



DEVELOPMENT CONTROL COMMITTEE

Report of Head of Planning
and Transportation On
14th March 2006

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			ESTATE,WODEN ROAD WEST,WEDNESBURY,WEST MIDLANDS			
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To: DEVELOPMENT CONTROL COMMITTEE

Report of Head of Planning
and Transportation
On 14 March 2006

REASON FOR BRINGING TO COMMITTEE: Major Application

Application Number: 05/2300/FL/W5

Case Officer: Karon Hulse

Application Type: Full application

Telephone Number: 01922 652492

Applicant: Ravenscroft Developments (UK)
Ltd

Agent: Tweedale Ltd

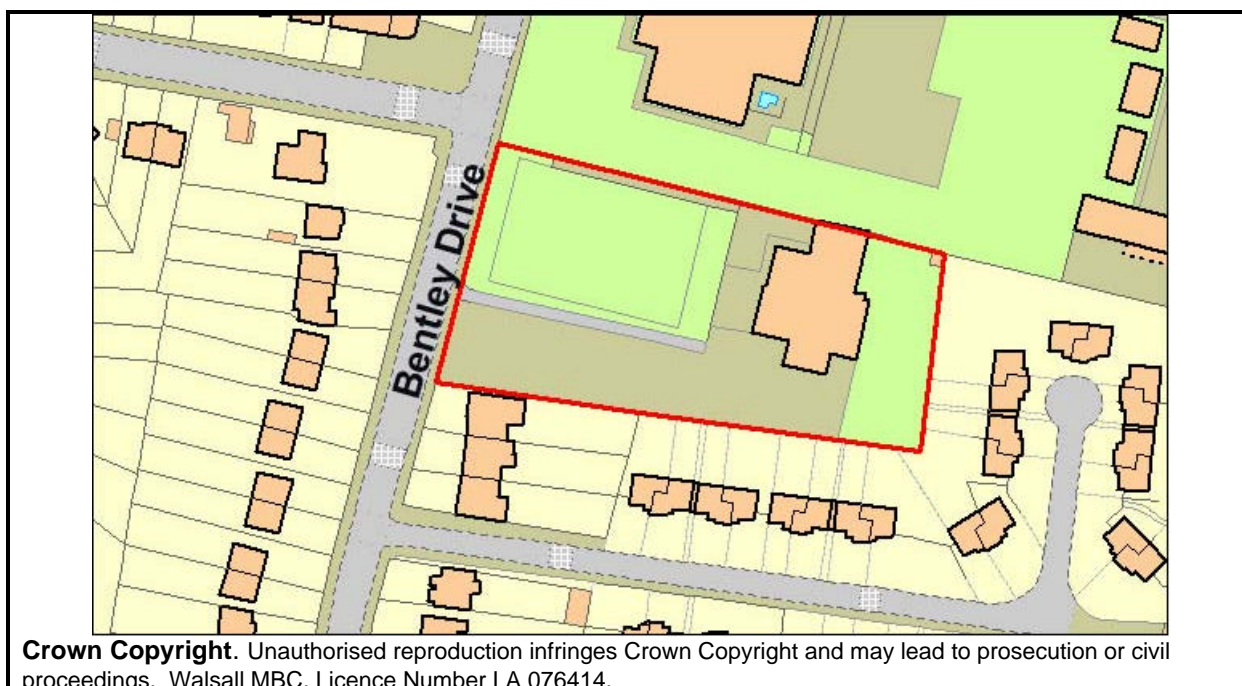
Proposal: Demolition of existing club and the
construction of a new clubhouse & 14 dwellings

Location: BENTLEY MOOR
CLUB, BENTLEY
DRIVE, WALSALL, WEST MIDLANDS

Ward: Pleck

Expired: 23 March 2006

Recommendation Summary: S106 Agreement and Grant Permission Subject to
Conditions



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Application and Site Details

This application seeks consent for the demolition of the existing clubhouse at Bentley Moor Working Men's Club, Bentley Drive, Walsall and its replacement with a new clubhouse and a residential development consisting of 14 dwellings.

The site is currently occupied and dominated by the two storey Bentley Moor Club house (including managers flat), large tarmacadam car park and floodlit bowling green. It is a predominantly level site although there is a slight rise towards the rear of the site, it is 0.45 hectares in size, with an existing vehicular access directly off Bentley Drive. This equates to approximately 31 dwellings per hectare including the new clubhouse.

The surrounding area is characterised by a mix of housing, ranging from terraced to semi-detached, which is all two storey in height. The application site also shares its northern boundary with Bentley Drive County Primary School.

General - The application includes a new access drive to serve the terraced properties at the rear and the club car park, this includes provision of turning area to accommodate refuse vehicles and traffic calming measures.

Residential development - The scheme would be for 14 dwellings in total, comprising two terraces of 2½ storeys utilising rooms in the roof space. Plots 1-7 along the rear boundary (with their fronts facing into the site) would all have two bedrooms. Plots 8 to 14 are in the centre of the site and would have three bedrooms each, the rear gardens of these adjoin the new clubs car park.

There would be 200% parking provided for the dwellings.

New clubhouse - The new clubhouse (with two bedroom managers accommodation in the roof space and amenity space to the side) would be sited at the front of the site, facing Bentley Drive. The clubhouse would be predominantly single storey providing bar area, snooker room, lounge / function room with removable wall to allow for one large single function room.

Parking for the clubhouse would be provided at the rear of the new clubhouse, 20 spaces (including 2 disabled spaces) and cycle racks form part of the details, its main access being from the rear although a pedestrian access would also be provided from the front off Bentley Drive giving it an active frontage.

The small garden area fronting onto Bentley Drive would be enclosed by ornate 1.1mt high iron railings which would follow the line of footpath around to the side of the clubhouse. Behind this, on the building line, is a 2 metre wall, creating a private garden for the steward.

Relevant Planning History

None relevant to the determination of the application

Relevant Planning Policy Summary

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

Adopted Unitary Development Plan

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

The Unitary Development Plan identifies the site as Core Employment, Policy JP5 seeks to retain these areas to maintain the best industrial areas for core employment uses.

3.6...Development / redevelopment schemes help to improve the environment

3.7...proposals for development/redevelopment will seek to 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, reference to character and quality of existing environment... require high quality of built and landscape design

Env14...encourages the development of previously developed land

Env 32...(a) Poorly designed development/proposals not be permitted unless take into account context or surroundings

Env 32...(b) quality of design subject to appearance, height, proportion, scale, and mass of proposed buildings/ structures, materials, integration, Community safety/security, effect on the local character of the area, vehicular and pedestrian circulation patterns, integration of existing natural and built features of value

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

GP2...expect developments to contribute to quality of environment... not permit development which would have an unacceptable adverse impact on the environment

GP3 - planning obligations

GP7...designing out crime through promotion of mixed use developments...ensure presence of people, maximise surveillance of public areas from the living areas of homes and amount of defensible space, design and layout of buildings, landscaping and structures.

GP3 ...planning obligations to secure education facilities

LC8...Local Community Facilities...loss of local community facilities, including public houses, clubs only permitted if other existing facilities...replacement facility provided in equally or more convenient location...no longer a need for the facility

8.8... Residential developments only permitted where adequate school capacity exists or can be provided...require financial contribution to the costs of providing these facilities

Policy GP3 in Chapter 2 gives further guidance on the use of Planning Obligations for this purpose

H3...encourage additional housing through re-use of previously developed windfall sites and through the conversion of existing buildings, including vacant dwellings and the upper floors above shops and other business premises...conversion of appropriate buildings into dwellings - flexibility in standards for parking and amenity space.

H9..Minimum Densities (a) net density should be at least 30 dwellings per hectare (c) higher densities, exceeding 50 dwellings per hectare, will be encouraged if close to a town, district or local centre or other location with good accessibility by transport... small units for people such as single persons or the elderly.

H10... Layout, Design and Dwelling Mix ...(a) expect the design of residential developments to ensure good integration with surrounding land uses, provide adequate additional open space, or improvements to existing open space.

The Council has now adopted Residential Development Standards, to control such matters as garden size, this requires minimum garden lengths of 12 metres and a minimum area of 68 sq. mts. In exceptional circumstances where rear garden lengths can not be achieved... may be approved subject to permitted development rights being removed.

National Policy

Planning Policy Statement 1 - general planning policy and principles, sets out general framework by which applications and proposals are considered.

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

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

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

Planning Policy Guidance 17 on planning for open space, sport and recreation, Para 10...existing open space, sports and recreational buildings and land should not be built on unless an assessment has been undertaken which has clearly shown the open space or the buildings and land to be surplus to requirements.

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

Consultations

Transportation Division - no objections

Pollution Control Division - no objections

Environmental Health - object on grounds of noise nuisance from the club to nearby residents

Fire Service - no objections

Sport England - non-statutory objection to the loss of land on basis that it provides a valuable local sporting facility and contributes to the visual amenities of the area.

Severn Trent Water Ltd. - no objections

Police Architectural Liaison Officer - various comments made regarding Secure By Design initiatives which have been taken on board by the applicants and included in amended drawings.

Drainage - no objections

Education Walsall - require financial contribution towards secondary school provision.

Lifelong Learning and Community - no positive or negative comments. However, any planning gain would be beneficial to enhance the facilities at Reedswood Park.

National Grid - no objections

Central Network - no objections

Centro - no objections

Energis - no objections

Representations

None received

Determining Issues

- Principle of the development and design
- Loss of bowling green/open space
- Creation of a satisfactory residential environment
- Highway / access arrangements
- Education contributions
- Noise nuisance

Observations

Principle of the development and design

Principle - The Government's current policy position is set out in PPG 3 (Housing) which advocates the re-use of brownfield land for residential use.

