



## DEVELOPMENT CONTROL COMMITTEE

Report of Head of Planning  
and Transportation on  
10<sup>th</sup> January 2006

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**To: DEVELOPMENT CONTROL COMMITTEE**

**Report of Head of Planning  
and Transportation  
On 10 January 2006**

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

**Application Number:** 05/2170/FL/W1

**Case Officer:** Bob Scrivens

**Application Type:** Full application

**Telephone Number:** 01922 652488

**Applicant:** Walsall Metropolitan Borough  
Council

**Agent:** Hulme Upright Manning

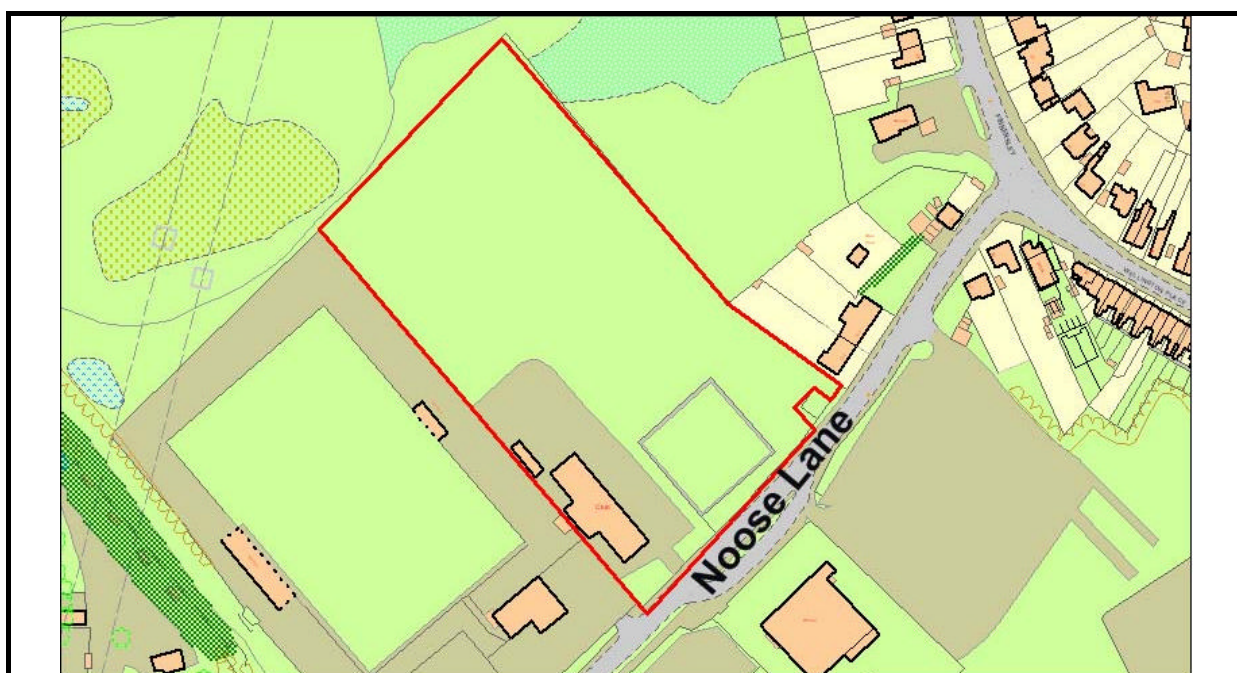
**Proposal:** New 2 Form entry primary school  
including a children's centre playgrounds and  
playing fields

**Location:** FORMER WILLENHALL  
RADIATOR GROUNDS, NOOSE  
LANE, WILLENHALL, WALSALL, WEST  
MIDLANDS

**Ward:** Willenhall South

**Expired:** 01 February 2006

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



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## **Application and Site Details**

This is an amended version of a proposal considered by you in June 2005.

The site is close to the northern end of Noose Lane. It was a sports ground (originally a private company ground, latterly owned and used by the Council), which had a football pitch, and a bowling green. There had been limited formal use of the football area for some time. The bowling green had been used until some time before the last application. Work has now begun on site, with measures to ensure no newts are disturbed as part of the project.

The changing facilities on the site (inherited from the previous use) are in a derelict building, soon to be demolished.

The site is bounded on the south-west by Willenhall F.C.'s ground, and on the west and north by a local nature reserve. To the north-east is a limited amount of housing, on the Noose Lane frontage. Opposite the site is a haulage depot (Asprays), factories and other commercial operations.

The north and south ends of this part of Noose Lane each have a small roundabout at the junctions with other roads.

The proposal is a new two form entry primary and junior school for children between 3 and 11. There would be a total of 420 pupils and 26 full time equivalent nursery places.

The school has room for a range of team games on the playing field (5,000 sq.m. area), and there are playgrounds, parking and servicing areas. There are changing facilities in the building to enable use of the playing field by the community.

The car parking (64 spaces - previously 49) is intended primarily for staff, and for people visiting the children's centre. There is a drop off facility for pupils, adjoining the building entrances, and 13 car spaces in the car park are designed to be easy to use for dropping off children.

The proposal is intended to be flexible, accessible, sustainable, welcoming and naturally lit throughout. All teaching spaces have views into the school's landscaped play areas etc, and face east or west to avoid undue solar gain. The north-south axis created is shaped into a sinuous central street within the school, also creating wider spaces for group and resource areas. It is top-lit and naturally ventilated to provide light, airy auxiliary teaching areas.

The street allows subdivision of the building into nursery, junior spaces etc. The north-south axis also allows the building to be used to separate public, street side activities, from private school / play area spaces.

The exterior of the school is characterised by strongly coloured rendered piers, wooden cladding, and a standing seam aluminium roof.

The building is single storey (previously the children's centre was two storey).

Associated with the school is a children's centre (Members may be more familiar with this concept under it's previous name of Surestart). The centre provides advice and support for parents and their children, including pre-school care. The latter integrates with the school

provision for the school's youngest groups of children. The centre will be used throughout the day, for visitors, and will be used for a greater part of the year than the school.

The applicants consider the design gives a sense of enclosure to the site, and provides a building which will enhance the locality and give the local community a focal point. A restrained palette of materials is proposed to harmonise across the building.

In connection with the previous application, the applicants advised that the new school is to replace three others in the area (Clothier Street, Lakeside and Little London). The process of replacement and funding of the new school (agreed by the relevant independent body - the School Organisation Committee) imposes a duty on the Council that the new school must be open in September 2006.

The three existing schools are all 1 or 1.5 form entry, but have falling rolls and surplus spaces. None of the existing sites has the space to provide a school to modern standards (they range from 44 to 66% of the necessary area), and a number of the buildings are old and in need of work.

The applicants advised that the new school is within the catchment areas of the three existing schools. The government expects pupils under 8 to be able to walk up to 2 miles to school (3 miles for older children). The majority of pupils at the existing schools live within a 2 mile radius of the new site. The new school will develop a Green Travel Plan etc to promote sustainable travel. (Such domestic arrangements for the new school can not be put in place until the school organisation - governors, head, etc. are appointed.)

A number of pupils at the existing schools travel considerable distances and a number of local children do not attend their local school. The expectation is that the new school will attract more interest in its neighbourhood and the number of local pupils will increase, with the potential for less car use.

