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ITEM NO: 1.

To: DEVELOPMENT CONTROL
COMMITTEE

Report of Head of Planning
and Building Control,
Regeneration
On 05 Aug 2008

REASON FOR BRINGING TO COMMITTEE: Significant Community Interest

Application Number: 08/0871/FL
Application Type: Full application
Applicant: Banner Homes (Midlands) Ltd

Proposal: Demolition of existing bungalow and erection of 5 detached dwellings.

Ward: Paddock

Recommendation Summary: Grant Subject to conditions

Case Officer: Barbara Toy
Telephone Number: 01922 652429
Agent:

Location: 44 PARK ROAD, WALSALL, WS5 3JU

Expired: 30/07/2008



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Application and Site Details

The site is situated on the southern side of Park Road close to the junction with Skip Lane. The site comprises a dormer bungalow considerably extended over the years, within a large plot with a large number of mature trees. Two existing vehicle access points provide an in and out access.

The site is covered by Tree Preservation Order 23 of 2007, which included all trees to the rear of the site and 20 trees within two groups on the frontage. The submitted tree report identifies 81 individual trees and 10 groups of trees in total (not all protected).

The area is characterised by detached houses and bungalows set back from the street with large rear gardens, with a variety of building styles and designs, providing low density development of between 5 and 9 dwellings per hectare.

Immediately to the east of the site is a detached dormer bungalow at No 54, set at a higher level than the site. To the west is an infill plot comprising a modern detached two storey house (with basement parking) at No 42, set at a lower level than the site. To the south (rear) of the site are detached houses within Beacon Road (unadopted road), and to the north on the opposite side of Park Road are detached two storey houses.

Park Road rises from west to east, with 42a at a lower level than the site and 54 at a high level. In addition Beacon Road to the rear falls away to the south and west of the site.

The application is a revised submission following a previous refusal for 5 detached 5 bed houses, 1 set on the frontage and 4 set to the rear within a new access drive.

This application proposes the demolition of the existing bungalow and erection of 5 x 5 bed two and a half storey detached houses set across the middle of the site in a staggered formation, utilising the existing in and out driveway.

Each house would have an integral garage and additional driveway parking off the main drive, and rear amenity space.

The proposals show the retention of the majority of the trees on the frontage and a large number to the rear.

Each house would have an individual design, although similar footprint, and would include features and characteristics of the surrounding area, including gable features, chimneys and dormer windows, and a mixture of brickwork and render finish.

A Design and Access Statement, Tree Report and Bat Survey have been submitted in support of the proposals.

Site area 0.35 hectare, providing a density of 14 dwellings per hectare.

Relevant Planning History

BC22770P outline application for the erection of a detached bungalow to the rear, refused 25-05-88.

Reason for refusal:

The development proposed is an undesirable form of tandem development which would introduce a substantial area of built development, noise and vehicle activity to the rear of existing properties with a detrimental effect upon the amenities currently enjoyed by adjacent residents. The development proposed constitutes an over development of the site which would be out of character with the area and would be likely to create an undesirable precedent for similar developments of this nature.

08/0212/FL, demolition of existing bungalow and erection of 5 detached 5 bed houses, refused 16-04-08, for the following reasons:

1. The design and layout of the proposed development would be out of character with the surrounding pattern of development in terms of plot sizes and no clear definition between public and private realm, thereby creating a cramped form of development.
2. The design and layout of the proposed development would result in development close to the site boundaries which would have an unacceptable detrimental impact on the quality of the amenities of the adjoining residential occupiers at 54 and 42a Park Road currently enjoyed, in terms of loss of light, loss of outlook, shadowing of private amenity space (exacerbated by the change in levels between the site and the adjoining properties), and a dominant overbearing impact of built form.
3. The trees on the site are protected under Tree Preservation Order 23 of 2007, and the submitted tree report fails to provide a tree constraints plan and trees protection details (in compliance with BS5837:2005, Trees in Relation to Construction). An accurate assessment of the proposals in relation to the protected trees is therefore unable to be carried out to ensure that the proposals would have no detrimental impact on the health and future of the retained and protected trees on the site.

An appeal has been submitted against the refusal to the Planning Inspectorate, the start date being 25-06-08. The appeal will take the form of an informal hearing, but no date has been confirmed yet.

Relevant Planning Policy Summary

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

Walsall Unitary Development Plan March 2005

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

GP2: Environmental Protection

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

- I. Visual appearance
- XII. Effect on woodland or individual trees.

Policy 3.6 seeks environmental improvement resulting from development.

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

3.17 development must take account of the need to reduce as far as possible the consumption of energy.

ENV18: Existing Woodlands, Trees and Hedgerows.

Loss of TPO'd trees will be resisted unless it would be in the interests of good arboricultural practice. Where any trees are lost replacements should be provided to minimise the loss.

ENV22: Protected Species

It must be demonstrated that any proposed development will not have an adverse impact on local populations of species.

ENV23: Nature Conservation and New Development

The layout of all development must take account of the potential for enhancement of the natural environment and the nature conservation opportunities provided by buildings by designing in features which provide roosting/nesting places for bats/birds etc.

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ENV32: Design and Development Proposals.

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

ENV33 Landscape Design

Good Landscape design is an integral part of urban design.

ENV39: Renewable Energy and Energy Efficiency

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

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

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

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

H10: Layout, Design and Dwelling Mix.

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

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

T7 - Car Parking

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

T13: Parking Provision

4 bedroom houses and above 3 spaces per unit

Supplementary Planning Document “Designing Walsall” (February 2008)

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

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

DW2 – all new development must contribute to creating places that feel safe.

DW3 – all new development must be designed to respect and enhance local identity

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

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

DW9 - new development must seek to ensure it creates places with attractive environmental quality

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

Annexe E: Numerical Guidelines for Residential Development identifies privacy and aspect distances between dwellings including 24m separation between habitable windows for two storeys and above, 13m separation between habitable room windows and blank walls exceeding 3 metres in height, 45° code, garden dimensions of 12m in length and 68m² for housing and 20m² per dwelling where communal provision is made, set backs to avoid terracing and provision of boundary walls. Although failure to comply with

these guidelines may not by itself be a reason for refusal of an application, it will be a factor to be used in determining whether a proposal would be compatible with the wider character of the area or the existing dwelling or the amenity of neighbours.

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

Expands on the policies contained within the environment chapter of the UDP. The document provides criteria for when a bat survey is required and the requirements of the survey.

Regional Policy

The Regional Spatial Strategy for the West Midlands promotes the regeneration of the metropolitan area and sustainable development in accordance with national government guidance.

National Policy

PPS1: Delivering Sustainable Development, emphasis is given to the need to reject poor design and the need for sustainable development.

PPS 3: Housing, the objective of the revised guidance is to:

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

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

Consultations

Transportation – no objections subject to conditions re parking and provision of bin hardstanding.

Pollution Control – Contaminated Land Team – no specific contaminated land issues

Scientific Team - No objections, subject to condition to restrict hours of working on site.

Fire Officer – No objections.

Environmental Health – no adverse comments

Landscape Officer – no objections

Tree Officer – The survey and tree protection details are satisfactory and providing the guidelines and advice within this document are followed then the development should have minimal or no detrimental impact on the retained trees both on and off site. The landscape plan shows sufficient and appropriate replacement planting which will add to the age class and species

mix of the area which should provide long term tree cover. Safeguarding conditions recommended.

Natural Environment – It was recommended that a further dawn and dusk survey should be carried out before the date of the committee.

This additional survey work needed to:

- Take place in suitable weather conditions
- Be carried out by sufficient numbers of surveyors
- Look at any trees on the site which are large enough to contain bat roosts which are proposed for removal.

A further survey has been undertaken and a further report submitted which claims that there are no significant impacts on bats. However, the second bullet point (above) appears not to have been addressed. There is no mention of further surveyors being used or evidence provided as to why one surveyor was sufficient to cover this site.

If the applicant's ecologist can provide evidence that the survey was carried out in accordance with the BCT bat survey guidelines then the report will be satisfactory.

Approval of the proposals is therefore supported subject to the receipt of the evidence detailed above, to be reported in the supplementary papers.

Public Participation Responses

Six letters objections and two letters of support received.

Objections:

- This is a retrograde step, the previous scheme was more attractive and in keeping
- 5 x 3 storey houses with only narrow gaps between, appears as a block of flats or a mini estate, the properties are condensed and out of character with the area.
- The proposals don't follow the existing building line of Park Rd and this should be marked on the plans to make it clear.
- Overlooking and loss of privacy
- Additional traffic and overspill parking on the street
- Disruption during construction in a quiet neighbourhood
- Loft windows should be to the rear
- Increased occupancy leading to noise and disturbance from vehicle and people movement
- Excessive height of proposed houses, leading to loss of light and shadowing of adjoining property
- Accept development of the site but consider proposals are over development, 3 or 4 larger houses would be more in keeping with the area.
- Layout contrived to meet the 45 degree code, but would create loss of light to adjoining property
- Loss of light to side facing kitchen window and loss of views/outlook
- Removal of a significant number of protected trees

- Proposed layout and design does not comply with UDP policy H10.

Support:

- Plans better than previous, less impact on surrounding properties
- Follows the line of the existing bungalow and more trees would be retained
- Large high spec properties with good accommodation and large south facing gardens which would retain the exclusiveness of the area
- Plot 5 borders 42a, at the same height and building area, no overlooking or loss of privacy
- Builders should reinforce the boundary fencing to plot 5 and retain the frontage as a whole and split it between the properties.

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

Determining Issues

Whether the proposals overcome the previous reasons for refusal in terms of:

- Compatibility with the character of the surrounding pattern of development
- Impact on the amenities of the adjoining residential occupiers
- Protected trees

And

- Bats

Observations

Compatibility with the character of the surrounding pattern of development

The proposals would provide a density of 14 dwellings per hectare, well below the guidance in UDP policy H9 and PPS 3 which encourages density between 30 and 50 dwellings per hectare. However Policy H9 also indicates that densities below 30 may exceptionally be justified to provide larger houses to support urban regeneration. The surrounding pattern of development is low density ranging between 5 and 9 dwellings per hectare. Therefore low density would be characteristic of the surrounding area and appropriate for the site, taking into account the surrounding pattern of development and the large number of mature trees and planting in the area, and protected trees within the site.

Park Road has a strong building line with properties of varying size, design and age, but all fronting the street within substantial plots, with large front gardens/driveways and mature planting. The southern side of the road is particularly characterised by properties with significant trees and planting on the frontage, obscuring full views of the houses. The northern side has less trees and provides more open views of the houses.

The proposals would provide 5 detached two and a half storey houses set across the middle of the site in a staggered formation. Whilst set slightly behind the main building line of Park Road, the houses would follow a similar line to the existing bungalow they are to replace, with each property having a frontage to the street and a substantial rear garden. Park Road falls from east to west and the proposed properties would gradually step down the site following the fall of the land.

The design and layout has been determined by the physical constraints of the site. The group of trees on the frontage to the street are protected by TPO 23 of 2007, and provide considerable group value within the street scene, and their retention was considered as high importance. The proposed layout includes retention of these trees and reuse of the existing in and out driveway, which would retain the existing general street scene.

The existing bungalow is barely visible from the street through the tree screen, whilst the proposed houses would be of a larger scale and form than the existing bungalow, the existing trees would continue to screen them from the road, this is similar to a number of other properties on this side of Park Road, and is characteristic of the neighbourhood.

The proposals now provide substantial rear gardens (unlike the previous scheme), the gardens would range in length from 22m – 32m and in area from 220sqm to over 450sqm, far exceeding the requirements of Designing Walsall numerical guidelines, and more in keeping with the size of gardens in the immediate area.

The previous scheme included a conflict between public and private space, which is no longer an issue in these revised proposals.

Whilst the proposed widths of plots 2, 3 and 4 would be slightly narrower than others in the street, 1 and 5 would be similar to others and the gaps between each house (at approx 1m) would be similar to those elsewhere in the street. Although the street comprises detached properties the gaps between the houses are not significant, the frontage of the site would remain as existing with no division and would therefore make little change to the general street scene. The development would not appear cramped in this context.

The houses would replace an existing bungalow which has a very substantial footprint, and is not particularly characteristic of the properties in the immediate area. The proposals would provide large family detached houses, which would be more characteristic of the area. Each property whilst having a similar footprint would have its own individual design of frontage, incorporating key design features from the surrounding area, including gable features, chimneys and a mix of brickwork and render.

It is considered that the proposals would sit comfortably within the surrounding pattern of development in terms of both design and layout.

Impact on the amenities of the adjoining residential occupiers

The proposals have brought the five houses forward within the site, staggered across the middle of the site and stepped from north to south following the fall of the land.

Plot 1 would sit adjacent to the boundary with No 54 Park Road and Plot 5 adjacent to the boundary with No 42a Park Road. Whilst both plots are still close to the side boundaries, both are now in completely different locations to the previous refusal. The frontage of plot 1 would now be approx 15m forward of that on the previous refusal and would be at a lower level than 54. Plot 5 would be approx 21 forward of Plot 4 on the previous refusal. Both plots would sit staggered from the existing properties and would no longer dominate the outlook and rear gardens of the adjoining properties. The proposals show compliance with the 45 degree code, despite the staggered siting, which would ensure an acceptable level of light to the adjoining properties.

No 54 have raised objections regarding loss of light to their existing kitchen. The main kitchen window is situated to the rear of the property and the proposal fully complies with the 45 degree code. Whilst a secondary window and door is situated on the side elevation of 54 together with a glazed utility extension, this is a secondary window and the utility is a non habitable room, and consideration is given to the primary source of light to the room, which the window to the rear.

No 54 is a dormer bungalow, but sits at a higher level than the site, it is therefore considered that the additional height of Plot 1 would not dominate or adversely affect the amenities of the adjoining occupiers. The rear of these properties faces south and whilst some shadowing of part of the garden of 54 immediately adjacent to the house may occur later in the day, the majority of the garden would remain out of the shadow of any buildings at all times, which is considered to provide an acceptable level of amenity.

The separation distance from the proposals to the properties to the rear in Beacon Road would be 45m, almost double the guidelines contained within Designing Walsall and more in keeping with the character of the area. In addition all the trees along the rear boundary of the site would be retained and additional planting is proposed which would continue to screen the site from the properties to the rear.

It is therefore considered that the proposals would have no adverse impact on the amenities of the surrounding occupiers and overcome the previous reason for refusal.

Protected trees.

The trees survey submitted is to BS5837:2005 standards and includes a tree condition survey and tree constraints plan (including tree protection details) not submitted with the previous application and a fully detailed landscape proposal.

