



## DEVELOPMENT CONTROL COMMITTEE

Report of Head of Planning  
and Transportation on  
31<sup>st</sup> January 2005

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To: DEVELOPMENT CONTROL COMMITTEE

Report of Head of Planning  
and Transportation  
On 31 January 2006

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

**Application Number:** 05/2271/FL/E5

**Case Officer:** Della Templeton

**Application Type:** Full application

**Telephone Number:** 01922 652487

**Applicant:** Accord Housing Association

**Agent:** Richard Whittern

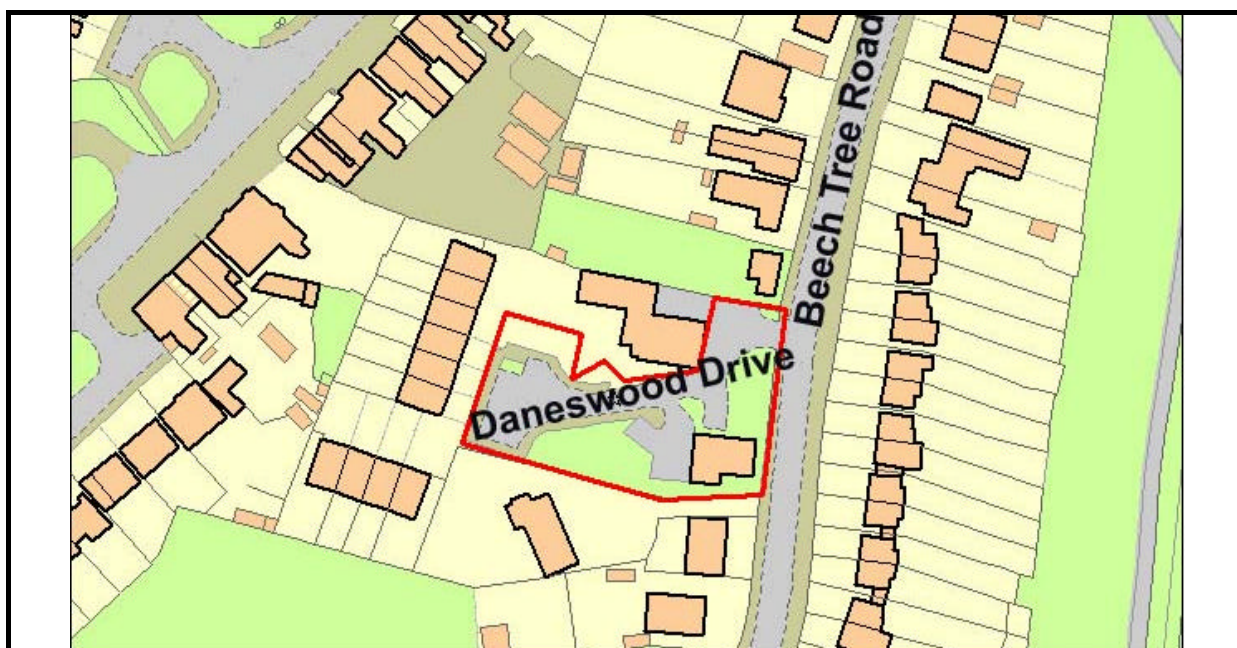
**Proposal:** Demolition of existing surgery and construction of 4 No. 1 Bed two person flats, together with common lounge assisted bathroom and staff sleepover and 4 no. car park spaces for use by residents with supported needs.

**Location:** SURGERY & LAND TO REAR,BEECHTREE ROAD,WALSALL,WEST MIDLANDS

**Ward:** Aldridge North and Walsall Wood

**Expired:** 10 January 2006

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



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## **Application and Site Details**

The application proposes the demolition of an existing single storey brick built surgery and the erection of a one and two storey building to house four flats providing accommodation for residents with supported needs, together with a staff sleepover bedroom.

The building would occupy approximately the same position as the surgery it would replace but would extend some 10m further back into the site to the west and 3m to the north. The proposed building would also have 2 storey elements whereas the existing is single storey only.

The development would provide three flats, communal lounge/kitchen, assisted bathroom and office on the ground floor and a fourth flat plus staff bedroom with en-suite on the first floor. Each flat would comprise bedroom, bathroom, living/dining room and kitchen area. Two of the ground floor units, fronting Daneswood Drive would have small external yards. A total of four car parking spaces and an ambulance pull-in bay would be provided for the new development with access off Daneswood Drive. In addition, the 4 car parking spaces behind the existing surgery building which would be displaced by the new development would be compensated for by the introduction of a further 5 spaces around the turning head of the cul-de-sac.

A footpath has been incorporated into the scheme to provide a link between Beech Tree Road and the bungalows at the rear of the site.

A support statement has been submitted. This states that the building will provide housing for people with learning disabilities in line with the White Paper 'Valuing People'. For many of the proposed tenants this will be the first time that they have had the opportunity to live independently in their own home after spending their entire lives in an institution of sorts, be it a hospital or local authority residential home. A member of staff will be on site 24 hours a day to offer support with day-to-day living. The tenants will all be mobile and are not in need of care. They will be subject to the same tenancy agreement as all other Accord tenants living in Daneswood Drive.

Security measures will be incorporated into the building. The main entrance door to the building will be fitted with a door entry system. The individual flat entrance doors will be solid and fitted with a security chain and viewer. There will also be an internal CCTV system.

## **Relevant Planning History**

04/2589/FL/E5 proposed an identical buildings scheme to that currently proposed. This was reported to Committee who resolved to approve but late objections resulted in the need to report back to the next meeting where it was resolved to refuse, in the light of concerns of the beat officer on the grounds that the development of the special needs establishment could attract the attention of juveniles who would target residents and increase the fear of crime. The application was subsequently withdrawn to enable the applicant to address issues relating to fear of crime. The current application is the result.

BC13150 for the conversion of the existing Beechtree House (number 32 Beechtree Road) to five flats and the erection of 10 aged persons bungalows was granted on 4 October 1979. The scheme provided 18 car parking spaces including an existing car port space for the doctor's surgery.

There have been three previous refusals for residential development on this site for reasons relating to lack of amenity space provision for future residents, impact on neighbours, highway safety implications and impact on protected trees. The latest of these, BC63983P for erection of 3 bungalows with associated parking and landscaping, was refused in October 2001.

### **Relevant Planning Policy Summary**

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

#### **Unitary Development Plan**

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

Policy GP5 is concerned with meeting the needs of all sections of the community and increasing social inclusion.

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

Policy 6.5 expects development to take account of the needs and characteristics of different groups in need of housing such as the elderly and disabled people.

Policy H3 encourages the provision of additional housing through re-use of previously developed land. In considering proposals for re-use, the Council will be flexible in the application of standards for parking and amenity space.

Policy H5 encourages the provision of housing for people with special needs.

Policy H6 is concerned with the provision of nursing homes and rest homes for the elderly which will normally be appropriate in residential areas. Facilities should be provided for access by a medium sized van or ambulance, including turning space. Residents should be afforded access to private garden space, away from car parking areas, access and roadway.

Policy H10 seeks to provide an appropriate mix of housing types, size and tenure, which provides a high quality living environment, well-integrated with surrounding land uses and local character.

Residential Development Standards are set out in a supplementary document which stipulates the need for a minimum of 24m separation between all facing windows of habitable rooms and a minimum of 13m between habitable room windows and blank walls exceeding 3m in height.

Policy T13 sets a requirement for 1.5 to 2 spaces each for the flats and 2 spaces for each bungalow. A residential home should be provided with 1 space /3 beds and a nursing home 1 space/2beds

#### **National Policy**

Planning Policy Guidance Note 13: Transport encourages the adoption of maximum rather than minimum standards for parking and states that local authorities should not require developers to provide more car parking than they feel is necessary, unless there is specific justification.

### **Consultations**

**Transportation** - No objections. The proposal generates the need for 6 parking spaces whereas the application proposes 4 resulting in a shortfall of 2 spaces. The flats are only one bedroom each which the applicant indicates would be used by residents with supported needs. This may result in low car use therefore the 100% parking provision proposed is deemed acceptable on balance.

**Pollution Control** - No objections. Recommend conditions to prevent unnecessary inconvenience during demolition and construction works.

**West Midlands Police** - There are no policing issues arising from this planning application. Any residential facility functioning on the Beech Tree Road site will have no more impact on Police resources or performance than any other development at this location.

The consultation states 'Following the last hearing, permission for the development was withheld. A meeting with the police was requested by Accord Housing and representatives from the association visited Aldridge police station and spoke to Sector Inspector Byrne and myself (Sergeant Martin Brown).

The points concerning the vulnerability of residents both as potential offenders and victims were raised and we were assured by Accord that persons living in the new development will have been in long term care facilities and will require 24 hour supervision. Any time spent away from the home would also be under supervision.

It now seems from the information and assurances given by representatives of Accord Housing that any residential facility functioning on the Beech Tree Road site will have no more impact on police resources or performance than any other development at this location.

As the areas of concern we raised in the first report have now been clarified, any reservations we had are now resolved and there are no policing issues arising from this planning application.'

**Social Care and Supported Housing, Head of Learning Disabilities** - Supports the proposals which comply with the agreed Joint Strategy for People with a Learning Disability in Walsall and Government Policy contained in the White Paper 'Valuing People'. The development also supports Walsall's Vision 2008 in that it would help to make Walsall a healthy and caring place by allowing more people to live at home with care tailored to their needs and provide more choice to vulnerable people about where they live. The following points are made:-

1. There is a shortage of appropriate housing, of the type proposed, in Walsall.
2. The population of adults with a Learning Disability is increasing (research suggest 2% of the population currently have a Learning Disability, set to rise to 7% by 2021.
3. Lifelong condition means that people have difficulty learning, it is not an illness. Like people who have suffered a stroke, people with learning disability have the same rights, same values and same entitlements as anyone.
4. Residents of the development would be over 18, most likely aged between 40 and 55. They would be attending either day services or sheltered employment and would be unlikely to be receiving high levels of prescribed medication. They will have lived in Local Authority Residential Homes for a long time because historically, there was no other choice available in Walsall - this has lead to Walsall's services being described as 'poor' and 'not meeting people's needs'.
5. Beechtree Road would allow people to live in their own home with a choice of who they live with - rights that the general public take for granted. Residents will be supported for as long as is required on a 24 hour basis and receive help with cooking, cleaning, budgeting, shopping etc.
6. Research has found that people with Learning Disabilities are vulnerable but are more often wrongly seen as potential offenders rather than victims of crime, and that the

most likely perpetrators of crime against people with learning disabilities are people who are known to them. A survey by Lancaster University found that people with Learning Disabilities were less likely to be victims of crime than other people, but were slightly more likely to be attacked.

7. Nearly 300 people have been resettled from traditional services into more modern alternatives over the last 3 years. Very few placements have failed and there have been major improvements in people's quality of life. There has been no demonstrable link with crime or fear of crime across the developments in Walsall. In many developments local people have initially expressed their concerns when the projects were being developed. This has been largely due to myths rather than reality or misunderstanding of the needs of people with a learning Disability.
8. The facility would not be a registered care home but a supported housing scheme and as such would not come under the jurisdiction of the Commission for Social Care and Inspection.

**Commission for Social Care and Inspection** - Confirm that they have no comment to make as they only comment on registered care homes.

**Environmental Regeneration Services, Arboricultural Officer** - Suggest conditions relating to tree protection/retention.

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

**Fire Officer** - No objections in regard to access for fire fighting.

**Building Control, Safety and Access** - recommend an informative advising applicant to contact building control regarding demolition.

### **Representations**

Fifty two letters of objection and a petition have been received raising the following grounds :-

1. Fear of crime - 'problematic' residents with behavioural or mental health issues or chemical dependencies will cause or attract an increase in crime against established residents. Does not seem appropriate to house vulnerable young adults or those with supported needs in close proximity to senior citizens who are also often vulnerable. Concern is expressed that young adults will be targeted by local trouble makers. There is also uncertainty expressed over the future use of the site - People with supported needs could be moved into the bungalows as the elderly residents move out or the new building could be used to house drug addicts. The development could lead to 'gangs of drug pushers and prostitutes' in the area.
2. Consultation was not wide enough.
3. Over-development. The building is too large and out of keeping with existing properties on site. Previous schemes for bungalows were refused and so should this. If the land is to be developed it should be single storey only and for elderly residents.
4. Detrimental impact on quality of life for surrounding residents.
5. Tree impact.
6. Loss of privacy and outlook.
7. Not in keeping with surrounding character.
8. Increased traffic, including heavy goods lorries during construction which would damage road surfaces.

9. Insufficient car parking. This will be compounded during construction period when construction traffic/compounds will be installed on site.
10. Devaluation of property.
11. Poor visibility at access point.
12. The existing building should be converted to flats to reduce the amount of new building.

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

### **Determining Issues**

- Impact on amenity of neighbouring residents and fear of crime.
- Provision of a satisfactory residential environment.
- Car parking and access.
- Impact on protected trees.

### **Observations**

#### **Impact on amenity of neighbouring residents and fear of crime**

Representations received specifically refer to young adults and question the appropriateness of housing young people close to elderly residents. There also seems to be a perception that the proposed use is an institution where residents may 'get out' and cause trouble in the community. This is a supported living scheme rather than a care home, residents would be free to come and go as they please with support from staff and would be subject to the same tenancy agreements as any other accord resident. Therefore, in planning terms, any impacts to the amenity of residents need to be weighed in this context. In consideration of these matters and taking into account the views of the Police and Social Services it is unlikely that the use of the building by these clients would cause demonstrable harm to neighbouring residents. It is also considered that there is insufficient evidence to justify any planning reason for refusal based on the fear of crime that would be perpetrated towards the proposed residents.

The surrounding development comprises one and two storey dwellings of various sizes including detached, semi-detached and terraced units. The neighbouring property to the north, Lydall Court, is a large and tall house split into apartments and that to the south is a substantial detached bungalow. The neighbourhood thus displays a mixed character. The new unit proposed would be no taller than a standard 2 storey dwelling and its overall footprint would be no greater than the existing Lydall Court building. On this basis it is not considered to be out of character with its proposed surroundings.

The closest neighbouring property is number 36, a bungalow to the south. The new building would project at 2 storeys around 3.5m in front of this property at a distance of around 6.5m and to the rear would project, at single storey, some 12m at a distance ranging from around 5m to 8.5m. The orientation is such that there would be little or no overshadowing either to the building or its garden and the only impact would be visual. Furthermore, the northern side boundary to number 36 is well screened to a height in excess of 2m. At the distances involved this is not considered to be overbearing.



There would be no loss of privacy to occupants of number 36. South facing side windows overlooking their rear garden are a secondary window serving a living/dining room and the sole window serving a kitchen area. The direct view in both cases would be over the roof of

the neighbouring bungalow rather than into its garden and it is not considered that the overlooking would be any worse than would be experienced in a conventional form of development where neighbouring units have oblique views over each others gardens from rear windows.

There are windows facing towards flats in Lydall Court which would compromise the 24m separation standard. With the exception of one ground floor kitchen window, these are either secondary windows or windows to non-habitable rooms. The kitchen window and door to the rearmost ground floor flat open onto a walled yard area and as such would not have direct views towards Lydall Court. It would however, be appropriate to impose a condition relating to north facing windows requiring them to be obscure glazed with only small high level opening lights.

Separation standards would easily be met to properties on the opposite side of Beech Tree Road in the east and to bungalows behind, to the west.

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

As stated previously, the nature of the proposed use would be similar to that of a residential care home and thus, it would be appropriate when assessing the amenity needs of the development, to consider the whole as a single unit with communal grounds rather than viewing each flat in isolation. The ground floor units would have external doors providing access onto small private yards or patios which could be used for sitting out or drying of washing but the majority of external space would be communal. The amount of space is considered to be sufficient for the use proposed.

### **Car parking and access**

Daneswood Drive is a private drive serving 10 bungalows and a house converted to 5 flats all of which are in the ownership of the current applicant and house predominantly elderly residents. There is a turning head/car parking area and space to manoeuvre to the front of the converted house. An ambulance pull-in would be provided in accordance with policy H6.

The permission for the existing flats and bungalows included provision of 17 car parking spaces, some of which are not easily accessible. Only about 12 spaces are readily available comprising 6 in front of the bungalows at the head of the cul-de-sac, 4 around the existing surgery building and 2 adjacent to the existing flats. Residents in the bungalow are remote from much of the parking, having only 6 spaces between 10 units and find there is not enough for their own and visitors' use. The existing dwellings are single bed units for elderly persons. The proposed are for persons with supported needs. Both groups are likely to attract a higher than average proportion of non-car users. Furthermore, guidance from Central Government seeks a general reduction in car parking provision. The additional parking at the head of the cul-de-sac would replace what would be displaced by the new building and would be in a more useable part of the site to serve the needs of the bungalows. The parking provision is considered acceptable.

There would be a modest increase in parking available to residents and visitors of the bungalows and the level proposed is considered to be a suitable compromise, allowing more green space to remain for its visual amenity value as suggested by residents during consultation on a previous application.

There would be a modest increase in trip generation resulting primarily from staff and visitors to the four new flats as the applicant does not envisage high car ownership levels amongst residents. Damage to road surfaces by construction traffic is a potential risk during any construction contract and would be a matter for the land owner to resolve.