Traffic surveys, during the consultation process for the new school, have shown relatively light traffic levels on Noose Lane at the start and end of the school day (this was a fear among consultees / parents at this stage). Lorries, especially those to the haulage depot opposite, were found to be low in number, at these times of day.

The applicants further advised that as part of the consultation process for the new school, all possible sites were examined. Only two sites met the necessary size criteria for a new 2 form entry school, this site, and a location in Willenhall Memorial Park, nearby. Both share the relationship to school catchment areas set out above.

The existing school sites would need to be significantly expanded to enable any of them to be used for this proposal (e.g. by buying in land). This was considered as part of the consultation process. In addition none were as accessible to the catchment areas of the three schools as the application site, and would have involved buying and demolishing a range of houses and commercial premises. Cabinet considered the application site was the best option.

While the choices were controversial, the consultation exercise also identified a measure of support for the proposed site.

Great crested newts are known to live in the wider area and as a protected species their presence on the site must be considered. A survey was commissioned to support the last application. It identified the potential for use of the site as forage and as refuge. The impact of

the changes on the site (loss of area to building, changes in mowing regime etc) were anticipated to have a low potential for impact on the new population in the area. Substitute habitat is readily available. Mitigation measures were identified. The necessary licensing (from DEFRA) for measures to protect the species was being sought. Trapping, to protect the newts is already underway, following the last approval.

Bats are also known to forage in the area. The proposed planting will improve the scope for this. There are no further implications for bats were identified in the report.

A Transport Assessment was submitted with the earlier application. Its key conclusions were-

1. the site is accessible by a variety of travel modes
2. it is mid way between the three schools to be replaced
3. on site drop off facilities for parents will minimise local congestion effects
4. Noose Lane is wider than normal for a road of this sort
5. no major traffic impacts are envisaged at nearby junctions
6. there will be improvements to traffic impacts at the three school sites to be closed / relocated
7. arrivals / departures will be concentrated at the beginning and end of the school day, though such initiatives as breakfast clubs will blur this somewhat
8. parking standards in the Unitary Development Plan call for 36 car spaces and 49 were provided at that time (reflecting in part the proposed children's centre)
9. cycle parking is provided at what is seen as the proper rate (less than the UDP requirement but reflecting low usage by children of this age group)
10. 100 car trips are estimated as typical for school start or finish times by pupils / parents and 55 for staff
11. the road here is used at half of its capacity
12. while there will be predicted increases in queuing at the two roundabouts, there will not be appreciable problems, from what is assessed as a minimal impact
13. some of the traffic generated already uses Lakeside school, just to the south off Noose Lane, and the other schools will be having some effect on the highway network in this area as well
14. pedestrian improvements are proposed in the pedestrian catchment area of the school
15. walking to school is the most common travel mode for children of this age
16. the bulk of the children using the new school are estimated to live within a 20 minute walk of the site and this corresponds well to the catchment areas of the three existing schools
17. walking for all travel purposes (not just school travel) in this part of the Borough is higher than average for the Borough as a whole
18. there are reasonable bus services on Noose Lane to the south and on Fibbersley to the north, though these are not particularly frequent
19. the site is fully consistent with national policy objectives
20. there is no cause for concern in the records of traffic accidents in the locality

### **Relevant Planning History**

There are indications in files from the 1960s that the site levels have been raised. This implies poor ground, necessitating a ground study. (The applicants have commissioned such work already.)

The West Midlands County Council, in 1982, made an application to create footpaths along the sides of the site to the nature reserve at the rear of the site. There is evidence that at least

one footpath is currently in use.

(The applicant proposes to retain the identified connection from Noose Lane, but to re-route the footpath, so that the bulk of the school site can be secured.)

I have already referred to the grant of planning permission for the earlier version of this proposal, in mid-2005 (05/0500/FL/W1).

**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**

The site is designated in the Unitary Development Plan as Urban Open Space. The relevant policies seek to protect, maintain and enhance these spaces. Policy LC1 states that proposals for development that would result in the loss of urban open spaces will not be permitted unless it is demonstrated that they would not prejudice amenities. The onus is on developers to demonstrate this.

In respect of the proposed children's centre, Policy S7, dealing with out-of-centre and edge-of-centre developments, is also relevant. This asks developers to demonstrate need for the facility; in accordance with the sequential approach to development; and ensure that the proposal would not have an adverse effect on town centre vitality and viability.

Relevant policies dealing with the transport aspects of large development are set out in GP1 (the sustainable location of development); and the transport chapter. Specific policies with reference to this proposal are T1 (Helping People to Get Around); T4 (The Highway Network); T7 (Car Parking), Policy T8 (Walking); T9 (Cycling); and the accessibility standards set out in T10-T13.

Bus services should have access within 400 metres of the development (T12 (c) I and II) and bus services should operate during working hours from all parts of the catchment area.

The Unitary Development Plan also has policies on protecting wildlife, and particularly protected species such as newts and bats.

The Local Transport Plan seeks similar objectives, improving bus use and facilities, promoting cycle use, and local schemes to improve transport for economic regeneration reasons.

Walsall also has a Walking Strategy to improve the ability of people to walk in the borough. Creating safer routes to schools (also a national initiative) is identified as part of this scheme.

**National Policy**

PPG1 seeks sustainable and inclusive development. It identifies the need for design to be carefully considered, including the submission of design statements for large schemes. (One was submitted with the last application.)

PPG9 on nature conservation requires LPAs to have regard to the impact on protected species in making planning decisions. The replacement document is in draft (PPS9) and this states that permission should be refused where harm to the species would result, unless the need for the development outweighs the harm. A license is needed from DEFRA if there is to be disturbance from the development.

PPG17 states that existing open space should not be built on unless an assessment has been undertaken showing the open space to be surplus or an applicant may demonstrate that it is surplus. Developers will need to consult the local community and demonstrate that their proposals are widely supported by them.

PPG13 seeks to provide more balanced use of transport and minimise the use of the car. Developments should not be located on the assumption that the car is the only realistic means of access. Developers need to be flexible to consider the potential for splitting projects so they can be accommodated in preferred locations accessible by non-car modes. Where a development falls outside the preferred locations in the development plan, the onus will be on the developer to demonstrate why it cannot fit into the preferred locations.

The Regional Spatial Strategy (RSS), in RPG11, is now an integral part of the development plan. The relevant parts of the policy state Local Authorities should ensure new social infrastructure is developed in or on the edge of an existing centre and is accessible by all modes by potential users, and promote the provision of facilities necessary for local communities. There should be community involvement at all stages.

### **Consultations**

**Transportation** - no objections subject to a series of mitigation works, and a School Travel Plan.

**Pollution Control** - support the application, and offer advice on conditions on ground conditions, control over hours of construction work, and the need for a noise survey.

**Environmental Health** - no objection.

**Sport England** - lodge a holding objection. Their concern, on the previous application, and now on the current application is that the scheme meets none of their exceptions which justify development of a playing field. They ultimately accepted the last application with suitable conditions requiring mitigation measures. They comment now that:-

1. there is no supporting information with the application to explain current position on compensatory measures etc in relation to their policies - as a result they object until they can be certain their policies will be addressed
2. given elapsed time since June discussions they hope for more detail and that the proposed conditions can be more specific
3. they also hope to see progress on what sports are to be offered by the school and that this can allow updates of the conditions

**Centro** - no objection in principle. There should be a School Travel Plan.

**Environment Agency** - no objections in principle. Recommend a condition on drainage issues. Indications are that the proposed drainage arrangements are supported.