Following an assessment of the submitted details it is considered that, providing all the recommendations of the report are fully implemented the proposals should have minimal or no detrimental impact on the retained trees both within and outside the site. The important group of trees on the frontage would be retained and continue to provide amenity value to the street.

The tree report identified 81 individual trees and 10 groups of trees and identified 26 trees for removal due to their condition and a further 17 trees to be removed to allow for the proposed development, giving a total of 43 trees to be removed, however only 29 of these are protected under the TPO, 9 on the frontage and 20 to the rear. All the trees to the rear boundary would be retained. The landscape scheme submitted shows 11 replacement trees in mitigation and shrub beds to the frontage of each of the houses. Although a number of trees on the site would be lost this is considered acceptable. Sufficient, appropriate replacement planting is proposed which will add to the age class and species mix of the area which should provide long term tree cover.

It is therefore considered that sufficient detail has been submitted to enable a full and accurate assessment of the proposals and their impact on the protected trees and the proposals are considered acceptable.

Bats

The first bat survey submitted concludes that from the external and internal inspection of the building there was no evidence that bats presently occupy any of the structure and no evidence that bats were roosting. Bats were not detected or seen emerging from the building. A second bat survey has been undertaken which took place in warmer conditions and included the trees within the site as well as the building, the report submitted fails to mention whether further surveyors were used or evidence provided as to why one surveyor was sufficient to cover this site.

The applicant's ecologist has therefore been requested to provide evidence that the survey was carried out in accordance with the BCT bat survey guidelines. If this evidence is provided then the report will be considered satisfactory. Approval of the proposals is therefore supported subject to the receipt of the evidence detailed above, to be reported in the supplementary papers.

Conclusion

It is considered that the amended proposals submitted overcome the previous reasons for refusal. The proposals would provide a residential development very similar in scale and character to the surrounding pattern of development.

The proposals include the retention of the existing trees and landscaping on the frontage which would continue to enhance the visual amenity of the area, to the benefit of all.

Recommendation: Grant Subject to conditions

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

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

2. No development shall commence until samples of all facing and roofing materials have been submitted to and approved in writing by the Local Planning Authority. The development shall be completed with the approved details and retained as such.

Reason: To ensure the facing and roofing materials harmonise with those in the surrounding vicinity.

3. No development shall commence on site until details of the disposal of both surface and foul water drainage have been submitted to and approved in writing by the Local Planning Authority. The development shall be completed with the approved details and retained as such.

Reason: To ensure the development is provided with satisfactory means of drainage and to reduce the risk of flooding and pollution.

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

Reason: In the interests of the amenity of the area and to ensure satisfactory development of the site.

5. No development shall be carried out until details of the location and design of a hardstanding for the location of bins on collection day, which must not obstruct the drive or interfere with the vehicle visibility splay are submitted to and approved by the Local Planning Authority.

Reason: In order to secure the satisfactory development of the application site.

6. Approved tree protection measures as detailed in the Marishal Thompson Group survey submitted on 20-06-08 shall be fully implemented prior to the commencement of any works on site and shall be retained until the completion of the development. The land so enclosed shall be kept clear of all contractors' materials and machinery at all times.

Reason: To safeguard the trees included in the Tree Preservation Order on the site.

7. 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 prior written approval of the Local Planning Authority.

Reason: To safeguard the trees included in the Tree Preservation Order on the site.

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

Reason: To safeguard the trees included in the Tree Preservation Order on the site.

9. The landscaping scheme detailed in ACD Landscape Architects Drawing No. 16588 10a shall be fully implemented and completed in accordance with the approved details before the development is occupied, unless otherwise agreed in writing with the local planning authority, and retained as such. All planted areas shall be maintained for a period of 5 years from the full completion of the scheme. Within this period any tree(s), shrubs or plant which dies, becomes seriously diseased, damaged or is removed shall be replaced with a tree, shrub or plant of the same or greater size and same species as that originally required to be planted.

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

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

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

11. Prior to the first occupation of the proposed development all parking, turning areas and access to the proposed dwellings shown on the approved

plan shall be fully consolidated surfaced and drained, in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason: In order to provide satisfactory parking facilities within the site.

12. No demolition, construction or engineering works, (including land reclamation, stabilisation, preparation, remediation or investigation), shall take place on any Sunday, Bank Holiday or Public Holiday*, and such works shall otherwise only take place between the hours of 07.00 to 18.00 weekdays and 08.00 to 14.00 on 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 protect the amenity of the surrounding residential occupiers.

13. This permission relates to drawing Nos. B4632 PL 101 Rev E, B4632 PL 102 Rev B, B4632 PL 103 Rev B, B4632 PL 104 Rev B, B4632 PL 105 Rev C and B4632 PL 106 Rev C, B4632 PL 107, B4632 PL 108, B4632 PL 109, B4632 PL 110 and B4632 PL 111, Land Survey 6917-1 and Landscape proposals Ban 16588 10a.

Reason: In order to define the permission.

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

The proposed development is considered to comply with the relevant policies of the development plan, in particular policies 2.1, 2.2, 3.6, 3.16, 3.17, 3.18, GP2, ENV18, ENV32, ENV33, ENV39, H3, H9, H10, T7 and T13 of Walsall's Unitary Development Plan, and Designing Walsall - Supplementary Planning Document, 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

Notes to Applicant

The attention of the applicant is drawn to the need to keep the highway free from any mud or other material emanating from the application site of any works pertaining thereto.

* Bank and Public holidays for this purpose shall be: Christmas Day; Boxing Day; New Year's Day; Easter Monday; May Day; Spring Bank Holiday Monday and August Bank Holiday Monday.



ITEM NO: 2.

To: DEVELOPMENT CONTROL
COMMITTEE

Report of Head of Planning
and Building Control,
Regeneration
On 05 Aug 2008

REASON FOR BRINGING TO COMMITTEE: Significant Community Interest

Application Number: 08/0976/FL

Application Type: Full application

Applicant: Mr S Williamson

Proposal: Removal of Condition 5
& Variation of Condition 6 (to allow
2 large vehicles to access the site
between the hours of 05.00 &
07.00) of Planning Permission
07/2750/FL/E6

Ward: Aldridge/Central & South

Recommendation Summary: Grant

Case Officer: Paul Hinton

Telephone Number: 01922 652420

Agent: Mr C Timothy

Location: LAND & PREMISES ON
THE NORTH WEST SIDE OF
MORFORD
ROAD, NORTHGATE, WALSALL, WS9
8TF

Expired: 13/08/2008



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Application and site details

This application follows an application that was reported to and approved subject to conditions by committee in April 2008 for the change of use of a general industrial premises to use as a distribution centre. This application seeks to remove condition 5 and vary condition 6.

The conditions state:

5. Within two months from the implementation of this permission details shall be submitted to the Local Planning Authority for the replacement radius kerbs at the entrance to the access to the site (Northgate/Morford Road) and details for the construction of a dropped pedestrian crossing with tactile provision at the point where the footpath meets Morford Road. Works shall be undertaken in accordance with the agreed details.

Reason: In the interests of pedestrian and highway safety.

6. No deliveries or despatches to or from the site by large goods vehicles shall take place outside the hours of 05.00 to 20.00. Between the hours of 05.00 and 07.00 only one large goods vehicle in connection with the approved use shall access the site unless otherwise agreed in writing by the Local Planning Authority. The large goods vehicle(s) shall have their engines turned off when parked within the site.

Reason: To protect the amenity of adjacent residential occupiers.

In the applicants supporting statement, for condition 5, it is stated that although the applicant has the legal right to use Morford Road, the road lies outside his ownership. Consequently, the improvement to the access drive required by the condition is outside his control. The application site has a lawful B2 general industrial use where there is already significant amount of traffic, including movements by large heavy good vehicles using Morford Road. The applicant considers that there is no evidence to suggest that the lawful use of the application site is giving rise to any harm to the interests of pedestrian or highway safety.

Morford Road serves more than the application premises, it serves a number of other B2 uses on the south eastern side of Morford Road. These are outside the control of the applicant and themselves generate traffic movements, including movements by large good vehicles. There is no suggestion that these units are giving rise to harm to interests of pedestrian and highway safety. The applicant suggests that the recently approved storage and distribution use of the application site will not give rise to any material increase in the amount of traffic using Morford Road. As a result the improvements to the junction would be unjustified since there would be no change in planning conditions resulting in any potential harm to pedestrian highway safety. The applicant proposes removal of condition 5 and suggests

that there is no realistic prospect of the applicant being able to implement the condition. The applicant has also stated that the condition is not necessary relevant to the development and reasonable in terms of the six tests of Circular 11/95.

The applicant, Interlink Express Limited would have parcels delivered in the morning by large good vehicles; parcels are then transferred to vans and delivered in the locality throughout the day. The precise wording of condition 6 only allows for one large goods vehicle to be at the site between 05.00 and 07.00 on any day. The applicant requires two vehicles within this period to conduct the proposed operations.

The application site is located within a core employment area within Northgate, Aldridge. The premises is currently vacant being one of the two main buildings used previously by Aldridge Plastics. Recent residential development has been undertaken at Lingmore Grove and Burnfields Way with their elevations 13m from the application site. The site is accessed from Northgate which leads into a shared yard area serving a former printers premises, now mostly vacant, where Little Rascal day nursery operate from the front of the building, the building subject to this permission and 5 smaller linked industrial units. A single block of 4 flats is situated adjacent to Morford Road. Properties along Leighswood Avenue are 28m from the smaller units accessed by Morford Road which are positioned between the houses and the application building which would be 82m from the dwellings in Leighswood Avenue.

Relevant Planning history

BC07836P – Subdivision of building into 3 units, elevation alterations and car park layout. Granted subject to conditions. 29/6/1983.

07/2750/FL/E6 – Change of Use to B8 (Storage and Distribution) Granted subject to conditions 3/4/2008.

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

Unitary Development Plan

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

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

ENV32: Poorly designed development or proposals which fail to properly take account of the context or surroundings will not be permitted.

4.4 Core employment uses are defined as industry and distribution in Classes B1b, B1c, B2 and B8 of the Use Classes Order. Core employment areas are locations of strategic importance and good accessibility. Core employment areas will be safeguarded for core employment uses.

JP5 a) Core employment areas shall be safeguarded for core employment uses. Proposals for other uses will only be permitted where it can be demonstrated that:

1. A need would be met which could not be satisfied elsewhere in the Borough; or
2. The range and quality of employment opportunities would be significantly increased.

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

4.34 Core employment areas contain major concentrations of core employment uses and/or good quality buildings or development opportunities. This policy will ensure that these areas, the best industrial areas that Walsall has to offer, will be retained for these uses.

T10 Accessibility Standards. The Council will use planning conditions to ensure that accessibility standards for all transport modes continue to be met throughout the life of a development.

T11 Access for Pedestrians, Cyclists and Wheelchair users. Where pedestrian and cycle links are considered to be sub-standard, measures must be taken to improve them.

Regional Spatial Strategy for the West Midlands was published in June 2004. This is now part of the Development Plan, with the UDP. It seeks to promote sustainability by controlling the location of uses and to implement the strategy that all parts of the Region should meet their own needs sustainably. It also seeks to reduce the need to travel and to promote an awareness of the implications of travel on the environment

Policy QE1 - Environment

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

National Policy

Planning Policy Statement 1: Delivering Sustainable Development. Planning should seek to maintain and improve the local environment.

Planning Policy Guidance 4, Industrial, commercial development and small firms, emphasises that a positive approach should be taken to dealing with planning applications unless it would cause demonstrable harm to interests of acknowledged importance.

Planning Policy Guidance Note 24: Planning and Noise, the planning system should not place unjustifiable objects in the way of development which creates jobs and infrastructure, but must ensure that it does not cause an unacceptable degree of disturbance.

Consultations

Transportation – no objection to the removal of condition 5.

Strategic Policy – no objection.

Pollution Control Scientific Team – no objection.

Pollution Control Contaminated Land Team – no objection.

Environmental Health – no objection.

Landscape – no objections.

Public Participation Responses

Twenty five identical letters and four individual letters have been received objecting on the following grounds:

- Increased noise via engines and reversing sirens
- Increase pollution
- Unclear how the Council intends to monitor and enforce two large vehicles
- Road not suitable for heavy traffic accessing the site
- The inclusion of conditions 5 and 6 on the original permission was essential as to avoid unnecessary noise and disturbance to adjacent residential properties
- It is not safe to have multiple large vehicles entering Morford Road
- On still early mornings sounds are amplified and travels within the area of Morford Road and homes on Leighswood Avenue.
- Sounds of vehicle reversing warming at 5am is going to be disruptive to sleep additional to various unloading, forklift trucks, people talking etc.

Determining Issues

- Highway and pedestrian safety
- Impact on the amenities of the surrounding occupiers

Observations

Highway and pedestrian safety

Condition 5 requires the replacement radius kerbs at the entrance to the access to the site (Northgate/Morford Road) and details for the construction of a dropped pedestrian crossing with tactile provision at the point where the footpath meets Morford Road. The pavement adjacent to the site has been damaged, most likely from commercial vehicles. Transportation originally recommended that as part of the permission a condition was used to ensure that the radius kerbs are replaced to the Council's specification. It was also recommended that an appropriate dropped pedestrian crossing be installed along the existing footpath in the interests of highway safety.

The applicant considers that the condition is not reasonable as the access serves a number of other B2 uses on the south eastern side of Morford Road, which are outside their control, and which generate large good vehicle movements. The applicant considers that there is no suggestion that these units are giving rise to harm to interests of pedestrian and highway safety. The applicant suggests that the recently approved storage and distribution use of the application site will not give rise to any material increase in the amount of traffic using Morford Road.

Transportation do not object to the application. The original request for the condition was based on the physical condition of the existing access, where there had clearly been occasions of vehicle over run which had resulted in damage to the kerbs.

It was considered that the Change of Use to B8, Storage and Distribution operating 24 hours a day could generate additional vehicle trips from the access, although this could not be quantified at the time by the applicant.

In the opinion of the Highway Authority at the time of assessing the original application 07/2750/FL/E6, the introduction of tactile provision would have indicated to people with visual impairments that there was a possible change in the level of vehicular activity at the junction, and provide for additional awareness when negotiating the junction, and crossing the highway across the private drive.

The applicant in the Planning Statement says that the 'proposed change of use B8 storage and distribution, will not give rise to any material increase in the amount of traffic using Morford Road', and 'therefore there will not be any increased potential harm to pedestrian highway safety'.

Therefore based on this information, and in the absence of any additional information available on previous vehicle traffic, highways will not object to the removal of the condition.