### **Impact on protected trees**

The building proposed would be no closer to protected trees than the building as existing. The applicant has provided sufficient information to demonstrate that no harm would result to protected trees provided suitable protection measures are put in place before development commences.

### **Other matters**

Any development would result in a degree of disruption to neighbours. Whilst converting the existing building would have less immediate impact the Council must consider the application placed before it. The building as existing has no particular architectural or historic merit worthy of retaining thus there is no reason why it should not be replaced with a building which makes more efficient use of the land.

Neighbour notification is a statutory requirement on planning applications and this application has been publicised in accordance with Government requirements and Council procedures.

Devaluation of property is not in itself a material consideration in the determination of planning applications.

### **Conclusion**

The development offers the opportunity to provide residential accommodation that meets people's needs in Walsall both for now and in the future in accordance with local and national policies.

There is insufficient evidence to suggest that the development will lead to an increase in crime, thus refusal on this basis could not be justified. The proposed development complies with planning requirements in all other matters and is therefore supported subject to conditions.

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

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

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

2. This development shall not be carried out other than in conformity with drawings numbered ACC 10/04, ACC 10/05B, ACC 10/01B, ACC 10/02A, ACC 10/08, ACC 10/09, ACC 10/06, ACC 10/07A, ACC 10/03 and ACC 10/11 submitted on 15 November 2005 except as may be

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required by other conditions of this permission or by any subsequent approved amendments/permission.

*Reason:* To define the permission and 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 development shall be carried out until a detailed landscaping scheme for the site has been approved in writing by the Local Planning Authority. The landscape scheme shall be submitted on a plan to an appropriate scale and shall include, where applicable, details of:

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

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

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.

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

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

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

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

6. This permission grants consent for accommodation for residents with supported needs only and not for any other purpose within Class C2 of the Town and Country Planning (Use Classes) Order 1987.

*Reason:* To enable the Local Planning Authority to retain effective control over future development of this site which is not necessarily suitable for other uses.

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

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

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

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

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

*Reason:* To safeguard the trees on the site.

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

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

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

*Reason:* To ensure the satisfactory appearance of the development and safeguard the visual amenity of the area.

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

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

13. Before this development is brought into use, the accessways, vehicle parking and manoeuvring areas shown on the approved plans shall be hardsurfaced in materials to be

agreed in writing by the Local Planning Authority. The areas shall thereafter be retained and used for no other purpose. The parking spaces shall have been clearly marked out.

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

14. Before this development is brought into use, all windows on the north elevation, facing towards Lydall Court shall be glazed in obscure glass, with only small high-level opening lights. Thereafter the windows shall be maintained in that condition.

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

15. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, or succeeding Orders, no side facing windows or doors, other than as shown on the deposited plans, shall be installed in any part of this development without the prior approval of a planning application.

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

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

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

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

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

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

The proposed development is considered to comply with the relevant policies of the development plan, in particular policies GP2, GP5, 3.6, ENV32, 6.5, H3, H5, H6, H10 and T13 of Walsall's Unitary Development Plan (2005), and, on balance, having taken into account all material planning considerations, the proposal is acceptable.

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



To: DEVELOPMENT CONTROL COMMITTEE

Report of Head of Planning  
and Transportation  
On 31 January 2006

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

**Application Number:** 05/2335/FL/E7

**Case Officer:** Owain Williams

**Application Type:** Full application

**Telephone Number:** 01922 652420

**Applicant:** Redrow Homes (West Midlands)  
Limited

**Agent:** GVA Grimley

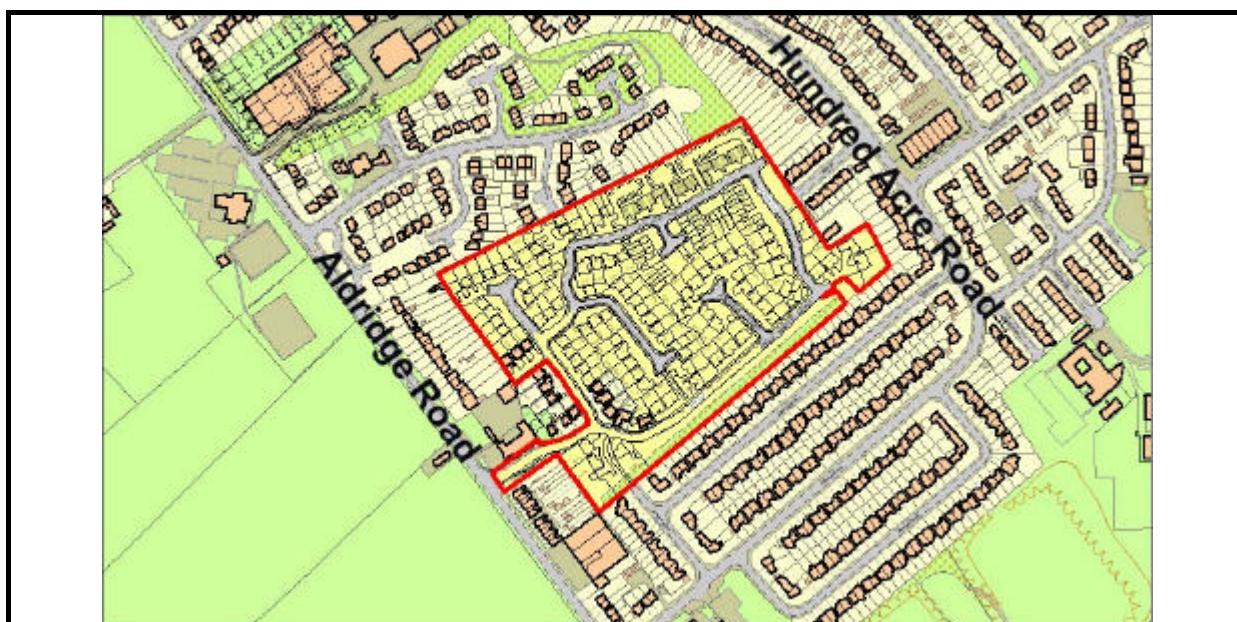
**Proposal:** Approval of finished site, road and plot levels (retrospective); deletion of dwellings from plots 11-14, 91 and 95 and revised siting, design, parking and landscaping on plots 121-168 and landscaping of plots 11-14 and 91

**Location:** PLOTS 8-171, LAND AT  
ALDRIDGE  
ROAD, STREETLY, WALSALL, WEST  
MIDLANDS

**Ward:** Streetly

**Expired:** 23 February 2006

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



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## **Application and Site Details**

This application seeks amendments to the existing planning permission which is in force, which relates to the now completed reclamation of the site and the erection of dwellings which has temporarily ceased pending the outcome of this application.

Full planning permission was granted in January 2002, which approved the siting, layout, design and levels of the development and the remediation strategy for reclamation of the former tip to prepare the site for residential development.

The applicant seeks approval of amended details as follows:-

(The matters shown above in italics indicate further changes to the proposal considered by Committee in November 05)

- ***The deletion of plots 11-14 to be replaced by a landscaped amenity area.***
- ***The deletion of plot 95 and incorporation of the land into the garden of plot 94.***
- ***A 1.2 metre high metal rail fence is proposed alongside the wooded area to the south of the estate road as an improved design to replace the originally proposed the post and rail fence.***
- ? **deletion of plot 91** and incorporation of land into adjacent plot gardens with enhanced site boundary landscaping.
- ? **revised siting, design, parking and landscaping on plots 121-168**, reducing the number of apartments from 48 to 45, sited further from the site boundary with reduced (150%) car parking to provide for a 5m landscaping strip on the site boundary *and lowering of the ridge level of the apartments by 0.6 metres*
- ? **A new landscaping scheme** has been submitted giving details of the landscaping strip screening the apartments from the rear of properties located on Compton Drive
- ? **retrospective approval of finished road and plot levels** The majority of plots are now proposed to be at lower ground levels than currently approved : *there would be no increase in plot levels anywhere on the site.*

The applicant also offers to remove the footpath link to Moss Way, if required by the Committee, and provide landscaping in its place.

110 units (including flats) on the site are proposed to be *lower* than approved and 45 units (including flats) would remain at approved levels.

The applicant advises that they could complete the development approved by the January 2002 planning permission, principally by making changes to existing site levels. However, they point out that such works would result in further disruption to local residents. The applicant intends to maintain existing site levels and to make the changes proposed in this application in order to mitigate any potentially adverse impact on the amenity of adjoining occupiers.

The applicant has provided written confirmation that the changes in levels do not impact in any way on the agreed remediation strategy.

The applicant re-confirms that all landscaping areas and the woodland at the east of the site would be managed by the site management company.

### **Relevant Planning History**

BC67070P - 171 residential units and associated works. Refused by the Aldridge District Committee in 2000 on the grounds of insufficient data in respect of ground contamination and remedial measures. The applicants appealed against the decision, which was subsequently withdrawn.

02/0069/FL/E6 - Resubmission of the previous planning application above. This application was granted planning permission subject to conditions and a Section 106 agreement by the Planning Committee at a meeting in 2002.

04/0502/FL/E2 - Pumping Station to serve the development, granted subject to conditions 6 July 04

05/0192/FL/E6 - Revised levels for houses on plots 11-14. Refused 21 April 05 due to the overbearing impact on amenity of residential properties on Aldridge Road and loss of privacy.

05/1382/FL/E6 - Retrospective approval of completed site levels and revised siting on plots 1 to 7 inclusive and approval of alterations to the estate road. (Amendments to planning permission 02/0069/FL/E2 refers) Granted Permission Subject to Conditions 11/11/005

05/1383/FL/E6 - Approval of finished site, road and plot levels (retrospective); substitution of house type Approval of finished site, road and plot levels (retrospective); substitution of house types and amended siting on plots 11 -14; substitution of house type and amended siting on plot 95; revised siting; design, parking and landscaping on plots 121-168; deletion of a dwelling from plot 91 and revised details of pumping station.

The application was refused permission on 11/11/05 due to the unacceptable and overbearing impact & loss of amenity to properties adjacent the site, arising from the erection of bungalows at plots 11, 12, 13, 14 and 95, at increased plot levels.

(Redrow have indicated that their appeal against this refusal would be withdrawn if the revised application is approved.)



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

**Unitary Development Plan**

Policy 2.2 aims to work towards the creation, sustaining and enhancing a high quality natural and built environment throughout the Borough, including a high standard of design.

Policy GP1 promotes the maximisation of the re-use of land

Policy GP2 aims to ensure no adverse impact on the environment by way of visual appearance, overlooking, loss of privacy, and the effect on day light and sun light received by nearby property, and adequacy of parking facilities

Policy GP7 community safety, deals with the principles of designing out crime.

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

Policy ENV14 encourages the reclamation and development of derelict land.

ENV32 poor design which fails to take account of context and surroundings will not be permitted. When assessing the quality of design of proposed developments the height, proportion, scale, and mass of proposed buildings will be considered, the visual relationship of the proposed developed with adjacent areas, the street, and the character of the surrounding area.

ENV33 applications to be supported by full details of landscaping proposals.

H3 encourage the provision of additional housing through the re-use of Brownfield previously developed windfall sites.

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

Policy H10 create a high quality living environment, well integrated with surrounding land uses and local character with good design as set out in

Policy T13 seeks 2 parking spaces for dwellings up to three bedrooms, and 3 spaces for dwellings with four or more bedrooms and 1.5 spaces for communal parking for flats.

**Residential Development Standards** set out separation requirements including 24m between habitable room windows of facing properties, 13m to blank gable walls and 12m garden lengths etc.

## Government Policy

**Planning Policy Statement 1** Delivering Sustainable Development emphasises need to reject poor design and the need for sustainable development.

**Planning Policy Guidance Note 3:** Housing, promotes sustainable development and the efficient use of previously developed land. It promotes the need for well designed new housing developments. Consideration of design and layout must be informed by the wider context.

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

## Consultations

**Transportation:** No objections as there are not any material changes to the highway.

**Pollution Control:** No objections.

**Environmental Regeneration: Landscape and Conservation** advise that in principle there is nothing to object to in leaving Plots 11 and 14 as open space. Some form of low trip rail fencing may be required to prevent this area being used as 'overspill parking' or even becoming subject to fly tipping. The same comments would apply to Plot 91. Planting details shown to the proposed apartments are acceptable.

**Drainage:** The application is satisfactory.

**West Midlands Fire Service:** Satisfactory.

**Severn Trent Water** have no objections subject to the imposition of conditions, including the agreement of surface water and foul sewage disposal before commencement of development, and that no buildings are within 2.5 metres of the sewers that cross the site, otherwise the applicants would need to apply for their diversion.

**National Grid Company:** Advised that none of their electrical transmission apparatus will be affected.

**Birmingham City Council:** No comments to make.

**Environmental Health:** (Methane) no adverse comments

## Representations

Eight letters have been received objecting to the application. The issues raised are :

- ? Fear of contamination and gassing, claims of inadequate remediation of the tip and effect of new levels on remedial measures.
- ? Overlooking, loss of privacy and light because the houses are too close, intrusive, overbearing and houses and gardens are too high in relation to neighbouring properties.
- ? Flooding and landslide concerns, better drainage needed - flooding has already occurred on site.

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

### **Determining Issues**

The determining issue is whether approval of the amendments would enhance the development whilst providing a satisfactory relationship with neighbouring properties. This relates to each of the eight principal amendments sought to this major development, as listed in the applicant's proposals and repeated below.

### **Observations**

Key aspects of the amendments sought in relation to the 171 approved dwelling plots are:

- ? reduced ground levels at 83 house plots and 3 blocks of flats (27 units),
- ? deletion of 3 flats and 6 houses,
- ? 27 houses and 2 blocks of flats (18 units) are to remain at the approved levels,
- ? the five blocks of flats in the North West corner of the site are to be moved further from the site boundary and reduced in height by 0.6 metres
- ? Enhanced landscaping is proposed along site boundaries and improved fencing specification to the existing woodland

### **Deletion of plots 11-14**

This proposal to delete the plots avoids the impact associated with the refused housing scheme, arising from the massing of the properties and the loss of privacy. The area will now become a landscaped amenity area.

### **Deletion of plot 95**

This plot was to be sited 0.5m higher than the neighbouring property at 103 Hundred Acre Road. The removal of this plot would address privacy concerns arising from the levels difference and will avoid the impacts associated with houses on higher land. This is a welcomed improvement to the approved scheme.

**Deletion of plot 91**

Again, this is an enhancement of the approved scheme by removing a dwelling and facilitating additional planting on the site boundary. This gives an opportunity to provide increased privacy to adjoining properties and an improvement to the layout by incorporation of land into adjacent gardens.

**Revised siting, design, parking and landscaping on plots 121-168**

This amendment to the scheme reduces the number of apartments in the block from 48 to 45, sited further from the site boundary with reduced (150%) car parking to provide for a 5m landscaping strip on site boundary. This is an improvement on the approved scheme, without any change in site levels, which is offered by the applicants in response to the concerns raised by local residents. The parking provision still meets the Council standards and liberates land for landscaping. The landscaping details provided are satisfactory and will over time produce a tree screen for the flats.

**Retrospective approval of finished road and all plot levels**

The minor changes to the road alignment do not raise any concerns from your Transportation Engineer. Overall most of the plots at the site have been reduced in level. The changes take place across the site and where the changes are adjacent the site boundaries a satisfactory relationship exists with neighbour's properties.

**1.2m high railings along the existing woodland** to the rear of Fordwater Road are proposed to provide security and protection of the woodland, whilst maintaining the openness and visual amenity of this area.

**Removal of the approved footpath link to Moss Way**

This is offered by the applicants in response to objections made by residents of Moss Way. The walkway is a very short open link between the existing and new estates which provides good pedestrian permeability. Such good links encourage people to walk, rather than use the car. It is considered to be an asset to the scheme and adjoining area, and it should be retained.

With regard to other matters raised by neighbours, the site has been reclaimed and the remediation measures will deal with any ground gas emissions. The terracing of gardens and establishment of vegetation should remove rapid surface water run off which has led to flooding problems and the risk of landslides. The deletion of plots together with the lowering of levels at 81 house plots and three block of flats, with the remaining plots at levels previously approved, can only result in an improvement in the relationship with neighbouring properties.

**Conclusions**

Overall, the proposed amendments which involve; the deletion of plots and general lowering of levels across the site, increased separation from the site boundary and additional landscaping, and the lowering of ridge levels at the apartment blocks, provides for an enhanced development and better relationships between the new dwellings and neighbouring properties than exists in the currently approved scheme.

**Recommendation: Grant Permission subject to conditions**

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

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

2. The development hereby approved shall be implemented in accordance with the conditions on permission 02/0069/FL/E2 which continue to apply, except as otherwise amended by the documents forming this application and the conditions on this permission.

Reason: To maintain control over development at the site.

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1195, or succeeding Orders, no development within Classes A, D, and E of Part 1 to Schedule 2 of the Order shall be carried out at any of the dwellings hereby approved without the prior submission and approval of a planning application.

Reason: To give the Local Planning Authority control over the future development of the site, and in the interests of public safety.

4. Within one month of the date of the decision a full schedule of facing materials to be used in external walls and roofs for the amended dwelling types shall be submitted to the Local Planning Authority. The development shall then only be carried out only in the materials as approved in writing by the Local Planning Authority.

Reason: To ensure the satisfactory appearance of the development.