However, the principle of development is also only acceptable provided a satisfactory residential environment can be secured for both future occupiers and existing ones around the site. The Unitary Development Plan policies 6.6, 6.8 and 3.7 relate to providing a satisfactory residential environment; ensuring that schemes are well integrated into the existing pattern of settlement and surrounding land use and the protection of nearby uses from excessive noise, pollution and other environmental nuisance. In this location, the site is considered capable of providing both a satisfactory environment for future and existing residential occupiers and a new club house for its current members which through its layout and design features will be able to adequately operate as a neighbouring property without any detrimental impacts.

The density of the scheme of 14 dwellings on the site equates to a development of 46 dwellings per hectare (dph) **excluding** the clubhouse (0.3089 ha) or 31 dwellings per hectare (dph) **including** the clubhouse (0.4532 ha). This accords with both national and local policy.

Design - The materials to be used have been selected giving careful consideration to the existing surrounding buildings which consist of a variety of different colours, materials and textures. The roof tiles on the clubhouse will be slate grey whilst the roof tiles on the dwellings will be Tudor brown. A variety of contrasting bricks and stone cills are also proposed.

Therefore, it is considered the proposal will provide a satisfactory residential environment whilst ensuring that it is well integrated into the existing settlement patterns and will comply with local and national planning policy guidance.

Loss of bowling green/open space

Sport England have made a non-statutory objection to the loss of land which they consider to be capable of providing a valuable local sporting facility and contributing to the visual amenities of the area. However, they do not consider bowling greens to fall within their definition of a 'playing field'.

They suggest that the club has not undertaken an assessment in accordance with PPG17 in so far as the land being surplus to requirements.

However, information has been submitted which states that on the basis that this is a private club which can only be used by members that it can not be considered as a "valuable local sporting facility". Furthermore that existing registered members and new members will still have the ability to play on nearby existing bowling greens. They have also identified nine other bowling green facilities within a 3km radius of the club, not including Bentley Pavilion and St. Mary's Catholic Social Club which clearly shows that there would be sufficient existing provision in the local area and that the loss of one facility will not impact on local provision in the area or create a shortfall.

The finance from the sale of the land enables the new club to be built and consolidate its financial provision to stabilise it to remain as a valuable local community facility, which although private, can be joined on a membership basis. It does not furnish the club with excessive funding or enable contributions to be made to other facilities within the area. It is also considered that the development will improve the visual amenity of the area, by the loss of the current unsightly building further from properties at the rear of the site, and whose rooms are poorly planned internally and requires extensive refurbishment both internally and externally, as well as being improved from a noise attenuation point of view. There have been no objections received from the local community to the loss of this facility either as a bowling green or as open space which visually enhances the area, consequently its loss as a local sporting facility is not substantiated. Furthermore, this area does not have a shortfall in 'general' public open space provision, with the designated Reedswood Urban Open Space located 500metres to the north of the site.

Reedswood Park also used to have two bowling greens, however, these have not been used for many years and have fallen into disrepair, this could be a further indication that there is no demand in this locality for such facilities. Furthermore, and in addition to the above Bentley Pavilion, just over the motorway, currently has three greens however only two are currently being used by clubs, Barhale and Rubery Owen. It is the vacancy of the third green that Bentley Moor Club, which runs two bowling teams in the Willenhall & District Bowling League with 21 registered players, intend to use and relocate their teams to following the redevelopment of this site.

Whilst the existing private bowling green will be removed this will enable the redevelopment of the club which is currently in a poor state and will therefore allow for another form of community facility to continue. Therefore, the replacement community facility (clubhouse) and relocation of bowling teams complies with Policy LC8 of the adopted Unitary Development Plan in so far as there will not be any loss of either.

Creation of a satisfactory residential environment

There are two elements to this application : the residential development and the new clubhouse. The layout has been specifically designed so as to have minimal impact on surroundings and future residents.

Dwellings - The proposed development and design of the dwellings are considered to be in-keeping with the surrounding area and street scene which is generally a mixture of house types as well as alternative uses such as the adjacent Bentley Drive County Primary School and a general convenience store on the opposite corner of Friezeland Road. The east, south and western boundaries all adjoin, or are opposite residential dwellings.

The proposed houses have less than the required rear garden, 12.5 metres in length, standard. They are generally about 11 metres, though one is 10 metres and one is 9 metres. The latter exceeds the minimum area requirement of 63 sq. metres. The reduced rear garden space offers amenity areas which may be more appealing to some parts of the community which don't necessarily chose or desire to have gardens of such sizes.

The standard distance between habitable room windows is achieved.

I do not consider the reduced rear garden areas will be at the expense of the development being unacceptable and indeed Planning Policy Guidance aims to promote redevelopment of previously developed land for housing within urban areas and allow for some flexibility in the application of standards to achieve this.

Clubhouse - The new clubhouse will provide accommodation comprising of a lounge and function room with demountable partitions, a bar servery and bar area, snooker room, cellar and toilets. The roof space, with two dormer windows facing Bentley Drive will provide a meeting room and managers accommodation comprising of a lounge/dining room, kitchen, bathroom and 2 bedrooms. A private amenity area will also be provided for any future steward of the clubhouse.

The siting of the new clubhouse on the frontage of Bentley Drive is considered to provide the best option for future occupiers of the new dwellings and existing occupiers around the site. It focuses the clubs use to the front of the site, with its car park behind, and will therefore reduce the scope for nuisance, noise or disturbance from vehicles and pedestrians arriving and leaving the club. it will also improve the amenity of residents in Bentley Place as the club will be moved away from their rear boundaries.

Measures to ensure the protection of residents along Bentley Drive opposite the clubhouse, will be secured through suitable conditions.

The entrance to the car park will be gated with 2 metre high with fencing either side. This secures both the parking area and improves security to the rear of plots 8-14. Lighting to the car park will be low level to minimise impact on both existing and proposed residents amenities.

The design with hipped roof reduces the appearance of the building in the streetscene, it will simply look like a large bungalow which will be well integrated into the existing settlement.

Highway / access arrangements

Access to the site for the new residential units would be from a new driveway off Bentley Drive along the side of the relocated new clubhouse, this area is currently part of the large tarmaced car park fronting the existing clubhouse. Access in and out of the site will provide adequate pedestrian visibility splays and can accommodate two way traffic.

Residential parking is provided at a ratio of 200%.

The clubhouse would be provided with 22 car parking spaces, this will include designated stewards space and disabled parking spaces, this is in accordance with the Unitary Development Plan which would require a total of 18 spaces. Cycle stands are also provided.

Education contributions

There is a requirement to provide a financial contribution towards education to meet pressures on local schools. The applicants are prepared to enter into a Section 106 Agreement for this sum and have submitted a draft for consideration following a resolution to approve the proposed development.

Noise nuisance

Environmental Health have concerns about noise nuisance from the new clubhouse being in close proximity to residential properties. I do not concur with this assessment and I am of the opinion that the new build is more likely to be constructed in a more effective manner so as to provide better protection than that which already exists. This of course can be conditioned to require specifications such as acoustic insulation, noise attenuation measures, etc.

I also rely on the decision of Pollution Control not to raise concerns, as support for this position.

Conclusion

The principle of the use of the site for both residential and a new clubhouse is acceptable and will make a positive contribution to making more effective use of land within the urban area as promoted in PPG 3. Therefore, it is considered that the proposal will be in keeping with the character of the surrounding area and street scene, it will not be detrimental to the amenities of nearby properties and will comply with local and national planning policy guidance.

Recommendation: S106 Agreement and Grant Permission Subject to Conditions

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

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

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

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

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

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

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

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

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

Reason : To ensure the satisfactory appearance of the development.

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

Reason: To ensure the satisfactory appearance of the development.

7. Prior to development commencing, details of a noise insulation scheme for habitable rooms, including bedrooms of the dwellings and all areas of the new clubhouse, shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented to the satisfaction of the Local Planning Authority. Such measures shall take into account the guidance and criteria contained in British Standards BS8233 : 1999 Sound Insulation and Noise Reduction for buildings - Code of Practice and World Health Organisation Guidelines for Community Noise 1999 and shall be completed prior to the development coming into use.

Reason : To provide a satisfactory living environment and safeguard the amenities of future and existing occupiers.

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

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

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

Reason: In the interests of highway safety.

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

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

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

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

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

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

Reason : To ensure the satisfactory appearance of the development.



