: Paul Hinton

Telephone Number: 01922 652420

Agent: Property Services

Location: LAND ADJACENT TO
LOWER FARM COUNTY PRIMARY
SCHOOL, BAKEWELL
CLOSE, BLOXWICH

Expired: 01/07/2009



Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Walsall MBC. Licence Number LA 076414.

Application and Site Details

This application seeks planning permission for part of the open space managed by Walsall's Children's Services (Serco), known as Ashbourne Field, adjacent to Lower Farm County Primary School to be used as an extension to the school's playing field and enclosed by 2.4m high fencing. Replacement fencing 2.4m in height to part of the existing boundary to Ashbourne Field is also proposed. No details of the design of the fencing have been provided at this time. The proposal would enclose 3155m² (25%) of the 12827m² open space into the school's site and would provide access from within the existing school grounds only. The application site is situated within the Green Belt.

Ashbourne Field is only accessible between 55 and 57 Ashbourne Road and this would remain unaffected by the proposal. To the north of the open space is Bloxwich Golf Club separated from the site by a 1.8m high metal fence. To the east are the back gardens of houses in Fishley Close, to the south are the back gardens of houses in Ashbourne Road and to the west is the boundary to the playing fields of Lower Farm School with a post and wire fence and a copse of semi-mature trees. Within the open space and the application boundary are four pieces of wooden play equipment.

The applicants state that the newly enclosed area would be used for typical school activities which would include five-a-side football. The area would be solely used by the school during normal school hours and for after hours participation by other schools when playing against Lower Farm. The enclosed area would not be used at weekends. It is stated that the school is 3155m² below the minimum site area requirements set by the Department for Education and Skills (DfES) in order to provide sufficient team game playing fields and that the Council has a statutory duty to meet the requirement.

Relevant Planning History

Lower Farm County Primary School

07/0253/FL/E11 – Erection of artificial grass sports pitch on present unusable grass pitch/field. Granted subject to conditions 8/6/2007.

Ashbourne Field

BD05929P – Deemed consent for development of land for use as sports facilities for T.P. Riley School. Deemed permission 21/12/1982.

04/2315/VG/E1 - In January 2008 Committee in response to an application for Village Green status of Ashbourne Field resolved that the land should not be added to the register of Town and Village Green.

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

Unitary Development Plan

GP2 states that the council will not permit development that would have an unacceptable adverse impact on the environment. It states that visual appearance, the effect on overlooking, privacy, and the effect on daylight and sunlight received by nearby property, and hours of operation will be considered.

Page 180 of 195

3.6 schemes should, as far as possible, help to improve the environment of the Borough.

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

3.16 consider development in relation to its setting and will require high quality built design.

GP7 says that development proposals will be expected to have regard for the objective of designing out crime, through the incorporation of measures such as:

- III. Maximising the amount of defensibly space which is controlled, or perceived to be controlled by occupiers.

3.3 safeguards the Green belt as part of the wider West Midlands Green Belt.

ENV2 d) Any engineering or other operation, or the making or any material change in the use of land, is inappropriate development in the Green Belt if it conflicts with the openness and purposes of the Green Belt.

ENV2 e) states where development is consistent in principle with the purposes of the Green Belt, the Council will require that its siting, design, form, scale and appearance is compatible with the character of the surrounding area.

ENV3 states that where development is acceptable in principle in the Green Belt (under Policy ENV2) the Council will also assess proposals for their impact on the Green Belt in terms of the following factors:-

- I. The detailed layout of the site.
- II. The siting, design, grouping, height and scale of buildings, structures and associated outdoor equipment.
- III. The colour and suitability of building materials, having regard for local styles and materials.

ENV10 states that development will not be permitted which would have an unacceptable adverse effect on nearby land uses.

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

ENV32 poorly designed development or proposals which fail to properly take account of the context or surroundings will not be permitted. The council will consider the appearance, scale, mass, materials, and integration with existing environment of the proposal.