5. Within three months of the date of this permission details of the amended planting for the site boundaries and the pumping station, shall be submitted, and following approval carried out during the first available planting season and thereafter retained. No trees or other planting as shown on the approved plan shall be removed without the prior consent of the local planning authority. Any tree that fails shall be replaced with a suitable specimen to be agreed with the local planning authority prior to planting.

Reason: To safeguard the amenity of occupants of adjoining premises and to ensure the satisfactory appearance and functioning of the development.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development Order) 1995, or succeeding Orders, no gates, fences, walls or other means of enclosure, except those shown on the approved plans and agreed pursuant to condition on this permission, shall be erected without the prior approval of the local planning authority. Those shown on the plan shall not be removed, moved or altered in any way without the prior approval of the local planning authority.

Reason: To protect the amenity of residents and to ensure the satisfactory appearance of the development.

7. Within two months of the date of the decision details of the drainage of the site shall have been submitted to the Local Planning Authority for approval. The scheme shall then be implemented and only take the form as agreed in writing by the Local Planning Authority prior to the occupation of the first dwelling.

Reason: To ensure that the site can be adequately drained without detriment to the water environment and the amenity of residents.

8. Before this development is brought into use, the amended access ways and vehicle parking shown on the approved plans shall be provided, and thereafter shall be retained and not altered or used for no other purpose, except with the express permission of the Local Planning Authority.

Reason: To ensure the satisfactory provision of off-street parking and to ensure the satisfactory functioning of the development.

9. Details of the amended fencing to the site boundary, the woodland and pumping station shall be submitted to the local planning authority within two months of the date of this decision. The fencing shall then only be carried out in accordance with the details agreed in writing by the Local Planning Authority, and shall be implemented within two months after the date of the agreement. The fences shall not be removed or altered in any way without the prior consent of the Local Planning Authority.

Reason: In the interests of residential amenity and to ensure the satisfactory appearance of the development.

The following policies were considered relevant in the determination of this application

Walsall Metropolitan Borough Council Unitary Development Plan, policies 2.2, GP1, GP2, GP7, 3.16, ENV14, ENV32, ENV33, H3, H9, H10, T13.

National Government Guidance Planning Policy Statement 1: Delivering Sustainable Development, Planning Policy Guidance Note 3: Housing, and Planning Policy Guidance Note 13 - Transport

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To: DEVELOPMENT CONTROL COMMITTEE

Report of Head of Planning  
and Transportation  
On 31 January 2006

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

**Application Number:** 05/0144/FL/E2

**Case Officer:** Norman Hickson

**Application Type:** Full application

**Telephone Number:** 01922 652502

**Applicant:** Parkridge Homes(Midlands Ltd)

**Agent:** Mrs S Price

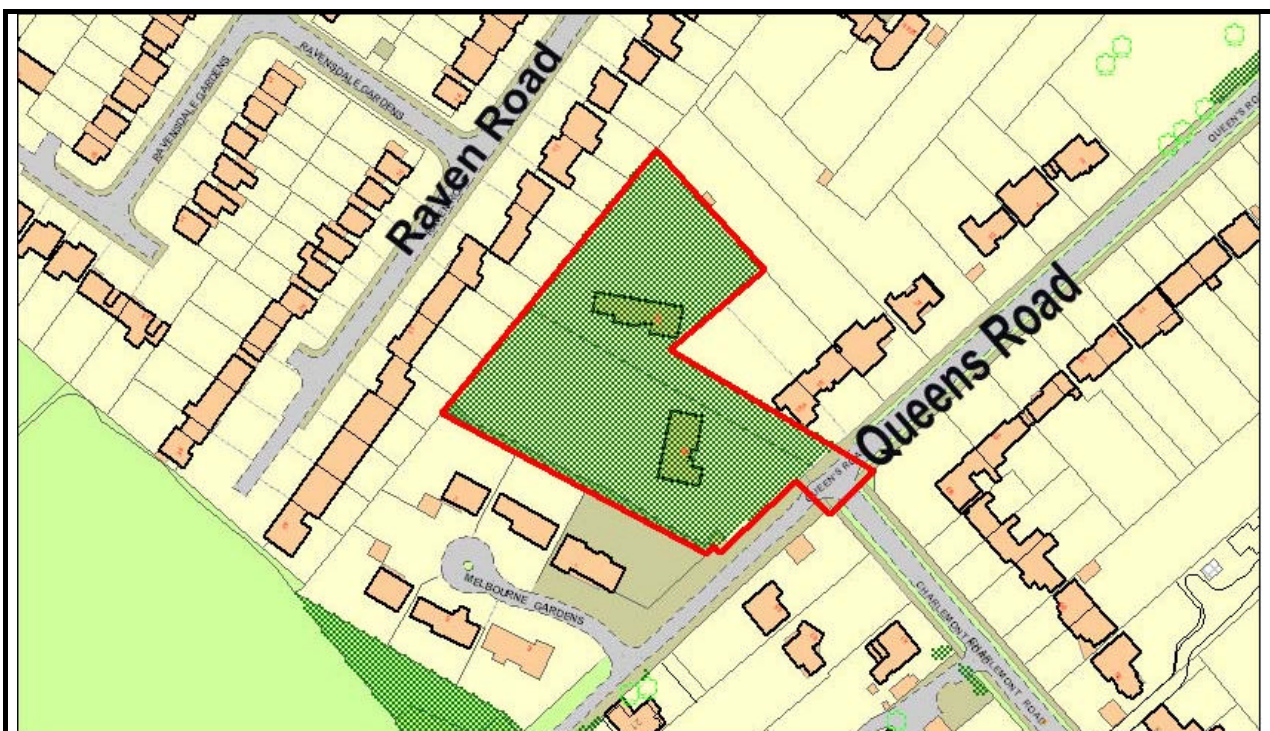
**Proposal:** Demolition Of Dwellings And  
Erection Of 23 Apartments in 3 blocks With  
Undercroft Car Parking And Associated  
External Work Including New Mini Roundabout.

**Location:** 20 - 22,QUEENS  
ROAD,WALSALL,WEST  
MIDLANDS,WS5 3NF

**Ward:** Paddock

**Expired:** 29 April 2005

**Recommendation Summary:** Refuse Permission



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## **Application and Site Details**

The application site is located on the northern side of Queens Road and currently contains the two storey dwelling at no.20 and a bungalow no. 22 Queens Road. The overall site is 0.64 hectares in area and the trees on it are the subject of a Group Tree Preservation Order. The boundaries of the site have significant hedgerows and tree planting along them.

The application includes the demolition of the bungalow and house, and construction of twenty three apartments in three blocks:

- the front block (Block A) would be two and a half storey in height and would contain nine x 2 bedroom flats.
- The block to the northwest/ rear (Block B) would be predominantly two storey in height with a two and a half story element on the north eastern section. It would contain seven x 2 bedroom flats.
- The third block (Block C) would be located to the north east / rear of the site. As with Block B, it would also be predominantly two storey in height and would contain seven x 2 bedroom flats, the seventh flat being shown contained in the roof space.

Access to the development would be via a point off a four arm mini roundabout, that is proposed as part of this development. This proposed access way would lead in to an undercroft parking area beneath the buildings to provide parking spaces for 39 cars. The access road would then continue up a ramp to a turning area towards the north west of the site.

The heights of the apartment blocks would be 10 - 10.8m (Block A), 9 - 10.7m (Block B) and 9 - 10.7m (Block C). The design of the buildings incorporates steeply pitched roofs, gables, large chimneys, projecting bays and dormer windows. They would be built predominantly in brick with some complimentary rendered sections, stone cills and headers, vertical tile hanging and slated roofs. The scheme provides enclosed bin stores.

The applicants have submitted separate supporting reports relating to traffic, trees, landscape design, design context, habitats and bats.

The density of the proposed development would be 36 dwellings per hectare as large areas of the site would remain undeveloped due to the heavy tree cover.

## **Relevant Planning History**

None relevant

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

Policy 5.3 encourages housing within and close to the town, district and local centres.

Policy GP2 states that all development should make a positive contribution to the quality of the environment and lists the considerations to be taken into account. These include:-

VI - Overlooking, loss of privacy

VII - Adequacy of proposed access



X - The effect on species, habitats and sites of nature conservation.  
XII - The effect on trees.

Policy GP3 -Planning Obligations will be used as appropriate to secure the provision of any on or off site services made necessary by the development.

Policy GP7 Development proposals will be expected to have regard for the objective of designing out crime through the incorporation of measures such as care in the design and layout of buildings, landscaping and structures.

Policy ENV14 states that the local authority will encourage the reclamation and development of previously developed land.

Policy ENV18 The Council will ensure the protection, positive management and enhancement of existing woodlands, trees and hedgerows. Development will not be permitted if it would damage or destroy trees or woodlands protected by a Tree Preservation Order.

Policy ENV22 Development on sites used by species protected by European Law and /or British Legislation, or a species which is subject of a national Biodiversity Action Plan, will not be permitted unless it can be demonstrated that the proposed development will not have an adverse impact on local populations of the species.

Policy ENV23 The layout of all development must take account of the nature conservation opportunities provided by buildings by designing in features, which provide roosting/nesting places for bats. The Council will further require mitigation measures that adequately compensate for lost existing features of value.

ENV32 Poorly designed development or proposals, which fail to take account of context and surroundings, will not be permitted.

Policy 6.3 In respect of housing that opportunities will be sought in locations that have good accessibility and are well related to local facilities. Particular attention will be given to opportunities within or close to town, district and local centres.

Policy H3 The Council will encourage the provision of additional housing through the re-use of brownfield previously developed windfall sites, subject to a satisfactory environment being achieved , no over riding need for the retention of the building , good accessibility by a choice of means of transport, well related to schools , shops, and other community facilities. and not causing constraint to development of adjacent sites,

Policy H9 indicates that housing densities in the range of 30 -50 dwellings per hectare are likely to be suitable on most sites. Densities below 30 dwellings per hectare may exceptionally be justified to provide larger houses to support urban regeneration.

Policy H10 - residential developments should create a high quality living environment, well-integrated with surrounding land uses and local character and in accordance with the principles of good design set out in Policy ENV34. Developments should provide an appropriate mix of housing types, sizes and tenures with a variety of designs.

Paragraph 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 contribution to the costs of providing these facilities.

Policy LC1 d) - residential developments will be required to make a financial or other contributions which will enable the provision of new , or the improvement of existing, urban open spaces.

**Residential Development Standards** A minimum of 24m will normally be required between facing windows of habitable rooms of adjacent dwellings. A minimum of 13m between habitable room windows and blank walls exceeding 3 m in height should be achieved.

### Government Policy

Planning Policy Statement 1, Delivering Sustainable Developments includes advice on: the importance of well integrated development to achieve efficient, sustainable use of land and high quality inclusive design; the need to respond to local context and reinforce local distinctiveness; the importance of good architecture and appropriate landscaping.

Planning Policy Guidance Note 3, Housing: promotes sustainable patterns of development and advocates the better use of previously developed land over Greenfield sites. Promotes the need for good design in new housing developments. Aims to achieve more efficient use of land and to increase the density of development above that generally achieved to date, it is also stated that new housing of whatever scale should not be viewed in isolation and consideration of design and layout must be informed by the wider context so that the quality of the environment is not compromised. Layouts which achieve more efficient use of land should not compromise the quality of the environment.

Planning Policy Guidance Note 9 'Nature Conservation' states in paragraph 47 'The presence of a protected species is a material consideration when a local planning authority is considering a development proposal which, if carried out, would be likely to result in harm to the species or its habitat.'

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

### Consultation Replies

**Transportation** - There is currently an objection to the scheme as it fails to provide adequate turning facilities for refuse vehicles.

On other issues, the level of parking showing 39 undercroft parking spaces, including 2 disabled parking bays and cycle storage meets the Council's standards.

The development also includes the construction of a mini roundabout. The principle of the roundabout is acceptable and would be subject to stages 2 and 3 safety audits. Any highway works associated with the development would be carried out under a Section 278 Agreement.

**Pollution Control** - No objection to the proposal, subject to a condition to control the hours of construction and demolition.

**Drainage** - No objection, but there are two Severn Trent sewers running across the site . The section has no record of flooding within the area.

**West Midlands Fire Service** - The amended drawings show satisfactory access for fire engines.

**Police Architectural Liaison Officer** - Concerns in relation to pedestrian access to the underground parking and personal safety. Developers should install the electrically operated gates at the immediate

entrance to the car park, rather than at the start of the access to prevent unauthorised persons passing through the gates at the same time as the cars. Once in the underground car park they would be unseen. Block A occupants would appear to gain access to the car park via an external stair case, which needs to have access control at an upper level.

**Energis** - No installations affected.

**Education Walsall** - Should planning permission be granted, a financial contribution towards educational provision in the locality would be required to meet a shortfall in capacity.

**Environment Agency** - No objection, but proposal should look to control surface water drainage as close to source as possible with a sustainable drainage system. The internal fittings in the development should also minimise water use and the landscaping should be planted in autumn /spring to encourage deep rooting.

**Central Networks** - No objection, but have network within close proximity to the proposed development.

**Lifelong Learning and Community** -No negative or positive comments on the scheme.

## **Environmental Regeneration- Natural Environment**

### **Bats**

The importance of this roost has been dismissed. Brown long-eared bats have precise roost requirements and may not be able to find alternative roosts in the area Pipistrelles have been found foraging on the site because they are easy to locate on a bat detector. Foraging brown long-eared bats may also be present. This report fails to address a number of detailed matters. There needs to be a more explicit link between the loss of a roost and the mitigation works proposed. Mitigation has to be justified. The report also refers to the three tests set out in European legislation for assessing projects which have an adverse impact on European Protected Species. (Paragraph 5.4) The Council has to demonstrate that it has considered these tests. The applicant should supply information as to why this development is in the overriding public interest and why there is no satisfactory alternative.

### **Trees**

The canopies of the mature trees on the site are very close to windows and future residents are unlikely to tolerate severe shading. Also, the open space around the proposed flats will be heavily shaded and unsuited for sitting out on any other than the hottest and sunniest of days. The current application is a gross over development of the site and should be refused.

Other objections -

- Out of scale and character with existing development in neighbourhood.
- Trees will necessarily be lost and cut back once residents start to experience shading.
- Very little useable open space outside tree canopy.
- Bin collection is problematic for most distant block.
- Car parking is some distance from the far block and will create a deep cutting and a significant retaining wall.

This development has very few environmental merits.

**Severn Trent Water** - No objection to the proposal subject to conditions requiring details of drainage works to be submitted to and approved by the Local Planning Authority and there to be no buildings erected nor trees planted within 2.5m of the public sewer that crosses the site.

**English Nature** - Confirm that no Sites of Special Scientific Interest are likely to be affected by the proposal. The Council's own nature conservation officers and the Wildlife Trust for Birmingham and the Black Country are best placed to provide an evaluation of the impact. The Council will however need to be satisfied that the protected species issues have been fully taken into account.

As bats have been found on the site a detailed mitigation scheme is required before the application is determined because the scheme may have implications for the development itself.

**The Wildlife Trust for Birmingham and the Black Country** - no objections in principle and provides detailed comments on need to consider: possible presence of bats, replacement planting, protection of retained trees, roosting opportunities for birds & bats,

### **Representations**

Forty eight letters were received in response to the original submission and twenty seven letters have been received re-stating the original objections, in response to amended details, on the following grounds:-

- Out of character due to scale, height and massing
- Overlooking, loss of privacy and light - difference in levels.
- Would cause traffic congestion and noise, and lead to accidents in Queens Road. Accidents at the road junctions have already occurred. Road already used by bus commuters in to Birmingham. Also accessing/egressing Birmingham road (A34) itself is difficult and if more cars are doing this manoeuvre then there will be delays on the A34. This additional traffic could then be joined by traffic from the proposed development on the bungalow site in Charlemont Road. A traffic survey should be carried out.
- Construction traffic would damage road surface and bring mud out on road
- Insufficient parking provision
- No provision for emergency access, visitor parking, public service vehicles or goods delivery.
- Ditch along boundary in grounds of no.22 is not a dry ditch, but a drainage ditch.
- The dust, noise, disturbance and diesel fumes from work vehicles during the construction would have a detrimental impact on the amenities of neighbouring residential occupiers: one neighbouring resident has asthma.

- Where will construction materials be stored?
- Loss of trees, vegetation and wildlife. Trees are subject to a preservation order, so should not be allowed to remove them.
- Bats forage, nest and breed in the area.
- Excavation for underground car park could damage sub soil and tree roots.
- Inadequate amenity space on site for occupiers.
- Sewers have been flooded in the past, additional people likely to make it worse.
- Noise, disturbance and light pollution from additional residents' particularly from number of vehicles coming and going & electric gates
- Community should come first, not developer's profits
- Proposal would set a precedent for further similar development.
- Bin store is too far away for bin men to access
- Visiting cars will park on the road, not go through the gates.
- Sharp bend in ramp could be dangerous.
- Site would not be secure.
- Visibility on mini roundabout would not be good and a 'cross road' would be created effecting highway safety.
- Devaluation of property.
- No need for additional flats in area. Why demolish two perfectly decent dwelling houses? Walsall has limited high quality residential areas, which it needs to retain to encourage investment and to stop the drain of skilled persons to other areas in the West Midlands.