To: DEVELOPMENT CONTROL COMMITTEE

Report of Head of Planning
and Transportation
On 14 March 2006

REASON FOR BRINGING TO COMMITTEE: Major application

Application Number: 05/2474/FL/E4

Case Officer: Val Osborn

Application Type: Full application

Telephone Number: 01922 652487

Applicant: Derngate Property Developments
Ltd

Agent: Harc Design Bureau

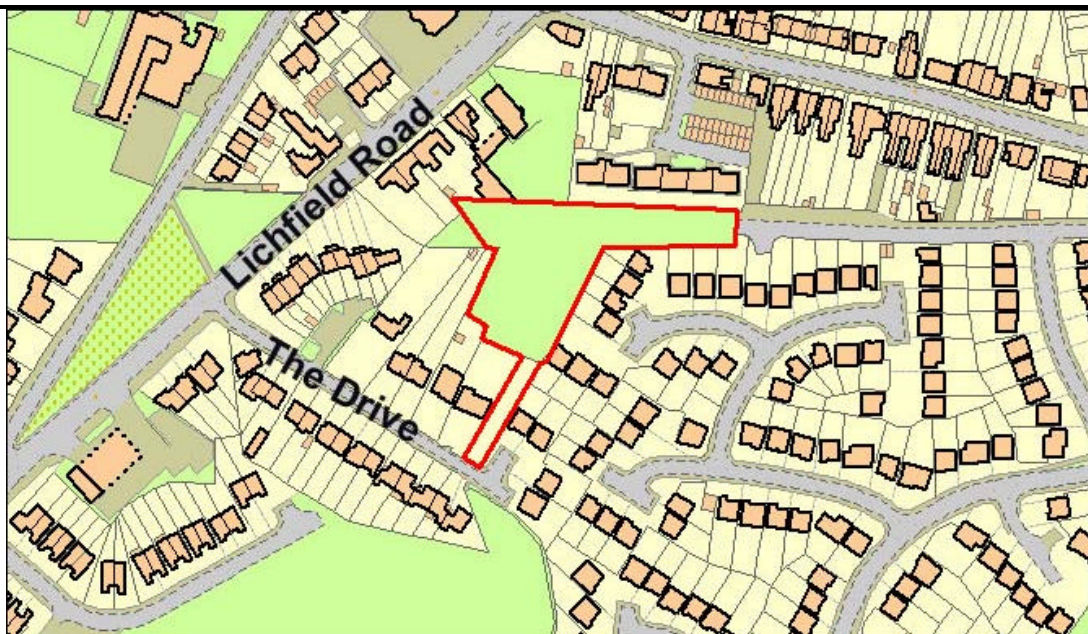
Proposal: Proposed development of Ten 3,4 &
5 Bed detached and semi detached houses and
associated access road, car parking provision
and private amenity areas

Location: LAND R/O 3-11 THE DRIVE
AND R/O, SPRINGHILL
CLOSE, WALSALL, SHELFIELD

Ward: Rushall-Shelfield

Expired: 21 March 2006

Recommendation Summary: Grant Permission subject to conditions



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Application and Site Details

Application 05/0035/FL/E4 granted permission for 8 houses at this site, with the provision that sprinklers are fitted to dwellings. This application arises because the developer wishes to complete the development without sprinklers and has revised the access from The Drive to Swan Pool Grove.

The application site lies between properties fronting The Drive, Lichfield Road, Spring Road and Stream Meadow, Shelfield. The northern part of the site was formerly the railway line for mineral workings and the remainder of the site is garden area of 11 The Drive.

Willow House, Maple House and Lilac House, off Spring Lane, are three storey blocks of flats which have a south facing aspect overlooking the site. A car park for Wesley Methodist Church adjoins in the north-west corner. The rear elevations of numbers 77-85 Lichfield Road, 4-16 Stream Meadow, and 3-11 The Drive overlook the site.

Access would be from Swan Pool Grove extending to serve 9 dwellings in the cul de sac. It is proposed to site one dwelling between 11 and 15 The Drive, with access from The Drive.

The application is for full planning permission for the erection 10 dwellings comprising three 3 bed semi-detached, five 4 bed, one 5 bed and one 3 bed detached dwelling, as two storey development with frontage driveways. Plots 2-6 have integral garages. The design features two storey gable projections on front elevations and windows on south facing aspects are larger, improving passive solar gain.

The density of the proposed development would be 25.6 dwellings per hectare.

Relevant Planning History

05/0035/FL/E4 - 8 houses with access from The Drive. Granted subject to conditions 3 March 2005.

05/1726/FL/E4 - 8 houses with emergency access form The Drive, refused for the following reason;

The proposed emergency access road would be unacceptably intrusive by reason of its close proximity to neighbouring properties at Maple House, Willow House and Lilac House. As such, the emergency access is contrary to policies 2.2, GP2, GP7, ENV32 and H10 of Walsall 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)

Unitary Development Plan

Policy 2.2 - Creating, sustaining and enhancing a high quality natural and built environment throughout the Borough, including a high standard of design.

Policy GP2 - All developments to make a positive contribution to the quality of the environment and the principles of sustainable development.

Policy GP3 - Planning obligations to be used to secure open space provision

Policy 3.6 - Development schemes should help to improve the Borough.

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

Policy ENV10 - development will not be permitted if the health, safety or amenity are adversely effected.

Policy ENV14 - encourages the reclamation of derelict land.

Policy ENV32 (b) considers design and poorly designed schemes will not be permitted.

Policy 3.116 Good design should be a feature of all development

Policy ENV 33 - refers to good landscape design.

Policy 3.117 Landscape design is an integral part of good design.

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

Policy H10 - schemes should create a high quality living environment.

Transport Strategic Policy Statement - all transport proposal should be sensitive to the environment;

Policy T13 sets out parking standards

1,2 and 3 bedroom houses 2 spaces per unit, 4 bedrooms and above 3 spaces per unit.

Policy 8.8 - residential development will be required to contribute to educational facilities.

Residential Development Standards

- a minimum rear garden length of 12 metres;
- minimum separation of 24 metres;
- minimum of 13 metres between habitable room windows and blank walls exceeding 3 metres in height.

National Policy

Planning Policy Statement 1 advises that good design should contribute positively to making places better for people and high quality, inclusive design for the lifetime of the development, considering the direct and indirect impacts on the natural environment.

Planning Policy Guidance Note 3: Housing; Aims to achieve more efficient use of land without compromising the quality of the environment. However new development 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 - comments awaited

Pollution Control - requirements for ground contamination surveys and reports, as included in the recommendation.

Fire Service - Satisfactory access.

Environment Agency - No comments received.

Energis - plant unaffected.

Central Networks - no objections.

National Grid - equipment unaffected.

CENTRO - No objections. There are several frequent bus services operating on Lichfield Road which is within walking distance of the development.

Severn Trent - No objections, subject to conditions as included in the recommendation.

Education Walsall - a financial contribution towards making good the shortfall in education capacity in the area, will be required.

Representations

Two letters received object on the following grounds;

- The loss of privacy for the occupiers of Willow, Lilac and Maple House.
- The impact of noise and disturbance for the occupiers of Willow, Lilac and Maple House caused by the access road;
- The loss of an area of open space, which provides a valuable natural habitat;
- The threat to the laurel hedge which screens gardens at the three storey flats;
- The construction of a dwelling close to 11 Stream Meadow would have detrimental affects upon the property and request a brick wall boundary to reduce noise levels.

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

Determining Issues

- Acceptability of layout and design
- Impact on the amenity of occupiers of nearby housing
- Adequacy of access - Highway safety

Observations

Acceptability of Layout and Design

In approving the previous similar scheme 05/0035/FL/E4, Committee recognised the constraints of the irregular shape of the site and the need to secure a good relationship with surrounding properties limits the capacity of the site to achieve a high density, as recommended in Policy Guidance Note 3. It is considered that the overall layout is representative of the established character of the area and the density is therefore considered acceptable.

The dwelling between 11 and 15 The Drive would replace the access point approved in 05/0035 and appear satisfactory in the street scene. It would have a satisfactory relationship with adjacent properties.

Impact on Amenity

The layout complies with the requirements of the Residential Development Standards for space about dwellings.

There are no habitable room windows in the side elevation of plot 10, which faces Maple House and which will be 14m at its closest point, to the south.

In respect of the laurel hedge on the boundary with Maple House and the site, the hedge is outside the application site. However the plans provide for planting to reinforce the hedge on the application site.

The side boundary between 11 Stream Meadow and the application site is annotated on the proposed plans to be a 1.8m high close boarded fence, with planting. A landscape scheme would be required by condition to ensure the boundary is effectively planted so as to secure amenity in this new street front relationship.

Adequacy of access

West Midlands Fire Service is satisfied with access from Swan Pool Grove and its design and construction would be subject to conditions, as in the recommendation.

Access for the scheme has been designed to allow adequate turning for refuse collection vehicles.

Access from Swan Pool Grove will be 4.2m wide, a width that is considered appropriate to reduce the speed of vehicles entering the site and to satisfy visibility concerns for garage access at the entrance to the site.

Open Space

The applicant has agreed to enter into a 106 agreement for a financial contribution towards making good the shortfall in education capacity in the area.

Recommendation; Grant subject to conditions and the completion of a 106 agreement in respect of Education contributions;

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

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

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

Reason: To ensure the satisfactory appearance of the development.

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

Reason: In the interests of the amenity and to ensure the retention of the trees.

4. No development shall be carried out until a detailed landscaping scheme for the site, providing for the retention and consolidation of the existing hedgerow on the northern boundary, and the proposed planting on the access road, has been approved in writing by the Local Planning Authority. The landscape scheme shall provide details of the proposed surface treatments for new driveway areas and the treatment of boundaries thereto. The approved scheme shall be implemented within 12 months of any part of the development

being brought into use, or such other period as may be agreed in writing by the Local Planning Authority.

Reason: To ensure the satisfactory appearance of the development.

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

Reason: To ensure the satisfactory appearance of the development.

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

Reason: To ensure the satisfactory appearance of the development.

7. A 1.5 metre high chestnut paling fence or other suitable structure shall be erected to the full extent of the canopy of each tree, group of trees or hedge to be retained, as indicated on the submitted plans, or to such other distance as the Local Planning Authority agree in writing, before commencement of any part of the development. The fence shall be retained until the development is entirely complete and the land so enclosed shall be kept clear of all contractor's materials and machinery at all times.

Reason: To safeguard the trees identified in the approved plan of the site for retention.

8. 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 at the site as identified for retention.

9. None of the existing trees on the site or the boundary hedgerows 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.

10. 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 ensure the satisfactory provision of off-street parking.

11. The boundary treatment shown on the approved plans shall be carried out before this development is brought into use and shall be thereafter retained.

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

12. The development shall not be brought into use until the access road, vehicular turning area and garage parking have been provided as shown on the approved plans.

Reason ; In the interests of highway safety

13. A ground gas/ contamination survey and site investigation approved in writing by the Local Planning Authority shall be undertaken before development commences.