**Police Architectural Liaison** - some concerns over security on this isolated sites. The proposed footpath link will be a crime generator and should be eliminated.

**Fire Service** - satisfactory.

**Assistant Director of Regeneration:**

## Natural Environment -

Policy requires the Council to consider protected species in determining planning applications. PPG9. Three crucial requirements apply where there are effects on protected species:-

1. that there is no satisfactory alternative
2. the scheme is not detrimental to the maintenance of populations of the species
3. the development is imperative for reasons of overriding public interest

The impact on trees is acceptable.

## Strategy Team

There is no assessment of open space needs as advocated by PPG17 and justification for the use of open space appears to be lacking. During the pre-submission consultation exercise there was opposition to using the proposed site, and alternative sites were suggested.

*The supporting statement says that these other sites were unsuitable and that none of these alternatives would have been as accessible to parents or pupils at all the three schools as the proposed site.*

The Transport statement claims the proposal fulfils the guidance. However, the previous schools were closer to residential catchment. There are few houses close to this site.

The children's centre is proposed to operate independently of the school. No justification is given for siting it here when other sites, better located in Willenhall could do much better in accessibility terms whilst adding to the vitality and viability of Willenhall District Centre.

*The applicants have subsequently advised that the DfES requires children's centres to be located on school sites and therefore a town centre location would not be appropriate. The philosophy behind this is that the needs of families will be met more effectively by enabling them to access a range of family support services from a site they already visit on a regular basis. Childcare is a key element of the core offer and this must be made available at the same location as nursery education. This limits sites to primary schools with a nursery class. Government funding has been provided for a Children's Centre to serve this area of Willenhall and this is the only school site on which such a development could be provided.*

The accessibility standards for new developments should be carefully and explicitly considered so as to make sure that all potential workers, visitors and pupils do not have trouble gaining access to the development. There is no assessment.

There is no rail or metro issue in relation to this site. Because cycling is not encouraged for young children, this mode of travel will not be significant in relation to this proposal.

We have prepared an analysis of households based on 1km (Council standard) and 1.6km (applicants' assessment) for the existing schools and for the proposal. Software limitations tend to overstate the number of households so it should be treated with caution. Within a 1km radius there are 6861 address points for the existing schools. For the proposed development this reduces to 3432. Even at the consultants' 1.6km distance, the numbers are 18333 for the existing schools and 10038 for the new site. Only about half of the address points are accessible on foot to the proposed school. Furthermore, given where the proposed site is



situated, the average walking distance even within this catchment would be likely to rise significantly. The consequence is a switch from walking to car.

For those who would need to use public transport, the first issue is where the bus stops are in relation to the existing schools and the new proposal. The existing schools cater for the 3.2km catchment much better than the new proposal would. Many areas would lose their public transport connection to their primary school.

## **Representations**

A representative of the bowling club that last used the bowling green on the site objects. There were a number of issues when they objected to the last application, but in relation to the current submission only two points are made:-

1. that the Council has not had proper regard to the terms of PPG17, nor the terms of the UDP, nor had proper regard to the views of interested parties
2. that the findings of the Local Government Ombudsman should be taken into account, as this proves the Council did not consult the Club properly

Item 1 is addressed in the Observations.

In relation to item 2, as the club have introduced the letter from the Ombudsman (these are usually confidential) it is now public. The complaint was that:-

1. the Council failed to adequately consult with the club on the relocation of the club
2. that the Council disregarded planning policy when considering the proposal

Item 1 is about the transfer of the site from Leisure to Education. It is of no relevance to the planning application. As a matter of record, the Council offered an apology and monetary compensation for its handling of this aspect. There is no suggestion in the Ombudsman's conclusions that item 2 is a valid issue. The judgement made by the Council on this issue (see the section in this report on PPG17 / loss of open space) is not challenged.

For completeness, the Club raised a wider range of objections to the last application, as follows:-

This green is unique by reason of its high crown and 'shearing edges' (characteristics not shared by Council greens or anywhere in Staffordshire) and it is an exceptional bowling facility.

Twenty greens have been lost across Staffordshire in the last twenty years, and none have been laid for fifty years.

A similar green laid today would cost £100,000.

The green should be retained in the school scheme with many benefits (use, and increased separation of the school from the road).

No assessment has been done to show the green is surplus to requirement (contrary to ODPM advice) no robust, up to date assessment has been done and there has been no consultation with the community.

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

## **Determining Issues**

- Development programme
- Accessibility
- PPG17 / loss of open space
- Design

- Parking / traffic safety
- Newts and bats
- Separating the children's centre from the school for accessibility reasons
- Construction hours

## **Observations**

### **Development programme**

The Council as Education Authority conducted a consultation process on school closures, and possible locations for this school. Only two sites of sufficient size and availability for the new school were identified (the application site and a site a short distance down Noose Lane in the nearby park). The study concluded the application site is the appropriate site for the new school, to replace the existing schools which are incapable of being used for the new school by virtue of their restricted size.

Originally, a very tight timetable was set for the new school to be open. It has now gone back one year.

Your Committee exercises the function of the Council as Local Planning Authority. The two functions are entirely separate. It is the responsibility of your Committee to refuse this application, if there are good and sufficient reasons to do so. However, where such reasons do not exist, the scheme should be approved.

### **Accessibility**

This issue was considered as part of the earlier application. Approval followed. The issue is concerned that planning policy seeks to put development in accessible locations (such as district centres) which are the focus of transport systems such as bus routes. At the same time, local facilities such as schools should be well located in their catchment area to maximise the potential for walking to the facility. Schools for children of this age group are rarely in district or local centres, and bus travel is probably less important for the users of such a school than walking or driving - although I do consider that measures to maximise accessibility by bus should be explored through a Green Travel Plan.

Driving is commonplace, and planning policy seeks to minimise this.

In this case, the existing schools are 'displaced' somewhat to the south and east of their catchment area. The new school is a little further north and west. In my view, it relates, geographically, somewhat better to the catchment area than the existing schools.

The majority of pupils come from an area within one mile of the new school. Walking has good potential, but I recognise it will not readily replace driving, as the school run is too heavily embedded in modern culture.

However, the ability to minimise driving and maximise walking depends on having sites to choose from that can affect that balance. In this case, there is no effective choice. The two possible sites are both in Noose Lane, very close together. The application site is no worse or better than the only other alternative, in this respect. If there is to be a new school in this area, to replace the three physically restricted existing schools, it must be here.

I recognise that there might be better locations to promote walking, but as they are not

available, I support the present proposal. The revisions made in the new application do not affect this conclusion.

### **PPG17 / loss of open space**

PPG17 seeks to protect playing fields. National and local planning policy has the objective of protecting open space and playing facilities. In this case, the playing area / open space on the site is to be reduced by the area of the building and related areas.