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

### **Determining Issues**

The determining issues are :-

- The acceptability of the principle of the proposed development.
- Impacts arising from the design and layout
- Amenity for occupiers and impact on the amenities of the neighbours
- Access and Parking Provision
- Impact on flora and fauna

### **Observations**

#### **The acceptability of the principle of the proposed development.**

The application site is within in a high quality, low density suburban residential area of a type and character which is a scarce resource within the borough. The density of the proposal at 36 dwellings per hectare is within the 30 -50 dwellings per hectare normally considered acceptable in Planning Policy Guidance Note 3 and policy H9 of the Development Plan. The local area of Queens Road and Charlemont Road has a residential density of about 8 dwellings per hectare. This is considered to be an exceptional site where a lower density scheme below 30 dwellings per hectare could be justified, as referred to in UDP policy H9. However, the proposed scheme, consisting entirely of apartments at a density of 36 dwellings per hectare, would not provide an appropriate mix of housing types and sizes with a variety of designs or be in character with the local area. The acceptability of the development in principle fails in respect of this requirement.

## **Impacts arising from the design and layout**

In terms of design the proposal seeks to reflect the more traditional large Victorian and Edwardian houses in the vicinity. The blocks mirror the domestic scale and proportions of the larger houses in the area, with steeply pitched roofs, gables, chimneys, projecting bays and dormer windows. The details of balustrades, hipped roofs to bays, sub division of windows and dormers are consistent with the scale and style of facades of the older properties in the area as are the brick work, vertical tile hanging and slated roofs.

The use of underground parking ensures that the spaces between the blocks in this relatively low density scheme can be utilised for landscaping, while the existing trees and hedgerows around the borders of the site would be supplemented by additional tall boundary planting to provide a setting for the buildings. Whilst the buildings would be of

greater size and scale than the existing neighbouring dwellings, the proposal is considered a high quality development that reflects the more interesting elements of neighbouring properties set within a well treed and screened site.

The lack of an appropriate mix and size of dwellings, again acts against the acceptability of the scheme in terms of its compatibility and integration with the local character.

### **Amenity for occupiers and impact on the amenities of the neighbours**

Building A would maintain a minimum distance of 26 m from the nearest part of the dwelling at no.1 Melbourne Gardens, whilst the nearest part of Block B, which is 2 storey in height would achieve minimum distances of 25 and 26 m respectively from the dwellings at 2 and 3 Melbourne Close. Considerable tree planting some 5 metres in height along this western site boundary further minimises the potential for both overlooking and the overbearing impact of the buildings on the properties in Melbourne Gardens, even though Building B would be on a level some 0.8m above that of 2 Melbourne Gardens. Whilst windows exist in the east elevation of Block A, there are no main windows to habitable rooms in the adjacent elevation of no.18 A and a minimum distance of 18 metres. This relationship is considered acceptable.

Building B would be approximately 2.3m higher than the nearest dwellings in Ravens Road (nos.31 and 33 Ravens Road). Although only two storey in height at the nearest point, this difference in levels and with a distance of only 27m between the proposed block and existing dwellings ( just 3 m above the standard for two storey development ) and 11m to the boundary, this relationship would not be acceptable. Whilst there are trees on this boundary they would not provide a full screen for a building of this scale at raised levels, particularly in

winter. The proposed building would therefore have an overbearing impact on these properties in Ravens Road and result in loss of privacy.

Building C would be a minimum distance of 28m from the dwellings at 25 and 27 Ravens Road and would be two and half storeys high as this point. The building would be some 14m from the boundary. There is an element of tree screening along the boundary. However, Building C would still be on higher ground than these neighbouring dwellings and the separation distance and boundary tree cover would not be sufficient to prevent the overbearing impact and likelihood of overlooking taking place. On the opposite side Building C would be a distance of 35 m from the dwelling no. 18 A Queens Road.

Although there would be a two storey element only 5 m from the boundary, there are no windows in this proposed elevation and there currently exists a single storey element of the existing dwelling only a metre from the boundary. Whilst this is not ideal, it would be difficult to substantiate a reason for refusal on this relationship.

The proposed access way to the property no.18A Queens Road would be a minimum distance of 6 -8 m from the dwelling, and would be screened by additional tree planting. As parking would be underground the impact of vehicular noise, door opening/closing and car headlights would be considerably reduced. The position of the access way is therefore considered acceptable. The three proposed blocks meet the Council's standards with respect to their distance relationships to each other.

Reliance is placed on trees to afford a screening effect to the new buildings to maintain the amenity of the area, but the shading that they would cause would be likely to result in pressure to cut back or fell them. This pressure could be difficult to resist to the detriment of the overall development and amenity of neighbours.

In terms of amenity space, due to the utilisation of underground parking, there would be satisfactory amenity space for the occupiers.

### **Access and Parking Provision**

The proposal shows adequate parking for the development to meet Council standards within the undercroft. Thirty nine spaces are shown for the twenty three unit development, which accords with the 150% requirement provision, while an area for cycle storage is also shown provided. The Transportation Officer considers that the submitted safety audit demonstrates the acceptability of the proposed roundabout and that there are no wider issues with respect to the number of vehicles accessing or exiting the site, or Birmingham Road.

There is however concern with respect to the servicing of the site by larger vehicles. Whilst a fire engine can turn in the indicated service area on site, the refuse vehicles operated by Walsall Council and other vehicles of this size and larger would not be able to turn on the site. These vehicles would be likely to conduct their manoeuvres on the proposed roundabout, to the detriment of highway flow and safety. Your Transportation officer recommends that for this reason, planning permission should be refused.

### **Impact on flora and fauna**

The proposal site is covered by a Group Tree Preservation Order. The Council's arboriculturalist has confirmed that the positioning of the proposed buildings and access way with underground parking would not have a detrimental impact on the preserved trees, however there are concerns with respect to the positioning of the bin store, the lack of information on the positioning of the tree protection measures, access, parking, welfare, mixing and fuelling areas during the construction period, which could cause potential harm to the trees.

The applicants have submitted a bat survey, that indicates the presence of a bat roost in one of the dwellings. The Council's bat consultant has stated that the fact that a bat roost has been discovered on site means that further work is required to determine its size and status as well as an assessment of the bats foraging areas, in particular in relation to the trees on the site before mitigation measures can be put forward. He advises that the Council has the statutory duty to consider the bat issue at the application stage and can

not consider it without a full extensive assessment. In light of the lack of information he recommends that the application be refused.

### **Other Material Considerations**

Neighbouring residents have indicated the potential for flooding on the site, particularly in relation to the currently dry ditch type channel towards the southern boundary of the site. The Council's Drainage Engineer indicates that they have no record of flooding in this area. Severn Trent Water has no objection to the proposal. Disturbance from construction operations and the safety concern of the Police Architectural Liaison Officer, in relation to the positioning of the electronic gates, are not matters which would warrant a reason for refusal.

A further reason for refusal would be the failure to meet the requirement by Walsall Education for a financial contribution towards educational facilities in the area.

### **Recommendation: Refuse Permission**

1. The proposal would fail to create a development that would be well integrated with the local character and provide an appropriate mix of housing types, sizes and designs, contrary to the aims of Development Plan policy H10.
2. Proposed Buildings B and C would, by reason of their position, scale, massing and elevated levels, have an overbearing impact on the amenity and privacy currently available to the neighbouring properties in Ravens road, contrary to the aims of Unitary Development Plan policies GP2, ENV32 and H10, the Council's Residential Development Standards, Planning Policy Statement Note 1 and Planning Policy Guidance Note 3.
3. The erection of the proposed bin store would cause harm to the adjacent tree, covered by Tree Preservation Order No. 9/2004. The proposal neither demonstrates that trees which are subject of the Order would be adequately protected during the construction of the development nor that the trees would not be at risk from unacceptable pressure to either cut back or fell them, to avoid shading impacts on the new buildings and amenity areas, which would be difficult to resist. The proposals are therefore contrary to the aims of UDP policy ENV18.
4. The proposal fails to demonstrate that bats present at the site, which are a European protected species, would not be detrimentally affected by the development . The proposal could therefore lead to harm to the protected bats, contrary to UDP policies ENV18, ENV22 and ENV23 and Planning Policy Guidance Note 9.
5. The proposal and its occupants are likely to put unacceptable pressure on educational facilities in the area in the absence of any financial contribution to meet this shortfall, contrary to Development Plan policies GP3 and 8.8.
6. The inability to manoeuvre a refuse vehicle and other service vehicles of similar size within the development site, leads to the likelihood of off site servicing taking place to the detriment of highway flow and safety, contrary to the aims of Development Plan policy GP2.





To: DEVELOPMENT CONTROL COMMITTEE

Report of Head of Planning  
and Transportation  
On 31 January 2006

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

**Application Number:** 05/2138/FL/W3

**Case Officer:** Mrs J Scrivens

**Application Type:** Full application

**Telephone Number:** 01922 652436

**Applicant:** James Keay

**Agent:** Dave Betts

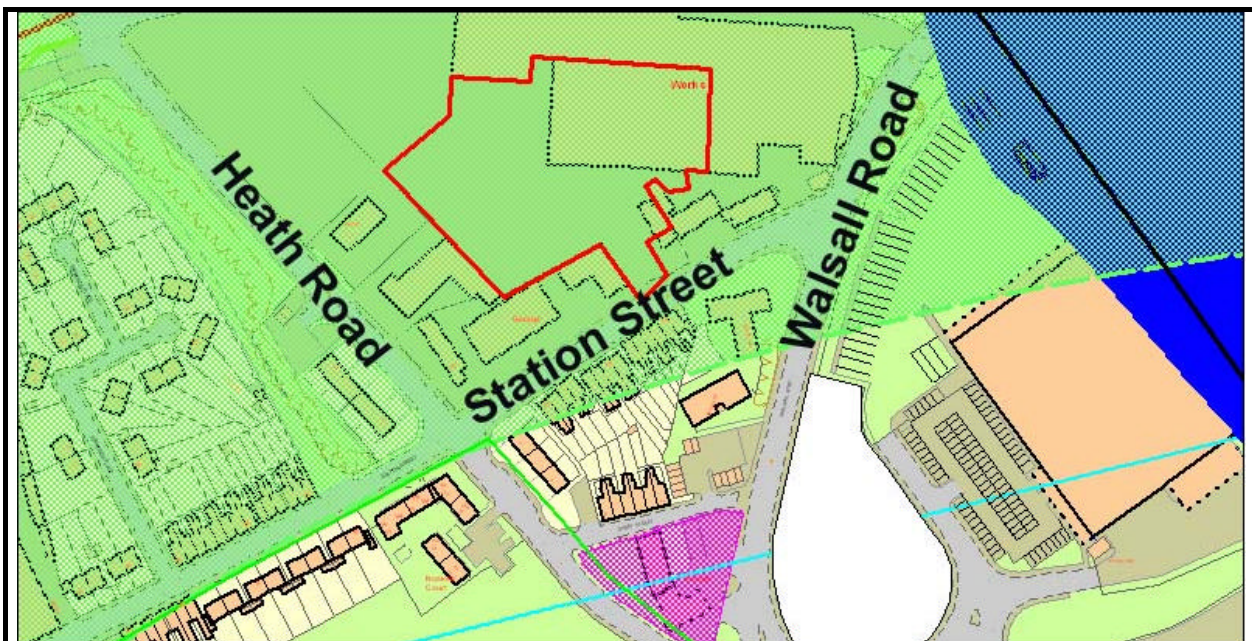
**Proposal:** Change of Use from Aluminium Foundry (B2) to Self Storage Facility (B8)

**Location:** TRIPLEX-LLOYD PLC, STATION STREET, DARLASTON, WEDNESBURY, WEST MIDLANDS

**Ward:** Bentley & Darlaston North

**Expired:** 25 January 2006

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



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## **Application and Site Details**

This application proposes the change of use of part (approximately 2110 square metres) of a 3975 square metre former aluminium factory to a self-storage facility. The existing vehicular access to Station Street would be utilised, together with approximately 0.6 hectares of open yard for parking and servicing.

The applicant has supplied the following details in support of the application:

- i) Self-storage is a growth industry. The company has high standards, and criteria for siting self storage units are tough. Darlaston has no sites of note and the applicants are looking to expand specifically within the West Midlands
- ii) The industry seeks to provide clean, dry, safe and secure lockable rooms that people and business can rent on a short term basis to store possessions and goods. The typical client is based within 5 miles of the site and the use is therefore based on the needs of its community.
- iii) The type of storage is monitored. Items such as weapons, flammable products, drugs, perishable items are banned.
- iv) Security is important. The site is monitored by CCTV 24 hours a day. Access is controlled by PIN numbers. People renting rooms hold the key for their room and when they move out the next person has their own lock installed. There are fully monitored smoke and fire alarms.
- v) The site will be open 6 days a week, 9a.m. to 6 p.m. Monday to Friday inclusive and 8a.m. to 3 p.m. on Saturdays.
- vi) The facility is likely to have 5 visits a day from prospective customers and 3 visits a day from customers, who typically use cars, vans or removal vans. It is very rare for larger vehicles to be used. Forklift trucks are available but apart from an internal goods lift there is no other plant on site.
- vii) There will be a manager, assistant manager and general hand working on site.

## **Relevant Planning History**

Use as a factory dates back many years.

Since then, the only issue of relevance is 04/2492/FL/M1 for change of use to materials reclamation was refused 18.3.05.

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

The site has no specific allocation in the Development Plan. To the north is a Core Employment Area and the boundary of Darlaston Strategic Development Area for which proposals are in the course of preparation.

GP2 and 3.6 require development to improve the environment.

3.7 seeks to protect people from unacceptable noise, pollution or other environmental problems.

JP7 sets out uses appropriate to employment areas, which includes B8 (storage and distribution).

T13 sets out car parking standards.

## **Consultations**

**Transportation:** No objection. Requests a condition limiting the use to self-storage to ensure that vehicles are able to use the existing access in a satisfactory manner.

**Pollution Control:** No objections. Recommend conditions relating to hours of operation and restrictions on ground fires, external public address systems and floodlighting in the interests of nearby residents.

**Environmental Health:** No objections.

**Fire Service:** No objections.

**Walsall Regeneration Company:** Object to the proposal on the grounds that it is not in line with the regeneration framework. No jobs would be created and there would be erratic use times and no activity, sterilising the site for future B1 and B8 use.

## **Representations**

Two letters have been received from the occupiers of 53 Station Street, a dwelling directly opposite the access to the site. The first expressed concern that the site might still be owned by AWM, whose previous use of the site had included skip storage. This use had caused problems in the past and the proposal might involve the storage of asbestos and clinical waste by this company. Concern was also expressed about the use of Station Street as an access since there have been previous problems with the level of traffic from the site and other factories in the vicinity. Traffic in Station Street is at a standstill for most of the day.

The second letter indicated that, having seen the plans, the authors consider the proposal to be acceptable overall but still express concern about the ownership and the position of the access. The previous owners of the aluminium factory agreed to move the gates away from their house but this was not done. The occupiers of no.53 would like the current applicants to move the gates.

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

## **Determining Issues**

- The appropriateness of the use to the area
- Highways/parking
- Amenity.

## **Observations**

### **The appropriateness of the use to the area.**

The proposed use of the building for self-storage, which is a B8 use, is appropriate to an existing employment site. The objection to the development by Walsall Regeneration Company is based upon their concerns that this use would not fit in with the aspirations of the emerging Regeneration Framework Plan. This document has not been finalised or adopted

and cannot therefore be given as much weight as the policies of the adopted Development Plan in determining this application.

The use of the site for a purpose falling within B8 is appropriate to an existing employment area and would make no difference to the potential redevelopment of the site. Approval of the proposal would not provide any new building which might make the acquisition of the site more expensive but it would utilise part of an existing building and ensure its maintenance.

The site would not necessarily offer less employment than any other B8 use. It would be a potentially more appropriate use than industry due to the proximity of residential property.

### **Highways/Parking.**

The vehicular access to the site exists. The proposed use would potentially have smaller vehicles than the existing B2 use or even another B8 use and for this reason it is proposed to restrict the use, by condition, to self storage.

The application site has a very limited road frontage, being only part of a larger site. It would therefore not be possible for the applicant to provide an alternative access as agreed by the previous occupier.

There is sufficient space within the site for parking and servicing.

### **Amenity.**

The use of this site for self storage would have less impact on the amenity of neighbours than a B2 use.

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

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

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

2. No development shall be carried out until details of car parking and manoeuvring areas have been approved in writing by the Local Planning 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 provision of off-street parking and to ensure the satisfactory functioning of the development.

3. This permission grants consent for the use of the premises as a self storage facility only.

*Reason:* The site and access are not necessarily suitable for other forms of storage and distribution (B8) use.

4. Deliveries and collections to and from the site shall not take place outside the hours of 09.00 to 18.00 hours on weekdays and 08.00 to 15.00 hours on Saturdays and not at all on Sundays, Bank or Public Holidays.

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

5. No ground fires shall be permitted for the purpose of waste disposal.

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

6. No public address facility, tannoy, radio or similar device shall be installed internal or external to any building or structure which is generally audible at the boundary of the site.

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

7. No external lighting shall be installed on the site without the prior written consent of the Local Planning Authority.

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

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

The proposed development is considered to comply with the relevant policies of the development plan, in particular policies GP2, 3.6, 3.7, JP7 and T13 of Walsall's Unitary Development Plan and, on balance, having taken into account all material planning considerations, the proposal is acceptable.