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

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

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

15. No development shall take place until the site validation statement, detailing the remedial measures undertaken to address ground contamination and ground gases, has been approved in writing by the Local Planning Authority, and shall be implemented to the satisfaction of the same. The site validation report should contain substantiating data, together with details and justifications of any changes from the original remediation report.

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

16. No development shall commence until details for the disposal of surface water and foul sewage have been submitted to and approved in writing by the Local Planning Authority and the works shall only be carried out in accordance with those details so approved.

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

17. No development shall commence until details of the form of construction, layout including dimensions, gating and signing, of the emergency access road have been submitted to and approved by the Local Planning Authority.

Reason: In the interests of the amenity of the occupiers of nearby dwellings.

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 3.6, 3.16 and 3.7, GP2, ENV34 of Walsall Unitary Development Plan and, on balance, having taken into account all material planning considerations, the proposal is acceptable.

Notes for applicant

The Land Contamination and gas survey should have regard to the advice and guidance contained in Planning Policy Guidance Statement 23 - Planning and Pollution Control : British Standard BS 10175: 2001 ' Investigation of potentially contaminated sites - Code of Practice ' ; British Standard BS 5930:1999 ' Code of Practice for site investigations'; Waste Management Paper No 27 ' Landfill Gas' and The Contaminated Land Exposure Assessment (CLEA) Model 2002 or any relevant antecedents of such guidance.

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

Recommendation: Grant Permission subject to conditions

Recommendation; Grant subject to conditions and the completion of a 106 agreement in respect of Education contributions;

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

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

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

Reason: To ensure the satisfactory appearance of the development.

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

Reason: In the interests of the amenity and to ensure the retention of the trees.

4. No development shall be carried out until a detailed landscaping scheme for the site, providing for the retention and consolidation of the existing hedgerow on the northern boundary, and the proposed planting on the access road, has been approved in writing by the Local Planning Authority. The landscape scheme shall provide details of the proposed surface treatments for new driveway areas and the treatment of boundaries thereto. The approved scheme shall be implemented within 12 months of any part of the development being brought into use, or such other period as may be agreed in writing by the Local Planning Authority.

Reason: To ensure the satisfactory appearance of the development.

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

Reason: To ensure the satisfactory appearance of the development.

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

Reason: To ensure the satisfactory appearance of the development.

7. A 1.5 metre high chestnut paling fence or other suitable structure shall be erected to the full extent of the canopy of each tree, group of trees or hedge to be retained, as indicated on the submitted plans, or to such other distance as the Local Planning Authority agree in writing, before commencement of any part of the development. The fence shall be retained until the development is entirely complete and the land so enclosed shall be kept clear of all contractor's materials and machinery at all times.

Reason: To safeguard the trees identified in the approved plan of the site for retention.

8. 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 at the site as identified for retention.

9. None of the existing trees on the site or the boundary hedgerows 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.

10. 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 ensure the satisfactory provision of off-street parking.

11. The boundary treatment shown on the approved plans shall be carried out before this development is brought into use and shall be thereafter retained.

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

12. The development shall not be brought into use until the access road, vehicular turning area and garage parking have been provided as shown on the approved plans.

Reason ; In the interests of highway safety

13. A ground gas/ contamination survey and site investigation approved in writing by the Local Planning Authority shall be undertaken before development commences.

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

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

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

15. No development shall take place until the site validation statement, detailing the remedial measures undertaken to address ground contamination and ground gases, has been approved in writing by the Local Planning Authority, and shall be implemented to the satisfaction of the same. The site validation report should contain substantiating data, together with details and justifications of any changes from the original remediation report.

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

16. No development shall commence until details for the disposal of surface water and foul sewage have been submitted to and approved in writing by the Local Planning Authority and the works shall only be carried out in accordance with those details so approved.

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

17. No development shall commence until details of the form of construction, layout including dimensions, gating and signing, of the emergency access road have been submitted to and approved by the Local Planning Authority.

Reason: In the interests of the amenity of the occupiers of nearby dwellings.

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 3.6, 3.16 and 3.7, GP2, ENV34 of Walsall Unitary Development Plan and, on balance, having taken into account all material planning considerations, the proposal is acceptable.

Notes for applicant

The Land Contamination and gas survey should have regard to the advice and guidance contained in Planning Policy Guidance Statement 23 - Planning and Pollution Control : British Standard BS 10175: 2001 ' Investigation of potentially contaminated sites - Code of Practice ' ; British Standard BS 5930:1999 ' Code of Practise for site investigations'; Waste Management Paper No 27 ' Landfill Gas' and The Contaminated Land Exposure Assessment (CLEA) Model 2002 or any relevant antecedents of such guidance.

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



To: DEVELOPMENT CONTROL COMMITTEE

Report of Head of Planning
and Transportation
On 14 March 2006

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

Application Number: 06/0007/FL/E9

Case Officer: Barbara Toy

Application Type: Full application

Telephone Number: 01922 652429

Applicant: Mr Mark Daniels

Agent: RMS Designs

Proposal: Change of use from open public
land to private garden

Location: 209, BIRMINGHAM
ROAD, WALSALL, WEST
MIDLANDS, WS1 2NX

Ward: Paddock

Expired: 10 April 2006

Recommendation Summary: Grant Permission subject to conditions



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Application and Site Details

The application is for the incorporation of a rectangular area of land (5.5m x 4.5m) at the end of a vehicle access drive, into the private garden of 209 Birmingham Road.

The access drive is situated to the rear of 209-227 Birmingham Road, with highway access adjacent to 288 Broadway North to the north. The driveway provides access to garages within the rear gardens of the houses and is bounded to the north by the garden of 288 Broadway North. Part of the land to the rear of 209 is already within their private ownership and forms part of the rear garden of the house. The area proposed under this application would complete the area to the rear of 209.

A similar access drive exists adjacent to 191 Birmingham Road, to provide access to the rear of 191 - 207 Birmingham Road.

It is proposed to enclose the land as part of the private garden of 209 with a 2m high wooden fence.

Relevant Planning History

06/0008/FL/H7, current householder application for a 2 storey side and rear extension and new basement to existing house.

Relevant Planning Policy Summary

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

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

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

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

Policy ENV32 - Design and Development Proposals, poorly designed development which fails to take into account the context or surroundings will not be permitted. Policy 3.116 Good design should be a feature of all development.

Policy T4 - The Highway Network (b) District Distributors, states that street parking and direct frontage access will be strictly regulated.

Consultations

Transportation - No objections.

Fire Officer - No access issues.

Representations

1 letter of objection received from the occupier of 207 Birmingham Rd. 207 confirm that they have maintained the area of land, the subject of this application as their own garden for over 40 years and feel that they should be the ones with the right to purchase it.

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

Determining Issues

The determining issues here:

- Whether the proposals would have any adverse impact on the character and appearance of the surrounding area
- Whether the proposals would have any adverse impact on the access to off street parking.

Observations

The area of land the subject of this application is currently owned by the Council, but has been fenced off as part of the rear garden of 207 Birmingham Road for a number of years. The applicant (209) has now applied to purchase the land.

It is considered that the proposals would have no adverse impact on the character and appearance of the surrounding area as little change would be made.

This section of Birmingham Road forms part of the Borough's district distributor route, leading to the A34 part of the Strategic Highway Network. The road is therefore a busy commuter route with restricted on street parking.

209 is a large semi detached house with an existing footway crossing onto Birmingham Rd, with a front driveway parking area and a single storey side garage. The rear access drive is therefore not required for off street parking provision for No.209.

Nos. 207 and 211 also have footway crossings and frontage parking, however, these are the only properties within the block (191 - 227) with this facility. All the other houses within the block use the rear access drive for off street parking and access to rear garages.

Whilst the land currently forms part of the rear garden of 207 Birmingham Rd, the land remains in the ownership of Walsall MBC. It is the applicant, the owner of 209 Birmingham Rd who has applied to purchase the land from the Authority. Estate Management have written to the occupiers of 207 Birmingham Rd regarding their unauthorised occupation of the land.

The proposed inclusion of the land into the rear garden of 209 would formalise ownership and boundaries and would have no adverse impact on the availability of access to off street parking provision for the surrounding residents.

Recommendation: Grant Permission subject to conditions

That planning permission is granted subject to the following conditions:

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

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

- 2) No development shall be carried out until full details of the proposed boundary treatment of the site have been submitted to and approved by the Local Planning Authority. 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) The works hereby approved shall only be carried out in accordance with the amended plan dated 13th February 2006.

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

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, ENV32 and T4 of Walsall's Unitary Development Plan, and, on balance, having taken into account all material planning considerations, the proposal is acceptable.