8.7 The enhancement of existing, and the provision of new, facilities for education, health and other community needs will be encouraged.

Regional Spatial Strategy for the West Midlands was published in June 2004. This is now part of the Development Plan, with the UDP. It seeks to promote sustainability by controlling the location of uses and to implement the strategy that all parts of the Region should meet their own needs sustainably. It also seeks to reduce the need to travel and to promote an awareness of the implications of travel on the environment

Policy QE1 - Environment

Supplementary Planning Document (SPD)

Designing Walsall SPD

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

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

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

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

Page 181 of 195

DW5 Ease of movement- create places that are easily connected, safe to move through;
DW6 – Legibility - new development should contribute to creating a place that has a clear identity;
DW9 – High Quality public realm - new development must seek to ensure it creates places with attractive environmental quality;
DW 10 – new development should make a positive contribution to creating a sustainable environment.

National Policy

PPS 1: Emphasises the need for good design.

PPG 2 advises on the control of development in the Green Belt and that it provides opportunities for outdoor sport and outdoor recreation need urban areas. The visual amenities of the Green Belt should not be injured by proposals for development within or conspicuous from the Green Belt which, although they would not prejudice the purposes of including land in Green Belts, might be visually detrimental by reason of their siting, materials or design.

PPG 17: Planning for Open Space, Sport and Recreation, states that local authorities should give very careful consideration to any planning applications involving development on playing fields, planning permission for such developments should not be allowed unless:

- i. the proposed development is ancillary to the use of the site as a playing field (eg new changing rooms) and does not adversely affect the quantity or quality of pitches and their use;
- ii. the proposed development only affects land which is incapable of forming a playing pitch (or part of one);
- iii. the playing fields that would be lost as a result of the proposed development would be replaced by a playing field or fields of equivalent or better quantity and quality and in a suitable location
- iv. the proposed development is for an outdoor or indoor sports facility of sufficient benefit to the development of sport to outweigh the loss of the playing field

Consultations

Transportation – no objection.

Pollution Control (Scientific Team) – no objection.

Pollution Control (Contaminated Land) – no objection.

Environmental Health – no objection.

Strategic Policy – no objection.

Landscape – no objection subject to the use of a condition to secure a belt of new planting along the new fence line to achieve a degree of privacy and screening. The proposed fence should be either painted or powder coated.

Trees – no objection. The school and the land proposed for a change of use are separated by a narrow strip of early mature trees of various species. The proposal

would require the access footpath to pass through this strip which would necessitate the removal of three Hazels and the pruning of adjacent remaining trees. The tree works are minor and would not drastically affect the screening to properties of this strip. The proposed fence will run alongside the edge of the strip of trees, only localised excavations will be taking place which will not have any long term detrimental impact on the health of the retained trees.

Natural Environment – no objection. The grassland proposed for a change from open space to playing field is of little ecological value. Care has been taken to retain the existing natural feature of a tree belt while removing the minimum number of trees in order to create a pathway.

Sport England – no objection. It is understood that this area has never been used for formal sporting activity. The acquisition of new playing fields to meet the needs of the school is welcomed.

Walsall's Children's Services (Serco) – no objection. The project is essential to provide pupils of the school with the minimum required area for playing fields and team games space. The project addresses a long standing suitability issue for the school and will be a really good facility for pupils now and in the future.

Police Architectural Liaison Officer – no objection. Consideration should be given, where possible, to removing the lower branches of the trees to open up lines of sight and afford greater levels of surveillance of the pitches. In agreement to use 2.4m high fencing, however recommends consideration is given to the use of a close mesh security fence which will afford greater levels of security. The selection of suitable fencing would prevent unauthorised access and use of the pitch outside of school hours. As this is a new facility, it would be a desirable target for local youths.

Greenspaces – no objection subject to the provision of replacement play/fitness equipment.