The applicants prepared a statement in the last application about compensation being offered, which stated:-

- the Council's Playing Pitch Strategy identifies a shortage of junior pitches in the Willenhall area, and a surplus of 2 senior pitches - this site is currently occupied by one senior pitch (other than the bowling green).
- that existing pitch is converted in the scheme to a junior pitch
- relationships with the adjoining football club are to be developed to increase participation in sports
- existing pitches in the nearby Park are being reviewed to better relate needs to usage and a stewardship agreement is being developed with the football club to sustain the situation
- the bowling green on the site is to be removed, but a replacement crown green is to be created and a study is in hand to define how this happens
- overall the scheme delivers a significant increase in facilities and allows developing partnerships in the community
- the scheme also enhances sporting facilities in the area and addresses imbalances between existing facilities and community needs
- by improving school facilities it also meets the needs of the National Curriculum for PE

That is still the intent of the applicants.

Sport England ultimately agreed the last application, with conditions requiring, for example, community use agreements to deliver the agreed results. The same conditions are recommended for the new application.

The loss of the bowling green is part of this wider situation. The club object to the application and the loss of this green. They argue the terms of PPG17 have not been met. I do not accept that argument, and indeed, the Ombudsman has not accepted it either.

However, in all respects, the essence of the position is that this is effectively the only site for a new school in this part of the Borough. Since a new school is a crucial requirement to replace ageing and constrained existing schools, this is a massive social gain for the area. Mitigation measures are being put in place, but regardless of how well or badly they meet the objectives of the bowling groups, this remains the only realistic site. The need for the new school overrides the need to retain the land in its existing uses. That was the situation when the last application was considered and it remains the case still.

### **Design**

The design of a school building is complex. There are clear and powerful relationships between many part of the buildings. In this case, the combination of a range of school ages, and a children's centre, widening the age range catered for on the site even more, has increased that complexity.

Circulation is a compelling problem in such designs. Many members will be familiar with the solutions, e.g. long straight corridors lined with rooms. This proposal avoids that simple and uninteresting solution by proposing a curved, internal 'street'. It is a space used for other activities than simply movement from place to place. It widens to form activity spaces. It promises a very attractive heart to the new school.

Externally, the building grows out of that heart, with roof and walls giving external expression to that idea. Details are included to make the external envelope interesting in its own right.

The forecourt and car park is a necessity, but it has been kept simple and as small as possible. Visually, it will not be unduly intrusive.

I support the design proposed.

The Police have expressed concern over the proposed footpath link. The applicants advise it is proposed as a response to the possibility that there may be prescriptive rights of access across the site. When work commences, the site will be secured. If there are protests about rights of way, the footpath can be constructed, if there are not, it will not be constructed.

### **Parking / traffic safety**

As on the last application, the scheme assumes none of the school staff will use public transport and provides car parking for all of them. This would tend to promote car use (contrary to planning policy). However, specifically reducing the car parking for this reason would be difficult (as it would be hard to define by how much) and there would be a risk of under-providing. On balance, this is not an issue I would advance as a reason to oppose the scheme.

Additional parking is proposed to serve the children's centre, and this is clearly necessary. No suggestion is being advanced that this element is overprovided.

Council standards would call for 43 spaces overall (30 for the school, 9 for the children's centre and parking for disabled people, with an additional pick-up point for taxis etc.). Overall, 64 spaces are proposed, plus drop off areas. Three spaces are designated for the disabled. The Council's parking standards call for 10%, which would be 6 spaces. This can be corrected by condition, and as parking bays for the disabled are larger, the overall number of spaces will be reduced.

There is a basic assumption that many parents who drive to the school (and a prediction is offered of 100 cars from this cause) will park on the road (despite the existence of the drop off facility within the site).

Transportation recognise this, but have concluded it is not a reason to oppose the application. I concur in that judgement. The road here is wide and straight. At school times, the potential for conflict between school traffic and other road users is within acceptable limits.

It is also the case that as this is a relocation project, this school traffic is already on the highway network in the general area. This is, broadly, a redistribution of traffic, not new traffic (ignoring whatever variations may rise as a result of the accessibility of the site).

### **Newts and bats**

A study of each was submitted with the last application. A DEFRA license has been sought for the newt mitigation measures.

In relation to bats, the site is identified by the study as a forage area, and the landscaping scheme submitted will improve that situation. The possibility of bats roosting in the derelict building on the site is raised. Appropriate caution will be exercised in demolition.

In relation to newts, the study identifies the possibility that the features of the site may include a hibernation facility, and some feeding potential. A range of measures are proposed to trap the newts and move them off the site (into the LNR which is the key to their presence in the area) and these are in hand. Post-development, some measures will be taken to minimise their return, though this is identified in the study as a less critical phase. Some measures are intended to be incorporated in the school to enable foraging and hibernation.

The measure proposed in each case adequately address the needs of the protected species, in my view. I see no reason to resist the application for this reason.

Conditions and notes are recommended in relation to these issues.

### **Separating the children's centre from the school for accessibility reasons**

Planning policy argues for splitting complex uses so that individual components can be located in more sustainable locations such as district centres. In this context it is notable that the transport submission previously submitted stated the Children's Centre would function separately from the school.

However, the applicants provided further advice in the last application, that Governmental education policy in fact specifies that such centres should be in schools. I accept this position.

### **Construction hours**

Pollution Control seek to limit construction hours to protect residents. They propose 0700 to 1800 weekdays, 0800 to 1300 Saturdays, only.

I recognise that there are situations where this can be important. In this case there are very few houses near the site. In addition, such a restriction may adversely affect the ability to complete the project by the required opening date.

I have not included that restriction in my recommendation.

### **Conclusion**

The design and arrangement of the use on the site is satisfactory.

Some aspects of the proposal are not in fully accordance with planning policy, in terms of the loss of open space, the location of the site and its accessibility. That is unavoidable given the site characteristics to accommodate this proposal.

## **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. Prior to development commencing:-

- i. an appropriate noise survey to establish noise influences on the development from its surroundings in accordance with current guidance and procedures and
- ii. an appropriate noise survey to establish noise influences from the development affecting its surroundings in accordance with current guidance and procedures

shall be undertaken to a methodology agreed in writing by the Local Planning Authority. The result of the survey, including details of all instrumentation used, prevailing weather conditions and traceable calibration test together with details of works necessary to mitigate any noise effects, shall be submitted to the local planning authority within 2 months of completion. Prior to the school coming into use any works of mitigation identified in the approved details shall be implemented and the shall be thereafter maintained to the satisfaction of the Local Planning Authority.

Reason: To ensure acceptable impacts both on the development and from the development, to ensure a satisfactory environment.

Note for applicant

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' (or any superseding standard(s) as applicable) which shall have been verified in accordance with British Standard BS 7580 'Specification for the verification of sound level meters' Part 1: 1996 'Comprehensive procedure' within a preceding 2 year period.

Current guidance and procedures for the completion of a suitable noise and vibration survey can be found in Planning Policy guidance Note PPG 24 'Planning and Noise', British Standard BS 7445:1991 'Description and Measurement of Environmental Noise' and Building Bulletin 93, 'Acoustic Design of Schools'. This is not an exhaustive list.

Instrumentation used for the determination of compliance with any vibration condition shall accord with requisite components of British Standard BS 7482:1991 'Instrumentation for the Measurement of Vibration Exposure of Human Beings'.

3. Prior to any development on the site

- (a) A ground contamination survey and site investigation approved in writing by the Local Planning Authority shall be undertaken having regard to current advice. [Note: Ground contamination and site investigation surveys shall assess the likely hazards of all identified contamination to the proposed development (and its future occupants) and

any surrounding development resulting from the presence of potentially toxic materials and the emission of toxic, flammable and asphyxiant gases. Landscaped areas will need to have an adequate depth of clean cover.]