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



To: DEVELOPMENT CONTROL COMMITTEE

Report of Head of Planning
and Transportation
On 14 March 2006

REASON FOR BRINGING TO COMMITTEE: Major Application

Application Number: 06/0142/FL/W2

Case Officer: Marilyn Kowalski

Application Type: Full application

Telephone Number: 01922 652488

Applicant: Urban Exposure

Agent: Moren Gregory

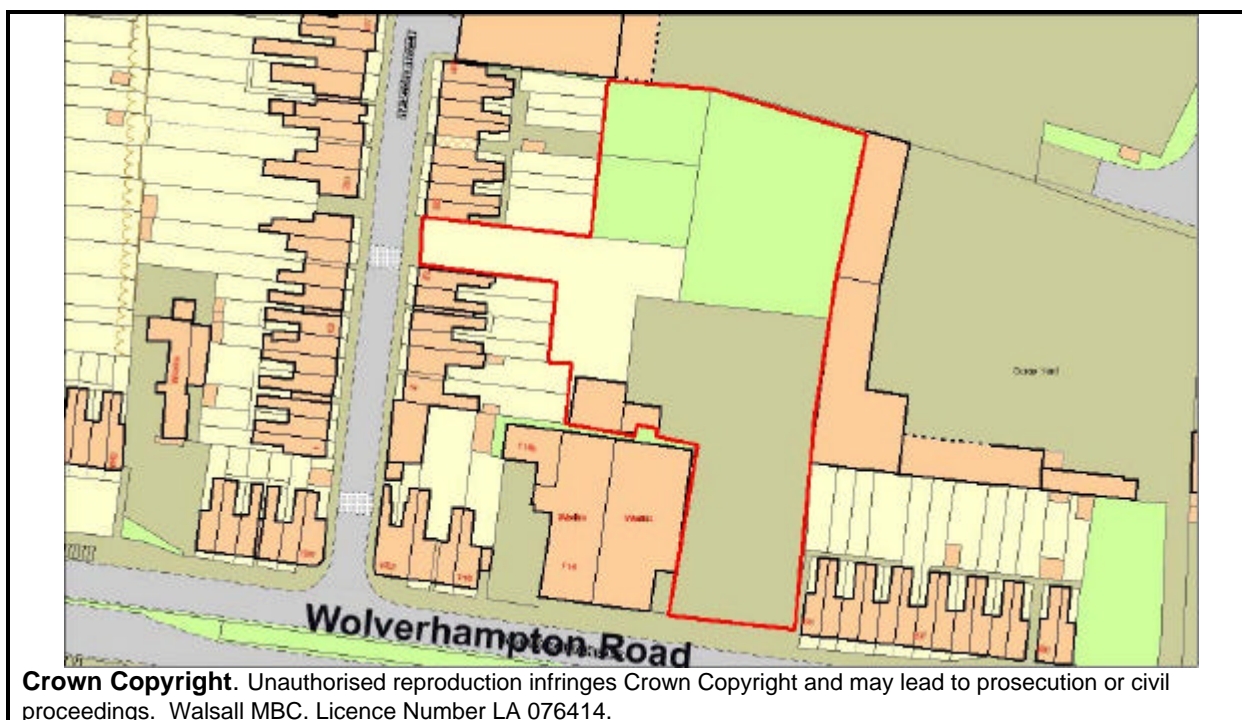
Proposal: Construction of 63 no. 1, 2 & 3 bedroom homes with associated parking and landscaping

Location: AVONMORE
DAIRY, RALEIGH
ROAD, WALSALL, WEST MIDLANDS

Ward: Pleck

Expired: 01 May 2006

Recommendation Summary: S106 Agreement and Grant Permission Subject to Conditions



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Application and Site Details

Outline planning permission for residential development has already been granted for the site. All matters were reserved for future approval. A further application for full planning permission was refused by your committee last year, an appeal decision is pending on that application.

This application is for the construction of 63 one, two and three bedroom homes in 3 main blocks (A, B and C) plus a small building (block D) at the Raleigh Street entrance to the site. Block A is an 'L' shaped block of primarily 3 storeys with a number of dwellings in the roof area, located in the north eastern corner of the site. Block B is 3 storey in height with dormer windows forming the third floor of the building. Block C, is 3 storeys in height and is located to the rear of terraced properties in Raleigh Street. Block D is the same height as the adjoining building (no 20 Raleigh Street) but has 3 floors facilitated by a dormer window within the roof. Blocks B and C have balconies which face towards the central amenity area on several apartments, building B contains apartments with balconies on both front and rear elevations.

The plan indicates 80 spaces have been provided for 65 units. This equates to 125%.

The development provides approximately 119 dwellings per hectare (previously 123). An inner landscape area would be provided to meet amenity standards.

Relevant Planning History

03/2150/OL/W5 Outline: residential development Grant Subject to Conditions 29/12/2003

04/2710/FL/W2 Construction of 65 one, two and three bedroom apartments with landscaping and parking refused 29th June 2005 APPEAL DECISION PENDING

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

The UDP promotes good development, it seeks to protect employment and employment land and create good residential environments. It makes no site specific allocations. The following policies are of particular relevance to the consideration of the application.

Policy H3: Windfall Sites and Conversion of Existing Buildings

(a) The Council will encourage the provision of additional housing through the re-use of brownfield windfall sites and through the conversion of existing buildings, including vacant dwellings and the upper floors above shops and other business premises, provided that:-

- I. A satisfactory residential environment can be achieved, taking into account the considerations set out in Policy ENV11.
- II. There is no overriding need for the land or buildings to be retained for employment or any other use.
- III. The proposal would have good accessibility by a choice of means of transport and be well related to schools, shops and other social and community facilities.

- IV. Residential development would not unacceptably constrain the development of any adjacent site for its allocated or identified use.
- V. The proposal is acceptable in terms of other policies of the Plan.

(b) When considering proposals for the conversion of appropriate buildings into dwellings the Council will be flexible in the application of standards for parking and amenity space.

Paragraph 3.6 requires re-development schemes to contribute in terms of their layout, design and landscaping towards the environmental improvement of the area.

Paragraph 6.3 advocates a sequential approach maximising the reuse of previously developed sites with good accessibility utilise physical and social infrastructure and take account of physical and environmental constraints where a satisfactory residential environment can be provided.

Paragraph 6.5 addresses meeting housing needs including the need for affordable housing (the latter is also addressed in H4).

Policy 7.8 aims to encourage walking.

Policy T13 sets out Council car parking standards.

Residential Design Standards have now been adopted.

National Policy

Planning Policy Guidance 3 : Housing sets out the Government's objectives for new housing development and is material to the determination of applications and appeals. Those objectives include :

- ~ planning to meet the housing requirements of the whole community, and provision of wider housing opportunity and choice in terms of house types and location;
- ~ giving priority to the re-use of previously developed land;
- ~ creation of more sustainable patterns of development;
- ~ the more efficient use of land through review of planning standards;
- ~ place the needs of people before ease of traffic movement and reduce car dependence by facilitating more walking and cycling, by improving linkages by public transport between housing, jobs, local services and local amenity.
- ~ promotion of good design.
- ~ a more flexible approach to development plan standards with regard to densities, car parking, amenity space and overlooking'.
- ~ can accept higher density in Town Centre or transportation corridors.

Planning Policy Guidance 24 : Planning and Noise gives guidance on suitability of sites for a number of uses.

Consultations

Transportation - There are no transportation objections to the proposals subject to the imposition of conditions relating to visibility splays, modification of the existing road hump in Raleigh Street, location of bin store and operation / management of the proposed gates.

Pollution Control - The main concern of the Pollution Control Division is that the proposed development is located in an area of the Borough that suffers from a high noise climate due to the activities of Harvestime Bakery and Walsall Iron and Steel scrapyard. Habitable rooms facing these noise sources have openable windows. Future occupants of these rooms would be subject to a level of noise that would constitute a statutory nuisance pursuant to the Environmental Protection Act 1990 should windows be opened whilst adjacent works are operating. This would leave no option to the Local Authority than to serve notice on adjacent works to restrict their works. The Council's position may be compromised in the event of any legal proceedings or judicial review if we do not satisfactorily address noise as a material planning consideration. Where suitable amenity cannot be demonstrated in respect of noise climate in habitable rooms or on balconies, the balcony should be removed and windows sealed. The applicant will need to carry out a further noise assessment to adequately address the acoustic protection required, particularly for the upper floors of the development. It should be demonstrated that the internal noise climate of all habitable rooms will not exceed that recognised by British Standards. In such circumstances the application should be conditioned appropriately.

Conditions relating to ground contamination, noise, and ventilation were suggested previously.

Fire Service - No objections

Education Walsall - No justification for any requirement for a financial contribution towards educational facilities under S106.

Education - No need for developer contributions.

National Grid - Not affected.

Representations

I have not received any representations at the time of writing.

Determining Issues

- Density
- Parking/transportation
- Design / Environmental issues
- Affordable housing

Observations

Density

PPG3 (Housing) advocates the efficient use of land and a greater intensity of development at places with good public transport or around major nodes along good quality public transport corridors. The scheme is in such a location and can therefore be supported in terms of density. The scheme gives a density of approximately 119 units per hectare, which is in keeping with other residential developments which have been approved in the vicinity of the site.

Parking/Transportation

The accommodation comprises 32 x 1 bed, 26 x 2 bed and 5 x 3 bed flats. To comply with maximum parking standards for unallocated parking in the UDP, 95 parking spaces should be provided. The plan indicates 80 spaces will be available. This equates to 125%. Given the number of 1 bed units and the location of the site in relation to the town centre and public transport, this is considered acceptable. The location of the access requires modification / relocation of an existing traffic calming feature. This must be completed to the satisfaction of the LPA before the development is brought into use.

I feel that the location of the bin store is not acceptable, I therefore suggest a condition for further details to be submitted.

Some plans show the provision of gates, others do not. If gates are to be provided, details of the proposed operation and management of the gates are needed, I have suggested a condition.

The location of the access requires modification / relocation of an existing traffic calming feature, I have suggested a condition.

Design / Environmental Issues

The scheme meets the standards set out on the newly adopted Residential Design Standards.

For a residential development to work on this site it is essential that a high standard of amenity is created for future residents and existing surrounding residents. The two main identified sources of noise are the existing scrap yard and bakery. The relationship between future occupiers and these uses needs to be carefully assessed. This was a key issue at the outline stage, and the approval was given in full knowledge.

The boundaries of the site do not provide a pleasant outlook for development i.e. to the east is a scrap yard, to the north a bakery and to the south, the Wolverhampton Road and the backs of two shops. The development has therefore been designed, in the main, as an inward looking scheme within this high density urban area.