Public Rights of Way – no objection.

Fire Services – no objection.

Public Participation Responses

A petition with 60 signatures has been received against the application for 25% of Ashbourne Field saying 25% is just the beginning the remaining 75% will soon follow.

Two letters of objection have been received and one letter stating no objection to the use subject to the land not being built on in the future.

Objections:

- Lack of consultation.
- The Council gave assurances that nothing would be built at the rear of gardens.
- Estate residents use the field all day long, putting the proposed areas/children potentially in contact with adults and pets.
- The area is well known for wildlife, bats, newts, frogs, toads, hedgehogs and various birds.
- The square metres should be allowed to serve the whole of the estate.
- Effect on trees.

- Effect on property values.
- Objected to the hall/theatre planning application in 2004 knowing that the school would want the open space.
- The open space is the only space locally for children to play/exercise.
- The school is too big for the estate.
- The 2.4m would impact upon residential outlook.

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

Determining Issues

- Principle of use
- Impact upon visual amenity
- Impact upon amenity of neighbouring occupiers
- Community safety

Observations

Principle of use

Ashbourne Field is managed for the Council by Walsall's Children's Services (Serco) and has been appropriated for education purposes since 1983. For approximately 5 or 6 years from 1983 the site was used and included sports facilities for the former T.P. Riley Comprehensive School. Since this time the site has been used as a recreation area by local people, but is not designated as formal Urban Open Space. The application for Village Green status submitted in November 2004 was declined as the site had not been used for lawful sports and pastimes as a right for 20 years prior to the submission of the application.

The school state that to meet its requirements set by the Department for Education and Skills a further 3155m² of playing fields are required. The proposal would therefore enhance existing education facilities and therefore accord with UDP policy 8.7.

The use of land in the Green Belt for outdoor sport and recreation is in accordance with UDP and government planning policy guidance.

The proposal would increase the schools promotion of outdoor sports. Sport England and Strategic Policy do not object to the application and therefore it is considered that the principle of use is acceptable.

With regard to residents concerns about further loss of open space, Cabinet approved that the future use of the remainder of Ashbourne Field would be as recreational open space under the management of the Council's Greenspaces team rather than Walsall's Children's Services (Serco) as at present.

Four pieces of wooden play equipment would need to be removed to accommodate the proposal; consequently there would be a loss of a local facility. Greenspaces do not object to the application subject to replacement play equipment being provided within the remainder of Ashbourne Field. A condition is recommended.

Impact upon visual amenity

The proposed 2.4m high fencing would span 42m from the school boundary into Ashbourne Field and would span 75m from the boundary with the golf club. The erection of a fence in the Green Belt would be inappropriate development unless it maintains openness and does not conflict with the purposes of including land in the Green Belt. The proposal has not been supported by detailing of the fence, but robust colour coated light wire security fencing is available and has been used successfully in other sensitive Green Belt locations, which would maintain openness. Therefore a condition can secure an appropriately designed fence.

The activity on the land would be consistent with the purposes of including land within the Green Belt. The application site itself is enclosed by the adjacent housing and fencing which would mean any lightweight fencing would not be conspicuous from the wider Green Belt to the north.

The Landscape Officer recommends a condition to secure a belt of new planting along the new fence line to achieve a degree of privacy and screening to the proposed school playing field. The proposed fence should be either painted or powder coated. These conditions are recommended.

The fences to the rear of Ashbourne Road are in the region of 1.8m in height. The 2.4m high fence is also proposed to replace part of the existing fence between the school and the field running directly to the rear of number 31 Ashbourne Road. There would be a height difference between the fences of approximately 0.6m at this boundary. It is considered that a condition requiring further information showing the fence to angle down to 1.8m in height at the boundary is required to retain an appropriate outlook for this and adjacent properties. An objection letter refers to loss of outlook, it is considered that with the use of this condition, the landscape condition and that the main bulk of the proposal is 40m from the rear windows of properties of Ashbourne Road that there will be no significant loss of outlook.