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

#### NOTE FOR APPLICANT

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

Reason. To ensure the satisfactory development of the site.

4. No development shall be carried out until details of ventilation and fume control equipment have been approved in writing by the Local Planning Authority. The approved details shall be implemented before this development is brought into use, and thereafter retained in working order.

Reason: To safeguard the amenity of the area.

5. No built development shall be carried out until revised details of the submitted landscaping scheme for the site showing the inclusion of the mitigation measures proposed for protection of great crested newts has been approved in writing by the Local Planning Authority. The approved scheme shall be implemented in accordance with any agreed phasing or within two years 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 and the mitigation measures in relation to a protected species.

6. No development shall be carried out until revised details of the car parking and manoeuvring areas, showing the provision of at least 6 car parking spaces for disabled people, have been approved in writing by the Local Planning Authority, unless otherwise agreed in writing by the Local planning Authority. Before this development is brought into use, the accessways, vehicle parking and manoeuvring areas shown on the approved plans shall be surfaced in tarmac or such other materials as may be agreed in writing by the Local Planning Authority, and the parking spaces shall have been clearly marked out. The areas shall thereafter be retained and used for no other purpose.

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

7. Prior to the implementation of this permission, a scheme for the interim provision of sports facilities for the senior football team and the bowling club; for the period between the implementation of this permission and delivery of the alternative arrangements specified by conditions (above) of this permission, shall have been approved in writing by the Local Planning Authority and it shall be implemented so as to ensure continuity of use for football training and bowls.

Reason: To minimise the disruption of sporting facilities during the development.

8. 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 ensure the satisfactory appearance of the development.

9. Prior to occupation of this school, the details of the location, layout and design of new replacement football pitch/es in Memorial Park and a new replacement bowling green, and associated facilities (including a timetable for implementation) shall be submitted to and approved in writing by the Local Planning Authority in consultation with Sport England and which shall accord with Sport England Technical Design Guidance, or any modifications thereof and/or specific sports governing body design guidance.

Reason: To control the impact on sports facilities from the development.

10. Prior to occupation of this school, a Community Use Agreement and Sports Development Programme shall be submitted to and approved in writing by the Local Planning Authority in consultation with Sport England which secures the delivery of increased participation in sport and physical activity by maximising the range of sports opportunities for school pupils, local/regional sports clubs/bodies and the local community through the use of both indoor and outdoor facilities at the School. The Community Use Agreement and Sports Development Programme shall be implemented in accordance with the approved details.

Reason: To control the impact on sports facilities from the development.

11. Prior to occupation of this school, details shall be submitted of the design of the school hall, associated storage facilities and changing rooms and access and security arrangements to demonstrate that they fit for purpose for both school sport and community use in the context of the Community Use Agreement referred to in Condition 10 above. The facilities shall be implemented in accordance with the approved details.

Reason: To ensure the building is suitable for school and community use.

12. Prior to occupation of this school, a Management and Maintenance Agreement shall be submitted to and approved in writing by the Local Planning Authority in consultation with Sport England. The Agreement shall relate to all sporting infrastructure at the school and the replacement pitches and bowling green, and shall include a mechanism for review. The Agreement shall be implemented in accordance with the approved details.

Reason: To ensure the building remains suitable for school and community use.



13. Within six months of the development being brought into use, the mitigation measures to improve pedestrian movement to the site specified in this condition, shall have been implemented, unless otherwise agreed in writing by the Local Planning Authority. The works comprise:-

1. a survey of traffic movements at Moose Lane / Watery Lane and if the results allow, tactile paving to be installed, with a reduction from two lanes to one on each approach
2. Speed cushions on Moose Lane (a set either side of the existing pedestrian refuge at the entrance to the Memorial Park, , outside the school, and between Fibbersley and Asprays
3. Gateway signing and 20mph limit on Moose Lane
4. additional dropped kerbs and tactile paving at entrances to remises on Moose Lane, from Watery Lane t Fibbersley
5. the works to Moose Lane / Fibbersley junction and the controlled crossing in Temple Bar defined in para 9.7 of the Waterman Burrow Crocker TA that came with the last application (the latter needs a preliminary pedestrian survey - the results may remove the need for that element of the work)
6. relocating street furniture, review road signs to reduce clutter on Temple Bar from Bloxwich Road South to Harper Street and trim vegetation near junction with Bloxwich Road South (all to improve pedestrian available areas on footpaths)
7. lighting to be provided on the cycle way in Memorial Park

Reason: To improve the pedestrian accessibility of the site.

14. Within 1 year of the development being brought into use, a Green Travel Plan (including timetables for implementation) shall be prepared and submitted for the approval of the Local Planning Authority. The approved Plan shall be implemented in accordance with the approved timetables.

Reason: To promote the use of sustainable travel methods.

15. The replacement football pitch/es, bowling green and associated facilities identified in condition 9 shall be constructed/laid out and available for use in accordance with the approved details within 12 months of the date of approval.

Reason: To control the impact on sports facilities from the development.

16. No development shall be carried out until a scheme for the provision and implementation of a surface water run-off limitation has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved programme and details, and thereafter maintained in working order.

Reason: To prevent the risk of increased flooding.

17. 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.

18. 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.

19. The materials used shall be those indicated in the application, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the satisfactory appearance of the development.

20. 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 accesses as shown on the deposited plans, without the prior approval of a planning application.

Reason: In the interests of highway safety.

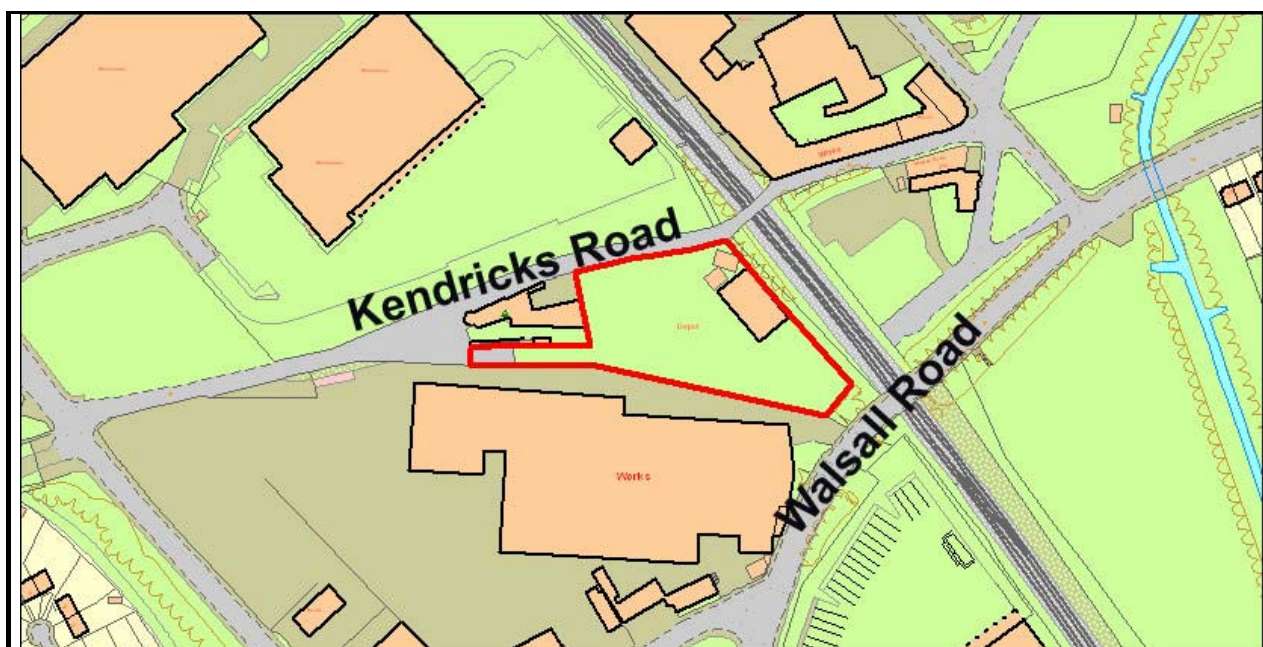
21. The car parking shown on the approved plans shall only be used in association with the building which is the subject of this planning permission.