The previous application 04/2710/FL/W2 was refused on the grounds of being out of character with the surrounding area and being over dense. The intention of this application is to overcome the reasons for refusal. Flat roofs have been replaced by pitched roofs and the upper floors of all the buildings have been accommodated in the roof space. The elevations show traditional building materials interpreted in a contemporary manner and built using modern building techniques. The detailing on the windows, doors, balconies, eaves etc. is designed to ensure the contemporary approach is combined with more vernacular proportions.

As before, the scheme has been designed to avoid overlooking of adjacent residential properties or rear gardens of existing development. It does however still include a few habitable windows which overlook the adjoining commercial uses. Pollution Control and Environmental Health have suggested a condition previously which will ensure that if, following monitoring under recommended standards, a higher rating level than acceptable is recorded then the balcony in these cases will be omitted and this small number of windows sealed. I have proposed such a condition.

A good amenity area has been provided in the central court area which is sheltered from the surrounding harsher environment. The Police liaison officer has commented that the amenity area could be improved by being defined in a clearer way to engender a feeling of ownership. I have therefore suggested a condition requesting amendments to facilitate this.

The scheme includes a mix of 1, 2 and 3 bedroom flats. This increases housing diversity and choice, improving the sustainability of the scheme and provides an improved level of housing mix in the area.

Although no representations have been received to date, on this application, previously, the occupier of no. 74 Wolverhampton Road expressed concern about the retention of the existing gate to the side of his property and the retention of a secure boundary with the development. I have suggested a condition to address this concern.

Affordable housing

The policy base (national and local) identifies there are legitimate needs for this provision. Policy H4 sets a requirement for 25% of a site to be in this form.

The policy recognises that sites can be expensive to develop and that this may be a reason to reduce the affordable provision. In this case extenuating circumstances exist in the sense that the site was purchased before the requirement for affordable housing was necessary, and the application, which is going through the appeal process, was submitted before the affordable housing policy was adopted. If the appeal is allowed, no affordable housing will be necessary. However, the applicant acknowledges the current requirement for affordable housing and is offering 19% (i.e. all 12 units in block B). This is the main block which contains all five of the 3 bedroom properties in the scheme. Registered Social Landlords and the housing officer favour the larger family units and I therefore support this option.

I have recommended approval subject to a section 106 agreement. The preparation of the agreement would include a process of defining precisely the level of affordable housing, which would be required.

Conclusion

The site is currently unused and is in a semi derelict and overgrown state. I am of the view that the scheme will reinforce the local streetscape attractive and of high quality that will enhance the local area, reflecting local character, and will help to regenerate the local environment

Recommendation: S106 Agreement and Grant Permission Subject to Conditions

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

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

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

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

3. No development shall be carried out until full details of the proposed boundary treatment of the site have been approved in writing by the Local Planning Authority. The submitted scheme shall include measures to ensure the continued security of 74 Wolverhampton Road where this is reduced by demolitions on the site. The submitted scheme shall include any internal site divisions. The approved scheme shall be implemented before the development is brought into use and shall be thereafter retained.

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

4. No development shall be carried out until a schedule of facing materials to be used in external walls and roofs have been submitted to and approved in writing by the Local Planning Authority.

Reason : To ensure the satisfactory appearance of the development.

5. No development shall be carried out until details of the relocation of the existing traffic calming feature and modification of the location of access to the site at Raleigh Street have been submitted to and approved in writing by the Local Planning Authority, and the approved details have been implemented, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety.

6. No development shall be carried out until full details of the proposed amenity area have been submitted to and approved in writing by the Local Planning Office. The submitted details must show:-

- the fire service route through the communal green space in the central area of the site to be surfaced in 'Grasscrete' or other paving to suit this function to the space is shared with residents;
- the fire service route shall have a minimum width of 3.1m and be capable of taking 12.5 tonne vehicles and having adequately sized bends to allow a fire appliance to travel all the way around building 'C';
- details and position of a sign saying 'Fire Service Access Road' to control use of the fire access route

and should seek to promote a feeling of ownership for the residents. The approved details shall be implemented and completed before occupation of the first dwelling on the site, unless otherwise agreed in writing by the Local Planning Authority. The 'communal green space' area shall be thereafter retained and used for no other purpose unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure fire service access to the building and to ensure the proper functioning of that route, and to ensure that a useful amenity space is provided which is designed to minimise crime and antisocial behaviour.

7. No development shall be carried out until a detailed landscaping scheme for the site,

has been approved in writing by the Local Planning Authority. The 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 period of time as may be agreed in writing by the Local Planning Authority

Reason : To ensure the satisfactory appearance of the development.

8. No development shall be carried out until a scheme for external lighting has been submitted to and approved by the Local Planning Authority and the lights shall be installed before occupation of the first dwelling on the site, and thereafter retained, all in accordance with the approved details.

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

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

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

10. No development shall be carried out until a protocol to ensure that the immediately surrounding highways are not adversely affect by the accidental deposition of materials from vehicles leaving the site in connection with the construction phase. (this may involve the use of a wheel wash, road sweepers, etc.) has been submitted to and approved in writing by the Local Planning Authority.

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

11. No development shall be carried out until details of the proposed operation and management of any gates to the site (including details of an override facility to allow access for fire appliances at all times) have been submitted to and approved in writing by the LPA before the development is brought into use. The approved details (if any) shall be implemented and completed before any dwelling on the site is occupied, and shall be thereafter retained. No other gates controlling vehicle entry to the site shall be installed on the site at any time.

Reason: To ensure the satisfactory functioning of the vehicle access.

12. No development shall be carried out until details of the following have been submitted to and approved in writing by the Local Planning Authority:

- (a) a specification for a ground contamination survey and site investigation to assess the likely hazards of all identified contamination on the site to the proposed development (and its future occupants), resulting from the presence of potentially toxic materials and the emission of toxic, flammable and asphyxiant gases. and having regard to appropriate advice and guidance, particularly that contained in British Standard BS10175:2001 'Investigation of potentially contaminated sites - Code of

Practise'; British Standard BS5930:1999 'Code of Practice for site investigations'; Waste Management Paper No. 27 'Landfill Gas'; and the Inter-Departmental Committee on the redevelopment of Contaminated Land' document ICRCL 59/83: Second Edition 1987 'Guidance on the Assessment of Contaminated Land', Contaminated Land Exposure Assessment (CLEA) model shall be approved in writing by the Local Planning Authority.

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

(c) The results of the ground contamination survey and site investigations, together with a report setting out proposed remedial measures to deal with any identified and potential hazards arising from any land contamination, and a timescale for their implementation in relation to the development of the site, have been submitted to and approved in writing by the Local Planning Authority.

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

The ground contamination survey and phased site investigation carried out on the site shall be made in reference to current standards and best practice such as British Standard BS10175:2001 'Investigation of potentially contaminated sites - Code of Practice'; British Standard BS5930:1999 'Code of practice for site investigations'; Waste Management Paper No. 27 'Landfill Gas'; Environment Agency, NHBC 'Guidance for the Safe Development of Housing on Land Affected by Contamination' R and D Publication 66, 2000; and the Contaminated Land Exposure Assessment Model (CLEA) 2002 (and other relevant documents as this is not an exhaustive list).

Reason : To ensure the satisfactory development of the site.

13. Prior to development commencing, a noise survey shall be undertaken in accordance with guidance and procedures contained in Planning Policy Guidance PPG 24 and British Standard BS 7445:1991 'Description and Measurement of Environmental Noise' to the written satisfaction of the Local Planning Authority. The results of the survey, including details of all instrumentation used, prevailing weather conditions and traceable calibration tests shall be submitted to the Local Planning Authority within 1 month of completion. At all times noise measurements shall be conducted with a microphone windshield in use and preferably under the following conditions:

- Where a noise measurement position is more than 50 metres from the relevant building(s), item(s) of plant or other noise source(s), a positive wind component of up to 2 metres per second velocity towards the microphone is desirable.
- Where a noise measurement position is between 25 and 50 Metres from the relevant building(s), item(s) of plant or other source(s), either calm or a positive wind component of up to 2 metres per second velocity towards the microphone is desirable.
- Where a noise measurement position is within 25 metres from the relevant building(s), item(s) of plant or other noise source(s), calm or no wind direction is desirable.
- Where sound measurements can not be undertaken for practical or physical reasons, they should be conducted at an alternative location agreed in writing with the Local Planning Authority.

- Microphone orientation shall be towards the relevant building(s), item(s) of plant or other noise source(s) being assessed as appropriate; microphone height should be between 1.2 and 1.5m above ground level to assess noise in ground floor rooms. Microphone height shall be increased accordingly to assess noise at other storeys
- Sound level measuring instrumentation 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' and/or BS EN 61672: 2003 'Electroacoustics - Sound level meters - Part 1: Specifications' (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.
- Prior to and after all measurements of noise instrumentation shall be calibrated by means of a known acoustical reference source in accordance with the manufacturers instructions.

No development shall take place until suitable noise mitigation measures to protect internal and external areas in the form of boundary noise treatment and/or a noise insulation scheme for all habitable rooms in close proximity to noise sources has been submitted in writing to, and approved by, the Local Planning Authority. [For the purpose of this condition habitable rooms shall be considered to be bedrooms and lounge areas.]

Reason : To safeguard the amenities of the occupants and to ensure noise measurements are carried out in a satisfactory manner, under satisfactory conditions

14. In respect of balconies and openable windows, the impact of noise generated from adjacent commercial units will need to be monitored and assessed in accordance with British Standard BS4142:1997 'Method for Rating industrial noise affecting mixed residential and industrial areas'. Where a rating level above background noise is more than 5 as determined with that standard, a level considered to be of '*marginal significance*', then the balcony shall be omitted and windows sealed.