The removal of three trees to provide an access path between the school and the proposed playing field would have a minimal impact upon visual amenity due to their location within a semi-mature copse. The Tree Officer raises no objection to the application.

Impact upon amenity of neighbouring occupiers

The gardens of the closest residential properties (31 to 43 Ashbourne Road) are 29m from the edge of the proposed enclosed playing field. There have been no objections from those residents, Environmental Health or Pollution Control Officers on the grounds of noise and disturbance arising from the use of the playing field. The school confirm that it would be only for the school's use during normal hours and after hours participation by other schools when playing against Lower Farm. The area would not be used at weekends. While there have been no objections on the grounds of noise the area of land subject to the proposal is not an active playing pitch, and consequently would not currently attract the level of noise as other formal playing pitches would. The school have confirmed that the hours of use would be between 8am and 6pm. The hours and days of use are recommended to be secured by condition.

Community safety

The Police request the use of close mesh security fencing and recommend crown raising of the semi-mature copse between the school and the application site to improve natural surveillance of the new playing field from the school. Fencing details

Page 185 of 195

can be secured by condition. The additional surveillance is recommended as a note for applicant.

Other issues raised by neighbours

Consultation letters were sent to adjoining owners/occupiers (as per legislation) and further. Also two site notices, one at the entrance to the field and one on the entrance to the school were posted. There was no lack of consultation as claimed.

One letter states that the Council gave assurances that nothing would be built at the rear of gardens. As discussed above the proposed fence is considered not to have a significant impact upon outlook or the openness of the Green Belt and the use is in accordance with UDP and government policy. The petition raises concern that 25% of the field being used is just the beginning and the remaining 75% will soon follow. Any further applications for development would be considered on their merits and with regards to Green Belt policies.

The proposed robust fence and landscaping would provide a clear boundary between users to avoid the concerns about conflict with dog walkers or other users .

Whilst the site is claimed to be well known for wildlife, the Council's Natural Environment Team consider the grassland is of little ecological value.

Impact upon property value is not in itself a material planning consideration.

The proposal would look to address the shortfall in playing area for team games space for the existing school and would not involve any increase in pupil numbers or increased impact on the local community.

Summary of Reasons for Granting Planning Permission

The school does not meet the standard for playing area for team games space set by Department for Education and Skills, with a shortfall of 3155m². The proposal addresses this. The proposal is an appropriate use in the Green Belt and is considered to have a minimal impact on visual amenity and residential outlook subject to further details on the exact type of fencing including the fence angled down to the height of the residential boundary of 31 Ashbourne Road. This is required by condition.

Amongst other reasons neighbours object to the loss of open space which is the only space locally for children to play/exercise. The proposed land is not designated as Urban Open Space nor has a Village Green status, the use is therefore appropriate within land managed for the Council by Walsall's Children's Services (Serco). The proposal would enclose 25% of Ashbourne Field within the school boundary with 9672m² remaining. The proposal would not enclose the remaining part of Ashbourne Field. Despite neighbour concerns appropriate consultation has been undertaken and users of the playing field would be separated from users of the remaining part of the field by the boundary fence. The proposal would have no significant impact upon wildlife or trees. Impact upon property values is not in itself a material planning consideration. Concern about further development of Ashbourne Field would be likely to require planning permission and consequently any further planning applications would be considered on their merits and with regards to Green Belt policies.

Page 186 of 195

Accordingly the proposal accords with the aims and objectives of the Unitary Development Plan policies GP2, 3.6, 3.7, 3.16, GP7, ENV2, ENV3, ENV10, ENV18, ENV32 and 8.7 and Planning Policy Guidance 17: Planning for Open Space, Sport and Recreation.