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

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

The proposed development is considered to comply with the relevant policies of the development plan, in particular policies 2.1, GP(a)(IV), 3.7, ENV19, ENV20, ENV22, ENV23, 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](http://www.walsall.gov.uk)

**To: DEVELOPMENT CONTROL COMMITTEE****Report of Head of Planning  
and Transportation  
On 10 January 2006****REASON FOR BRINGING TO COMMITTEE: unresolved objection from key consultee****Application Number:** 05/2029/FL/W3**Case Officer:** Mrs J Scrivens**Application Type:** Full application**Telephone Number:** 01922 652436**Applicant:** Anthony & Richard Ruby**Agent:** Anthony & Richard Ruby**Proposal:** Change of use from transport to caravan storage.**Location:** A & R STORAGE, STATION WORKS, KENDRICKS ROAD, DARLASTON, WEDNESBURY, WEST MIDLANDS, WS10 8LX**Ward:** Bentley & Darlaston North**Expired:** 05 December 2005**Recommendation Summary:** Grant Permission subject to conditions

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## **Application and Site Details**

The application proposes the use of the site for the storage of caravans. A supporting statement has been provided which supplies the following information:

- i) As a result of difficulties experienced by the transport industry the depot is no longer used and the applicant is seeking an alternative use for the site.
- ii) The site is almost concealed from view and is not overlooked by any residential properties. There will be no adverse visual impact.
- iii) There is a demand for secure storage of caravans which this site could provide. The existing perimeter fencing will be repaired, CCTV is in place, security lighting and vermin control are in place. The site will be manned during business hours and all site movements will be monitored. Fire prevention measures will be installed and contracts with caravan owners will be introduced.
- iv) There would be a marginal increase in traffic from the site but HGV movements would decline. The site is well connected to the motorway system. A schedule of traffic movements from a caravan site with 382 spaces has been provided for comparison.

This application relates to a vacant transport depot off Kendricks Road, Darlaston, which is an unadopted road. Access to the site is between industrial premises which are also served by Kendricks Road.

The site is bounded by Kendricks Road. The southern boundary of the site is screened by a large industrial building. The north eastern boundary, which adjoins a railway line, is partly screened by an existing building on the site. One corner of the site is close to Walsall Road, which is higher than the site (on the railway bridge and its embankments)

## **Relevant Planning History**

BCW 647 Change of use to transport depot with ancillary works and offices. Granted subject to conditions 3.11.97.

Adjacent site:

04/2492/FL/M1 Change of use to materials reclamation. Refused 18.3.05. Ministry appeal dismissed.

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

The site is defined by the Development Plan as within a Core Employment Area. It is also within Darlaston Strategic Development Area for which proposals are in the course of preparation.

Development Plan.

GP2 and 3.6 require development to improve the environment.

ENV32 requires development to take into account its surroundings, particularly adjacent to transport corridors, including railways.

4.5 and JP5 define the site as being within a Core Employment Area where uses such as B8 ( storage and distribution ) are appropriate.

National policy

There is nothing specific on this use, other than generalities such as protecting the environment, and promoting the economy.

### **Consultations**

**Transportation:** No objections. Recommends the imposition of conditions relating to the site layout.

**Environmental Health:** No objections. Applicant advised of requirements with regard to site layout/operation.

**Fire Service:** No objections.

**Walsall Regeneration Company:** Object to the proposal. While it is accepted that there is an increasing demand for secure caravan storage facilities, the establishment of such a use on this site does not fit in with the Regeneration Framework Plan and, in particular, aspirations for the Darlaston area.

**Network Rail:** No objections.

### **Representations**

None.

### **Determining Issues**

- The appropriateness of the use to the area
- The effect of the proposal on the amenities of adjacent occupiers and the area
- The effect of the proposals on the surrounding highways

### **Observations**

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

Storage of caravans is akin to a B8 storage use, and my conclusion is that this is an appropriate use for a Core Employment Area. The objection to the development by Walsall Regeneration Company is based upon their concerns that this use would not fit in with the aspirations of the emerging Regeneration Framework Plan. This document has not been finalised or adopted and should not therefore be given as much weight as the policies of the adopted Development Plan in the determination of this application. In my view, the use of the site as a transport depot or as a caravan storage site would make no difference to the potential redevelopment of the site. Significant improvements in this aspirational plan would need to remove either use, to make any difference. The recent refusal nearby was for a more intrusive use (waste transfer) on a more prominent site. In that case, the WRC position (essentially the same as in this case) was supported.

#### **The effect of the proposal on the amenities of adjacent occupiers and the area**

Irrespective of any allocation within an adopted plan the site is lawfully entitled to be used as a transport depot. The proposed use may be an improvement on that use in terms of its impact on the amenity of adjacent businesses and the surrounding area. The presence of caravans in a secure storage area on an industrial site cannot therefore be regarded as detrimental to the amenity of the area.

The approval of this application would help to ensure that the site is put to a useful purpose which would contribute to the local economy.

### **The effect of the proposals on the surrounding highways**

The caravan movement data supplied in support of the application indicates that the use would not have a significant impact on the surrounding highway network.

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

1. This development must be begun not later than 5 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 a caravan parking/storage and manoeuvring layout has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be permanently marked out and thereafter retained. Caravans shall only be parked/stored within the approved bays.

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

3. No development shall be carried out until details of the proposed boundary treatment of the site, including any repair/replacement of existing boundary treatment, have been submitted to and approved in writing by the Local Planning Authority.

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

4. No materials, goods or refuse shall be stored or deposited in the open on any part of the site other than refuse in a refuse container.

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

5. This permission grants consent for the use of the site for the storage of caravans only and at no time shall any other storage take place without the submission and approval of a planning application or any caravan be used as living accommodation.

*Reason:* To define the permission, to enable the Local Planning Authority to retain effective control over the development and to protect the amenities of the area.

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

The proposed development is considered to comply with the relevant policies of the development plan, in particular policies GP2, 3.6, ENV32, 4.4 and JP5 of Walsall's Unitary Development Plan and, on balance, having taken into account all material planning considerations, the proposal is acceptable.