Impact on the amenities of the surrounding occupiers

The site falls within a Core Employment Area, noise or nuisance from this site would be comparable to an industrial premises. The nearest residential properties (Burnsfields Way) are 13m away and separated from the site by the 6m brick side elevation of the building. To the south of the yard is a 3m wall, 15m from the apartments along Lingmoor Grove. Adjacent to the junction of Northgate and Morford Road are four flats which are 79m from the premises subject to this application and 3m from Morford Road. Properties along Leighwood Ave are 82m from the application site, which is sandwiched between existing general industrial units.

There are no objections from Environmental Health and Pollution Control do not object to the variation of condition 6 to allow two large goods vehicles between the hours of 05.00 to 07.00. The condition was originally applied as at the time of the previous application and the information available to the Council it was considered appropriate to protect residential amenity. It has now been demonstrated to the Council's Pollution Control Division that the operation of two large goods vehicles between 05.00 and 07.00 hours would not have a detrimental impact upon residential amenity. In considering the immediate context the existing general industrial use has no conditions restricting working hours or the number and type of large goods vehicles at anytime. It also appears that the adjacent industrial units do not have safeguarding conditions controlling working hours or vehicle movements. Therefore while an open condition for large goods vehicles would have a detrimental impact upon the adjacent residential amenity, particularly during anti-social hours, allowing two large goods vehicles between the hours of 05.00 and 07.00 would restrict these vehicle movements within the site protecting local residential amenity and would also to retain commercial activity within this core employment site. The other safeguarding conditions of a noise survey, closed doorways, no industrial process in the open part of the site and no large good vehicles between 20.00 and 05.00 hours would be retained.

Recommendation: Grant

Condition 6 to read

No deliveries or despatches to or from the site by large goods vehicles shall take place outside the hours of 05.00 to 20.00. Between the hours of 05.00 and 07.00 no more than two large goods vehicles in connection with the approved use shall access the site unless otherwise agreed in writing by the Local Planning Authority. The large goods vehicle(s) shall have their engines turned off when parked within the site.

Reason: To protect the amenity of adjacent residential occupiers.

Note for applicant

Notwithstanding the above please refer to the remaining conditions of planning approval 07/2750/FL/E6 which have not been altered as a result of this application.

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



ITEM NO: 3.

To: DEVELOPMENT CONTROL
COMMITTEE

Report of Head of Planning
and Building Control,
Regeneration
On 05 Aug 2008

REASON FOR BRINGING TO COMMITTEE: Major Application

Application Number: 08/0907/FL
Application Type: Full application
Applicant: Housing 21
Proposal: Demolition of 1 & 3
Brockhurst Crescent and Delves
Resource Centre and Erection of 53
Unit Extra Care Scheme with
Associated Parking Facilities and
Day Care Centre.

Case Officer: Val Osborn
Telephone Number: 01922 652436
Agent: Joanne Ellson
Location: 1 & 3 BROCKHURST
CRESCENT & DELVES RESOURCE
CENTRE, BROCKHURST
CRESCENT, DELVES, WALSALL, WS5
4PW

Ward: Palfrey

Expired: 08/09/2008

Recommendation Summary: Grant Subject to conditions



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Application and Site Details

The application proposes the redevelopment of the existing care home site, with 53 extra care apartments with associated facilities and day centre.

The site is situated on the south-western corner of the junction of Brockhurst Crescent, West Bromwich Road and Bell Lane and extends to the rear garden boundary of houses fronting Sarah Gardens and Martingale Close, as well as the side garden of 15 Brockhurst Crescent. The area is predominantly residential. Properties on Martingale Close are set at a significantly lower level than the slab of the existing building and the proposal.

The site is south of the small shopping parade on the north-western corner of Brockhurst Crescent and West Bromwich Road and set behind a railed street frontage. Trees at the corner of Brockhurst Crescent and on the West Bromwich frontage are, in the majority, to remain, with additional planting to enhance the existing line of trees.

The proposed building on West Bromwich Street is set between 4.6m and 5.2m behind the existing railings which are to be retained.

Access to the new centre would be from Brockhurst Crescent, as existing, with a new driveway leading to a gated staff car park on the western side of the three storey complex. On the ground floor, administrative uses face the parking area with a new day care centre and kiosk shop overlooking West Bromwich Road. A communal dining room, lounge, conservatory and hobbies room face south, overlooking a landscaped garden with central pergola feature.

The Design and Access statement describes how the proposal's mass is located away from neighbouring dwellings to reduce impacts, with hipped roofs with a pitch to echo the adjacent vernacular style. Facing materials are predominantly brick and render broken up with timber detailing. The upper part of the second floor will be rendered.

The proposals include 40 x 1 bed and 13 x 2 bed apartments (to be split between affordable rent and shared ownership) for independent living, with welfare and meeting rooms, as well as night staff accommodation and a visitor's suite. The site currently provides 12 parking spaces and the proposal would provide 25 spaces.

Site area is 0.55 hectares with a density of 96 dwellings per hectare.

The proposals form part of Housing 21's partnership scheme with The Council for the re-provision of residential and day care facilities for older people in Walsall, split over 5 identified sites to provide 322 residential units and 125 day care places.

The main criteria for site selection has been the transfer of residents from existing locations to new sites within a reasonable distance, to minimise disruption and available sites.

Extra care provides affordable housing for older people through independent living with care support, tailored to the individual needs, to enable the residents to stay in their own home for as long as possible, as an alternative to residential care.

Relevant Planning History

None

Relevant Planning Policy Summary

(Note the full text version of the UDP is available from First Stop Shop in the Civic Centre and on Planning Services Website).

Walsall Unitary Development Plan March 2005

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

GP2: Environmental Protection

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

GP3: Planning Obligations

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

Policy 3.6 seeks environmental improvement resulting from development.

Policy 3.9 and ENV14 - high priority will be given to maximising the re-use and reclamation of derelict and previously developed land.

H3: Windfall Sites on Previously Developed Land and Conversion of Existing Buildings. Encourages provision of additional housing through windfall sites provided that a satisfactory residential environment can be achieved and that the development would not unacceptably constrain the development of any adjacent site.

H4: Affordable Housing

25% of total dwellings shall be affordable homes.

H5: Housing for People with Special Needs

The Council will promote and encourage the provision of housing for people with special needs, including single people, the elderly etc.

H9: Minimum Densities

Densities exceeding 50 dwellings per hectare will be encouraged within or close to local centers with good means of transport and for provision of small units for single people or the elderly.

3.16, ENV32 and H10: Layout, Design and Dwelling Mix

(a) The Council will expect high quality design, considered against the detailed standards and guidelines set out in the Council's Supplementary Planning Guidance and Supplementary Planning Documents relating to residential design.

ENV18: Existing Woodlands, Trees and Hedgerows

The Council will ensure the protection and enhancement of existing woodlands, trees and hedgerows. Where any loss is necessary appropriate planting of commensurate planting will be required.

T7 and T13: Parking Provision

Flats with communal parking 1.5 spaces per unit

Residential Care homes 1 space per 3 beds

Nursing Homes 1 space per 2 beds

Policy 7.63 of the UDP does indicate that in housing schemes are to be occupied by a greater proportion of non-car users than average (e.g. affordable housing or elderly accommodation) then a lower level of parking provision may be appropriate.

Designing Walsall SPD;

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

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

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

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

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

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

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

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

Appendix E – sets out numerical standards, in particular, 24m separation between habitable room windows in two storeys (and above) development.

Natural Environment SPD- advises on the protection of habitats and landscape features at development sites.

National Policy

PPS 1: Delivering sustainable development emphasis the need to reject poor design and the need for sustainable development.

PPS 3: Housing. Objectives to support further increased housing needed across the country, bring additional brownfield land back into use and increase the design and environment standards of new homes and neighbourhoods in order to move towards zero carbon development

PPG 13: Transport, promotes sustainable patterns of development, which reduce the need to travel, especially by car.

Consultations

Arboricultural Officer – No objections subject to conditions as recommended.

Natural Environment Team, Habitats – No objection. The applicant has completed works as specified in the submitted report and the landscape scheme should be beneficial to bats.

Fire Officer – No objection subject to a condition relating to the provision of providing dry risers to staircases, so as to satisfactory access for fire appliance.

Environmental Health – no adverse comments

Pollution Control – Contaminated Land Team; No objections, subject to works being implemented to investigate and remediate any localised ground contamination and ground gas issues associated with the site. Conditions as recommended.

Housing – fully support the proposals that form part of the Council's older person Extra Care Re-provision Programme.

National Grid – negligible risk.

Public Participation Responses

Four letters received, objecting to

1. the siting, massing and scale, considering the proposal as overdevelopment and inappropriate;
2. inadequate provision of parking spaces, close to a busy road junction; noise from car parking will impact on the amenity of rear garden areas;
3. differences in level between parts of the site and neighbouring properties will create an overbearing impact, with differences of 5m in overall height ;
4. proximity of the three storey elevation to nearby houses impacts on privacy.
5. The proposal's shop and hairdressers will prejudice the economic viability of local shops.

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

Determining Issues

The determining issues are:

- principle of residential development.
- design, layout and provision of amenity space
- Impact on the surrounding occupiers
- Access and parking
- Trees and Landscaping
- Provision of shops within the development
- Contributions

Observations

Principle of residential development

The application site comprises an existing residential use also providing day care facilities and this replacement proposal would be improved provision. Policy H3 encourages the provision of additional housing through the reuse of previously developed windfall sites and PPS 3 – Housing, encourages the re-use of sites for residential purposes where appropriate.

The site is in a predominantly residential area and close to a local shopping parade, with a frequent bus service on the West Bromwich Road frontage and Bescot train station is approximately 1km to the west. The site is a sustainable location with good public transport and local facilities in close proximity. The principle of residential development on the site is therefore considered appropriate.

Policy H9 encourages densities in excess of 50 dwellings per hectare within or close to local centres, with good means of transport and where it would provide small units for single people or the elderly. PPS 3 encourages a mix of housing types, both market and affordable and development in suitable locations which offer a good range of community facilities, key services, jobs and infrastructure. The proposals would provide small self contained units for the elderly with good public transport. On site facilities will enhance those in the area. Therefore the proposed density of 96 dwellings per hectare is considered acceptable and appropriate and would comply with policy.

Design, layout and provision of amenity space

The proposed building is 3 storey 'T' , 5m back from the railings at back of footpath, instead of 15m as existing. Bringing built form closer to the street is considered a positive contribution increasing surveillance of the public realm and adding to its safety by being overlooked by occupiers and users of the centre. It will also bring the development into the public realm as a residence and help establish a local identity.

The 'T' shape of the building enables the massing of the scheme to be broken into three wings which distributes the built form across the site satisfactorily. The layout provides for a well landscaped rear garden with a southern and

western aspect, which will be of high amenity value. The layout also enables the public rooms to overlook the garden and outside sitting areas. The layout therefore works well in relation to the site considerations.

The proposal provides a well landscaped site, with a core communal garden and patio area of approximately 800 sq m. Designing Walsall refers to a standard of 20 sq m per unit for communal space, which would mean the site should provide 1060 sq m. The proposal also features communal lounge, dining and conservatory which would overlook the garden area as well as a hobbies room, the floor space of which is approximately 264 sq m. As these parts of the proposal are part of the recreational opportunities the scheme would provide, it is considered that the numerical deficiency is more than off-set by this provision. The level of amenity space is therefore considered satisfactory in this particular instance.

Impact on the surrounding occupiers

The southern elevation close to West Bromwich Road (a narrow side elevation facing the adjacent electricity sub-station, with bathroom and access corridor windows), would be between 5m and 8m from the boundary, with three trees proposed as replacement planting for one tree to be felled in this locality of the site.

The two storey elevation of the existing building is separated from the rear elevation of 5 Sarah Gardens by 25m. The south facing gable elevation of the proposal would be 24m from the rear of 5 Sarah Gardens. The gable elevation of the proposal will not present overlooking habitable room windows facing 5 Sarah Gardens. The siting of the proposal to the north and to one side of 5 Sarah Gardens would not interfere with direct sunshine into its rear garden space. The outlook from the rear elevation of 5, 6 and 7 Sarah Gardens would be the landscaped rear garden of the scheme.

Beyond that garden there will be three storey flats opposite the rear of 5, 6 and 7 Sarah Gardens. The separation between overlooking windows would be approximately 50m.

The degree of separation and relationship of the proposal to properties fronting Sarah Gardens is satisfactory.

In a similar vein, the western gable of the proposal, (with bathroom windows and glazing to access corridors), is off-set almost completely from the rear of 41 Martingale Close, with approximately 1.6m of gable directly opposite and 20 metres away.

The existing two storey building is separated from the rear elevation of 41, 42 and 22 Martingale Close by 23.2m at its nearest point. Further into the site, the proposed building is wider and behind No. 41 but there would be no

overlooking of the rear of numbers 43, 22 and 20 Martingale Close and the building is more than 28 metres from the rear of the houses.

Nos. 41 and 43 Martingale Close are set at a ground level approximately 2m - 2.5m lower than the existing home. Additionally, the access road to the staff car park would be on this western side, with existing Norway maple trees being replaced. These will have effects on those houses, but they are seen as acceptable.

The proposal would create an essentially open aspect for the rear of numbers 43, 22 and 20 Martingale Close, the outlook being over existing and retained trees, car park area for staff and the rear communal garden of the proposal.

In respect of houses opposite the site, fronting Brockhurst Crescent, the separation between houses opposite and the first and second floor flats would be approximately 47m, which is considered satisfactory.

Access and parking

The public parking for the proposal is on the Brockhurst Crescent frontage. parking to the west of the block is in an area currently grassed and with a group of Norway maple trees. Most of these trees are to be retained and the proposed car park will be 9m from the rear of 20 and 22 Martingale Close (and further from 41 and 43).

However the access to this car park removes grassed slopes and pathways between trees. The proposal retains land of between 1m to 5m in width, in which replacement tree planting is proposed .

It is inevitable that the cars using the car park will create some noise and activity.. However the parking area will be for staff only with gates and a controlled entry system. It is considered that, on balance, the impact on the amenity of the occupiers of adjacent houses is acceptable.

Landscaping and Trees

The site is visually prominent. From West Bromwich Road, the three storey development will appear above the canopy of the retained trees. This is considered acceptable. The removal of a multi-stemmed lime tree will enhance the situation for the remaining trees.

The proposal retains the wall and surrounding trees that remain as part of the old hall that once occupied the site and the proposed landscape scheme identifies the planting of a line of 7 trees to enhance the street scene. Other existing large trees distributed at the corners of the site are to remain, with a significant group in front of the day centre close to the building. The Council's Arboriculturalist has suggested conditions and these are in the recommendation.