Recommendation: Grant Subject to conditions

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

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

2. No development shall commence until details for the design of the fencing have been submitted to and approved in writing by the Local Planning Authority. The details shall include a close mesh design, on steel posts, with a powder coating finish and details of the fence height dropping to meet the height of the rear fence of 31 Ashbourne Road. The fence shall be built in accordance with the approved details prior to the use hereby approved first commencing and shall be retained thereafter.

Reason: In the interests of visual amenity, community safety and to define the permission.

3. No development shall commence until details for the type and location of replacement play equipment and a timetable for its installation within the remaining part of Ashbourne Field has been submitted to and approved in writing by the Local Planning Authority. The play equipment shall be installed in accordance with the agreed details and timetable.

Reason: To replace the provision of a community facility in an alternative location.

4. No development shall be carried out until a detailed landscaping scheme for the site along the boundary of the new fence line (including any necessary phasing or implementation), has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in accordance with any agreed phasing or within one year of any part of the development being brought into use or other period of time as may be agreed in writing by the Local Planning Authority.

Reason: To ensure the satisfactory appearance of the development.

5. 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) planted areas shall be maintained and any areas that fail to establish shall be reinstated;
- (b) 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;
- (c) any damage to protective fences shall be made good.

Reason: To ensure the satisfactory appearance of the development.

6. The development hereby permitted shall not be used outside the hours of 08.00 and 18.00 on weekdays and shall not be used at anytime during the weekend.

Reason: In the interests of residential amenity.

7. The playing field hereby approved shall not be illuminated by artificial lighting unless agreed by a separate planning permission.

Reason: In the interests of residential amenity.

Note for applicant

The Police Architectural Liaison Officer advises consideration should be given to removing the lower branches of the trees between the school and the application site to increase surveillance of the playing field from the school.



To: DEVELOPMENT CONTROL
COMMITTEE

Report of Head of Planning and
Building Control, Regeneration
Directorate on 16 Jul 2009

REASON FOR BRINGING TO COMMITTEE: Involves the sale of Council owned land.

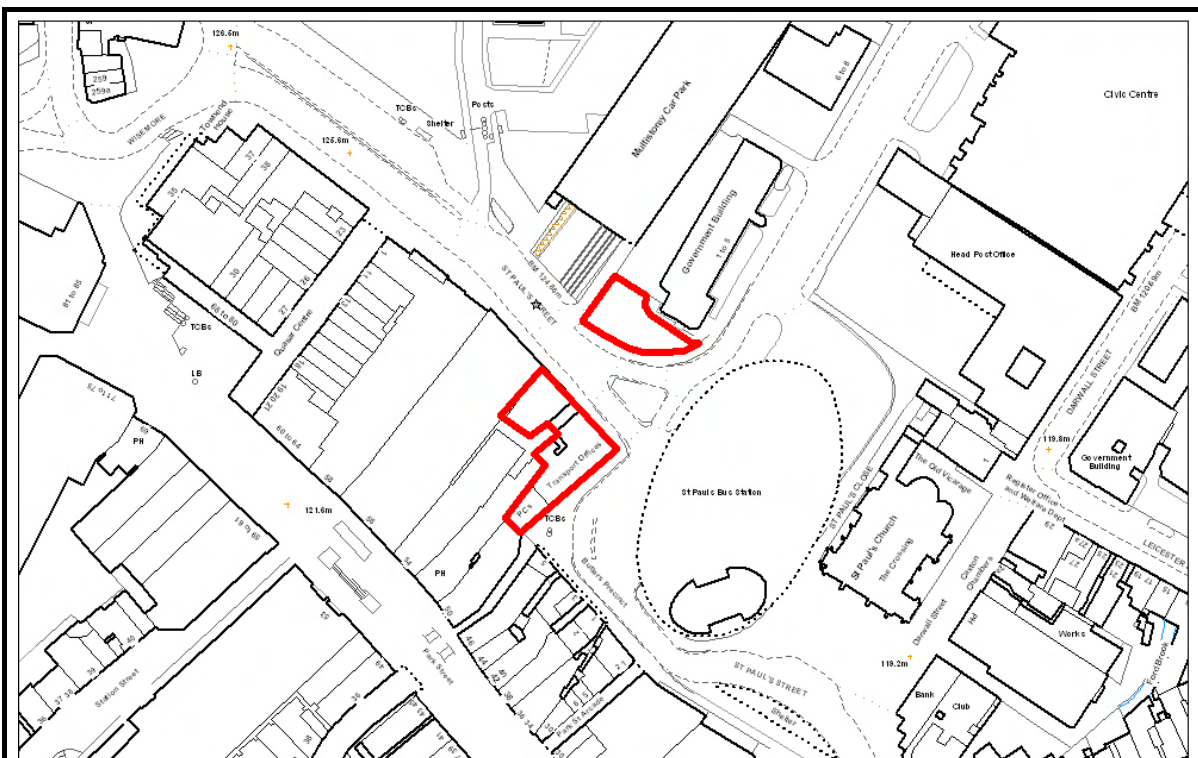
Application Number: 09/0495/FL
Application Type: Full application
Applicant: St Pauls Wharf LTD
Proposal: Conversion and alterations with change of use of transport offices to offices at first and second floors and to 5 shops and 2 cafe/restaurants at ground floor with new shop fronts and fume extraction at rear. Also new layout for car park.