**To: DEVELOPMENT CONTROL COMMITTEE**

**Report of Head of Planning  
and Transportation  
On 10 January 2006**

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

**Application Number:** 05/1882/FL/H6

**Case Officer:** Helen Parish

**Application Type:** Full application

**Telephone Number:** 01922 652485

**Applicant:** Mrs M. Begum

**Agent:** Masood Akhtar Associates

**Proposal:** First floor rear extension

**Location:** 127, BORNEO  
STREET, WALSALL, WEST  
MIDLANDS, WS4 2JE

**Ward:** St. Matthews

**Expired:** 20 December 2005

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



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## **Application and Site Details**

This application is for a first floor extension to the rear of an end-terrace house, to enlarge an existing bedroom and provide a new bedroom at first floor level, increasing the total number of bedrooms from 2 to 4.

The bedrooms are to lie above an existing L-shaped single storey rear extension that projects 3.0 metres on the side next to the boundary with the adjoining house number 129, and 5.5 metres on the side next to number 125. The rear of number 129 is in line with the original part of number 127, whilst number 125 lies 3.1 metres further back. The first floor extension was originally proposed to cover the whole of the existing ground floor extension, but amended plans have been received that reduce the length on the side next to number 129 to 1.8 metres. The remaining longer part of the extension is to project 2.4 metres beyond the rear of number 125.

The extension is to have a hipped roof.

The submitted plans indicate an obscure glazed study/ bedroom window to be inserted in the side wall of the existing house facing the side of number 125.

There is a covered passageway between 127 and 129, and a 2.3 metre gap between the sides of 127 and 125. The rear garden backs onto a vacant factory.

## **Relevant Planning History**

04/1148/FL/H2 - Single storey kitchen, lobby and bathroom extension at rear. Granted subject to conditions May 2004.

04/2433/FL/H6 - First floor rear extension.

Refused in November 2004 on the grounds of over-domination and loss of light to the adjoining properties, in particular number 129.

The submitted plans were identical to those originally submitted for the current application, but which have since been replaced with those that are before committee.

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

## **Unitary Development Plan Policies**

GP2: Environmental Protection

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

I. Visual appearance.

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

ENV32: Design and Development Proposals.



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

H10: Layout, Design and Dwelling Mix.

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

T7 and T13 - Car Parking

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

## **Residential Development Standards**

These include a 45 degree code to assess the impact of extensions on the amenity of adjoining dwellings.

## **Consultation Replies**

**Pollution Control** - No observations

## **Representations**

The occupiers of 125 Borneo Street objected to the original plans on the grounds that the existing extension overhangs the house, is about two feet from the dividing fence and does not look safe, the proposed side window would overlook them, and the proposed first floor would take light out of their hallway.

The occupiers of 129 Borneo Street also objected on the grounds of loss of light to their kitchen, and loss of privacy, and are concerned that another extension would create further mess.

The occupier of 182 Borneo Street has objected on the grounds that the extension will cause further distress to the next door neighbours, and extra cars will cause parking problems in the street.

## **Determining Issues**

The determining issues are whether the design of the extension has overcome the previous reason for refusal in terms of the impact on the amenity of the adjoining properties.

## **Observations**

The length of the extension as shown on the amended plans, at 2.4 metres relative to the rear of number 125 and 1.8 metres relative to number 129, would comply with the 45 degree code in relation to the houses to either side. Number 125 is set further back and would be separated from the extension by the 2.3 metre gap between the two houses. Number 129 would be separated from the extension by the covered way.

Whilst the length relative to number 125 would be the same as in the previous application, the impact on 125 alone is not sufficient to justify refusal.

The other concerns of the neighbours were examined at the time of the previous application. The structural safety of the extension would be examined under the Building Regulations, whilst the proposed side-facing window to be inserted in the existing house does not need planning permission. A hallway is not a habitable room. No side-facing windows are proposed in the extension.

Short term disruption from building work is not a material planning consideration.

The parking area to the front of the property would be inadequate to provide 3 car parking spaces but few houses in the street have any off street parking. It would be unreasonable to require parking provision to address an existing shortfall.

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

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

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

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

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

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

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

4: The permission relates to the amended plans deposited on 1 December 2005.

Reason: To define the permission.

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

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

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



To: DEVELOPMENT CONTROL COMMITTEE

Report of Head of Planning  
and Transportation  
On 10 January 2006

**REASON FOR BRINGING TO COMMITTEE: Requiring delicate judgement**

**Application Number:** 05/2281/FL/W5

**Case Officer:** Karon Hulse

**Application Type:** Full application

**Telephone Number:** 01922 652436

**Applicant:** Mrs K Bains

**Agent:** Mrs K Bains

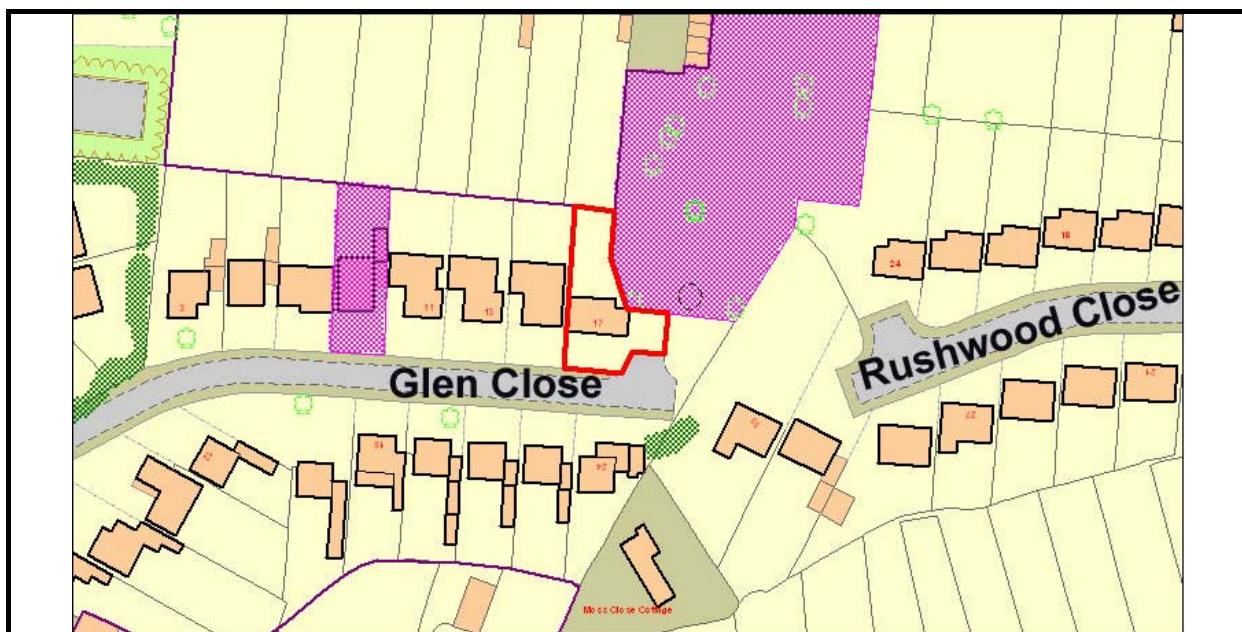
**Proposal:** Change of use to care home for children (3) between ages of 0-12 years old, erection of conservatory at rear with conversion of existing garage to form additional rooms.