Reason : To safeguard the amenities of the occupants.

15. Unless otherwise agreed in writing by the Local Planning Authority, prior to development commencing details of secure cycle storage facilities shall be submitted to and approved in writing by the Local Planning Authority, the agreed scheme shall be implemented before the development hereby permitted is brought into use, and thereafter retained.

Reason: To ensure the satisfactory provision of cycle storage facilities shall be agreed in writing by the Local Planning Authority and the agreed scheme shall be implemented prior to the development being brought into use, and thereafter retained.

16. Prior to development commencing revised details of the location of bin storage facilities shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the satisfactory functioning of the development.

17. Prior to development commencing the method of ventilating rooms shall be agreed in writing by the Local Planning Authority and the agreed scheme shall be installed prior to the development being brought into use, and thereafter retained.

Reason : To safeguard the amenities of the occupants.

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

Reason: To safeguard the amenity of the area.

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

Reason: To ensure the satisfactory functioning of the development.

20. The vehicular visibility splays of 2.4m by 60m at the junction of the access road with Raleigh Street shall be maintained and be kept clear of any obstructions over 600 millimetres in height from carriageway level.

Reason: In the interests of highway safety.

21. All planted and grassed areas and associated protective fencing will be maintained for a period of 5 years from the full completion of the scheme approved under condition 7. Within this period:

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

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

- A. Responsibility and subsequent liability for safe development and secure occupation rests with the developer and/or landowner. Although the Local Planning Authority has used its best endeavours to determine the application on the basis of the information available to it, this does not mean that the land is free from instability or contamination, or other constraints.

- B. In cases where the question of stability or contamination has been a material consideration resolution of these issues does not necessarily imply that the requirements of any other controlling authority would be satisfied, and the granting of planning permission does not give a warranty of support or stability or of freedom from contamination.
- C. The boundary treatment necessary to comply with condition 3 should ensure there is a secure boundary between adjoining properties and the application site.
- D. Careful consideration needs to be given to the frontages of the development at ground floor level possibly by the inclusion of railings

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 H3, 3.6, 6.3, 6.5, 7.8, T13 and Residential Design Standards of Walsall's Unitary Development Plan, and, on balance, having taken into account all material planning considerations, the proposal is acceptable.

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



To: DEVELOPMENT CONTROL COMMITTEE

Report of Head of Planning
and Transportation
On 14 March 2006

REASON FOR BRINGING TO COMMITTEE: Major Application

Application Number: 05/2348/FL/W5

Case Officer: Karon Hulse

Application Type: Full application

Telephone Number: 01922 652492

Applicant: LCP Development Ltd

Agent: G H Design

Proposal: Proposed New Industrial Unit
(B1,B2,B8).

Location: SITE ADJACENT TO
PBM,UNIT 6, THE WOODBANK
TRADING ESTATE,WODEN ROAD
WEST,WEDNESBURY,WEST
MIDLANDS

Ward: Darlaston South

Expired: 23 March 2006

Recommendation Summary: Grant Permission subject to conditions



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Application and Site Details

This application seeks to construct a new industrial unit with a total floor area of 1886 sq mts (20,035 sq ft) on the existing Woodbank Trading Estate, Woden Road West, Darlaston.

This part of the site is currently open rough land with no apparent usage.

The new unit would provide a single unit for operations within B1 Business, B2 Industrial and B8 Storage/Distribution Use Classes.

The site is accessed from the private one way drive around the estate which is accessed off Woden Road West. This is an existing large industrial estate which has residential to the west and other industrial uses on all other sides. The nearest residential properties are 90 metres away in Phoenix Rise which is also on a much higher level.

A total of 37 parking spaces are proposed.

Relevant Planning History

None relevant, the industrial estate has been developed over the last twenty years on a piece meal basis but none is relevant to the determination of this site.

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

Unitary Development Plan

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.

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

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

Pollution Control Division - no objections subject to ground contamination survey etc.

Fire Service - satisfactory

Central Networks - no objections

Severn Trent Water Ltd. - no objection

Environment Agency - no objection

National Grid - no objections

Representations

None.

Determining Issues

- i) Principle of the development
- ii) Car parking provision
- iii) Design and landscaping

Observations

Principle of the development

The site is currently vacant, in poor visual condition and secured by fencing, it is within the site boundary of a well established industrial estate comprising of both large and small units. Consequently the principle of using this site for a further commercial / industrial use is consistent with its surroundings.

This application site does not raise any issue regarding relationship between existing residential (Phoenix Rise) and the use of this site.

The UDP seeks to promote quality of design, while securing proper functioning, etc. The proposed building is a simple, modern factory. It was originally to be clad in steel sheet (goose wing grey). I have secured revisions to the scheme, both in a more innovative use of materials and in more interesting colour choices.

The frontage to the unit would look out onto the one way access drive around the estate. There are no windows on the rear.

Car Parking Provision

The proposals includes 37 parking spaces within the boundary of the unit and servicing would be from the private access drive. Consequently there are no objections in terms of highway safety.

Design and Landscaping

The appearance of the new building with colour finished panels and vertical cladding adds interest to the exterior of this type of structure, which will enhance the area and its profile.

The frontage of the site would also benefit from small planting beds being incorporated into the car parking layout, this will also give more definition to the boundary of the site along its frontage, this should be subject to a landscaping condition.

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

Reason: To ensure the satisfactory appearance 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. No development shall be carried out until details of proposed refuse and waste recycling facilities have been approved in writing by the Local Planning Authority. The approved scheme shall be implemented before the development is brought into use, and shall be thereafter retained.

Reason: To ensure the satisfactory functioning of the development.

7. 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.

8. 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

9. 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.

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

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

11. 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.

12. 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.

13. 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

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 amenity of adjoining and nearby occupants

15. 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 ensure the satisfactory functioning of the development.

16. 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 ensure the satisfactory functioning of the development.

17. The materials used for the construction of the new unit 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.

NOTE FOR APPLICANT: This permission relates to drawings numbered 05-1-8/3b, dated 23rd February, 2006 and 05-108/1a, 05-108/4a and 05-108/2 all dated 28th November, 2005,

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 14 March 2006

REASON FOR BRINGING TO COMMITTEE: Significant community interest

Application Number: 06/0067/FL/W5

Case Officer: Karon Hulse

Application Type: Full application

Telephone Number: 01922 652492

Applicant: Makhan Singh Sohi

Agent: Peter G Redding

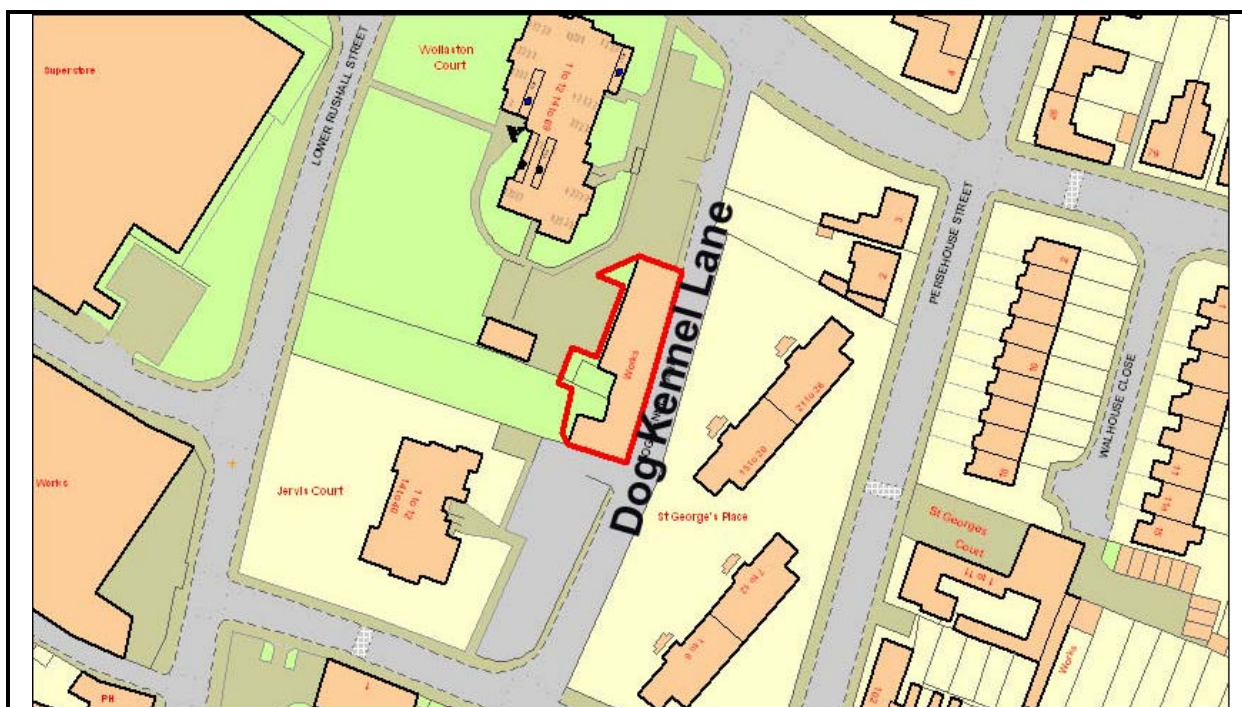
Proposal: Change of use of non-residential
part to flat.

Location: EURO HOUSE, DOG
KENNEL LANE, WALSALL, WEST
MIDLANDS, WS1 2JB

Ward: St. Matthews

Expired: 27 March 2006

Recommendation Summary: Grant Permission subject to conditions



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Application and Site Details

Euro House is currently being partially remodelled for residential units following approval of A planning application in September, 2004 for a part change of use to four flats.