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To: DEVELOPMENT CONTROL COMMITTEE

Report of Head of Planning  
and Transportation  
On 31 January 2006

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

**Application Number:** 05/2181/FL/E5

**Case Officer:** Della Templeton

**Application Type:** Full application

**Telephone Number:** 01922 652487

**Applicant:** J C Payne Ltd

**Agent:** Philip Taylor Associates

**Proposal:** Change of use from Industrial land to Storage of incomplete and complete commercial vehicles.

**Location:** LAND TO THE REAR  
FORMERLY KNOWN AS, JACK ALLEN  
HOLDINGS LTD, MIDDLEMORE  
LANE, ALDRIDGE, WALSALL, WEST  
MIDLANDS

**Ward:** Aldridge North and Walsall Wood

**Expired:** 08 February 2006

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



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## **Application and Site Details**

The application proposes the use of 1.82 ha of currently vacant industrial land for storage of incomplete and complete commercial vehicles. The site is already in use for this purpose and the current application would, if approved, regularise the situation.

The commercial vehicles stored are all new vehicles, delivered as bare chassis direct from the vehicle manufacturers. They are stored on site pending removal for the construction and fitting of the appropriate vehicle bodies at a separate site. After fitting of the bodies the whole vehicles are brought back to the application site for storage pending collection by the customer. The entire process takes approximately 4 to 6 weeks and there would be approximately 25 vehicle movements per day. It is proposed that no more than 310 vehicles would be stored on the site at a time and the application submission includes a 'general arrangement' plan showing a layout for 310 vehicles in rows running east to west with the existing access road to the east retained and a wider area for manoeuvring towards the front of the site. The method of transport to and from the site is by transporter or driven chassis.

The site has been cleared of buildings and contains a hardsurfaced roadway along its eastern boundary with the remainder covered with compacted hardcore and gravel. The site is bounded by industrial development to the north and west, and open land to the south and east separating the industrial land and nearby residential development.

There are two points of access to the site from Middlemore Lane of which only the easternmost is currently being used. The current proposal would involve use of this as an entrance whilst the other access point, slightly west of the centre of the road frontage would be used as an exit.

An existing security cabin measuring 5.5m long x 2.5m wide and approximately 2.5m high, in the north-eastern corner of the site would be retained. The proposal involves the retention of the existing 2.4m high galvanised palisade security fencing and gates around the boundaries.

The applicant proposes the following ground protection measures as suggested to them by the Environment Agency:-

1. A selection of spill control and oil-absorbent materials would be kept on site, and employees trained in how and when to use them effectively.
2. An accurate plan of the site drainage system would be drawn up and kept on site.
3. Should a spillage of fuels, hydraulic or other polluting fluids take place, the contaminated hardcore in that area would be removed and replaced with clean materials as soon as practicable.

## **Relevant Planning History**

04/1630/FL/E2 proposed the vehicle storage use over a larger site incorporating the open land to the south and east. The open area raised issues relating to nature conservation and land reclamation which delayed determination. This application was withdrawn at the request of the applicant on 10 November 2005 and the current application submitted in its stead.

BC64539P for new industrial units for B1(C) light industrial and B2 general industrial uses was approved in November 2001.

## **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 (2005)

Policy GP2 expects developments to make a positive contribution to the quality of the environment and the principles of sustainable development. Considerations in the assessment of proposals include creation of or susceptibility to pollution; land stability, contamination or landfill gas; hours of operation and other factors of environmental significance.

Policy GP4 encourages local area regeneration to revitalise the local economy and create/safeguard jobs and helps bring forward derelict, vacant or underused land/buildings for new uses.

Policy 3.6 seeks environmental improvement from development schemes.

Policy 3.9 gives a high priority to the reclamation of derelict land.

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

The site is identified on the proposals map as an employment site with planning permission and as such will be safeguarded for employment use under policies JP5 (Core Employment Areas) and JP7 (Land/Buildings in Other Employment Areas). As this site is not a designated Core Employment Area, policy JP7 applies. This states that core employment uses would normally be permitted on such sites and B8 storage/distribution is a core employment use.

#### National Policy

Central Government advice advocates the reuse of brownfield land in the interests of sustainability.

#### **Consultations**

**Transportation** - No objections subject to the site being operated under one single operator/ownership to enable a complete and co-ordinated approach to site management in relation to vehicle movement and parking.

**Pollution Control** - No adverse comments.

**Environmental Regeneration, Landscape and Conservation** - No objection subject to measures to ensure the retention of the existing conifer screen along the road frontage. A substantial crash barrier is recommended to prevent damage to these trees by lorries parking on the site.

**Environment Agency** - No objections. The Agency requests that the proposed protection measures are implemented. Developments of this type and scale should be positively drained with oil interceptors and to allow this development to go ahead, without interceptors based on the cost of pollution prevention measures, would set a precedent which would have a negative effect upon the natural environment. However, it would be unfair to request the applicant to adhere to any condition after they sought pre-application guidance from the agency and received information that formed the basis of the application in this respect.

**Drainage** - Not checked, no watercourses in the area.



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

**Central Networks** - No objection but request that the applicant is made aware of network in close proximity to the site.

**Energis Communications** - Installations are not affected.

**National Grid** - Proposal will not affect National Grid's plant/equipment.

**Fire Service** - No objection in regard to access.

### **Representations**

Representation have been received from four neighbouring addresses, one of which does not state an objection but wishes unloading to be carried out inside the compound. The other three letters raise the following grounds of objection:-

- Noise nuisance.
- On street parking by vehicle transporters.
- Increased traffic.
- Impact on area of wildlife and woodland conservation (at the end of Westfield Drive)
- Increased pollution from vehicle fumes.
- Loss of outlook to surrounding housing development.
- Devaluation of property and impact on marketability.
- Light pollution.
- The change of use has already taken place.

### **Determining Issues**

- The appropriateness of the use on this site.
- Impact on the visual character of the surrounding area.
- Impact on the amenity of occupants of neighbouring sites.
- Site drainage.

### **Observations**

#### **Appropriateness of the use on this site**

The application relates to a previously developed site within an established industrial area which is designated in the Unitary Development Plan as employment land with planning permission. The proposal would be acceptable in terms of UDP policies as an appropriate alternative employment use.

The reuse of a brownfield site would be in accordance with Central Government advice to provide more sustainable development as well as specific policies of the UDP. The principle of the use is therefore considered acceptable.

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

Much of the surrounding land is in industrial uses and the application site is a former industrial site from which all buildings have now been demolished. The site is well screened from view by planting along the Middlemore Lane frontage to the north, an embankment to open land in

the east and the former railway embankment to the south. There are existing industrial buildings to the west. The use proposed could be termed a low level development, since no buildings are to be erected, the maximum height would be that of an articulated vehicle and thus, significantly lower than an industrial factory or warehouse development. The approved light/general industrial use for this site under BC64539P would be in excess of 9m in height.

I would consider it appropriate to impose a condition requiring the retention of the conifers along Middlemore Lane in line with Landscape Officer comments as this would safeguard the visual amenity of the area.

### **Impact on the amenity of occupants of neighbouring sites**

The only buildings bordering the site are industrial and these could not be seen to suffer any detrimental impact from the proposed use.

The closest residential buildings would be to the south, on the opposite side of the former railway line at a distance of approximately 50m, and those in Southfield Close and Westfield Close in the east, at a distance of 40m. In both of these cases the site would be separated by substantial planting areas which would screen the proposed storage use to a greater degree than they would an industrial building such as that approved under BC64539P. The visual impact of the proposed use would therefore be less than that approved.

Noise and pollution levels associated with the movement of 25 vehicles to/from the site each day would be no worse than may be experienced from any industrial site. There are no objections from Pollution Control.

The site is considered to be sufficiently distant from neighbouring dwellings not to lead to significant light pollution. Any lighting details should be submitted for approval before installation on site.

### **Drainage**

A sealed site surface with oil interceptors would normally be the appropriate standard solution to protect groundwater from oil spillage. The Environment Agency however, accept a regime of stringent control measures to deal with any spillage in line with their pre-application advice in this case. Risk of spillage from new vehicles should be low.

### **Other matters**

No transportation objections are raised provided the site remains in single ownership and not subdivided. This will enable a complete and co-ordinated approach to site management, particularly relating to vehicle movements and parking.

Residents refer to an area of wildlife/woodland conservation which is assumed to be that adjacent to the railway to the south of the application site. This was included in the boundary of the previous submission for this use but has now been omitted. As such the development would not affect this area.

Devaluation of property is not a material planning consideration.

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

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

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

2. Within 2 months of the date of this decision suitable protective barriers shall be installed within the site frontage along Middlemore Lane in such a position as agreed with the local planning authority to prevent damage to the roadside conifer tree screen from vehicles accessing the site and manoeuvring within it.

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

3. The practical operation of the site shall at all times conform to the details indicated on the general arrangement drawing, reference 0545-01 submitted on 2 November 2005. In particular, access shall be maintained along the site frontage to allow all vehicles, including vehicle transporters to enter the site in forward gear, unload within the site and exit in forward gear.

*Reason:* To ensure the satisfactory functioning of the development and in the interests of highway safety and the free flow of traffic.

4. The operator of the site shall ensure at all times whilst vehicles are stored on the site that the following requirements are met:-

- a. A selection of spill control and oil-absorbent materials shall be kept on site, details of which, including their storage arrangements, shall be submitted to and approved in writing by the local planning authority in consultation with the Environment Agency (EA) within 2 months of the date of this decision.
- b. An accurate plan of the site drainage system shall be drawn up and kept on site for reference purposes in the event of any spillage.
- c. Any spillage of fuels, hydraulic or other polluting fluids shall be immediately notified to the Environment Agency and the contaminated hardcore in that area shall be removed and replaced with clean materials as soon as practicable, as required by the EA in consultation with the local planning authority.

*Reason:* To reduce the risk of pollution of the water environment.

5. No materials or goods shall be stored on the site above 4m in height unless previously approved in writing by the local planning authority.

*Reason:* To ensure the satisfactory appearance of the development and safeguard the visual amenity of the area.

6. No loading or unloading of goods, or parking/storage of vehicles associated with the site shall take place outside the site curtilage.

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

7. The entire site shall remain in single occupation and shall not be subdivided to form two or more units in separate occupation.

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

NOTE TO APPLICANT: Any relevant oil storage facilities on site will have to comply with the requirements of the Control of Pollution (Oil Storage) (England) Regulations 2001. For further details on these regulatory requirements the applicant should refer to the Environment Agency's Pollution Prevention Guidance Note 2: Above Ground Oil Storage Tanks.

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

The proposed development is considered to comply with the relevant policies of the development plan, in particular policies GP2, GP4, 3.6, 3.9 and ENV32 of Walsall's Unitary Development Plan adopted March 2005, and, on balance, having taken into account all material planning considerations, the proposal is acceptable.

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

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To: DEVELOPMENT CONTROL COMMITTEE

Report of Head of Planning  
and Transportation  
On 31 January 2006

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

**Application Number:** 05/2363/FL/W5

**Case Officer:** Karon Hulse

**Application Type:** Full application

**Telephone Number:** 01922 652492

**Applicant:** St. Modwen Developments Ltd

**Agent:** Hing and Jones Ltd

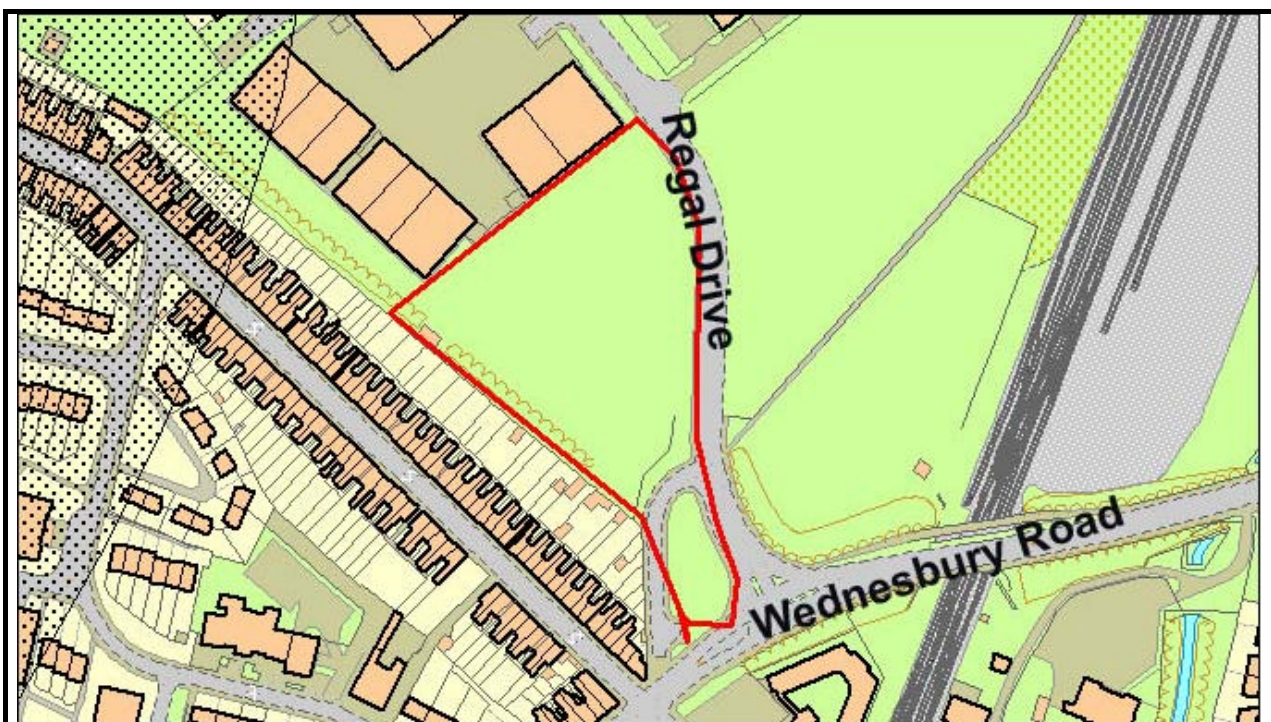
**Proposal:** Construction of B1,B2,B8 Light industrial/warehouse Buildings.

**Location:** FORMER PLECK GAS WORKS,REGAL DRIVE,WALSALL,WEST MIDLANDS,WS2

**Ward:** Pleck

**Expired:** 28 February 2006

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



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## **Application and Site Details**

This application seeks to construct 7 new light industrial units on the penultimate remaining vacant parcel of land on the Walsall Enterprise Park off Wednesbury Road, Walsall (formerly the Pleck Gas Works site).

This part of the site is closest to Wednesbury Road and would have vehicular access off the estate road, Regal Drive, into a central service courtyard. The new units would be centred around the service courtyard and provide a speculative mix of B1, B2 and B8 Use Classes.

The smallest unit would have floor area of 221.5 sq metres the largest being 522.75 sq.mts, a total of 2,694 sq mts floor area.

The site is roughly triangular in shape having its rear boundary close to rear gardens of residential properties in Prince Street.

A total of 41 parking spaces plus 7 disabled spaces and cycle storage is to be provided.

The application also includes new security fencing around the perimeter of the site, new access gates into the site and enhanced landscaping along both Regal Drive frontage and the boundary with Prince Street.

## **Relevant Planning History**

Outline permission for the creation of this industrial estate was given in 1995.

There have been a number of applications for units since that time, and a series of variations of conditions.

Most recently planning permission was granted for the construction of 13 new light industrial units on plot 6 which is the site at the rear of this application site. That consent granted permission for speculative B1, B2 and B8 use class units and was approved 14<sup>th</sup> June, 2004 (planning reference number 04/0411/FL/W5).

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

Unitary Development Plan

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

3.7...proposals for development or redevelopment should protect people from unacceptable noise, pollution and other environmental problems...encourage relocation of bad neighbour uses from residential and other sensitive areas

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

ENV14...encourage reclamation and development of derelict and previously developed land where feasible,

4.1...seek to improve the local environment and enhance the image of the area, introduce security improvements to reduce crime and vandalism and create new, and safeguard existing, job opportunities.

4.2...promotes investment and diversification to meet the needs of both inward investors and existing firms

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

JP1...New Employment Sites...sites (of at least 0.4 hectares) are allocated for employment use as defined in Policies JP5 and JP7.

JP5(a)... areas safeguarded for core employment uses...proposals for uses permitted where demonstrated that needs met which not satisfied elsewhere or range and quality of employment significantly increased.

JP5(b)... windfall sites or buildings in core employment areas will be safeguarded for core employment uses according to the above policy

JP6...Best Quality Sites : (a) sites will be safeguarded for core employment uses. Development of these sites will be expected to achieve a high quality of design and landscaping

GP1... location of development guided by principles of sustainable development and involve:-

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

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

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

## National Policy

PPG4...seeks a positive approach to the location of new business developments and assisting small firms....economic growth and high-quality environment to be pursued

together....the importance of industrial and commercial development to be considered with that of maintaining and improving environmental quality.

### **Consultations**

**Transportation** - no objections subject to minor amendments to proposed footway

**Pollution Control Division** - satisfied that an economic remediation was carried out...any landscaped areas need imported clean soil...ground gas protection measures in the form of sub floor ventilation and 'proprietary gas impermeable membrane' needs to be installed.

**Walsall Regeneration Company** - supports and welcomes investment in the proposed development of this site.

**Fire Service** - satisfactory

**Centro** - no objection

**Environmental Health** - no comments

**Severn Trent Water Ltd.** - no objection subject to foul/storm water works

**Environment Agency** - no objections

**Drainage** - satisfactory

**Central Networks** - no objections

### **Representations**

None.