Provision of shops within the development

The applicant explains in the Design and Access statement that local shopkeepers are asked if they are willing to run a shop or hairdressing service on site. A small fee is charged so that residents are not subsidising the running costs of the spaces. In relation to hairdressing, salons are usually only open for a few days each week and just for a few hours. These facilities will be small scale (the shop is 7m by 5m), be an opportunity to extend the customer base of nearby premises, and remain within the control of facility's management. On this basis the proposal is considered acceptable.

Contributions

A residential scheme of this size would normally require contributions secured through a Section 106 towards: education, Public Open Space, Healthcare and Affordable Housing.

Housing 21, the Council's partner in this scheme are a registered social landlord housing association and a 'not for profit' organisation. The scheme would be funded through public monies which have been specifically approved and ringed fenced for this purpose and include Supporting People Funding, Housing Corporation Grant, funding from the PCT and Central Government grant. The site is owned by the Council and will be the subject of 125 year lease and a restricted covenant as to the use.

The restricted funding resources therefore makes Section 106 contributions impossible and inappropriate in this instance.

The scheme would however provide affordable housing and more than adequate amenity space for residents within the site. Therefore the proposal not require any further contributions towards open space. The scheme would provide accommodation for the elderly only and therefore a contribution towards local education facilities would not be appropriate. The scheme would provide its own car provision for residents and would therefore have no additional impact on local facilities.

It is therefore considered that there is a full justification for no Section 106 contributions on this particular scheme.

Recommendation: Grant Subject to conditions

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

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

2. No development shall commence until samples of all facing and roofing materials have been submitted to and approved in writing by the Local Planning Authority. The development shall be completed with the approved details and retained as such.

Reason: To ensure the facing and roofing materials harmonise with those in the surrounding vicinity.

3. No development shall commence on site until details of the disposal of both surface and foul water drainage have been submitted to and approved in writing by the Local Planning Authority. The development shall be completed with the approved details and retained as such.

Reason: To ensure the development is provided with satisfactory means of drainage and to reduce the risk of flooding and pollution.

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

Reason: In the interests of the amenity of the area and to ensure satisfactory development of the site.

5. 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 and retained as such.

Reason: To safeguard the visual amenities of the area.

6. No development shall commence on site until details of a landscaping scheme to include the species and size of replacement tree planting and particularly providing for replacement planting of extra heavy standards on the western boundary, is submitted to and approved by the Local Planning Authority. The scheme shall also provide for 'no dig' working in the vicinity of the trees identified to be retained and shall be completed in accordance with the approved details before the development is occupied, unless otherwise agreed in writing with the local planning authority, and retained as such. All planted areas shall be maintained for a period of 5 years from the full completion of the scheme. Within this period any tree(s), shrubs or plant which dies, becomes seriously diseased, damaged or is removed shall be replaced with a tree, shrub or plant of the same or greater size and same species as that originally required to be planted.

Reason: In order to safeguard the visual amenity and natural environment of the area and mitigate for the loss of trees on the site.

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

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

8 Prior to commencement of any work on site details of the tree protection fencing in accordance with BS5837:2005 shall be submitted to and approved in writing by the Local Planning Authority. The approved fencing shall be erected in accordance with the root protection areas detailed within the Arboricultural Survey by Middlemarch Environment Ltd, dated May 2008, prior to any work commencing on site and shall be retained until all works completed.

Reason: In order to ensure satisfactory protection and retention of the existing trees on the site.

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

Reason: In order to safeguard the existing trees on the site.

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

Reason: In order to safeguard the existing trees on the site.

11. Prior to commencement of any work on site a methodology for the construction of the parking spaces to be situated within the root protection area identified within the Arboricultural Survey by Middlemarch Environment Ltd, dated May 2008, shall be submitted to and approved in writing by the Local Planning Authority, only the approved details shall be implemented.

Reason: In order to safeguard the existing trees on the site.

12. No dwelling shall be occupied by any person under the age of 55 years old.

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

13. This permission relates to the following plans: B/07/0008 100 C, B/07/0008 SK100, B/07/0008 106, B/07/0008 110A, B/07/0008 111, B/07/0008 101B, B/07/0008 102 B, B/07/0008 103 B, B/07/0008 104, B/07/0008 002, Landscape masterplan drawing number 888 D.MP1, dated May 2008, Design and Access Statement and Arboricultural Report submitted on 3 June 2008.

Reason: In order to define the permission.

14. Prior to built development commencing a site investigation, ground contamination survey and assessment of ground gas, having regard to current best practice and approved in writing by the Local Planning Authority shall be undertaken as recommended in the Phase I Desk Study Report and Preliminary Ground Investigation (Reference GS098-02-04/NJS/NM/FL). A copy of the findings of the site investigation, ground contamination survey and ground gas assessment, together with an assessment of the hazards arising from any land contamination and/or ground gas shall be forwarded to the Local Planning Authority within 1 month of completion. Prior to built development commencing details of remedial measures to deal with the identified and potential hazards of any land contamination and/or ground gas present on the site and a timetable for their implementation shall be submitted to and agreed in writing with the Local Planning Authority.

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

The proposed development is considered to comply with the relevant policies of the development plan, in particular policies 2.1, 2.2, 3.6, 3.9, 3.16, GP2, GP3, ENV14, ENV18, ENV32, H3, H4, H5, H9, H10, 7.63 and T13 of Walsall's Unitary Development Plan, and, on balance, having taken into account all material planning considerations, the proposal is acceptable.

Notes to Applicant

1. Ground investigation surveys should have regard to current "Best Practice" and the advice and guidance contained in Planning Policy Statement 23 – Planning and Pollution Control; British Standard BS10175: 2001 "Investigation of potentially contaminated sites – Code of Practice"; British Standard BS5930: 1999 "Code of practice for site investigations"; Construction Industry Research and Information Association "Assessing risks posed by hazardous ground gasses to buildings(Revised)" (CIRIA C665); or any relevant successors of such guidance. You are strongly advised to consult with the Local Planning Authority on the construction, location and potential retention of any boreholes installed for the purposes of ground gas and or groundwater before installation of same.
2. When making assessments of any contaminants identified as being present upon the land and their potential to affect the proposed use regard should be had to the advice given in Contaminated Land Reports, R&D Publications,

CLR 7 to CLR 11 and The Contaminated Land Exposure Assessment (CLEA UK) model or any relevant successors of such guidance. This list is not exhaustive. Assessment should also be made of the potential for contaminants contained in, on or under the land to impact upon ground water. Advice on this aspect can be obtained from the Environment Agency.

3. Agreed remedial measures shall be implemented to the satisfaction of the Local Planning Authority in accordance with the agreed timetable. A validation report confirming the details of the measures implemented together with substantiating information and justification of any changes from the agreed remedial arrangements shall be submitted to and accepted in writing by the Local Planning Authority prior to the development being brought into use.

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



ITEM NO: 4.

To: DEVELOPMENT CONTROL
COMMITTEE

Report of Head of Planning
and Building Control,
Regeneration
On 05 Aug 2008

REASON FOR BRINGING TO COMMITTEE: Major Application

Application Number: 08/0890/FL

Application Type: Full application

Applicant: Housing 21

Proposal: Construction of 60 unit extra
care scheme with associated facilities
and Day Care Centre.

Ward: Short Heath

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

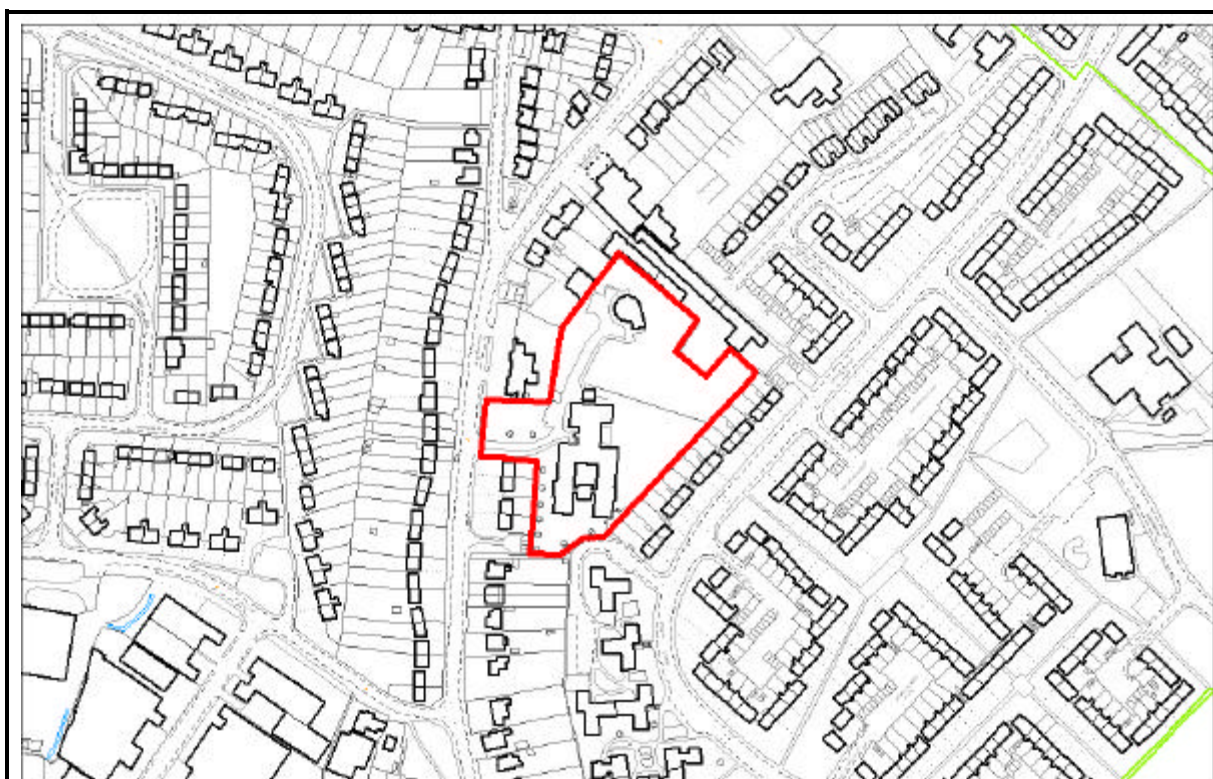
Case Officer: Val Osborn

Telephone Number: 01922
652436

Agent: Joanne Ellson

Location: SHORT HEATH
HOUSE, SANDBEDS ROAD,
WILLENHALL, WV12 4EY

Expired: 09/09/2008



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Application and Site Details

The application proposes the redevelopment of the existing care home / day care centre site to provide 60 extra care apartments with associated facilities and a new day centre.

The street frontage on Sandbeds Road is a large grassed area either side of the access road to the existing day care centre and home.

The site is much wider, behind that frontage, extending to the rear of a public house, The Brown Jug, and nos. 44 to 50 Sandbeds Road. The rear of the site abuts the rear of houses numbered 55 to 69 (odds and evens inclusive), fronting Stroud Avenue. To the north is an industrial site. The surrounding properties are largely two storey, with some three storey flats to the south-east.

Lane Head Local Centre is some 500m to the north.

The proposal is T-shaped, and is predominantly three storeys (the two storey elements are modest in extent). Access would be via the existing access road with rearranged parking and a drop off area for mini buses using the day centre.

On the ground floor, administrative uses and the day centre face the forecourt parking area with a communal dining room, lounge, conservatory, hair salon and hobbies room facing north, overlooking a landscaped garden.

The proposals include 37 x 1 bed and 23 x 2 bed apartments for independent living (to be split between affordable rent and shared ownership), with welfare and meeting rooms, as well as night staff accommodation and a visitor's suite. The existing site provides 20 parking spaces and the proposal would provide 26.

Site area is 1.14 hectares with a density of 53 dwellings per hectare.

The proposals form part of Housing 21's partnership scheme with The Council for the re-provision of residential and day care facilities for older people in Walsall, split over 5 identified sites to provide 322 residential units and 125 day care places overall.

The main criteria for site selection has been the transfer of residents from existing locations to new sites within a reasonable distance, to minimise disruption.

Extra care provides affordable housing for older people through independent living with care support, tailored to the individual needs, to enable the residents to stay in their own home for as long as possible, as an alternative to residential care.

Relevant Planning History

None

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

Walsall Unitary Development Plan March 2005

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

GP2: Environmental Protection

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

GP3: Planning Obligations

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

Policy 3.6 seeks environmental improvement resulting from development.

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

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

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

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

H4: Affordable Housing

25% of total dwellings shall be affordable homes.

H5: Housing for People with Special Needs

The Council will promote and encourage the provision of housing for people with special needs, including single people, the elderly etc.

H9: Minimum Densities

Densities exceeding 50 dwellings per hectare will be encouraged within or close to local centers with good means of transport and for provision of small units for single people or the elderly.

H10: Layout, Design and Dwelling Mix

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

I. Create a high quality living environment, well integrated with surrounding land uses and local character (natural and built) and in accordance with the principles of good design set out in Policy ENV32.
(c) All proposals for residential development will be considered against the detailed standards and guidelines set out in the Council's Supplementary Planning Guidance and Supplementary Planning Documents relating to residential design.

ENV14: Development of Derelict and Previously-Developed Land.

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

ENV18: Existing Woodlands, Trees and Hedgerows

The Council will ensure the protection and enhancement of existing woodlands, trees and hedgerows. Where any loss is necessary appropriate planting of commensurate planting will be required.

ENV32: Design and Development Proposals.

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

T7 – Car Parking

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

T13: Parking Provision

Flats with communal parking	1.5 spaces per unit
Residential Care homes	1 space per 3 beds
Nursing Homes	1 space per 2 beds

Policy 7.63 of the UDP does indicate that id housing schemes are to be occupied by a greater proportion of non-car users than average (e.g. affordable housing or elderly accommodation) then a lower level of parking provision my be appropriate.

Urban Design Guidance – Designing Walsall;

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

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

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

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

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

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

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

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

Appendix E – sets out numerical standards, in particular, 24m separation between habitable room windows in two storeys (and above) development.

Regional Spatial Strategy

National Policy

PPS 1: Delivering sustainable development emphasis the need to reject poor design and the need for sustainable development.

PPS 3: Housing (released December 2006 and recently superseded PPG 3. The objective of the revised guidance is to:

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

PPG 13: Transport, promotes sustainable patterns of development, which reduce the need to travel, especially by car.