Case Officer: Jan Scrivens
Telephone Number: 01922 652436
Agent: Graham Durrant Design
Location: ST. PAULS
BUILDINGS, ST. PAULS
STREET, WALSALL,

Ward: St. Matthews

Expired: 30/06/2009

Recommendation Summary: Grant Subject to conditions



Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Walsall MBC. Licence Number LA 076414.

Application and Site Details

This application relates to the former Transport Offices in St. Paul's Street, their car parking on the opposite side of St. Paul's Street and the Council owned former public conveniences which are adjacent to the offices.

The application proposes the change of use of the first and second floors of the building to offices and the conversion of the ground floor to five shops and two café/restaurants and involving both street frontages of the building. The alterations would include

- enlarging ground floor windows
- aluminium frames for this windows
- a new doorway, and aluminium framed doors in some openings
- a number of the existing wooden doors would be retained.
- open lath roller shutters over all the ground floor windows
- the clock would be renovated.

Three fume extract flues would be installed on the rear elevations of the building which front a courtyard which provides a service access and fire escape route for the site and for McDonalds which fronts Park Street.

The application also proposes a different layout for the car park while retaining the existing access point.

The property is located within Bridge Street Conservation Area in the primary shopping area.

Relevant Planning History

Planning permission has been given for the change of use to a public house.

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

Development Plan

GP2 and 3.6 require development to improve the quality of the environment.

ENV29 requires development to preserve or enhance the character and appearance of Conservation Areas.

ENV32 requires development to take account of its context and surroundings.

ENV35 relates to the appearance of shops and other commercial buildings. The design of frontages to shops and other commercial premises should be appropriate to their setting and sympathetic to the building on which they are situated.

DW3 of the adopted Designing Walsall Supplementary Planning Document requires development to maintain its character and that of its surrounding area.

S1 defines offices (Class B1a), retailing and café/restaurants as appropriate town centre uses.

T7 and T13 relate to car parking standards.

WA1 includes the site within the primary shopping area.

Also, Bridge Street Conservation Area Appraisal and Management Plan 2008 supports the renovation of this building.

Consultations

Transportation: No objection

Conservation Officer: No objection. Recommends conditions relating to materials and detailed design.

Fire Service: No objection.

Access and Disability Officer: Objects. The Design and Access Statement needs to include the required elements of access for disabled people. Access to the upper floors has not been considered for disabled people. Toilet facilities will need to comply with the Building Regulation Approved Document M.

Rights of Way Officer: No objections. The proposal will have a positive impact on the users of Butlers Passage by reducing feelings of isolation and increasing natural surveillance.