### **Determining Issues**

- i) Principle of the development
- ii) Landscaping / design
- iii) Car parking provision

### **Observations**

#### **Principle of the development**

Development along the rear boundary with Prince Street has been established by the approval of 13 units on plot 6 to the northwest of this site. The proposed units, 1 to 5, would continue the run of those units previously approved which back onto the boundary with Prince Street. The buffer zone created between the rear gardens of Prince Street and the rear of the industrial units would be the same if not increased marginally.

Again in accordance with the previous consent I would recommend that units 1 to 5 closest to the rear boundary with Prince Street is conditioned only to be used for industrial processes



falling in a B1 and B8 use classes. Units 6 and 7 being for any purpose within B1 (b) and (c), B2 or B8.

### **Landscaping / design**

This site forms the left hand side of the gateway to the industrial estate and is readily visible from the public realm and in particular along Wednesbury Road. The site is therefore important in terms of its appearance.

With this in mind emphasis has been placed on the part of the site which is first encountered. The use of landscaping plays an important part and the design statement provided by the applicants indicates enhancement of existing planting which has already been carried out. This will also include further improvements and additions to the existing street trees along Regal Drive which will eventually create a tree lined avenue into the estate. The scheme is considered appropriate for this important site.

The design of the new units is in-keeping with those previously approved and design elements have been included to characterise this estate.

### **Car Parking Provision**

The proposals includes 48 parking spaces within the site boundary. Based on the adopted Unitary Development Plan a total of 53 spaces would be required based on a general B2 use class. I am of the opinion that 48 spaces would be acceptable for this development as not all units will be used for B2 use.

### **Conclusion**

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

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

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

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

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

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

3. No development shall be carried out until a site investigation (the methodology of which, and the design, specification and location of any boreholes necessary for ground gas monitoring, shall previously have been submitted to and approved in writing by the Local Planning Authority) has been undertaken. The details submitted shall have regard to the advice and guidance contained in Waste Management Paper no.27 'Landfill Gas'. A copy of the site investigation - together with a report setting out proposed remedial measures to deal

with any identified and potential hazards arising from any asphyxiant, toxic and/or flammable gases shall be submitted to and approved in writing by the Local Planning Authority prior to the development taking place. All approved remedial measures shall be completed prior to occupation of any of the buildings.

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

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

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

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

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

6. No materials, goods or refuse shall be stored or deposited in the open on any part of the site other than in refuse containers as shown on the approved plans (drawing number 7064/P0, dated 29/11/05).

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

7. No industrial process shall take place in the open on any part of the site.

*Reason :* To safeguard the amenity of adjoining and nearby occupants

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

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

9. There shall be no parking other than in designated parking spaces approved under condition 4, except for loading and unloading of goods which shall take place within the curtilage of the site, unless otherwise agreed in writing by the Local Planning Authority.

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

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

Holiday or Public Holiday, and otherwise such works shall only take place between the hours of 07.00 to 18.00 weekdays and 08.00 to 13.00 Saturdays unless otherwise permitted in writing by the Local Planning Authority. No plant, machinery or equipment associated with such works shall be started up or operational on the development site outside of these permitted hours.

*Reason :* To safeguard the amenities of local residents

11. Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound shall be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound shall at least be equivalent to the capacity of the largest tank, vessel or combined capacity of interconnected tanks or vessels plus 10%. All filling points, associated pipework, vents, gauges and sight glasses must be located within the bund or have separate secondary containment. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework shall be located above ground and protected from accidental damage. All filling points and tank/vessels overflow pipe outlets shall be detailed to discharge downwards into the bund.

*Reason :* To prevent pollution of the water environment.

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

*Reason :* To prevent pollution of the water environment

13. Doors, including roller shutter doors, shall remain closed other than for ingress/egress or emergency purposes.

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

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

*Reason :* To safeguard the amenities of local residents

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

Period	Hourly Value	Maximum Value
0700 - 1900	L <sub>Aeq</sub> - 55 dBA	L <sub>Afmax</sub> - 70dBA
1900 - 2300	L <sub>Aeq</sub> - 50 dBA	L <sub>Afmax</sub> - 65dBA
2300 - 0700	L <sub>Aeq</sub> - 45 dBA	L <sub>Afmax</sub> - 55dBA

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

*Reason* : To safeguard the amenities of nearby residential occupants.

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

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

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

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

18. The materials used for the construction of the new units shall only be those as indicated on the deposited plans unless otherwise agreed in writing by the Local Planning Authority.

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

19. Units 6 and 7 shall only be used for industrial processes within Classes B1 (b) and (c), B2 and B8 of the schedule of the Town and Country Planning (Use Classes) Order 1987, or succeeding Orders, all other units (1 to 5 inclusive) shall only be used for B1 and B8 use classes.

*Reason* : To safeguard the amenities of nearby residential occupiers.

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

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

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To: DEVELOPMENT CONTROL COMMITTEE

Report of Head of Planning  
and Transportation  
On 31 January 2006

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

**Application Number:** 05/2215/FL/W5

**Case Officer:** Karon Hulse

**Application Type:** Full application

**Telephone Number:** 01922 652492

**Applicant:** Homeserve (G.B) Ltd

**Agent:** JSP Architects

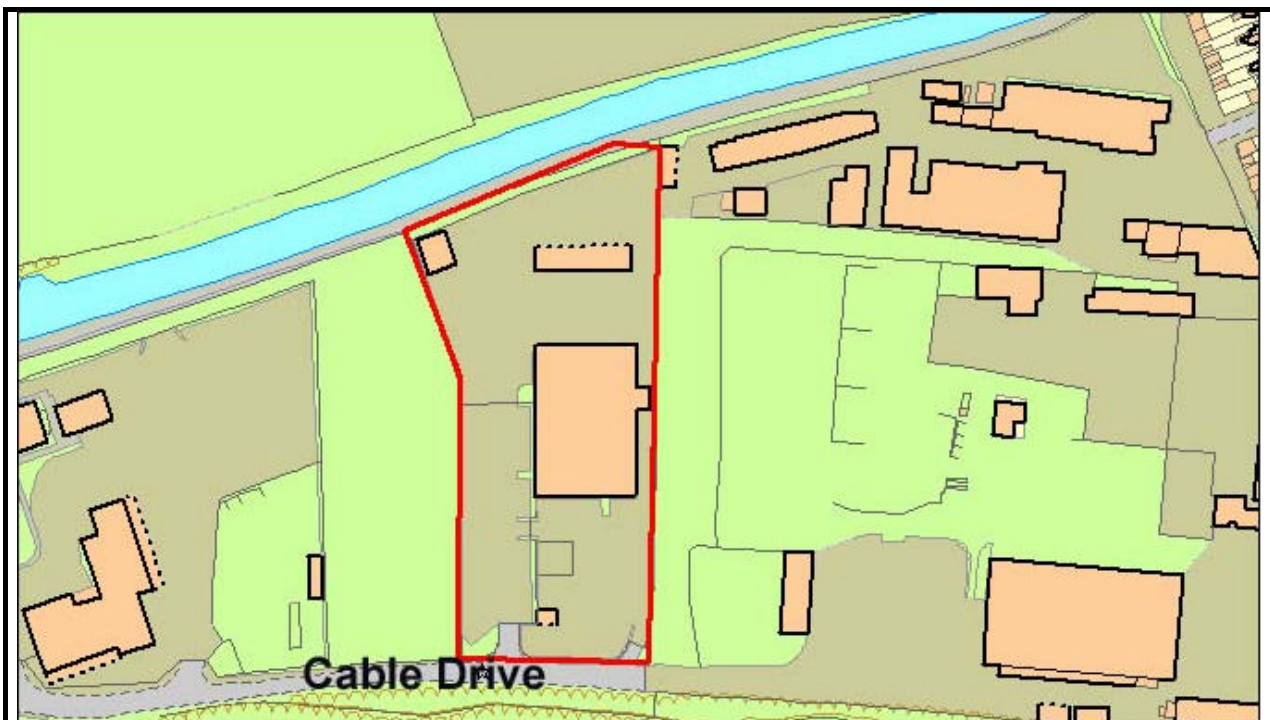
**Proposal:** Refurbishment of existing portal frame clad office/ warehousing to provide a new first floor. Re-clad as new elevations demolish external railtrack crane. part change of use to wholly office usage.

**Location:** FORMER GPU POWER  
ENGINEERING, CABLE  
DRIVE, WALSALL, WEST MIDLANDS

**Ward:** Birchills Leamore

**Expired:** 21 March 2006

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



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## **Application and Site Details**

This application seeks consent to change the use of the former GPU premises off Cable Drive to offices as an extension to the existing Homeserve business on the corner of Cable Drive and Green Lane, Walsall. Homeserve was previously known as Home Service which was also formerly a subsidiary company of South Staffs Water on Green Lane.

The existing Homeserve site is currently their main head quarters and call centre. The business has continued to grow and as a direct result of its success it now requires additional office space to accommodate a further 500 staff.

The application site, the former GPU building, was granted planning permission for a mixed office, storage, workshop use. The site is completely hard surfaced and would provide parking for 250 spaces. The former use was laid out for 103 car parking spaces with lorry parking for approximately 14 HGV vehicles. The total office floor area of 3716 sq. mts (40,000sq ft) would be accommodated by the change of use of the ground floor with additional mezzanine at first floor.

The site plans indicate a pedestrian link between the buildings on the site to the existing Homeserve building which will allow shared use of facilities such as canteen, training rooms, meeting rooms etc.

The applicants have submitted detailed information in respect of the application including statements in respect of the sequential tests which are applied to such developments particularly in out of town centre locations. The information submitted is as follows :

*Indivisibility* - There is a need for the new building to be linked via the IT network. The existing head office hosts telephony, internet access, e-mail services and welfare facilities. Additional staff will be dependant upon the continued availability of these systems 24 hours a day 7 days a week. In order to secure these services Homeserve has completed a number of capital investments on the site including the installation of a Lampertz room which houses critical communication and IT hardware in safe operating and controlled environment. Being able to use the application site will mean that there is a continued triangular microwave and fibre 'line of sight' sight links between three data rooms at Cable Drive and a further one at South Staffordshire Water, further along Green Lane. This which will ensure that there is unlikely to be any risk to the business in terms of continued connection routes.

In addition to the IT requirements the existing and the proposed new building will become interdependent in respect of training, boardroom computer room 'back up' and canteen facilities. These ancillary uses are a minimum requirement for the new operation and have already been constructed.

*Alternative Locations* - The applicant has completed a comprehensive search for alternative solutions and has considered Walsall Town Centre and other local centres as locations that may be capable of accommodating the requirement.

The applicants have stated that they have been unable to identify any existing buildings either in the town centre or elsewhere in the borough which will meet their requirements and of the two which had been put forward by the Local Planning Authority i.e. Littleton Street and Town Wharf, neither has the benefit of an implementable planning permission and therefore cannot meet the timing criteria which the applicants need (to be on site by September, 2006).

Their supporting information includes the following statements:

- a) there are no alternative existing or currently proposed buildings available within the town or other centres capable of accommodating 500-additional employees within the requirement timeframe.
- b) there will be a positive impact on the Town Centre and other Local Centres through the creation of 500-new jobs which will lead to an increase in local consumer expenditure
- c) the proposal offers safe and easy access by public transport. The proposed site is close to Green Lane (A34), which is serviced by 14 different bus routes. Green Lane is proposed to become a 'red route' and cycle route, it is part of the strategic highway network, there is a greenway route along the canal with another proposed along the railway allowing ease of access to the town centre.
- d) the proposal will not be reliant on access by car (the applicants are currently involved with TravelWise to finalise the details of their Green Travel Plan.
- e) there will be no adverse impact on the local highway network. A traffic impact assessment and a 'green travel plan' are included in the application submission.

### **Relevant Planning History**

The site was originally the Midlands Electricity Board district offices, depot, and sports facilities, which was approved in 1965. Further offices were constructed in 1970 with a series of minor extensions and alterations to provide further office space between 1970 and 1985.

To the east of the site, on the boundary with the Local Authority Depot, GPU Power UK was granted permission in June 2000 for single storey industrial unit and offices, external delivery and storage areas and associated parking.

Since the above, the MEB site has been subject to a change of occupier and is now operated by Home Service. As a result of its new occupier the existing buildings have been altered, and extended with the appropriate permissions.

### **Relevant Planning Policy Summary**

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

Unitary Development Plan

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

3.7...proposals for development or redevelopment should protect people from unacceptable noise, pollution and other environmental problems...encourage relocation of bad neighbour uses from residential and other sensitive areas

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

ENV14...encourage reclamation and development of derelict and previously developed land where feasible,

4.1...seek to improve the local environment and enhance the image of the area, introduce security improvements to reduce crime and vandalism and create new, and safeguard existing, job opportunities.

4.2...promotes investment and diversification to meet the needs of both inward investors and existing firms

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

JP1...New Employment Sites (of at least 0.4 hectares), as shown on the Proposals Map, allocated for employment use as defined in Policies JP5 / JP7.

JP5(a)... areas safeguarded for core employment uses...proposals for uses permitted where demonstrated that needs met which not satisfied elsewhere or range and quality of employment significantly increased.

JP5(b)... windfall sites or buildings in core employment areas will be safeguarded for core employment uses according to the above policy

JP7: Use of Land and Buildings in Other Employment Areas

GP1... location of development guided by principles of sustainable development and involve:-  
a) Locating facilities where they are accessible to everyone and minimise the need to travel... a sequential approach requiring the location of development....Development should be of a scale appropriate to the size of the centre

b) Mixed-use developments will be encouraged to minimise travel and increase local diversity and vitality...subject to no unacceptable adverse impact on the environment.

c) A sequential approach maximising re-use of derelict, vacant and underused urban land and buildings ... make best use of urban land and buildings...development proposals should not prejudice beneficial use of any adjoining land or buildings, or other parts of a building (e.g. upper floors above shops).

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

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

4.2 on making land and buildings available to investors and existing firms



T7... Car Parking all developments to comply with T13...provide car parking not exceeding maximum standards

T13 on parking standards (1 carspace per 30 sq.m. gross floorspace, 1 bike locker per 10 car spaces, taxi facilities)

National Policy

Planning Policy Guidance 4...seeks a positive approach to the location of new business developments and assisting small firms....economic growth and high-quality environment to be pursued together....the importance of industrial and commercial development to be considered with that of maintaining and improving environmental quality.

Planning Policy Statement 6...application of sequential approach to all developments not in town centre or allocated in the development plan...consideration as to vitality and viability of existing centres.

### **Consultations**

**Transportation** - no objections subject to condition regarding Green Travel Plan and confirmation of the shift patterns

**Pollution Control Division** - no objections

**Environmental Health** - no objections

**Walsall Regeneration Company** - support the proposals subject to good design

**Centro** - no objections

**Fire Service** - no objections

**Inland Waterways** - no objections

**Strategy Team** - Notwithstanding the policy framework which states that B1 office developments, including extensions, are defined as town centre uses and should be located according to the sequential approach; and also the site allocation as employment, there are special countervailing reasons in this case that outweigh these considerations: namely the need for staff to be interchangeable within the buildings on site, and also the risk of overloading the IT operation, on which the whole development depends, if another remote building were to be bought into play...therefore recommend granting this application.

### **Representations**

None received

### **Determining Issues**

I consider the determining factors are :

- The principle of use of the site for offices etc.

- Impact on car parking / highways
- Design of the extension

## **Observations**

### **The principle use of the site for offices etc.**

The reasons for the submission of this application are clear in so far as the new building will support the successful growth of this business. Approval of this application will mean that the business can continue to operate effectively and provide permanent accommodation required to house an additional 500 staff on this site with all the necessary IT facilities. Existing welfare facilities such as canteen rooms, training and meeting rooms would continue to be provided by the existing Homeserve buildings.

Homeserve are a well established commercial business occupying a large site on the corner of Cable Drive and Green Lane since June, 2000 when the buildings were transformed from the old MEB buildings to an office/call centre.

The company is well known in Walsall with their origins firmly established on the site (one of the reasons for choosing this site initially was because it had potential to expand and was close to existing premises at South Staffs Water further north on Green Lane). Their current site is very tidy, well maintained and the previous extensions/proposals have been designed around further improvement of its operations and facilities whilst remaining in-keeping with the rest of the existing site.

Proposals for offices outside town or local centres are subject to the sequential approach and in this case the change of use of the former GPU building for use by Homeserve as part of the existing call centre operations requires consideration against such policies.

This proposal is to use employment land for B1(a) offices, and combine it with the existing Homeserve office operations. One policy that the site falls under is UDP policy JP1: New Employment Sites, which are allocated for employment uses. Offices such as the proposed are defined as town centre uses and should not be permitted except where a purely local need is demonstrated and there is no harm to the strategy for centres.

The applicants have provided information in support of their application. The proposal will in effect expand the existing Homeserve site by adapting and using the former neighbouring GPU building. Whilst this building is separate the accommodation required in order to facilitate the growth and expansion of this company could not be accommodated anywhere else as the staff need to be flexible and use both buildings as part of their day-to day work. Also, the cost of providing the necessary information technology links to a building at a more distant location (i.e. one in the town centre) would be prohibitive. The applicant also suggests that adding further remote sites to the IT system would be disruptive to business operations.