Consultations

LIKELY RESPONSES

Transportation – no objections subject to conditions, regarding demarcation of parking spaces and mini bus area to be marked ‘loading only’.

Arboricultural Officer – No objections subject to conditions as recommended.

Natural Environment Team, Habitats – No objection. The applicant has completed works as specified in the submitted report and the landscape scheme should be beneficial to bats.

Fire Officer – Satisfactory access for fire appliance, providing dry risers are provided within each staircase, with access for a pump appliance to within 18m of each dry riser.

Environmental Health – no adverse comments

Pollution Control – Contaminated Land Team; No objections, subject to works being implemented to investigate and remediate any localised ground contamination and ground gas issues associated with the site. Conditions as recommended.

Scientific Team – no comments

Housing – fully support the proposals that form part of the Council's older person Extra Care Re-provision Programme.

National Grid – negligible risk.

Public Participation Responses

A letter of petition with 10 signatures objects on the grounds that the proposal to replace an existing single storey structure at some distance from rear elevations, with a three storey, traditionally roofed structure far closer shows the design to be poorly conceived when there would be many other layouts on the land whereby the residents can overlook pleasant gardens without intrusion into our privacy and casting our gardens into shadow. It would also have a detrimental effect on house values.

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

Determining Issues

- principle of residential development.
- design and layout
- Impact on the surrounding occupiers
- Access and parking
- Trees and Landscaping
- Contributions

Observations

Principle of residential development

The application site is an existing residential use also providing day care facilities and this is a replacement proposal with improved provision. Policy H3 encourages the provision of additional housing through the reuse of previously developed windfall sites and PPS 3 – Housing, encourages the reuse of sites for residential purposes where appropriate.

The site is situated in a predominantly residential area and in close proximity to a local centre, with a frequent bus service on Sandbeds Road and at Lane Head. The site is therefore considered a sustainable location with good public transport and local facilities in close proximity. The principle of residential development on the site is therefore considered appropriate.

Policy H9 encourages densities in excess of 50 dwellings per hectare within or close to local centres, with good means of transport and where it would provide small units for single people or the elderly. PPS 3 encourages a mix of housing types, both market and affordable and development in suitable locations which offer a good range of community facilities, key services, jobs and infrastructure. The proposals would provide small self contained units for

the elderly with good public transport. Therefore the proposed density of 53 dwellings per hectare is considered acceptable and appropriate and would comply with policy.

Design and Layout.

The proposed 3 storey 'T' shaped building is taller than the existing building, and closer to the boundary with other properties (in general).

The layout concentrates the parking and access arrangements nearest the highway, to minimise their impact on the site.

The building wraps around the parking, leaving the rest of the site, beyond the building, for gardens.

The massing of the scheme in three wings distributes the built form across the site satisfactorily.

Impact on the surrounding occupiers

The proposed building sits in the centre of the site, as far as possible from the boundaries with other housing. At its closest to existing housing, the separation between the rear elevations of houses fronting Stroud Avenue and overlooking second floor flats would be 23.6m at its closest. Designing Walsall seeks 24 metres between facing windows. It is considered that the reduction is acceptable.

Between the site and some existing properties is a 2m beech hedge , identified to be retained.

Overall, the scheme is considered acceptable in terms of its impact on neighbours.

Access and parking

Transportation consider the access and parking arrangements satisfactory and their comments are supported.

Landscaping and Trees

Contributions

A residential scheme of this size would normally require contributions secured through a Section 106 towards: education, public open space, healthcare and affordable housing.

Housing 21, the Council's partner in this scheme are a registered social landlord housing association and a 'not for profit' organisation. The scheme would be funded through public monies which have been specifically approved and ring fenced for this purpose and include Supporting People Funding, Housing Corporation Grant, funding from the PCT and Central

Government grant. The site is owned by the Council and will be the subject of a 125 year lease and a restrictive covenant as to the use.

The restricted funding resources therefore makes Section 106 contributions generally impossible.

In any event:-

- The scheme would provide affordable housing
- The scheme would provide accommodation for the elderly only and therefore a contribution towards local education facilities would not be appropriate.

It is therefore considered that there is adequate justification for no Section 106 contributions on this particular scheme.

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

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

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

2. No development shall commence until samples of all facing and roofing materials have been submitted to and approved in writing by the Local Planning Authority. The development shall be completed with the approved details and retained as such.

Reason: To ensure the facing and roofing materials harmonise with those in the surrounding vicinity.

3. No development commence on site until details of a landscaping scheme, to include the species and size of replacement tree planting and additional planting on the eastern boundary are submitted to and approved by the Local Planning Authority and these works shall be carried out as approved. The scheme shall include indications of all hard surfaces, walls, fences, access features, the existing trees and hedges to be retained, together with the new planting to be carried out, and details of the measures to be taken to protect existing features during the construction of the development. A Method Statement detailing the construction techniques for the pathways where they encroach into the Root Protection Areas of the trees to be retained must also be submitted, to include excavation depths, edging treatment and finished surface treatment. The construction technique should follow the principles of 'no-dig' construction and be completed in accordance with the approved details before the development is occupied, unless otherwise agreed in writing with the local planning authority, and retained as such. All planted areas shall be maintained for a period of 5 years from the full completion of the scheme.

Within this period any tree(s), shrubs or plant which dies, becomes seriously diseased, damaged or is removed shall be replaced with a tree, shrub or plant of the same or greater size and same species as that originally required to be planted.

Reason: In order to safeguard the visual amenity and natural environment of the area and mitigate for the loss of trees on the site.

4. Prior to commencement of any work on site details of the tree protection fencing in accordance with BS5837:2005 shall be submitted to and approved in writing by the Local Planning Authority. The approved fencing shall be erected in accordance with the root protection areas detailed within the Arboricultural Survey by Middlemarch Environment Ltd, dated May 2008, prior to any work commencing on site and shall be retained until all works completed.

Reason: In order to ensure satisfactory protection and retention of the existing trees on the site.

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

Reason: In order to safeguard the existing trees on the site.

6. No development shall commence on site until details of the access road and driveway and parking layout, providing for an extended driveway between parking space 9 and the ground floor office, have been submitted to and approved in writing by the Local Planning Authority. The access road shall be completed in accordance with the approved plan and retained as such.

Reason; In order to ensure the satisfactory access for fire service vehicles.

7. No development shall commence on site until details of the disposal of both surface and foul water drainage have been submitted to and approved in writing by the Local Planning Authority. The development shall be completed with the approved details and retained as such.

Reason: To ensure the development is provided with satisfactory means of drainage and to reduce the risk of flooding and pollution.

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

Reason: In the interests of the amenity of the area and to ensure satisfactory development of the site.

9. 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 and retained as such.

Reason: To safeguard the visual amenities of the area.

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

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

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

Reason: In order to safeguard the existing trees on the site.

12. No dwelling shall be occupied by any person under the age of 55 years old.

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

13. This permission relates to the following plans: B070007 200A, B070007 2001, B070007 205, B070007 207, B070007 219D, B070007 221 M, B070007 222 M, B070007 223 M; B070007 227 C, B070007 230 D, together with Design and Access Statement and Arboricultural Report submitted on 10th June 2008.

Reason: In order to define the permission.

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

The proposed development is considered to comply with the relevant policies of the development plan, in particular policies 2.1, 2.2, 3.6, 3.9, 3.16, GP2, GP3, ENV14, ENV18, ENV32, H3, H4, H5, H9, H10, 7.63 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 was

approved by the Development Control Committee, the report can be viewed on the Council's web site at www.walsall.gov.uk



ITEM NO: 5.

To: DEVELOPMENT CONTROL
COMMITTEE

Report of Head of Planning
and Building Control,
Regeneration
On 05 Aug 2008

REASON FOR BRINGING TO COMMITTEE: Major application

Application Number: 08/0584/FL

Application Type: Full application

Applicant: Midland Properties Ltd

Proposal: Erection of 22 dwellings with associated car parking, landscaping and garages following demolition of existing buildings

Ward: Darlaston South

Recommendation Summary: Grant Subject to conditions

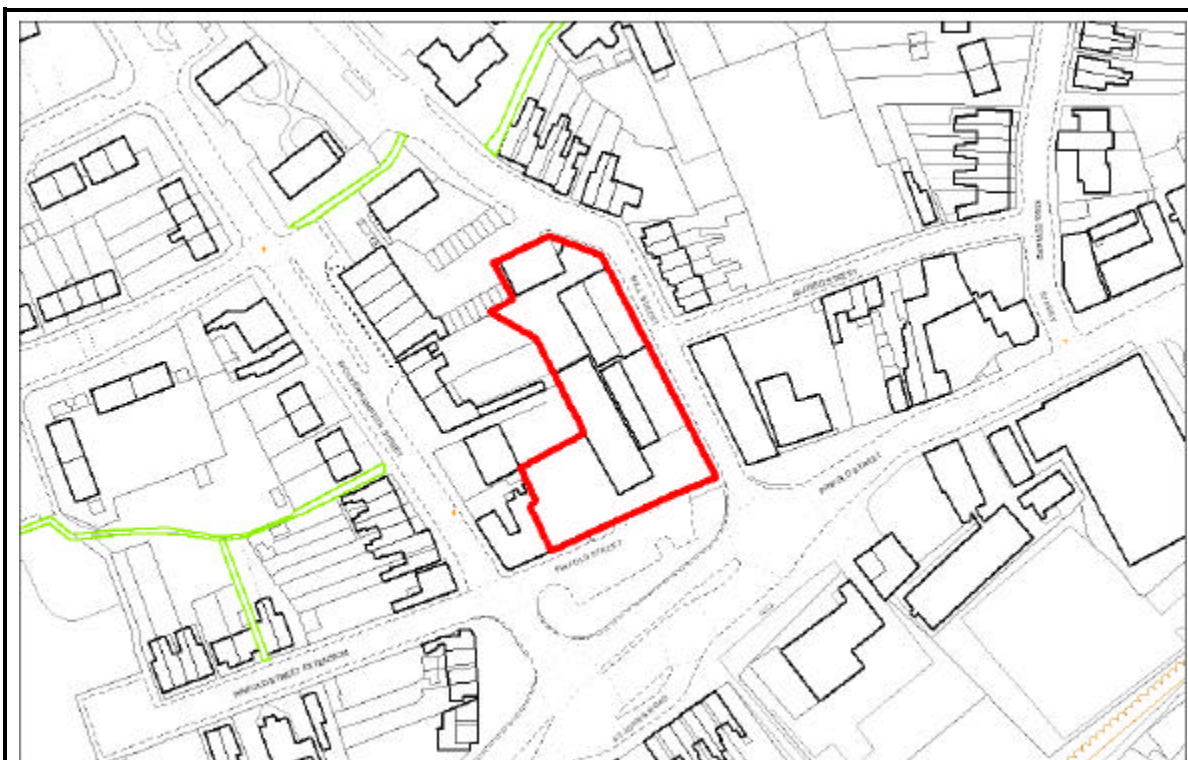
Case Officer: Andrew Thompson

Telephone Number: 01922
652403

Agent: Geoff Perry Associates Ltd

Location: LAND AT THE
JUNCTION OF PINFOLD STREET
AND MILL STREET,
DARLASTON, WS10 8TH

Expired: 03/07/2008



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Application and Site Details

The application site is on the corner of Mill Street and Pinfold Street. At this point, this part of Pinfold Street is a cul-de-sac (the main road having been re-aligned).

The site does not include the Staffordshire Knot public house which is on the next corner (Wolverhampton Street and Pinfold Street).

The site currently comprises vacant industrial and commercial premises. On part of the Mill Street frontage is a two storey brick built warehouse with other single storey modern industrial buildings also on the site.

The surrounding area is a mix of commercial and traditional employment premises mixed with residential properties of a variety of styles and ages. Opposite part of the site, on Mill Street, are traditional two-storey terraced dwellings. To the rear of the site is a 1970s, 3 storey building (shops with maisonettes over) with its garage court adjacent to the application site.

The proposals build around the perimeter of the site, with gardens into the site. The flats have a communal parking area and a small garden area, accessed from Mill Street. Four properties (3 houses and a flat-over-garage unit) will obtain their access from the dead end element of Pinfold Street.

The houses are a mix of 2 and 2.5 storeys in height and the apartments are 3 storeys in height.

The application comprises the following

- one, 1 bed apartment (over the drive-thru into apartment courtyard,
- two, 2 bedroom houses,
- one, 2 bedroom Flat Over Garage,
- nine, 2 bedroom apartments,
- six, 3 bedroom houses, and
- three, 4 bedroom houses.

The application has 34 car parking spaces (154%). This is allocated with each apartment being allocated one space and one additional visitor space within a private courtyard; the flat over garage having 2 spaces; houses on plots 15 and 16 benefiting from 1 space each and a shared visitor space; and the remaining houses each having two spaces each. The bin store for the apartments would be located next to the drive-thru to the private courtyard.

The site area is 0.272ha which equates to a density of 80.9dph.

The size of gardens for the houses range from approximately 33sqm (Plot 1) to approximately 127sqm (Plot 22). The apartments have a communal garden area of approximately 80sqm (serving 10 dwellings). The 1 bedroom apartment, the FOG and one of the first floor apartments will benefit from

recessed balconies with the remainder of the apartments having Juliet balconies.

A financial appraisal has been submitted in relation to section 106 contributions.

Relevant Planning History

None.

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

Unitary Development Plan (UDP)

The relevant planning policies include the General Principles for Development (Chapter 2 of the UDP) which encourage sustainable regeneration and seek to maximise the development of previously developed land in sustainable locations and promote high quality development. High quality design is at the core of the Principles for Development. The application site has no specific designation within the UDP therefore policy JP7 applies (seeks to protect employment land unless it would be more appropriate to consider alternative uses).

H3: Encourages provision of additional housing on previously-developed land, subject to (among other things) satisfactory residential environment, and no unacceptable constraint on the development of any adjacent site for its allocated or identified use. Policy H4 seeks to provide a level of affordable housing at 25% of the total dwellings proposed on the application sites. Policy H9 and H10 seek to encourage appropriate densities on developments with the proposed layout, design and mix.

Policy Env14 specifically encourages the development of previously developed land. Policy Env32 sets out design criteria and Policy Env33 seeks good landscape design. Policy Env39 seeks to ensure renewable energy and energy efficiency is encouraged as part of development

Chapter 7 of the UDP (Transportation) seeks to encourage alternative modes of transport to the public car. Policies T7 and T13 seek a well designed scheme in relation to car parking provision and policies T8 and T9 seek to promote walking and cycling respectively. Accessibility for all members of the community is reflected in policy T10.