Network Rail: No objection.

Centro: No objection

Representations

Three letters have been received in connection with this application.

One writer, who is a local horologist, welcomes the restoration of the building and in particular the clock, since Walsall is poorly served by public clocks. He has inspected the clock mechanism in the past and advises that the clock movement dates from the late 1930's and needs to be replaced with a modern movement with automatic BST/GMT and power failure mechanism.

One writer considers that there are too many café/restaurants in the area and empty shops as well. She also advises that there are issues (*these are unspecified*) around the bus station which are problematic already without the addition of this project.

The third writer, on behalf of Mc Donald's, welcomes the improvement that the development will bring. He is concerned however to maintain his service access and that of an adjoining business and to ensure that there is sufficient space for all the bins which will have to occupy the yard. There is also an issue with the cleanliness of the yard and the control of vermin, for which his company have been solely responsible for some time. He requests that the future owner/occupiers of the development contribute to this effort. The proposed flues may also obstruct the use of the service access.

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

Determining Issues

- Principle of the uses.
- Access and parking
- Amenity

Observations

Principle of the uses

The proposed uses are all identified by the Development Plan as appropriate within the primary shopping area of the town centre. Although representations have been made about the number of cafes and the potential for an increase in vacant shops in the town centre this would not in itself be sufficient to refuse planning permission for these uses if the application was otherwise acceptable.

Access and parking

There is a lack of disabled access to the building. There is none at present and it may not be possible to provide any. The agent is currently investigating whether any access can be achieved, particularly to the ground floor, where it may be possible to provide disabled access to some of the units due to levels changes on the footpath or by raising the footpath outside the building; any progress will be reported to the meeting.

The service access from the yard, together with the storage of bins and cleanliness/vermin control is essentially a civil matter and could not be controlled by planning condition. The flues would not be in a position to interfere with access.

Service deliveries to the development are likely to take place from a delivery bay opposite the new bus station although potentially the car park on the opposite side of St. Paul's Street which forms part of this application could also play a part. The proposed layout for this car park would be an improvement on the existing.

The development would not have sufficient car parking to meet Council standards but in a town centre location, where alternative means of transport are very close, this is not essential.

Amenity

Environmental Health comments have not yet been received. Any comments will be reported to the meeting.

The proposed flues would have no visual impact on the elevations which are visible from the public highway.

This building is in a prominent corner position and has an imposing appearance which needs to be restored and brought into use. The scheme will retain the original windows of the upper floors and in the conversion of the ground floor has sought to retain as much as possible of the original external features of the building or to reflect the proportions of the original window openings. The retention of the substantial wooden doors is particularly important both for their character and for the security which they will provide.

The submitted scheme is acceptable in terms of its intentions but the real effect of the development on the character and appearance of the building and the Bridge Street Conservation Area will be determined by the quality of the materials and the execution of the scheme to a high standard. Several conditions are therefore proposed.

Conclusion

This scheme has the potential to improve the appearance of the building and to restore its contribution to the character and amenity of Bridge Street Conservation Area. It is therefore recommended for approval.

Summary of Reasons for Granting Planning Permission

The uses proposed in the conversion of this building are appropriate to a town centre. The development has some parking available to it, which is sufficient given its proximity to other means of transport. The proposed development would renovate a prominent building in the Bridge Street Conservation Area which is currently vacant. The approval of this application would be consistent with policies GP2, 3.6, ENV29, ENV32, ENV35, S1, T7, T13 and WA1 of Walsall's Unitary Development Plan and policy DW3 of the adopted Designing Walsall Supplementary Planning Document.

Recommendation: Grant Subject to conditions

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

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

2. a) Unless otherwise agreed in writing by the Local Planning Authority, no development shall be carried out until an assessment has been made of the potential for providing disabled access throughout the building.

b) A copy of the assessment and proposals for providing disabled access shall be submitted to and approved in writing by the Local Planning Authority prior to the development commencing.

c) The approved proposals for disabled access shall be implemented prior to the occupation of any part of the building.