In terms of the sequential tests (UDP JP7 and PPS 6), the applicants have suggested that there are no suitable sites in Walsall Town Centre to accommodate 500 new jobs. Two sites which have been suggested, Town Wharf and Littleton Street (proposed office developments), do not currently have planning permission and are unlikely to be available within the applicants required timescale (the anticipated date for occupation being September, 2006). Whilst there are other potential sites available in the town centre, I consider this is an exceptional case in terms of policy assessment and is unlikely to have an adverse effect on

the town centre or the regeneration strategy. With this in mind and that special countervailing reasons such as the need for staff to be interchangeable within the buildings on site etc. have been put forward in support of the application I recommend that the proposal is supported.

### **Impact on car parking / highways**

This application has been supported by a Transport Assessment (TA). The TA considers traffic generation of the existing/proposed development and its impact on the surrounding highway network and the parking provision for the development. The conclusion drawn from the assessment is that the proposed development is acceptable in terms of traffic impact, parking and accessibility.

However, this conclusion is only acceptable if the business operates on a shift basis in which case its own peak travel hours would not coincide with the existing highway networks peak hours. The TA identifies that most of its employees arrive between 7.30 and 8.00am and leave after 6.00pm. this is clearly outside the traditional hours considered to be peak times i.e. 8.00am to 9.00am and 5.00pm to 6.00pm. In order to ensure that the site continues to operate in this manner and therefore maintaining reduced impact on the highway network a condition is suggested restricting shift pattern times.

### **Design**

The site would be well integrated into the overall operation and appearance of the existing Homeserve site, the addition of windows and external cladding to the building to match those buildings which exist on the corner of Green Lane and Cable Drive would result in the overall site (existing and proposed) being presented as one large, tidy, well organised corporate premises.

### **Conclusion**

The proposed change of use of this currently vacant building will allow a well established and successful local company to expand its operations in this location, ensuring that its growth is not held back whilst affording protection and enhancement of the environment. The proposal complies with national and local policy in so much as it complies with the sequential test in Planning Policy Statement 6 and is therefore considered acceptable and recommend for approval.

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

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

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

2. The materials used shall match closely those used in the buildings on the existing Homeserve site on the corner of Green Lane and Cable Drive.

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

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, or succeeding Orders, there shall be no vehicular access to the

site, other than through the access(es) as shown on the deposited plans, without the prior approval of a planning application.

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

4. All loading and unloading of goods shall take place within the curtilage of the site.

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

5. 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 accordance with any agreed phasing or within one year of any part of the development being brought into use or such other period of time as may be agreed in writing by the Local Planning Authority.

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

6. 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.

7. Notwithstanding the information submitted with the Transport Assessment with regards to the Travel Plan Framework, within three months of any part of this development having commenced a Green Travel Plan will be submitted in writing for the approval of the Local Planning Authority. The submitted Plan shall identify a package of proposed measures consistent with the aim of reducing reliance on car travel to this site, timetables, targets, and mechanisms for implementation. The Green Travel Plan will be implemented in accordance with the approved details, once it has been approved.

*Reason :* To ensure the satisfactory functioning of the development and to raise awareness and encourage the use of alternative modes of transport.

8. At no time shall the operational and working shift pattern of this development coincide with the highway peak times which are 8.00am to 9.00am and 5.00pm to 6.00pm, Monday to Friday.

*Reason* : In the interests of highway safety and to enable the Local Planning Authority to retain effective control over future development of this site.

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

The proposed development is considered to comply with the relevant policies of the development plan, in particular policies 2.1, 2.2, 3.6, 3.7, 4.1 and 4.3 of Walsall's Unitary Development Plan and 4.2 and GP1 of its review, and, on balance, having taken into account all material planning considerations, the proposal is acceptable.

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



To: DEVELOPMENT CONTROL COMMITTEE

Report of Head of Planning  
and Transportation  
On 31 January 2006

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

**Application Number:** 05/2268/FL/W3

**Case Officer:** Mrs J Scrivens

**Application Type:** Full application

**Telephone Number:** 01922 652436

**Applicant:** Mr Neal Kerr

**Agent:** Mr Neal Kerr

**Proposal:** Change Of Use to car auction and vehicle storage

**Location:** METAL  
CASEMENTS, BIRCH  
STREET, WALSALL, WEST MIDLANDS

**Ward:** Birchills Leamore

**Expired:** 14 February 2006

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



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## **Application and Site Details**

This application is a resubmission following the refusal of 05/0855/FL/W3 for the same use for reasons relating to the additional customer traffic in Birch Street and the surrounding area.

The application relates to the former Metal Casements site between Birch Street/Brighton Close, which are residential and the canal to the west which is a Conservation Area. To the south the site adjoins industrial units. The remainder of the Metal Casements site to the north of the building is excluded from the application site. This adjoins an area of open space.

This factory building is approximately 3778 square metres in floor area.

This application proposes the use of the premises for the auction of imported Japanese motor vehicles, predominantly to the motor trade, although the general public would also be able to attend. Up to 300 vehicles would be offered for sale. The auction would be held on one day per week, which is anticipated to be Wednesday, between the hours of 11.00hrs and 15.00hrs.

Delivery and collection of vehicles would be between the hours of 09.00hrs to 17.00hrs Monday to Friday. Traffic is expected to be two or three car transporters per day other than on an auction day.

The applicants advise that, based upon similar auctions, approximately 100 customers are likely to attend each auction. Customers would either drive their purchases away under trade plates or would bring a small van with a trailer. Few use HGV's to transport vehicles. Those that do tend to use small trucks that can take two vehicles at a time.

The previous application provided a generalised plan showing parking between the building and Brighton Close/Birch Street with a vehicle storage compound to the north of the building. The current application provides a more detailed, but still illustrative, plan showing 148 potential car parking spaces between the building and Brighton Close/Birch Street, a 28m diameter turning area for HGV's and a further 333 potential car parking spaces between the building and the canal.

The previous application indicated that the majority of vehicles for sale would be stored within the building which would also incorporate an office for the business and a catering facility for staff/customers. A public address system would be operated within the building during auction hours, with no speakers outside the building.

There would be approximately 12 staff with an additional 5 people helping on auction days. Staff would arrive and leave before /after the stated opening hours.

The current application proposes the employment of additional staff as marshals to patrol the adjacent streets on auction days to discourage on-street parking by customers. The applicants state that anyone observed to park and walk to the site would be turned back at the gate.

The applicant has also considered the introduction of a residents' parking scheme but following discussions with Transportation this has been discounted as inappropriate to the area.

The application is accompanied by a Transport Assessment which considered:

- i) the likely impact of the proposal on the junction of Green Lane and Birch Street and the surrounding highway network
- ii) the capacity of the junction in terms of the traffic generated by the proposed development
- iii) the ability of car transporters to enter and leave the site.

A survey of existing traffic levels was carried out and two capacity assessments undertaken of the Birch Street/Green Lane junction.

The Transport Assessment indicates that the Birch Street/Green Lane junction could readily accommodate the predicted traffic flows associated with the auction during a period when peak traffic flows and proposed peak development flows coincide.

The applicant has requested a temporary permission for two years and would be prepared to accept a personal permission.

### **Relevant Planning History**

05/0855/FL/W3 Change of use to car auction and vehicle storage. Refused 17.8.05 for the following reason:

*'The proposed development would be detrimental to the amenity and safety of nearby residents through the addition of a large number of customer vehicle movements to and from the site which utilises the narrow and predominantly residential Birch Street as its sole access (including the scope for customers to choose to park on surrounding streets rather than use what they could see as the potentially congested access to the site). The approval of this application would therefore be contrary to policies GP2, 3.6, and 3.7 of Walsall's adopted Unitary Development Plan.'*

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

Policies GP2, 3.6 and 3.7 require all development to make a positive contribution to the quality of the environment.

Policy ENV 29 relates to the protection or enhancement of Conservation Areas.

Policy JP7 relates to the uses which are likely to be acceptable in employment areas. Car showrooms are considered acceptable.

Policy T4 sets out the need for proposals to be accompanied by a Transport Assessment where there are significant implications for the highway network.

There are no specific car parking requirements for car auctions.

### **Consultations**

**Transportation:** No objections. Recommend a personal permission to control the future operation of the site.

**Pollution Control:** No objections. Recommend conditions with regard to operating hours, monitoring of noise levels, restrictions on the operation of some machinery and the installation of floodlights.

**Environmental Health:** No objections.



**Environment Agency:** No objections. Recommend the imposition of a condition requiring the provision of oil interceptors to prevent pollution.

**Conservation Officer:** No objections.

**Structures and Geotechnics:** No objections.

**Fire Service:** No objections.

**Inland Waterways Association:** Object on the following grounds:

- i) the proposal is alongside Walsall Locks and there is potential for visual impact - a 10 metre landscape strip is suggested to address this
- ii) possible risk of seepage of pollutants into the canal.

**Walsall Regeneration Company:** Object. Recognise that ground constraints prevent comprehensive redevelopment of the site in the short term but object on the following grounds:

- i) the emerging Area Framework Plan will promote a series of sustainable residential communities along the canal corridor. The proposal conflicts with this aim and regenerative aims for the Borough as a whole
- ii) a temporary consent could set a precedent
- iii) detrimental to the amenity of local residents in terms of traffic and noise generation
- iv) negative impact on the canal corridor.

## **Representations**

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

A petition of 54 names has been received. This is a copy of the petition lodged in respect of application 05/0855/FL/W3. It states that the signatories object to the car auction but does not give any grounds of objection.

Objections have been received from neighbours; Watmos; Walsall Tenants and Residents Federation; Croft Community Primary School and Birchills / Reedswood Neighbourhood Watch/Agenda 21 Group, on the following grounds:

### Highways/Parking.

- i) There will be increased danger for people in the area because the streets are currently quiet and safe for pedestrians. There will be increased car use and car transporters
- ii) Increase in on-street parking would cause obstructions
- iii) the junction of Birch Street and Green Lane is narrow and not suited to a large flow of traffic, increasing hazards and obstructions for local residents.
- iv) the amount of traffic would deter very young and elderly customers from using the shops
- v) two of the original estate access roads had to be closed off due to rat running and danger to pedestrians and schoolchildren, use of Birch Street will only increase this problem
- vi) the children of Croft Primary School use Birch Street and Green Lane to practise 'Kerb Craft' and the use of these premises for commercial purposes may prevent this

#### Amenity.

- i) the property is within a Conservation Area. ( *The site only adjoins the Walsall Locks Conservation Area*)
- ii) Burrowes Street TMO has worked very hard to create a safe, pleasant and secure estate for people to live. This proposal would undermine their achievement.
- iii) the public address system would cause noise nuisance to residents living near the site

#### Other.

- i) the use is likely to become permanent if a temporary consent is given
- ii) no substantive alterations have been made to the proposal since it was last refused.

### **Determining Issues**

- Retention of industrial use
- Highways/parking
- Amenity

### **Observations**

#### **Retention of industrial use.**

The site was formerly used for industry. The Unitary development Plan identifies this as an 'other employment area' and the proposed change of use should therefore be considered in terms of policy JP7. This allows uses other than manufacturing and specifies that car showrooms are acceptable in such areas. While showrooms are not comparable in terms of numbers of visitors and patterns of activity, the car sales aspect is common to both. I regard the principle of car sales on this site as acceptable.

Although Walsall Regeneration Company consider that the proposed use would prevent the redevelopment of the site for residential purposes there is as yet no adopted Area Framework Plan against which to reject this proposal. The identification of a preferred use would not be sufficient in itself to refuse consent for an otherwise acceptable use. With or without an approval, any developer will have to acquire the site.

#### **Highways/Parking.**

The application is supported by a Transport Assessment which indicates that the proposal would have effects on the highway network but that these are within acceptable limits. This is accepted by Transportation.

The development would generate two to three large vehicle movements a day, plus staff cars which would give a maximum of 24 cars a day. A large factory such as this could easily reach a much higher number of vehicles/larger vehicle movements. As a B2 use this size of factory would require 40 car parking spaces.

There are no restrictions on the hours of operation of the existing factory so that potentially it could generate a greater number of vehicle/larger vehicle movements. The proposed auction would however generate this traffic mostly on one day between the hours of 11a.m. and 3p.m. though customers are not likely to arrive and leave all at the same time.

The current application indicates that a total of 491 car parking spaces could be provided on the site if required. 148 of these would be provided close to the access, which was the area proposed for customer parking in the previous application.

The Environment Agency would require the new parking area between the building and the canal to be hard surfaced and oil interceptors installed to prevent water pollution. I consider that this would be unduly onerous in the context of a temporary one or two year consent.

Lack of parking on the site did not form part of the reason for refusal of 05/0855/FL/W3 and the additional 293 potential spaces between the building and the canal could therefore be dispensed with. This number of parking spaces would in any case need to be reduced by approximately 48 to enable landscaping to be provided on the boundary of the canal, to protect the amenity of the Conservation Area. I have recommended a condition to exclude the 293 spaces.

The reason for refusal of 05/0855/FL/W3 related to the effect of additional vehicle movements on the amenity of residents and the potential for customers to park on surrounding streets.

The current application proposes the use of marshals to direct customers into the site. The marshals would however have no authority to prevent people parking on street and it is unrealistic to expect the applicants to turn potential customers away.

Transportation has suggested that a personal permission would be appropriate to secure the management of the site. There are no personal circumstances put forward in support of this application and a personal permission would therefore not be appropriate.

### **Amenity.**

The number of customer vehicles visiting the site has been provided as an estimate based upon the numbers of visitors to similar auctions. It therefore remains unchanged in this application. The grant of a temporary consent would demonstrate the level of activity arising from the use and enable its impact on the amenity of residents to be assessed.

Provided that only a short lived temporary permission is granted there would be no immediate need to landscape the boundary of the site with Brighton Close/Birch Street.

The approval of this application would have the advantage of keeping the site and buildings in repair and curbing antisocial behaviour.

The applicant has requested a 2 year temporary consent. The effects of the proposal could be properly assessed in only one year and if problems arise, it will be important to terminate the use as soon as possible. It is therefore considered that approval for 1 year only would be appropriate.

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

1. The use hereby permitted shall cease no later than 1 year from the date of this decision and the site shall be left in a neat and tidy condition, unless a further planning application for the continued use or the removal of this condition has been approved by the Local Planning Authority.

*Reason:* To enable the Local Planning Authority to monitor the proposed use to retain effective control over the site and to protect the amenities of the area.

2. Notwithstanding the potential parking provision plan deposited on 15.11.05, no vehicles shall be parked between the building and the canal. No development shall be carried out until details of the remaining 148 spaces and HGV turning area shown on the potential parking provision plan and a vehicle storage compound to the north of the building have been approved in writing by the Local Planning Authority. The details shall include the proposed surfacing materials for the compound, manoeuvring and parking areas and the boundary treatment for the compound. The approved scheme shall be implemented before this development is brought into use and the areas shall thereafter be retained and used for no other purpose. There shall be no parking, storage of vehicles for sale or manoeuvring on the site, external to the building, except in the approved parking, storage and manoeuvring areas.

*Reason:* To ensure the satisfactory provision of off-street parking, the satisfactory functioning of the development and to prevent pollution of the water environment.

3. No development shall be carried out until details of a means of access to the remainder of the Metal Casement site, suitable to support the development of that site, have been submitted to and approved in writing by the Local Planning Authority. The agreed means of access shall be made available to any developer of that land at any time, as necessary to facilitate that development.

*Reason:* To avoid sterilising land by denying it access.

4. Delivery and collection of vehicles for sale shall not take place outside the hours of 09.00 to 17.00 Monday to Friday.

*Reason:* In the interests of the amenity of the area.

5. The proposed auction shall not be held on more than one day a week, and that day will be within the period Monday to Friday inclusive. There shall be no-one on the site other than employees outside the hours of 1100 to 1500 on auction day, unless otherwise agreed in writing by the Local Planning Authority.

*Reason:* In the interests of the amenity of the area.

6. Noise from the site monitored at least 3.5m from the façade of the nearest residential accommodation in accordance with British Standard BS4142:1997 'Method for Rating industrial noise affecting mixed residential and industrial areas' shall have a rating above background noise of 5 or less as determined with that standard.

*Reason:* In the interests of the amenity of the area.

7. Plant, machinery and equipment used in connection with liquid pumping, the provision of compressed air or electricity, heating, compacting, mechanical ventilation or air conditioning shall be located within the main building structure or otherwise at positions and within enclosures as submitted to and approved in writing by the Local Planning Authority and thereafter retained in accordance with any approval.

*Reason:* In the interests of the amenity of the area.

8. No public address facility, tannoy, radio or similar device shall be installed external to any building or structure on the site.

*Reason:* In the interests of the amenity of the area.

9. No floodlighting system of any type shall be installed without the prior written approval of the Local Planning Authority.

*Reason:* In the interests of the amenity of the area.

10. There shall be no

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

The proposed development is considered to comply with the relevant policies of the development plan, in particular policies GP2, 3.6, 3.7, ENV29, JP7 and T4 of Walsall's Unitary Development Plan and, on balance, having taken into account all material planning considerations, the proposal is acceptable.