Policy LC1 of the UDP is an important consideration in the provision of open space within the development.

The Council's Supplementary Planning Documents (SPD) include the Affordable Housing SPD (2008), Urban Open Space SPD (2006), Education

SPD (February 2007), Conserving Walsall's Natural Environment SPD (2008) and Designing Walsall SPD (2008) are all relevant.

Regional Spatial Strategy for the West Midlands (RSS11)

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

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

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

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

Policies UR1, UR1b, UR1c and UR3 which seek to regenerate urban areas and in particular the major urban areas. Policies CF1, CF3, CF4 and CF5 seek to encourage housing in sustainable locations.

Policies QE1 and QE3 which seeks to improve the quality of the environment. The policies also aim to enhance public spaces and urban green space. Policy CC1, EN1, EN2 seeks to conserve energy and address climate change.

Policies T2, T3, T4, T5 and T7 seek to reduce the need to travel and promote sustainable modes of transport.

National policy guidance

Planning Policy Statement (PPS) 1: Sets out the overarching planning policies on the delivery of sustainable development through the planning system. In paragraph 13 (indent four) PPS1 indicates that planning policies should promote high quality inclusive design in the layout of new developments and individual buildings and that design which fails to take the opportunities available for improving the character and quality of an area should not be accepted." Paragraphs 33 to 39 also state the importance of good design.

PPS 3: Encourages reuse of previously-developed land for housing in sustainable locations and takes a sequential approach to location of new homes. Applications for residential on employment land should be given favourable consideration, subject to criteria.

PPS3 also indicates that housing policy objectives provide the context for planning for housing through development plans and planning decisions. This includes high quality housing that is well-designed and built to a high standard; a mix of housing, both market and affordable, particularly in terms of tenure and price, to support a wide variety of households in all areas; a sufficient quantity of housing taking into account need and demand and seeking to improve choice; and housing developments in suitable locations, which offer a good range of community facilities and with good access to jobs, key services and infrastructure.

In considering high quality design, PPS3 (paragraph 16) guides that proposed development should be well integrated with, and complement, the neighbouring buildings and the local area more generally in terms of scale, density, layout and access and creates a distinctive character that relates well to the surroundings and supports a sense of local pride and civic identity.

Planning Policy Guidance Note (PPG) 13, promotes development accessible transport locations, reducing the need to travel by car and promoting walking, cycling and public transport. This is supported by Manual for Streets (published May 2007) which promotes a flexible approach to design and materials that build a high quality environment

PPS23 (Planning and Pollution Control) and PPS 24 (Planning and Noise) also apply seeking to appreciate and conserve the historic environment and deliver development which does not raise issues in terms of polluted environments.

Circular 05/2005 (Planning Obligations) is of relevance in this instance with regard to the appropriate level of planning contributions that will be sought.

Consultations

Pollution Control Contaminated Land Team support this development proposal subject to works being implemented to carry out additional investigation and to remediate any localised ground contamination and ground gas issues associated with garages and works. Conditions to address these concerns have been provided.

District Valuer Service - The overall site development costs in the Developer's Appraisal are reasonable and it is difficult to see where savings could be made on this aspect of the appraisal to allow contributions to be made.

Centro – No objection

Housing Strategy – An Affordable Housing contribution is sought in line with the Adopted Affordable Housing SPD.

Green Space - A contribution of £38,115 is sought in line with the Adopted Urban Open Space SPD.

Education – A contribution of £42,968.13 is sought in line with the Adopted Urban Open Space SPD.

Public Art - A contribution of £7,700 is sought in line with the Adopted Designing Walsall SPD.

WM Police – No objection but wishes to highlight that this development is in a major hot spot area for crime particularly anti social behaviour and criminal damage type offences. Secured by Design states that side gates and rear access gates should be the same height as the adjoining fence, of a type that does not provide climbing aids and are key operated. Lighting for the parking area should comply with BS5489.

Representations

None

Determining Issues

- Principle of the proposed use
- Design and layout of the proposals
- Relationship to neighbouring residential properties and impact on the area
- Affordable Housing, Education, Open Space and Public Art contributions

Observations

Principle of the proposed use

National, regional and local planning policy all require a sequential approach to house building, preferring previously-developed land in the Major Urban Areas. To achieve the UDP target requires all new residential development to be on previously-developed land.

The site is or has been in employment use, but is not in a Core Employment Area. Consequently, policy JP7 applies. This generally safeguards employment land, but in part (d) recognises that there may be circumstances in which it will be more appropriate to consider other uses, such as housing.

This is a mixed use area, and the site could remain commercial, or change to reflect the housing around the development. It could be argued that the historic use of the site would now be considered to be poorly related to the surrounding residential properties.

National policy is that applications for residential development on employment land should be given favourable consideration, even on sites allocated for employment uses. In the context of PPS 3 there is no overriding need for this site to be retained for employment use.

Overall the principle of the proposed use is considered acceptable.

Design and layout of the proposals

The overall layout of development proposed for this site offers a sense of legibility and security, wrapping around the perimeters of the site and enclosing the space.

The proposal contains two Flats Over Garages (FOGs), a form of development which the Council would generally discourage due to the poor quality of living accommodation and resultant dead frontages to the streetscene. However, in this instance the FOGs present acceptable frontages to the scene and have been amended to include private amenity space in the form of first floor recessed balconies, as well as improved designs to the private courtyard so that large blank walls do not dominate this area or the communal amenity space.

Designing Walsall requires that all residential units have attached private amenity space, though it seeks larger spaces than some of those proposed. The amenity area for the flats is also smaller than would have been preferred. However, the proposals have addressed this objective and it is noted in the SPD that setting rigid or empirical design standards good design is rarely achieved. The overall design and layout is acceptable.

Relationship to neighbouring residential properties and impact on the area

The proposals relate in a conventional manner of a street to properties opposite on Mill Street.

The proposed apartments form a feature on the corner of the street, and include an entrance from the street generating activity for the street scene.

Plots 21 and 22 also overlook (to a degree) the entrance to the garage court north of the site, improving surveillance and activity in this area.

Therefore the relationship to neighbouring residential properties and the street scene is acceptable and indeed offers an improvement to the local environment.

Affordable Housing, Education, Open Space and Public Art contributions

The applicant has submitted a viability assessment which has been passed to the District Valuers for assessment and consideration.

As a result of site investigation work and construction costs the applicant is proposing that no contributions will be offered as a result of the development. Abnormal costs, including ground contamination and stability of a mine shaft total approximately £160,000 on the site.

The conclusion of the District Valuers is that at these rates of profit, the Scheme may be considered marginally viable and in the current market conditions these profit levels could well reduce further. Funders for this Scheme will be wary at these levels and will probably be requiring a profit margin of 20% at least, on development costs which the applicants Quantity Surveyors think should be achieved on competitive tendering. The overall site development costs in the Developer's Appraisal are reasonable and it is difficult to see where savings could be made on this aspect of the appraisal.

Overall, these conclusions are accepted and it is considered that there is no scope to offer contributions in this case.

Recommendation: Grant Subject to conditions

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

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

2 a) Following the demolition of existing buildings and prior to built development commencing additional site investigation, ground contamination survey and assessment of ground gas, having regard to current best practice and approved in writing by the Local Planning Authority shall be undertaken. A copy of the findings of the additional site investigation, ground contamination survey and ground gas assessment, together with an assessment of the hazards arising from any land contamination and/or ground gas shall be forwarded to the Local Planning Authority within 1 month of completion.

b) Prior to built development commencing details of remedial measures to deal with any identified and potential hazards of any land contamination and/or ground gas present on the site (identified as a result of Condition 2a) and a timetable for their implementation shall be submitted to and agreed in writing with the Local Planning Authority.

c) Agreed remedial measures (Agreed under Condition 2a and 2b) shall be implemented to the satisfaction of the Local Planning Authority in accordance with the agreed timetable. A validation report confirming the details of the measures implemented together with substantiating information and justification of any changes from the agreed remedial arrangements shall be submitted to and accepted in writing by the Local Planning Authority prior to the development being brought into use.

Reason: To ensure satisfactory development of the application site.

3. This development shall not be carried out until samples of the facing materials to be used have been approved in writing by the Local Planning Authority.

Reason: To ensure the satisfactory appearance of the development.

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

Reason: To ensure the satisfactory appearance of the development.

5. Before this development is brought into use, the accessways, vehicle parking and manoeuvring areas shown on the approved plans shall be hardsurfaced in materials to be agreed in writing by the Local Planning Authority. The areas shall thereafter be retained and used for no other purpose. The parking spaces shall have been clearly marked out.

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

6. No development shall be carried out until full details of the proposed boundary treatment of the site have been approved in writing by the local planning authority. The approved scheme shall be implemented before the development is brought into use and shall be thereafter retained unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the satisfactory appearance of the development.

7. The development shall be constructed in accordance with the Code of Sustainable Homes (April 2007) 3 stars standard relating to energy efficiency / CO₂, water efficiency, surface water management, site waste management, household waste management and use of materials, unless otherwise agreed in writing with the local planning authority.

Reason: In order to provide high performance sustainable homes and protect the environment in accordance with policy aims 3.17 and 3.18 and policy ENV39 of the Walsall Unitary Development Plan and Planning Policy Statement 1 Supplement on Climate Change.

8. No demolition, construction or engineering works, (including land reclamation, stabilisation, preparation, remediation or investigation), shall take place on any Sunday, Bank Holiday or Public Holiday, and otherwise such works shall only take place between the hours of 07.30 to 18.30 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: In the interests of the amenity of adjacent occupiers.

9. 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.

10. Unless otherwise agreed in writing by the Local Planning Authority, no development shall be carried out until details of security oriented design measures and physical security measures for all buildings and public spaces have been submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented concurrently with the relevant element of the development, and thereafter retained.

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

11. No development shall be carried out until details of the proposed lighting for the development have been submitted to and approved in writing by the Local Planning Authority. Subsequently, no other additional or replacement 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 and to ensure a safe and attractive environment on the site.

12. Prior to the occupation of the buildings hereby approved, the location of a communal satellite dish(es) to serve the apartments units shall be submitted to and agreed by the Local Planning Authority. The dish(es) shall be installed in accordance with the approved details prior to the first occupation of the apartment block.

Reason: To ensure the satisfactory appearance of the building, to ensure amenities of future residential occupiers, to prevent a proliferation of satellite dishes on the building and to ensure satisfactory functioning of the development.

13. Prior to the commencement of development the details and locations of secure cycle stores shall be submitted to and approved by the Local Planning Authority. The stores shall be installed in accordance with the approved details prior to the first occupation of the development.

Reason: To ensure the satisfactory appearance of the development and to promote the use of more sustainable modes of transport.

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

The proposed development is considered to comply with the relevant policies of the development plan, in particular policies GP1, GP2, GP3, GP7, T7, T12 T13, ENV10, ENV18, ENV32, ENV33, JP7(d), S6, S7, H3, H4, H6 and H10 of the Walsall Unitary Development Plan 2005, Policies QE3, QE4 and QE5 of the Regional Spatial Strategy for the West Midlands (RSS11), and Walsall's Affordable Housing SPD (2008), Urban Open Space SPD (2006), Education SPD (2007) and Designing Walsall SPD (2008) 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 website at www.walsall.gov.uk <<http://www.walsall.gov.uk>>.

NOTES FOR APPLICANT:

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

B) When making assessments of any contaminants identified as being present upon the land and their potential to affect the proposed use regard should be had to the advice given in Contaminated Land Reports, R&D Publications, CLR 7 to CLR 11 and The Contaminated Land Exposure Assessment (CLEA UK) model or any relevant successors of such guidance. This list is not exhaustive. Assessment should also be made of the potential for contaminants contained in, on or under the land to impact upon ground water. Advice on this aspect can be obtained from the Environment Agency.

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

D) As your application includes demolition work, it may be necessary for you to also notify Building Control Services of your intention to demolish (Section 80 of the Building Act 1984). This should be done as soon as possible but not less than 6 weeks before commencement of the demolition work. Helpline number 01922 652408.

E) The Council consider the scheme should meet the terms of the Secured by Design concept, and will expect the submissions under this condition to meet that concept, or provide compelling justification for not doing so.

F) The submitted details for the lighting are expected to conform to BS5489 Part 9, as appropriate.



ITEM NO: 6.

To: DEVELOPMENT CONTROL
COMMITTEE

Report of Head of Planning
and Building Control,
Regeneration
On 05 Aug 2008

REASON FOR BRINGING TO COMMITTEE: Major Application

Application Number: 08/0727/FL

Application Type: Full application

Applicant: Mr Pablo Cantle

Proposal: Erection of a Proposed Warehouse (Use Class B8) with Associated Offices, Canopy and Access Ramp.

Ward: Bentley & Darlaston North

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

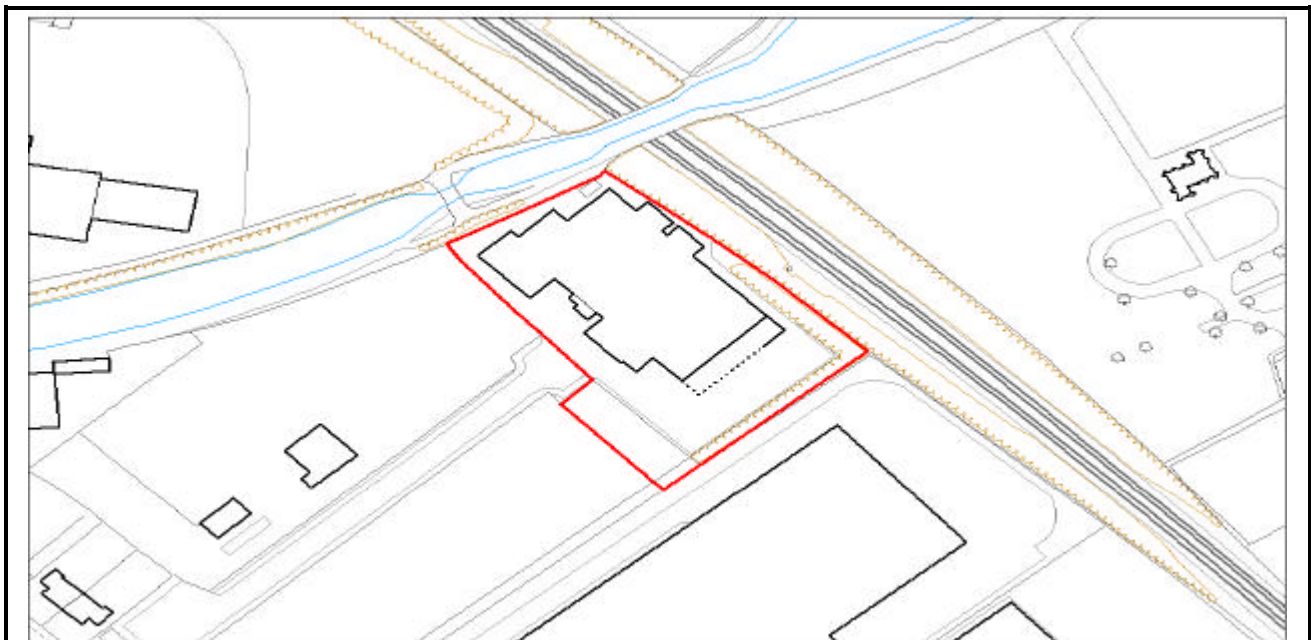
Case Officer: Andrew Thompson

Telephone Number: 01922 652403

Agent: Mr Andrew Gayler

Location: LAND ADJACENT TO ACERINOX UK LTD, HEATH ROAD, DARLASTON, WALSALL,

Expired: 18/08/2008



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Application and Site Details

The application is for a new warehouse facility (3,676 square metres) for the neighbouring Acerinox building with a new access ramp and a small amount of car parking. The proposed building would also have a small element of ancillary offices (approximately 576 square metres) which would be located in the southern corner.