Euro House was previously a factory/office, the earlier planning approval will result in approximately three quarters of the building being converted to residential units.

This application now proposes to change the use of the remaining part of the factory for a one bedroom flat.

There is no car parking on site at present and none is proposed.

Relevant Planning History

02/2342/FL/W5 - Part change of use to shared accommodation (nine bedsits). Refused for lack of parking. Allowed at appeal, 2nd January, 2004, on the grounds that whilst there is no car parking at the site it was concluded by the inspectorate that there would be no greater parking demand than the previous factory / office use.

04/1707/FL/W5 - Part change of use to four flats. Granted 17th September, 2004

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

Unitary Development Plan

3.6...Development / redevelopment schemes help to improve the environment

3.7...proposals for development/redevelopment will seek to 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, reference to character and quality of existing environment... require high quality of built and landscape design

ENV14 - encourage the development of previously developed land

ENV32...(b) quality of design subject to appearance, height, proportion, scale, and mass of proposed buildings/ structures, materials, integration, community safety/security, effect on the local character of the area, vehicular and pedestrian circulation patterns, integration of existing natural and built features of value

GP1...location of development guided by principles of sustainable development and involve locating facilities where they are accessible to everyone and minimise the need to travel, mixed-use developments (enabling people to live, work and meet other needs locally) and increase local diversity and vitality.

GP2...expect developments to contribute to quality of environment... not permit development which would have an unacceptable adverse impact on the environment, environmental protection

H3...encourage additional housing through re-use of previously developed windfall sites and through the conversion of existing buildings, including vacant dwellings and the upper floors above shops and other business premises...conversion of appropriate buildings into dwellings - flexibility in standards for parking and amenity space.

7.36...ensure adequate levels of off-street parking...particularly in residential areas to avoid environmental and road safety problems

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

T12...access by Public Transport to Residential Developments...walking distance no more than 400 metres to a bus stop

T13...Parking Provision for Cars, Cycles and Taxis

National Government Policy

This seeks to minimise the use of the car, and improve design and the urban environment.

Consultations

Transportation - no objection.

Fire Service - no objections

Environmental Health - No objections

Representations

Two letters of objection have been received, one signed by three other residents all from St. Georges Place which is to the east of the site and looks down onto the premises. Issues raised are:-

- occupiers age limit should be over 55 years of age
- close proximity to St. Georges Place
- unsuitable for residential
- fire hazard
- no parking

Determining Issues

- Impact of additional flat

Observations

Impact of additional flat

The previous approval for flats is currently being implemented. The removal of that factory brings modest improvements in the environment for the whole development.

The creation of this new unit will require the formation of a new doorway but this will not have any impact on the appearance of the building.

Whilst there is no car parking at the site the previous appeal decision concluded that there would be no greater parking demand than the previous factory / office use. That situation has not altered.

The scheme is therefore acceptable and the conversion will provide an additional unit in close proximity to the town centre, and provide wider housing opportunity and choice in terms of dwelling type and location. This is clearly in accordance with the aims of both Unitary Development Plan policies and government guidance and I therefore recommend approval of this application.

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 noise insulation measures, including acoustic ventilation for the flat, have been approved in writing by the Local Planning Authority. The approved measures shall be implemented before this development is brought into use.

Reason: To safeguard the amenities of occupants.

3. No development shall be carried out until details of proposed refuse and waste recycling facilities have been approved in writing by the Local Planning Authority. The 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.



To: DEVELOPMENT CONTROL COMMITTEE

Report of Head of Planning
and Transportation
On 14 March 2006

REASON FOR BRINGING TO COMMITTEE: Significant community interest

Application Number: 05/2427/FL/E6

Case Officer: Paul Hinton

Application Type: Full application

Telephone Number: 01922 652527

Applicant: Robert Porter

Agent: Julie

Proposal: Change of use to (A5) Takeaway.

Location: 49,HIGH
STREET,WALSALL
WOOD,WALSALL,WEST
MIDLANDS,WS9 9LR

Ward: Aldridge North and Walsall Wood

Expired: 27 March 2006

Recommendation Summary: Grant Permission subject to conditions



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Application and Site Details

This application is for the change of use to a hot food takeaway.

The building is located on the High Street within the local centre of Walsall Wood and was last used as a furniture shop (A1). The shop is located within a row of shops which consist of a carpet shop, a supermarket/off-licence, and an audio visual shop.

The shop is located some 50 metres away from residential properties of St John's Close. There are two public houses close to the proposal, and the local centre is served by two other hot food takeaways, a balti restaurant, a sandwich shop, and a café.

The applicant proposes opening hours of 11am-2pm, and 4pm to 11pm Monday to Saturday and proposes the erection of an external extraction flue to the rear of the premises.

Relevant Planning History

BC05038P - 49/51 High Street - Change of Use to 2 shops with 1st floor flat including alterations and extensions. Granted subject to conditions. 25/11/82.

Relevant Planning Policy Summary

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

Unitary Development Plan

GP2: 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.

GP4: Local area Regeneration

(a) Council will promote and encourage comprehensive local area regeneration initiatives that help to sustain established centres

S2: The Hierarchy of Centres

(c) The Local centres - Their main function is to meet the day to day convenience shopping and local service needs of their communities. These centres often have a special importance for certain sections of the community, such as ethnic minorities and the elderly.

S5: The Local Centres

(a) The boundaries of the Local Centres are drawn tightly to concentrate investment and within these areas the retention, enhancement and further development of shops, services and other town centre uses will be encouraged.

S10: Hot Food Takeaways

These uses will be appropriate in the Town, District and Local Centres subject to the following considerations:-

- I. The use proposed must not adversely affect the amenities of the existing or proposed dwellings by reason of noise, smell, disturbance or traffic impact. Where there are existing activities which are open during the late evening, the Council will have regard to the cumulative impact on residential amenity.
- II. Where the Council is minded to grant planning permission, the closing time for hot food takeaways will be considered in relation to the amenities of nearby dwellings. Conditions can be imposed on the permission stating opening and closing times
- III. Permission will not be granted where the absence of adequate off street parking would be likely to lead to on street parking in a hazardous location.
- IV. Permission will only be granted where ventilation and fume extraction equipment can be positioned to avoid potential problems of noise, vibration and/or odour nuisance for nearby occupiers and the equipment would not be detrimental to visual amenity.

T13 Parking Standards for Hot food takeaways - 4 car park spaces for establishments with a gross floor space up to 50m²; then 1 space per 22m² of gross floor space. At least 1 bike stand for every 5 car park spaces with an absolute minimum of 2 bike stands. Taxi facilities.

Consultations

Transportation - No objections. The application site is located within a local shopping centre and the proposed use is likely to draw customers from those who are already within the shopping centre for other purposes. It is therefore considered that the proposal is unlikely to result in a significant number of new vehicular trips or parking demand over and above that of the existing use.

Environmental Health and Consumer Services - No adverse comments subject to the cooking flue extract to be designed as to minimise all nuisance from cooking smells.

Fire Officer - No objections

British Waterways - No objections

Representations

There have been six letters of objection to the proposed use. The objections are on the following grounds:-

- The local area is well served by a large and varied number of food outlets
- Increased litter
- More on road parking
- No access for delivery vehicles to the rear of the premises
- St Johns Close is already being used to its maximum of parked cars
- The car park noted in the application providing 40 spaces is not a public car park, it is a private car park for the use of the staff and patients of St John's Medical Centre
- Car parks to the public houses are for patrons only
- Ventilation making too much noise and more pollution

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

Determining Issues

The determining issues are:-

- The appropriateness of the use in a local centre
- The impact on the neighbouring amenities
- The impact on highway safety (parking)

Observations

The appropriateness of the use in a local centre

The proposed takeaway would be located within a Local Centre which in itself is busy with regards to both the shopping parade and through road which forms part of the strategic highway network. The addition of a takeaway into this part of the Local Centre is supported in principle. Although there are other takeaways in the area of Walsall Wood the use is more suited to this area than outside the centre.

The impact on the neighbouring amenities

The nearest residential property to the proposed takeaway would be the flat above the shop and the other flats along the top of the row of shops. These residents already have 2 public houses and a late operating supermarket/off-licence within close proximity. It is considered that the proposed development would not generate levels of noise or litter above the existing levels already within the area. It is considered that the amenity of neighbours will be further safeguarded by the restriction of opening hours to 11pm and with the facility being closed on Sundays

The impact that the takeaway may have on the neighbours by means of odours can be minimised with the installation of appropriately designed filters and other measures which would reduce the odours that are released. The extraction flue would be located to the rear of the premises facing the yard.

Full details, specification, appearance and the position of the flue and extraction system on the submitted plans could be controlled by conditions to avoid any potential negative impacts on the neighbouring visual amenity.

The impact on highway safety

The proposed takeaway is located on a busy part of the strategic highway. There is no off street parking directly available outside the premises, though ad hoc parking takes place along most of the local centre. The applicant has proposed two parking spaces to the rear of the premises which will be used for staff.

The use would not necessarily attract more traffic to the site than a retail use. It may attract more traffic in the evenings as it will be open until 11 at night, though this would be balanced by less activity within the rest of the Local Centre and thus greater availability of on-street parking.

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 premises shall not be open for business outside the hours of 11.00 to 23.00 Mondays to Saturdays and shall not be open at all on Sundays

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

3. No development shall be carried out until details of the ventilation equipment and fume control measures including their siting, design and appearance have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented before this development is brought into use and thereafter retained in working order.

Reason: To safeguard the amenities of the occupiers of nearby adjoining residential premises.

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, S2, S5, S10 and T13 of Walsall's Unitary Development Plan, and, on balance, having taken into account all material planning considerations, the proposal is acceptable.

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