**Location:** 17, GLEN  
CLOSE, WALSALL, WEST  
MIDLANDS, WS4 2EL

**Ward:** St. Matthews

**Expired:** 20 January 2006

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



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## **Application and Site Details**

This application proposes a change of use of no 17 Glen Close, Walsall to a children's home, providing care for 3 children between the ages of 0 to 12 of either gender. Previously it had been stated that the age range would be between the ages of 12 and 16 years old, however, the applicants have amended this to 0 to 12 years old following a number of concerns raised by residents in the area. There would be a minimum of 2 care workers on duty at any one time including night times. The home would provide 24 hour care for local children on either an emergency placement or short or long term residential care.

This use is classed as C2 (residential institutions) in the Town and Country Planning (Use Classes) Order 1987. The application also includes a number of alterations to the property namely erection of conservatory and conversion of the existing garage to form additional rooms.

Internally there would be three bedrooms, living room, dining room, conservatory, kitchen, contact room and staff office. It is proposed to provide three parking spaces on the frontage to the property.

The applicant has submitted supporting information to describe the proposal which states that no child placed in the home will have a history of schedule one sex offence, arson or conviction of violent assault and would be in care as a result of the likely hood of harm or actual harm that young person may be at risk of suffering or maybe of risk to others.

This is a detached three bedroom dwelling at the end of a residential cul-de-sac which serves 21 dwellings including the application site.

The rear garden is approximately 13 metres long.

## **Relevant Planning History**

There is no planning history on this site.

However members will be aware of other applications in the area which have recently been considered and which may be relevant.

No. 63 Lichfield Road was refused on 25<sup>th</sup> November, 2005. There were three reasons, one related to its location on a main road, another to its proximity to other similar homes are not obviously relevant. The third turned on:-

- two or three staff on duty at all times
- visitors would have nowhere to park other than on-street
- on-street parking detrimental and prejudicial to road safety
- and would also impact on the amenity of residents

No. 57 Lichfield Road is operated by the Councils Social Care & Supported Housing Services as a 4 bed residential unit for young people aged between 11 and 15 years.

Planning permission has recently been granted for a change of use to a care home for 2 young people and 2 carers at 24 Westbourne Street.

Planning permission was recently refused for a change of use of 1 Borneo Street from two flats to a single dwelling as a care home for 4 young people between the age of 7 and 11, on the grounds of lack of off street parking. That application is currently the subject of an appeal.

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

**Unitary Development Plan**

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

Policies 2.4 and GP5...seek to ensure equality of opportunity and greater social inclusion.

Policy H5 promotes the provision of housing for people with special needs including single people, people with disabilities and any other groups who require specialist accommodation.

Policy H7...seeks to encourage the establishment of hostels or houses in multiple occupation where it can be demonstrated that there would be no harm to amenity of neighbours or intended occupants, there would be no harm to the character of the building and surrounding area and it would not impair the free flow of traffic or highway safety.

Policy T8 - Walking - advocates measure to promote pedestrian links with development and local centers;

Policy T13 - car parking standards : residential care homes 1 space per three bedrooms

**National Policy**

This identifies homes such as this as being appropriate in residential areas.

**Consultations**

**Transportation** - no objections

**Commission for Social Care Inspection (CSCI)** - no observations (these comments are made on the basis that there is off road parking and the location means there is no through traffic).

**Environmental Health** - no objections

**Fire Service** - no objections

**Representations**

I have received 37 representations from nearby residents objecting to the proposal on the following grounds:

- Unsuitable / noise and nuisance / out of keeping in a quiet, residential cul-de-sac
- Intensified activity at shift change times

- Visitors, care and social workers etc. will cause traffic
- Road too narrow, traffic and parking will cause obstruction / nuisance
- Attract other young people of similar disposition
- Safety and security would be diminished
- Providing for girls who display inappropriate behaviour
- Already a number of similar homes in the immediate area, potential to create gang territory disputes
- Restrictive covenant regarding use of properties only for domestic purposes
- Office on the front of the house detrimental to character of the house

I have also received a petition containing 411 signatures opposing the proposals and 7 photographs highlighting parking issues near to the application site.

Three representations are in response to the reconsultation informing them of a change to the age range, their concerns are included in the above outline of representations received.

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

### **Determining Issues**

- Impact of the proposed change of use on the amenity of neighbouring residents,
- Availability of car parking and any highway impacts.
- Fear of anti-social behaviour;

### **Observations**

#### **Impact of the proposed change of use on the amenity of neighbouring residents,**

The proposed use falls within a C2 use class (residential institution), this area is predominantly residential and therefore determination of the application should be based on any potential impact of such an institution on the amenity and environment of the area.

The home would accommodate three young people between the age of 0 and 12 years old, they would be cared for by two staff providing 24 hour care. It is considered that these circumstances would be no different to a family household which could have two parents and three children.

Comings and goings would tend to be confined mainly to shift changes rather than being continuous throughout the day and night. It is unlikely that at shift change unacceptable levels of disturbance from 2 people leaving and 2 arriving will be created, and therefore there is no likelihood of impact on residential amenity.

The parking of three vehicles will be accommodated by extending the existing drive into the front garden area, some frontage garden will still remain. This increased driveway would not result in the creation of a commercial styled frontage. Furthermore, the use of a front room as an office would have very modest effects on the area.

The occupiers of the home would be supervised at all times and on the basis of the proposed age range 0 to 12 years old I consider there would be minimal scope for disorder. It is significant that CSCI have not objected to this application.

The location of this type of care home use is clearly more suitable in residential areas, as they are the homes of the occupiers. Locations in industrial or commercial areas would be less suitable.

**Availability of car parking and any highway impacts.**

The proposed change of use would result in there being 2 staff at the premises at any given time (other than at shift changes). With two permanent carers on site there would be a requirement to provide 2 spaces with potentially another one being provided for visitors, three spaces are proposed to be accommodated on the frontage area within the site boundary (the existing garage would be altered to provide additional accommodation within the building). Any traffic generated by the comings and goings would be confined mainly to shift changes rather than being continuous throughout day and night, and as already argued, it is not considered that there would be unacceptable levels of disturbance from 2 people leaving and 2 arriving.

The anticipated level of activity at the property will not be significantly different to that which would be required by the use of the property as a family residence.

This is a cul-de-sac. However I do not consider the traffic generated will be so great as to be noticeable to the degree it will impact on existing residents by noise and nuisance.

**Fear of anti-social behaviour**

The concern of residents about anti-social behaviour bringing an unacceptable level of anti-social behaviour into the area is understood and fear and concern for safety can be a material consideration in the determination of an application.

The age range is proposed to be restricted to between 0 and 12 years old.

CSCI have objected to other applications, but have not pointed to any implications in this case from proximity to other nearby homes (these are at least 500 metres away).

**Recommendation: Grant Permission subject to conditions**

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

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

2. This permission grants consent for a care home for no more than three young people between the ages of 0 and 12 years old only, and not for any other purpose within Class C2 of the Town and Country Planning (Use Classes) Order 1987.

*Reason:* To safeguard the amenities of the occupiers of adjoining premises and because the site is not necessarily suitable for other uses.

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

The proposed development is considered to comply with the relevant policies of the development plan, in particular policies 2.4, GP5, H5 and H7 of Walsall's Unitary Development Plan, and, on balance, having taken into account all material planning considerations, the proposal is acceptable.

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

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