The proposed warehouse building is to be used for the storage and re-packaging of imported stainless steel products (bar, tube, angle sections etc), stored on racking systems in the building.

The application site is next to the existing Acerinox building with Fosters Bridge adjoining the site. There is a brick boundary wall adjacent the canal towpath and bridge.

The existing Acerinox building is approximately 3 meters lower than the proposed building and therefore the access ramp is proposed.

The warehouse and factory building which previously occupied the site has been demolished.

Relevant Planning History

None.

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

Unitary Development Plan

The site is located within a Core Employment Area (Policy JP1) where industrial and commercial developments are encouraged. Offices and high traffic generating businesses are discouraged in favour of town centre sites. High quality design and layouts should be progressed in accordance with Policy Env32 and the opportunity for high quality landscaping should be considered in accordance with Policy Env33. Policy Env10 is relevant in terms of noise and disturbance to nearby non-commercial premises, for example the cemetery.

Designing Walsall, the Council's Supplementary Planning Document (SPD) on design is also relevant. The SPD outlines how Public Art contributions will be sought. The Council's Nature SPD is also relevant in this instance.

Regional Spatial Strategy

The Regional Spatial Strategy for the West Midlands (RSS11) has been revised and republished on 15th January 2008 to reflect the first Phase of Review, related to the Black Country. The Strategy seeks to provide broad

regional directives and recognises the role of the regeneration of the Black Country to the overall performance of the West Midlands Region.

National Policy

Planning Policy Statement (PPS) 1 seeks to encourage a high quality environment with design and sustainability at the heart of all proposals. The guidance seeks to reduce the requirement of the private car and by creating 24hour environments will promote alternative modes of transport. The guidance also seeks to ensure that the requirements of climate change are addressed.

Planning Policy Guidance Note (PPG) 4 and Draft Planning Policy Statement 4 seek to encourage a modern working environment and to encourage enterprise and innovation to achieve sustainable economic development.

PPG13 guides that the reliance on the private should be reduced and that developments should accommodate opportunities for walking, cycling and use of public transport. The level of car parking in town centres should be managed and wherever possible reduced.

Consultations

Transportation – No objection subject to conditions

Pollution Control Contaminated Land Team - support this development proposal subject to works being implemented to investigate and remediate any localised ground contamination and ground gas issues associated with the works and former refuse tip. Conditions to address these concerns have been provided.

Pollution Control Scientific Team – No objections

Bereavement Services – No objection but during construction there is a risk of dust blowing across the rail tracks and settling on grave memorials; and noise pollution while funerals are underway. There are already units on the site and they do not affect us during their day to day operations.

Access Officer – No objections however the proposed development should comply with the current requirements of the Building Regulations Part M (access for everyone).

Structures – No objection but the applicant should be aware that this application straddles the boundary of the Consideration Zone for Darlaston Green Limestone Mine and therefore the requirements of the Council's Planning Code of Practice for development within Limestone Consideration Zones should be strictly adhered to. These guidelines were approved by the then Planning Committee on 24/08/83 and their application clarified by a meeting on 21/11/84. The situation has not changed since the

recommendations in those reports were approved by Committee and therefore these guidelines are still applicable. The applicant has been informed.

National Grid – No objection - The proposals represent a negligible risk.

Centro – No objection subject to the applicant progressing a company travel plan

Fire Service – No objection

Public Participation Responses

None

Determining Issues

- The principle of the development
- Layout
- Design
- Limestone mine and implications
- Ecological comments and issues arising
- Public Art contribution and the cost of preparing the legal agreement

Observations

The principle of the development

The site is located within the Core Employment area on Heath Road and as such is allocated for commercial and industrial development. The area is a major concentration of industrial uses and policy seeks to ensure that these areas are retained for such.

The proposals are in accordance with the policy objectives and would have the potential to create and develop commercial and industrial jobs. The proposals represent a replacement of an existing industrial facility and re-uses brownfield land. Officers consider that the proposals are satisfied that this element is acceptable in planning policy, in particular policy JP1.

The proposed layout

The proposals are for a new warehouse facility of 3,676 square metres. Lorries and HGVs would enter the site through the existing entrance, turn within the existing service area and proceed up a new access ramp to the new building. The vehicles would then exit the site through the existing service road so that the main operations occur in a one-way system.

The proposed building occupies a significant proportion of the site however in comparison to the former building on the site, this is a similar layout.

It is intended that waste skips will be stored within the building as they currently do in the existing Acerinox building. This is to avoid steel being stolen and rubbish burned as previously undertaken by people gaining unauthorised access to the site.

Overall, it is considered that the proposed layout is acceptable.

Design

The design of the proposals matches the existing Acerinox building. The proposals include an entrance canopy forming the end vista to the access road and corner treatment on the southern corner of the proposed building which will use steel columns and signs in this location. These features will break up the bulk and mass of the main elevations to the front of the site.

The designs also incorporate differing colour panels at the top portion of the building to break up the bulk and mass of the structure. In addition, to the canal elevation vertical sections have been introduced to break up the bulk and mass and to provide interest to the canal elevation.

Overall the design is considered to be an improvement to the area, providing physical improvement to the neighbouring scrap metal yards whilst complementing the existing large industrial sheds in the area.

Limestone mine and implications

The application site straddles the boundary of the Consideration Zone for Darlaston Green Limestone Mine and therefore the requirements of the Council's Planning Code of Practice for development within Limestone Consideration Zones should be strictly adhered to. These guidelines were approved by the then Planning Committee on 24/08/83 and their application clarified by a meeting on 21/11/84. The situation has not changed since the recommendations in those reports were approved by Committee and therefore these guidelines are still applicable.

The applicant has been informed of these requirements and of the issue, however as the proposals are on the site of a large former warehouse building (now demolished) and is close to the boundary of the Consideration Zone, the impact of the proposals should be able to be remediated against without compromising the stability of the mine following appropriate assessment.

Ecological comments and issues arising

The proposed building is set further away from the boundary and reduces the level of activity to the rear elevation and to the elevation to the canal and railway. There would be no change to the existing planting and landscaping to the railway and canal.

It is noted that if landscaping were incorporated between the proposed building and the canal boundary it would have to comprise trees which could

potentially affect the stability of the canal retaining wall as they grew to maturity.

A bat survey has been commissioned by the applicant. The initial view of the applicant's bat surveyor is that there are no obvious habitats for bats on the site and that the nearest opportunity for bat habitats is located at the nearby cemetery. Therefore the installation of bat boxes should be sufficient in this instance.

It is therefore considered that the proposals offer an improvement to the former building and to the character of the area.

Public Art contribution and the cost of preparing the legal agreement

The applicant has agreed to the S106 contribution towards public art which totals £11,328 which will be used for the development of public art in the area and possibly as part of the Darlaston Strategic Development Area regeneration.

The ordinary costs of preparing the Section 106 are

- £2,500 for legal
- £450 for planning administration services and
- £1,499.85 for monitoring (as 9% of the planning fee).

This would total: £4,449.85

The cost of preparing the Section 106 is significant given the actual amount sought and agreed for the actual planning contribution. Therefore officers propose to reduce the costs of planning monitoring costs to £950 (which is the normal amount required for simpler legal agreements), to maintain the planning admin costs at £450 and in addition the costs of legal officers would be reduced to £1,750 in this instance.

Conclusion

Overall the proposals represent a modern industrial unit which would allow for an existing Walsall business to expand and develop its operations and maintain its presence in the Borough. The design and layout of the proposals are considered would make a positive contribution to the environment and canal corridor.

Recommendation: Grant Permission Subject to Conditions and a Planning Obligation

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

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

2a) Prior to built development commencing a site investigation, ground contamination survey and assessment of ground gas, having regard to current best practice and approved in writing by the Local Planning Authority shall be undertaken. A copy of the findings of the site investigation, ground contamination survey and ground gas assessment, together with an assessment of the hazards arising from any land contamination and/or ground gas shall be forwarded to the Local Planning Authority within 1 month of completion.

b) Prior to built development commencing details of remedial measures to deal with the identified and potential hazards of any land contamination and/or ground gas present on the site and a timetable for their implementation shall be submitted to and agreed in writing with the Local Planning Authority.

c) Agreed remedial measures shall be implemented to the satisfaction of the Local Planning Authority in accordance with the agreed timetable. A validation report confirming the details of the measures implemented together with substantiating information and justification of any changes from the agreed remedial arrangements shall be submitted to and accepted in writing by the Local Planning Authority prior to the development being brought into use.

Reason: In order to safeguard the amenities of future occupiers of the development.

3. Prior to the building being brought into use on the development hereby approved, a Travel Plan developed in partnership with this Council's Travel Wise co-ordinator shall be submitted to, and agreed in writing by the Local Planning Authority. This shall identify a package of proposed measures consistent with the aim of reducing reliance on the car, and should include details on:

- a) Public transport information and ticket details;
- b) Cycle provision, showers and lockers; and
- c) Walking initiatives.

The approved measures shall be developed and implemented during the first six months following the occupation of the premises for the use hereby approved. Following the expiry of this period of time, a review of the Plan shall be submitted to, and agreed in writing by, the Local Planning Authority. This will identify any refinements and clarifications deemed necessary to the Plan. The approved, revised plan shall thereafter be implemented in conjunction with the use approved under this permission, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the satisfactory functioning of the development

4. Except where annotated on the approved plans, this development shall be surface-treated to match the existing Acinerox building, neighbouring the application site before the development is brought into use.

Reason: To ensure the satisfactory appearance of the development.

5. Before this development is brought into use, the accessways, vehicle parking and manoeuvring areas shown on the approved plans shall be hardsurfaced in materials to be agreed in writing by the Local Planning Authority. The areas shall thereafter be retained and used for no other purpose. The parking spaces shall have been clearly marked out.

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

6. Prior to the commencement of development shall be carried out until full details of the proposed boundary treatment of the site, including details of the access ramp boundary treatment, have been approved in writing by the Local Planning Authority. The approved scheme shall be implemented before the development is brought into use and shall be thereafter retained.

Reason: To ensure the satisfactory appearance of the development.

7. Prior to the commencement of development, all reasonable efforts shall be made to control grit, dust and fumes from the construction process on the nearby cemetery.

Reason: To ensure that users of the nearby sensitive site are not unduly affected by the construction process.

8. Prior to the commencement of development, details of proposed cycle storage shall be submitted to and agreed in writing by the Local Planning Authority. The approved details shall be implemented prior to the building being brought into use.

Reason: In order to encourage alternative and sustainable modes of transport.

9. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987, and the Town and Country Planning (General Permitted Development) Order 1995, or succeeding Orders, the office use shown on the approved plans shall be ancillary to the primary use of the proposed buildings as use class B8 as defined the Town and Country Planning (Use Classes) Order 1987.

Reason: The site is not necessarily suitable for office use.

10. The permitted development shall meet as a minimum the 2005 Building Research Establishment Environmental Assessment Method 'good' standard, unless otherwise agreed with the Local Planning Authority.

Reason: In order to comply with guidance within policies of Walsall's Unitary Development Plan and PPS1 in terms of sustainable development and use of natural resources.

11. Prior to the commencement of development a bat survey shall be completed and submitted to the Local Planning Authority. As a result of the survey bat boxes shall be installed in appropriate locations within the site, to be agreed with the Local Planning Authority, to enhance the habitat value of the area, particularly in relation to the neighbouring Site of Local Importance for Nature Conservation (SLINC) and protected species.

Reason: To protect and enhance the natural environment.

12. Prior to the commencement of development details of the proposed landscaping shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented within 12 months of any part of the development being brought into use, or such other period as may be agreed in writing by the Local Planning Authority. 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;
- (b) planted areas shall be maintained in a tidy condition;
- (c) any tree, shrub or plant which dies, becomes seriously diseased, damaged or is removed shall be replaced with a tree, shrub or plant of the same or greater size and the same species as that originally required to be planted;
- (d) any damage to protective fences shall be made good.

Reason: To ensure the satisfactory appearance of the development.

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

The proposed development is considered to comply with the relevant policies of the development plan, in particular policies GP1, T13, ENV10, ENV32, ENV33, JP1 and JP5 and Policies PA1, QE3, QE4 and QE5 of the Regional Spatial Strategy for the West Midlands (RSS11), 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 website at www.walsall.gov.uk <<http://www.walsall.gov.uk>>.

NOTES FOR APPLICANT

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

B) When making assessments of any contaminants identified as being present upon the land and their potential to affect the proposed use regard should be had to the advice given in Contaminated Land Reports, R&D Publications, CLR 7 to CLR 11 and The Contaminated Land Exposure Assessment (CLEA UK) model or any relevant successors of such guidance. This list is not exhaustive. Assessment should also be made of the potential for contaminants contained in, on or under the land to impact upon ground water. Advice on this aspect can be obtained from the Environment Agency.



ITEM NO: 7.