Reason: To secure the provision of disabled access; and in the interests of the appearance of the building and the visual amenity of the Bridge Street Conservation Area and to ensure the satisfactory functioning of the public highway.

3. Notwithstanding the details shown on the submitted plans no development shall be carried out until details of ventilation and fume control equipment have been approved in writing by the Local Planning Authority. The approved details shall be implemented before any part of the development is brought into use, and thereafter retained in working order.

Reason: To safeguard the amenities of the occupiers of adjoining premises and the amenity of the area.

4. Notwithstanding the description/details set out in the submitted documents no development shall be carried out until further illustrated details of the proposed new shopfronts, doors, fanlights and windows on the ground floor have been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include the profile of the aluminium, colour and type of the powder coating, provision and materials of window cills and the position of the doors and windows recessed into the elevations. These features shall be installed simultaneously on both elevations in accordance with the approved details prior to any part of the development being brought into use. They shall thereafter be retained.

Reason: To ensure the satisfactory appearance of the building and in the interests of the visual amenity of Bridge Street Conservation Area.

5. No development shall be carried out until details of the type, colour and finish of the proposed non-projecting roller shutters have been submitted to and approved in writing by the Local Planning Authority. The shutters shall be installed simultaneously on both elevations prior to the occupation of any part of the development and thereafter retained.

Reason: To ensure the satisfactory appearance of the building and in the interests of the visual amenity of Bridge Street Conservation Area.

6. No development shall be carried out until details of the design and colour of the proposed timber panels above the windows on both elevations have been submitted to and approved in writing by the Local Planning Authority. The panels shall be erected simultaneously on both elevations in accordance with the approved details prior to any part of the development being brought into use. The panels shall thereafter be retained as approved unless otherwise agreed in writing by the Local Planning Authority. They shall not be obscured by any advertising.

Reason: To ensure the satisfactory appearance of the building and in the interests of the visual amenity of Bridge Street Conservation Area.

7. No development shall be carried out until proposals have been submitted to and approved in writing by the Local Planning Authority to clean and repair all parts of the external elevations of the building which are not brickwork, including the first and second floor window frames and the wooden doors. The approved proposals shall be implemented prior to the occupation of any part of the development.

Reason: To ensure the satisfactory appearance of the building and in the interests of the visual amenity of Bridge Street Conservation Area.

8. The proposed restoration of the clock mechanism shall take place during the conversion works on the building and shall be completed prior to the occupation of any part of the development unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the restoration of a useful and prominent feature which contributes to the satisfactory appearance of the building and the visual amenity of Bridge Street Conservation Area.

9. The first and second floor windows of the building and the wooden doors and fan lights on the ground floor shall be retained as existing, subject to any cleaning and repairs required by condition 7 of this decision.

Reason: To retain features of value to the building; to ensure its satisfactory appearance and the visual amenity of Bridge Street Conservation Area.

10. The existing roller shutters and shutter boxes and the aluminium window and doorframes shall be removed from the building and are not to be retained as part of the development.

Reason: To ensure the removal of features which are incompatible with the desired quality of the development.

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

Reason: To ensure the satisfactory appearance of the development.

12. 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.

13. No development shall be carried out until details of the proposed boundary treatment of the car park have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the occupation of any part of the development.

Reason: To ensure the satisfactory functioning and appearance of the car park.

14. Before any part of the proposed development is brought into use the areas for planting within the car park shall have been constructed and the surface of the remainder of the car park shall have been made good in materials to match the existing surface. The car parking spaces shall have been marked out and these shall thereafter be retained and used for no other purpose. The car park shall be available only for the use of people working within the development and not for customers or the general public.

Reason: To ensure the satisfactory functioning and appearance of the car park.