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To: DEVELOPMENT CONTROL COMMITTEE

Report of Head of Planning  
and Transportation  
On 31 January 2006

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

**Application Number:** 05/2102/FL/E6

**Case Officer:** Paul Hinton

**Application Type:** Full application

**Telephone Number:** 01922 652420

**Applicant:** The Birmingham Roman Catholic  
Diocesan Trustees

**Agent:** Wood Godlstraw & Yorath

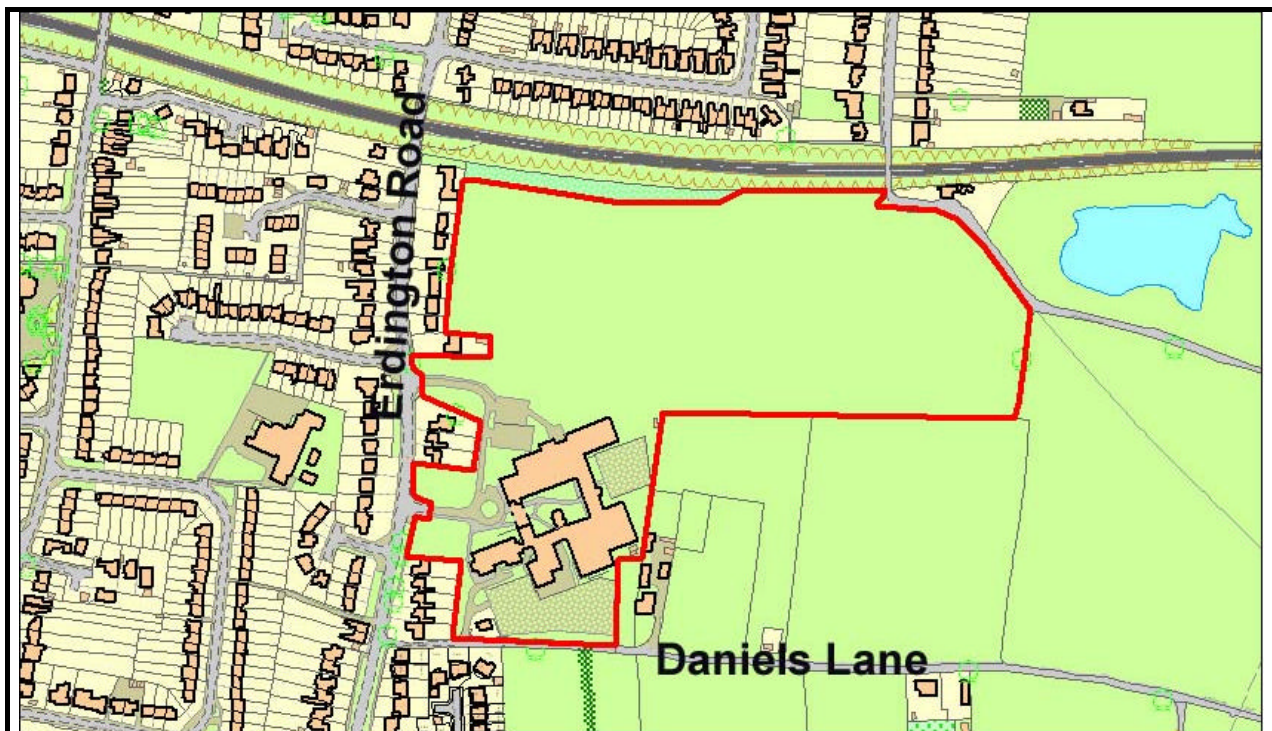
**Proposal:** Erection of mobile classrooms

**Location:** ST FRANCIS OF ASSISI  
R.C. COMPREHENSIVE, ERDINGTON  
ROAD, ALDRIDGE, WALSALL, WEST  
MIDLANDS

**Ward:** Aldridge/Central & South

**Expired:** 16 January 2006

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



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### **Application and site details**

This is a retrospective application for the temporary siting of three mobile classrooms on the north side of the school on the school playing field within land designated as Green Belt. The applicants have proposed that these classrooms will be removed by August 2006.

Retrospective permission is sought following the involvement of the Enforcement Team reacting to a complaint from a member of the public that these classrooms had been erected without permission.

The classrooms are located north of the main school complex. The classroom closest to the Erdington Road, has its blank edge facing the road and the nearest residents. It measures, 39.8m x 12.2m x 3.2m and is painted green. The other two classrooms are identical in size and finish, measuring 22.2m x 9m by 3.3m and are of a reddish brown colour. The classroom on the west side is 35m from the nearest residential property. A ramped tarmac access has been provided from the car park to the west classroom, and a paving slab path in front and linking the buildings. Each mobile building has ramped access into the individual classrooms with a line of windows on both the north and south elevations.

The applicants have submitted that there are special circumstances to justify the temporary development. The applicants state that the mobile buildings are required on site to avoid the School closing during work to extend and create further permanent classrooms for which permission was granted in May 2004. During this work asbestos was discovered in the building area and as a result delayed construction work. The classrooms would not have been open for September 2005 and as a result, the applicant predicts that they are unlikely to be open until April 2006. They further state that with insufficient accommodation, the School would not have had enough rooms to accommodate pupils arriving in September. If it were not for these temporary classrooms the school would have had to have closed and some year groups taking examinations would have suffered severe loss of teaching time with a probable detrimental effect on examination results.

### **Relevant Planning history**

BC46993P - Temporary Classrooms for a period no longer than 5 years. Granted subject to conditions 31/7/96. These have been removed.

02/0562/FL/E6 - Siting of three mobile buildings to provide six temporary classrooms for a 5 year period. Granted subject to conditions 28/6/2002.

02/1415/FL/E6 - Covered way and three storey lift for the disabled. Granted subject to conditions 13/9/02.

03/2197/FL/E2 - Extension and alterations to school. Granted subject to conditions 21/5/04

### **Relevant Policies**

#### **Unitary Development Plan**

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

Strategic Policy 3.3 safeguards the Green belt as part of the wider West Midlands Green Belt.

ENV2 a) presumes against the construction of new buildings in 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.

ENV32 says that poorly designed development or proposals which fail to properly take account of the context or surroundings will not be permitted. This policy will be applied to all development but will be particularly significant within or adjacent to Green Belt, agricultural or open land.

### **National Policy**

Planning Policy Guidance Note 2 advises on the control of development in the Green Belt and describes inappropriate development by definition as harmful to the Green Belt. The Green Belt serves the following strategic purposes:

- To check the unrestricted sprawl of the Borough's built-up areas
- To prevent neighbouring settlements from merging with one another
- To assist in safeguarding the countryside from encroachment
- To assist urban regeneration by encouraging the recycling of derelict and other urban land.

There is a general presumption against inappropriate development in Green Belts, such development should not be approved except in very special circumstances.

Planning Policy Guidance Note 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 objections. It is understood the proposal would not result in an increase in the number of staff/pupils and therefore is unlikely to have any additional impact on the surrounding highway network.

**Network Rail Estates** - no comments

**Sport England** - No objection providing conditions are imposed to ensure that the buildings, any hard surfacing and services are removed from the playing fields before the end of September 2006; and that the playing field land is restored to a condition fit for use as such to the satisfaction of the Local Planning Authority.

**Pollution Control** - no objection

**Fire Service** - satisfactory access for fire appliances

**Environmental Regeneration: Landscape Services** - Temporary consent would not require a landscape scheme/condition. Rather any consent should ensure as firmly as possible that these undesirable buildings and associated paths, steps, ramps and fencing/handrails are removed at the stated time, and that the agreed landscape scheme is implemented within six months, or the first planting season (November 2006-March 2007), following their removal.

## **Representations**

Four letters of objection have been received from residents living on Erdington Road and one letter of objection from a resident in Portland Road. They object on the following grounds:

- The proposal will increase the amount of pupils and vehicles associated with the school
- The increased hazardous driving conditions will also raise the potential risk of accident occurring,
- Additional intrusion upon properties as a result of pupils being brought closer to the residential area.
- Parents collecting children cause difficulties for residents by parking across driveways
- Litter dropped from pupils is a problem
- The classrooms are erected on land within the Green Belt
- Loss of playing field area
- Classrooms are ugly and do not enhance the open countryside.

## **Determining issues**

- a) whether this is inappropriate development
- b) whether very special circumstances exist to outweigh the harm to the Green Belt
- c) would playing field land be unacceptably affected

## **Observations**

### **Inappropriate development**

This retrospective application proposes to authorise development on land allocated as Green Belt. PPG 2 and policies of the Unitary Development Plan require that, in areas of Green Belt, only very special circumstances might outweigh the harm to the character and openness

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of the Green Belt and thereby justify inappropriate development. If this application were being considered as a permanent development, then it would be unlikely to be supported as the development goes against these policies and the visual impact would be unjustified. Inappropriate development is by definition harmful to the Green Belt. The siting of these mobile classrooms is considered inappropriate development. It is for the applicant to show why permission should be granted.

### **Very special circumstances**

The very special circumstances put forward by the applicant outweigh temporary harm and inappropriateness to the Green Belt. The exceptional circumstances of maintaining educational facilities in what was an emergency matter is acceptable in this particular situation. Removal could be secured within the timeframe by condition. The essential characteristic of Green Belts are their permanence, as a result this short-term placement will not impact upon the permanence.

### **Effect on playing field**

A proportion of active playing field has been lost as a result of this application. While this is only a small proportion of the playing field and provisions will remain for sports use, a condition is required ensuring the remediation of the land upon the removal of these buildings. The playing field will be fully landscaped and returned to how it was before this development took place.

In conclusion, it is considered that very special circumstances have been demonstrated to grant temporary planning permission until August 2006 after which the site will be returned to playing field.

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

#### **Grant planning permission subject to conditions**

1. The mobile buildings and associated ramps as shown on plan 3332-02-56 Revision C shall be removed by 31<sup>st</sup> August 2006. All temporary pathways and hard standings shall be removed. The land occupied by these buildings and associated pathways will be regraded and turfed to a standard fit for use as a playing field.

*Reason:* The permanent retention of the building(s) would be inappropriate in this Green Belt location and to restore the application site to its position before the development took place.

2. All materials arising from the demolition shall be removed from the site and the site left in a neat and tidy condition.

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

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

The proposed development is considered to comply with the relevant policies of the development plan, in particular Policy GP2 and ENV32 of Walsall Unitary Development Plan March 2005, and, on balance, having taken into account all material planning considerations, the proposal is acceptable.

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



To: DEVELOPMENT CONTROL COMMITTEE

Report of Head of Planning  
and Transportation  
On 31 January 2006

**REASON FOR BRINGING TO COMMITTEE: Disposal of Council-owned land.**

**Application Number:** 05/2232/FL/E6

**Case Officer:** Paul Hinton

**Application Type:** Full application

**Telephone Number:** 01922 652420

**Applicant:** Rafaqat Ali

**Agent:** Rafaqat Ali

**Proposal:** Change Of Use to Garden land

**Location:** LAND ADJACENT  
141, ESSEX STREET, WALSALL, WEST  
MIDLANDS, WS2 7AR

**Ward:** Blakenall

**Expired:** 04 January 2006

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



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### **Application and site details**

The application is for the incorporation of a triangular shaped grassed amenity area at the end of the cul-de-sac at Essex Street which links into the wider area of public open space and Coal Pool Lane, into private garden.

It is proposed to erect a 1.85m feather edged fence to the boundary which will be set 5m away from the footpath linking Webster Road and Essex Street. This 5m strip is to continue and mirror the strip of land adjacent to 102 Webster Road.

### **Relevant Policies**

#### **Unitary Development Plan**

Policy GP2 seeks to ensure all development make a positive contribution to the quality of the environment

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

Policy LC1 says that proposals for development which would result in the loss of, or otherwise adversely affect, urban open spaces will not be permitted unless it can be demonstrated that it is not required for certain specified wider community needs.

#### **National Policy**

Planning Policy Statement 1: Creating Sustainable Communities a key principle is that design which fails to take the opportunities available for improving the character and quality of an area should not be accepted. Design which is inappropriate in its context, or which fails to take the opportunities available for improving the character and quality of an area and the way it functions, should not be accepted.

### **Relevant Planning History**

None

### **Consultations**

**Transportation** - no objections

**Pollution Control** - no objections

**Area Parks Manager** - The Area Parks Manager advised that the site has little or no amenity values and it could not be foreseen any future plans for its inclusion in any improvement scheme

**Fire Service** - satisfactory access for fire appliances.

### **Representations**

Four neighbour letters have been received. All raised no objection to the proposal, with the occupier of 96 Webster Road stating that the development would secure the properties and prevent youths getting into their gardens.

### **Determining issues**

The determining issue relates to the impact of the proposal on the character and amenity of the area

### **Observations**

This triangle shaped land though part of the wider public open space is segregated from this space by the pathway linking Webster Road and Essex Street. It forms more of an 'add on' to the space and is incorporated only by designation. The land backs onto the rear of 98-102 Webster Road and then decreases in width to form a point at Essex Street. The site forms a disproportionate edge to the end of Essex Street and this application proposes a more aesthetically pleasing finish to this corner site.

This area is currently open and presents circumstances which could potentially lead to nuisance. It is considered therefore that the enclosure of the area within a private garden would reduce this possibility.

The area, although currently tidy, is of little visual merit and does not contribute to the openness or character of the area.

There is open space available on adjoining land. It is considered therefore that there is no overriding need to retain this area as public open space.

Concern would be raised having a newly created boundary adjacent to the existing footpath. The proposal makes provision for this by ensuring a 5m strip of land is retained.

The new fence is to be close-boarded and of similar appearance to fencing to the rear of 98-102 Webster Road and that at the side of 102 Webster Road.

The proposed fence will not obstruct any visibility splays or encroach on any manoeuvring space so will not impact on highway or pedestrian safety.

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

#### **Grant permission subject to conditions:**

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

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

2. No development shall be carried out until full details of the proposed boundary treatment of the site have been approved in writing by the Local Planning Authority. The boundary treatment should consist of vertical feather edged wooden fencing with wooden posts or concealed concrete posts. Gravel boards will not be permitted. The proposed boundary treatment will include the precise location and elevation details of the fencing. The approved scheme shall be implemented before the development is brought into use and shall be thereafter retained.

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

3. Notwithstanding the provisions of Class E to Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development Order) 1995, or succeeding Orders, no building or enclosure, swimming or other pool shall be erected without the prior approval of the local planning authority.

Reason: To protect the amenity of residents and to ensure the satisfactory appearance of the development.

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

The proposed development is considered to comply with the relevant policies of the development plan, in particular policies GP2 and ENV32, and, on balance, having taken into account all material planning considerations, the proposal is acceptable.

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

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To: DEVELOPMENT CONTROL COMMITTEE

Report of Head of Planning  
and Transportation  
On 31 January 2006

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

**Application Number:** 05/2309/FL/H1

**Case Officer:** Neville Ball

**Application Type:** Full application

**Telephone Number:** 01922 652528

**Applicant:** Mr G. Small

**Agent:** Delmar

**Proposal:** Two storey side extension

**Location:** 16, FORMBY  
WAY, WALSALL, WEST  
MIDLANDS, WS3 3TL

**Ward:** Bloxwich West

**Expired:** 26 January 2006

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



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## **Application and Site Details**

This application is for an extension to the side of a modern 4-bedroom detached house to provide a games room on the ground floor and 'relaxing area' on the first floor. The front and rear of the extension is to be in line with that of the existing house.

The house lies at the end of a row of four houses served by a private drive. The extension is to lie between the side of the house and Bealeys Lane, on the opposite side of the house away from the other properties in the row. The rear of the house faces the rear of 7 Maxstoke Close, whilst the side of 8 Muxloe Close lies on the opposite side of the private drive.

## **Relevant Planning History**

03/1496/FL/H1. Rear conservatory. Granted subject to conditions September 2003.

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

### **Unitary Development Plan Policies**

#### **GP2: Environmental Protection**

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

I. Visual appearance.

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

#### **ENV32: Design and Development Proposals.**

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

#### **H10: Layout, Design and Dwelling Mix.**

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

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

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

#### **T7 and T13 - Car Parking**

Houses with 4 or more bedrooms should have 3 parking spaces.

### **Residential Development Standards**

These include guidelines relating to design.

## **Consultation Replies**

**Tree and Landscape Officers** - Comments awaited.

### **Representations**

The occupiers of 12 and 14 Formby Way, and 8 Muxloe Close, have objected on the grounds that the previous owner of the application property moved the fence onto land he did not own, damaging the hedgerow, and express concern that the extension could be converted to provide additional bedrooms, which would be out of character with the rest of the driveway and cause parking problems.

### **Determining Issues**

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

### **Observations**

The design of the extension would be in keeping with the existing house. The position of the extension at the end of the row means that it would be barely visible from the rest of the street.

The side of the extension would lie along the line of the boundary fence and very close to the trees and shrubs in Bealeys Lane. Information from the Land Registry shows that the owner of the application property appears to have acquired a strip of land from the original builders of the estate, which is to be used for the extension. The trees and shrubs remain in the ownership of the Council. The issue of land ownership is not however material to the determination of planning applications.

Subject to the Council's tree and landscape officers confirming that the extension will not affect the trees and shrubs, through damage to their roots as a result of excavations, the extension will have no impact on the character of the area.

The existing garage and driveway are to be retained. Any increase beyond the existing four bedrooms would not require any further parking provision to comply with the UDP parking standards. There would however be room to widen the driveway if necessary to provide further spaces.

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

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

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

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

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

3: Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, or succeeding Orders, no side facing windows or doors, other than as shown on the deposited plans, shall be installed in any part of this development without the prior approval of a planning application.

Reason: To safeguard the amenities of the occupiers of adjoining premises and to comply with policy GP2 of Walsall's Unitary Development Plan.

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

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

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

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