To: DEVELOPMENT CONTROL
COMMITTEE

Report of Head of Planning
and Building Control,
Regeneration
On 05 Aug 2008

REASON FOR BRINGING TO COMMITTEE: Called in by Councillor I. Shires

Application Number: 08/0977/LB
Application Type: Listed Building
Consent Alter/Extend

Applicant: Black Country Museum
Trust Ltd

Proposal: Controlled demolition of
the Locksmith's House, outbuildings
and workshop prior to relocation at
the Black Country Living Museum,
Dudley

Ward: Willenhall South

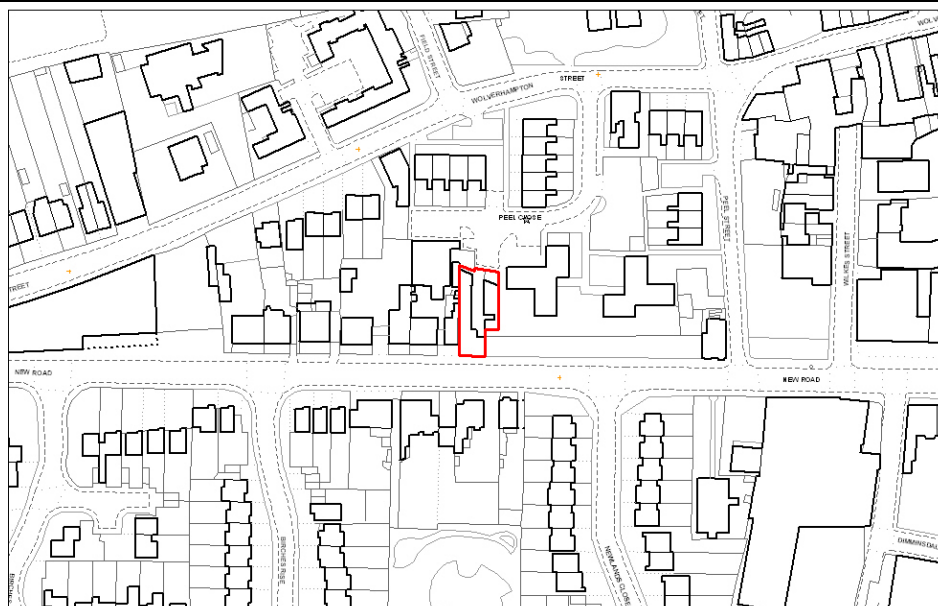
Case Officer: Mrs J Scrivens
Telephone Number: 01922 652436

Agent: Mr Phil Pennel

Location: 54 NEW
ROAD, WILLENHALL, WV13 2DA

Expired: 12/08/2008

Recommendation Summary: Refuse Listed Building Consent



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Status

This application has been called in by Councillor I. Shires due to its status as a listed building of significant importance, in which there is much local interest.

Application and Site Details

The application proposes the demolition of Willenhall Lock Museum at 54 New Road, Willenhall, which is a Grade II listed building dating from the 19th century. It comprises a front room drapers, lockmaker's house and a workshop range to the rear.

The applicant, the Black Country Museum Trust Ltd. propose full recording of these buildings prior to their controlled demolition and relocation to the Black Country Living Museum, Dudley.

The immediate area is predominantly residential in character with dwellings of various ages. The buildings on the front part of the site are physically joined to the neighbouring dwelling. To the east of the site are some low rise flats. The site fronts a main road, which has a frequent bus service. There is no on-site parking available for visitors. The site is within easy walking distance of the centre of Willenhall which offers public car parking.

The applicant has provided the following information in support of the application:

- a copy of their mission statement which has as its aims
 - to collect and preserve objects and associated information relating to the history of the black country;
 - to research and disseminate information about the history of the black country;
 - to develop the open air museum and other exhibitions;
 - to ensure financial viability and
 - to assist in the promotion of the black country.

The applicant summarises the alternatives for the future of the building as:

- maintain the existing situation, with buildings and contents remaining in Willenhall
- retain the buildings in their present location but tell the story of the lock industry via the contents of the building at BCLM
- relocate the buildings and their contents to BCLM

The applicant proposes the third option.

- the Black Country Living Museum Trust (BCLM) purchased the buildings and contents of the museum in 2003 from the Lock Museum Trust. With grants from the Council and Assa Abloy (Yale) the museum

was re-opened, its contents recorded and catalogued and the reserved collections and archives were re-located to BCLM

- visitor numbers to the museum remained disappointing but provided the Council and the lock industry continued to fund it then BCLM were prepared to run it. Funding for the museum has now ceased and the BCLM has had to reassess the project in terms of its aims and policy. They have concluded that the museum, which opens only 2 and a half days a week and attracts only 3,000 visitors per annum is not cost effective in policy terms and does not succeed in communicating the story of the Willenhall lock industry.
- BCLM concluded that the only solution to meet their criteria would be to dismantle the museum and re-erect it on their site in Dudley which currently receives 250,000 visitors a year, a number which is expected to rise.
- BCLM accepts that the Council would wish to impose conditions on any approval to ensure that the building is re-erected on an alternative site.
- the buildings are wholly unrelated to their immediate surroundings and whatever historic merit the buildings may have, they have in their own right and not as part of a wider context.
- Government circulars and Development Plan policies relate to the demolition of listed buildings rather than demolition and re-erection as proposed in this instance and it is more appropriate to judge the application against the policy aims and objectives rather than the wording of the policies themselves.
- BCLM take the view that the interrelationship of the use of the buildings and their architecture led to their listing and any attempt to separate the two would seriously detract from the listed status to a point where de-listing would be an option
- BCLM consider that the best use of a listed building is that for which it was designed and built and that new uses should only be permitted where they will respect the special architectural and historic characteristics that are present
- BCLM have kept the Council's museum service, Willenhall Neighbourhood Partnership and The Friends of the Locksmith's House aware of the current project
- visitor access to the current site is inadequate. There are no on-site parking facilities, with car borne visitors having to park on the main road or in residential streets to the detriment of amenity and highway

safety. A bus service runs along New Road but, as far as is known, little use is made of it by visitors to the museum

- there are no specific facilities for disabled people except for a toilet. The building cannot be modified to allow disabled access as this would destroy its authenticity. If the building was relocated there would be car parking available, frequent buses and a proposed extension to the Metro system. Ramps could be provided to access the ground floor of the building. Access to the upper floors by disabled people would not be possible but video links and computer systems would be available to increase appreciation of the facility.
- the relocation would ensure that the benefits of retaining the buildings, contents and use as a single unit outweighs the change of location
- the continuance of the current museum is so contrary to BCLM's mission statement and supporting policies as to be a non-runner. This would still be the situation even if new financial support was forthcoming.
- a site for the re-location has been chosen

Relevant Planning History

None

Relevant Planning Policy Summary

Unitary Development Plan

ENV26 Industrial Archaeology states that there will be a presumption against the granting of planning permission for demolition of significant buildings relating to the Borough's traditional industries.

ENV27 states that the demolition of a listed building will be a matter of last resort. It would be necessary for the applicant to demonstrate that the building would be unviable in its existing or last permitted use and that all reasonable efforts have been made to save it.

Designing Walsall

DW3 recognises that the quality and image of the Borough depends on retaining and combining the best elements of past and present.

National Policy

PPG15 Planning and the Historic Environment paragraphs 3.16 to 3.19 advise on the criteria to be considered as part of an application to demolish a listed building.

Consultations

English Heritage: Objects to the application and makes the following points:

- the buildings are of considerable industrial archaeological interest as one of the last remaining examples of a small 19th century tradesman's house with workshops surviving in the Black Country, and were listed for that reason
- A considerable part of the interest of all historic buildings is the context in which they were originally sited; but that context and historical connection to place is severed if the building is relocated. 54 New Road forms one of the last remaining historic links with the practice of lock making in Willenhall and while it might still be possible to appreciate the building and the process if the premises were relocated, the contextual association with the town would be lost.
- PPG15 provides government advice on the demolition of listed buildings, which is clear that demolition is only acceptable in exceptional cases. There is legally no distinction between demolition and dismantling and re-location of the building since the end result is the total loss of the building, its craftsmanship, physical connection to the site and its listed status.
- PPG15 makes it clear that any application for demolition should demonstrate that the listed building is structurally or economically incapable of repair, is incapable of continuing in or being adapted to a new beneficial use or can be shown to be unsaleable on the open market. The current application is unsupported by any evidence that these criteria have been met.
- Relocating the listed structures to satisfy the operational requirements of the applicant and their mission statement is not an appropriate justification for this application.
- If listed building consent was granted to demolish this building it is unclear how the Council could enforce its re-erection on a neighbouring authority's area as there is no evidence to suggest that planning permission has been granted.

Conservation Officer: Objects to the proposal. Endorses the objection made by English Heritage. The relocation of the building would create a harmful precedent for the protection of listed buildings. The removal of the building would harm its status as an important and complete historic building and its context as part of the historical development and distinctiveness of Willenhall. The move would also be potentially harmful to the fabric of the building and its materials, during demolition, transit and re-erection.

Building Control: Advise of the need to give notice of the intention to demolish.

Representations

The occupier of 55 New Road, which is the dwelling attached to no.54, objects to the proposal for the following reasons:

- the demolition would expose the side wall of no.55 which would need to be treated to maintain an attractive appearance and avoid devaluation of this property
- there are various elements such as guttering, down pipes and gas pipes which are shared or supported by the two properties. These would need to be carefully relocated by the contractors
- the properties share a boundary, which is also shared with no.56. The demolition would leave the back gardens of these properties open, which would be a security risk and result in a loss of privacy. Replacement garden walls would be needed to maintain privacy
- noise and disturbance from demolition would adversely affect the writer's young family and his own working (from home) habits
- the adjoining properties were not consulted by the applicant, although they would be most affected. The matter was presented to the Willenhall Local Neighbourhood Partnership but no indication was made that the building might be demolished.
- there are no proposals for the future use or security measures for the resulting vacant site

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

Determining Issues

- justification for demolition
- effects of demolition / relocation
- amenity of adjacent occupiers

Observations

Justification for demolition

The buildings appear to be in a sound condition. They are not endangered by any proposal for redevelopment either on a local or regional scale. The justification put forward for the demolition of these buildings and their re-erection at the BCLM is that they fail to attract sufficient visitors to meet the

mission statement of their owner which is to preserve material relating to the story of the Black Country and to communicate that story to the widest possible audience.

The advice given in PPG15 is that listed buildings should only be allowed to be demolished in exceptional circumstances and there is legally no distinction to be made between demolition and demolition and re-erection elsewhere.

The reasons put forward by the applicant do not constitute exceptional circumstances and thus do not meet the criteria of PPG15.

Effects of demolition / re-location

The approval of this application in the absence of exceptional circumstances would be contrary to both national and development plan policy. It would set a dangerous precedent for the treatment of historic buildings within the borough.

The loss of these buildings would also have serious implications for the forthcoming Townscape Heritage Initiative for Willenhall town centre and could place the Council's submission in jeopardy whilst it is being determined by the Heritage Lottery Fund.

The removal of these buildings would be a loss for the Borough and for Willenhall in particular, since this is one of the last remaining historical links with the manufacturing of locks in Willenhall. The loss of the museum would also have implications for the number of visitors to other facilities, such as shops and libraries. While it would still be possible to visit the buildings in their new location the particular link between the buildings and their context, which is an important part of their value, would be lost.

The loss of these buildings would be detrimental to the character and visual amenity of this prominent location. The application makes no proposals for the site following the demolition. This would potentially leave a vacant site which could cause harm to the streetscape of New Road. The demolition of a listed building is also usually considered in relation to proposals for a replacement building which should, according to PPG15, provide substantial benefits for the community. There is no indication of how the site would be redeveloped but it is unlikely that a replacement community facility would be provided.

The approval of this application would remove the listed status of these buildings. Their re-location would place them in a neighbouring authority's area and their re-erection could not be enforced. Although there is no reason to suppose that the buildings would not be re-erected there needs to be a consistency of approach between this and comparable proposals.

Amenity of adjacent occupiers

The issues raised by the adjacent occupier regarding the effects of the demolition on his property are partly a civil matter but conditions could be

imposed, if consent to demolish was granted, to ensure that treatment of the exposed wall and appropriate boundary treatment were provided.

Conditions could also be imposed which restrict the hours of working on the site.

The adjacent occupier's concerns regarding the future use of the site must go unanswered at this stage, since no proposals have been made. If consent for demolition was granted then it could be a requirement by condition that the site is left in an acceptable condition. The absence of permanent proposals and a permanent occupier may however generate problems for surrounding residents in terms of both future maintenance and the potential for anti-social behaviour.

Conclusion

Of the three options set out by the applicants for the future of the museum, the only one that they have found acceptable is to relocate the museum and its contents to Dudley. The refusal of this application carries with it the possibility that the museum would be closed in its present location or that the contents only would be re-located. The applicants have indeed indicated that they would not wish to continue running the museum in its present location even if grants to maintain it were offered, since it does not meet the aims of their mission statement.

This is not sufficient justification for the demolition and re-location of these listed buildings. English Heritage has recognised the very high historic significance of these listed buildings and has offered to explore with officers and the applicants how the museum might be best safeguarded in the future. It is recommended that this application is refused and that English Heritage's offer of assistance is conveyed to the applicant.

Recommendation: Refuse Listed Building Consent

1. The application fails to substantiate a case for the demolition of these listed buildings in accordance with the requirements of development plan policies ENV26 and ENV27 and national policy set out in PPG15. The approval of this application would, in the absence of exceptional circumstances, create a harmful precedent for the protection of listed buildings, notwithstanding proposals by the applicant to re-erect them elsewhere.
2. The demolition of these buildings and their re-location elsewhere would be a loss for the borough and for Willenhall in particular. The approval of this application would remove one of the last remaining historical links with the manufacturing of locks in Willenhall and would potentially reduce the number of visitors to other facilities in the immediate area. It would also have the potential to jeopardise the forthcoming Townscape Heritage Initiative for the centre of Willenhall. The approval of this application would be contrary to

policies ENV26 and ENV27 of Walsall's Unitary Development Plan, Supplementary Planning Document Designing a Better Walsall, adopted in 2008, and PPG15.

3. The re-location of these buildings would sever them from their context which would reduce their value. The re-location could potentially harm the fabric of the building during demolition, transit and re-erection. It would harm their listed status and their future outside the Borough could not be secured and enforced by the Local Planning Authority. The approval of this application would therefore be contrary to policies ENV26 and ENV27 of Walsall's Unitary Development Plan and PPG15.

4. The application would result in the loss of attractive buildings in a prominent position, to the detriment of the character and visual amenity of Willenhall. The application fails to make proposals for a replacement building which might mitigate the loss of both visual amenity and community facilities. The lack of such a proposal would potentially leave a vacant site which could cause harm to the streetscape of New Road. The approval of this application would therefore be contrary to policies ENV26 and ENV27 of Walsall's Unitary Development Plan, Policy DW3 of Designing a Better Walsall SPD and PPG15.
